

**AMENDMENT
TO THE ZONING ORDINANCE OF THE CITY OF BOGART, GEORGIA
AND THE ZONING MAPS OF THE CITY OF BOGART, GEORGIA**

TITLE

An Ordinance amending the Zoning Ordinance of the City of Bogart, Georgia, and the Zoning Maps of the City of Bogart, Georgia, pursuant to Article 12, Division I et seq., to rezone from zoning classification TB (Technology Business District) to TB (Technology Business District) pursuant to an application for rezoning of property owned by Bogart City Council submitted on October 19, 2023.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application for zoning change submitted by Bogart City Council on October 19, 2023, requesting a rezone of a ±36.39-acre tract of land located at Gateway East Parkway in Oconee County, Georgia, (tax parcel number B-01U-002 & B-01U-003), the Mayor and Council of the City of Bogart does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the "Zoning Ordinance of the City of Bogart, Georgia" as enacted and amended by the Mayor and Council of the City of Bogart and the Zoning Maps described therein are hereby amended as follows:

The zoning change in conditions for the property described on the attached "Exhibit A" is hereby changed for the purpose as set forth in "Exhibit A" attached hereto.

Said rezone is subject to the following conditions: as set forth in "Exhibit A" attached hereto.

SECTION 2. Severability. It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

SECTION 3. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall take effect this date.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on November 13, 2023, and a Public Hearing was held by the Mayor and Council of the City of Bogart at its regular meeting on December 4, 2023.

ADOPTED AND APPROVED, this 4th day of December, 2023.

BOGART CITY COUNCIL

BY: _____

Janet Jones, Mayor

Brenda Acton, Member

David Kilpatrick, Member

John Larkin, Member

Greg Maddox, Member

ATTEST:

Beverly Young
Clerk, City Council

EXHIBIT “A” TO REZONE NO P23-0242

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REQUESTED ACTION

Rezone modification to **REMOVE** the Development Guidelines requirements as indicated on pages 5 and 6 of the January 8, 2001 City of Bogart Rezone Resolution for the subject properties. The subject properties are:

LOCATION: Gateway East Parkway (Oconee County Tax Parcel #s B-01U-002 & B-01U-003)

PARCEL SIZE: ±36.39 acres

EXISTING ZONING: TB (Technology Business District)- No change is made to the zoning district with this request.

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TAX MAP

Rezone # P23-0243 - Bogart City Council

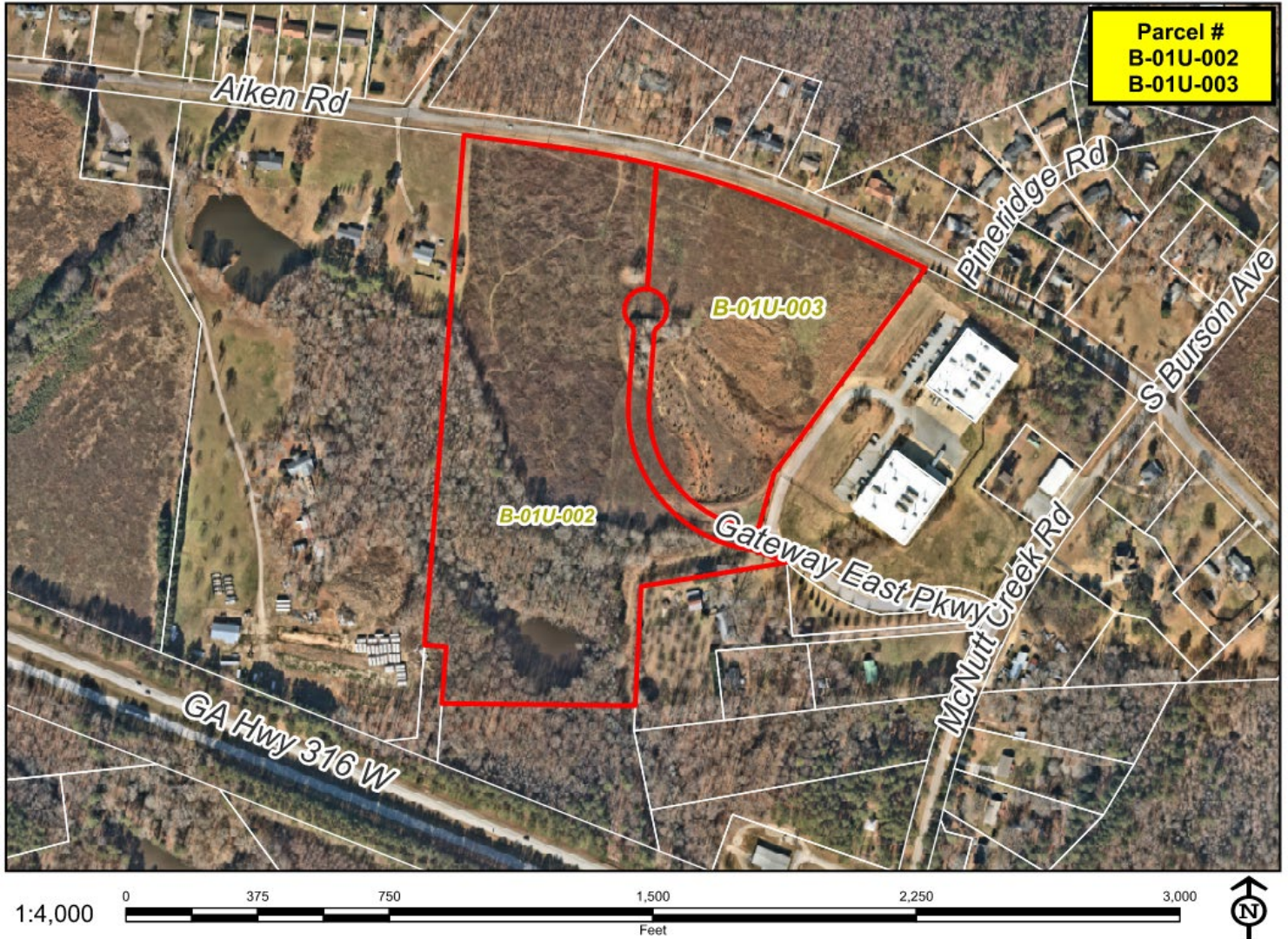


EXHIBIT "A" TO REZONE NO P23-0242

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PREVIOUS REZONE

REZONE NO. N/A

AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF BOGART, GEORGIA, AND THE ZONING MAPS OF THE CITY OF BOGART, GEORGIA

TITLE

An Ordinance amending the Zoning Ordinance of the City of Bogart, Georgia, and the Zoning Maps of the City of Bogart, Georgia, pursuant to Article XIV, Section 14.1, et. seq. to rezone from zoning classification R-1, Single Family Residential District to zoning classification TB, Technology Business District pursuant to Action for rezoning of property of the Oconee County Development Authority by Action filed November 6, 2000.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an action for zoning change initiated by Bogart City Council on November 6, 2000, requesting rezoning of a +/- 57.807 acre tract of land located on the north side of S.R. 316 in the 240th District, G.M., Oconee County, Georgia, said parcel also lying within the City of Bogart, Georgia, (portions of tax parcel # B1-72 & B1-72B) the City Council of Bogart does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the "Zoning Ordinance of the City of Bogart" enacted by the Bogart City Council on April 1, 1996, and the Zoning Maps described therein are hereby amended as follows:

"The zoning classification for the property described on the attached Exhibit "A" is hereby changed from R-1, Single Family Residential District to TB, Technology Business District for the purpose as set forth in "Exhibit A" attached hereto."

SECTION 2. Severability. It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

SECTION 3. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall take effect this date.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held on same on December 11, 2000, and a Public Hearing was held by the Bogart City Council at its regular meeting on January 8, 2001.

ADOPTED AND APPROVED, this 8th day of January, 2001.

BOGART MAYOR AND CITY COUNCIL

BY:

Mayor

Council Member

Council Member

Council Member

Council Member

ATTEST:

Clerk

(SEAL)

LEGAL NOTICES PUBLISHED: SATURDAY, NOVEMBER 25, 2000 ATHENS DAILY NEWS/BANNER HERALD
AND THURSDAY, NOVEMBER 30, 2000 OCONEE ENTERPRISE

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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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LEGAL DESCRIPTION

TRACT 1

Tract Portion

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the 24th District, O.C.M., Oconee County, Georgia, containing 46.67 acres, more or less, and being that portion of Tract 1, containing 52.149 acres, which is located within the unincorporated portion of Oconee County, Georgia, as shown on plat entitled "Survey for Oconee County Industrial Development Authority", dated August 11, 1997, recorded in Plat Book 32, page 7, in the Office of the Clerk of the Superior Court of Oconee County, Georgia, and being more particularly described as follows:

Beginning at an iron pin at the westerly corner of the intersection of McNitt Creek Road and Allen Road and running thence along the southerly side of McNitt Creek Road south 79 degrees 21 minutes 16 seconds west 98.40 feet to a point; continuing thence along the southerly side of Allen Road south 34 degrees 26 minutes 28 seconds west 131.27 feet to an iron pin; running thence along line of property of Oconee County north 51 degrees 40 minutes 32 seconds west 203.33 feet to an iron pin; continuing thence along line of property of Oconee County south 34 degrees 26 minutes 28 seconds west 222.35 feet to an iron pin; continuing thence along line of property of Oconee County south 55 degrees 30 minutes 54 seconds east 203.42 feet to an iron pin on the southerly side of McNitt Creek Road; running thence along and around the southerly side of McNitt Creek Road in a southerly direction an arc distance of 715.35 feet to an iron pin; the chord distance thereof being south 20 degrees 42 minutes 31 seconds west 310.23 feet; running thence along line of property now or formerly of Foustle south 15 degrees 31 minutes 4 seconds west 144.25 feet to a 1/4 inch conduit; continuing thence along line of property of Foustle and property now or formerly of Baker and Zuber north 4 degrees 29 minutes 2 seconds west 209.96 feet to an iron pin; continuing thence along line of property of Baker and Zuber south 80 degrees 29 minutes 02 seconds west 419.29 feet to a 1/4 inch rod; continuing thence along line of property of Baker and Zuber south 2 degrees 47 minutes 45 seconds west 411.40 feet to a 3/8 inch pipe; running thence along line of property now or formerly of Taylor and of Brown south 11 degrees 34 minutes 36 seconds east 355.54 feet to an iron pin set at a right-of-way point on the southerly side of Georgia Highway 316; running thence along the southerly side of Georgia Highway 316 north 68 degrees 16 minutes 19 seconds west 688.49 feet to an iron pin; running thence along line of property now or formerly of Shadley north 4 degrees 22 minutes 56 seconds east 330.82 feet to a 1/4 inch conduit; continuing thence along line of property of Shadley north 45 degrees 21 minutes 21 seconds west 41.90 feet to a 3/8 inch rod; continuing thence along line of property of Shadley north 4 degrees 24 minutes 46 seconds east 145.93 feet to a 1/4 inch bar on the southerly side of Allen Road; running thence along the southerly side of Allen Road south 82 degrees 37 minutes 31 seconds east 201.66 feet to a point; running thence along and around the southerly side of Allen Road in a generally southerly direction an arc distance of 1,819.59 feet in the beginning iron pin, the chord distance along and southerly side of Allen Road being south 77 degrees 38 minutes 30 seconds east 664.36 feet to a point; south 47 degrees 11 minutes 40 seconds west 225.52 feet to a point; south 63 degrees 17 minutes 29 seconds east 495.33 feet to a point and south 55 degrees 45 minutes 3 seconds east 472.25 feet to said beginning iron pin.

LESS AND EXCEPT the southerly portion of said property, containing 5.462 acres, more or less, lying within the unincorporated portion of Oconee County, as shown on said plat.

TRACT 2

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the 24th District, O.C.M., Oconee County, Georgia, containing 11.129 acres, more or less, and being that portion of Tract 4, containing 12.827 acres, which is located within the unincorporated portion of Oconee County, Georgia, as shown on plat entitled "Survey for Oconee County Industrial Development Authority", dated August 11, 1997, recorded in Plat Book 32, page 7, in the Office of the Clerk of the Superior Court of Oconee County, Georgia, and being more particularly described as follows:

Beginning at an iron pin at the southerly corner of the intersection of Pete Dickens Road and Allen Road and running thence along the southerly side of Allen Road south 66 degrees 21 minutes 29 seconds east 471.64 feet to a point; continuing thence along and around the southerly side of Allen Road in generally southerly direction an arc distance of 813.75 feet to a point, the chord distance thereof being south 74 degrees 37 minutes 19 seconds east 810.91 feet; continuing thence along the southerly side of Allen Road south 82 degrees 23 minutes 10 seconds east 426.05 feet to an iron pin; running thence along line of property now or formerly of Shadley south 7 degrees 1 minute 20 seconds west 131.17 to a 1/4 inch conduit; continuing thence along line of property of Shadley south 82 degrees 51 minutes 7 seconds east 258.27 feet to a 1/4 inch conduit; continuing thence along line of property of Shadley south 6 degrees 35 minutes 6 seconds west 192.99 feet to a 3/8 inch bar; continuing thence along line of property of Shadley south 30 degrees 24 minutes 17 seconds east 225.54 feet to a 3/8 inch bar; continuing thence along line of property of Shadley south 6 degrees 58 minutes 29 seconds west 162.52 feet to a right-of-way point on the southerly side of Georgia Highway 316; running thence along the southerly side of Georgia Highway 316 north 68 degrees 20 minutes 41 seconds west 1,474.28 feet to a right-of-way point; running thence along line of property now or formerly of Bowden north 38 degrees 47 minutes 5 seconds west 310.90 feet to an iron pin; running thence along line of property now or formerly of Carter north 31 degrees 44 minutes 22 seconds east 12.84 feet to an iron pin; continuing thence along line of property of Carter north 51 degrees 12 minutes 59 seconds east 51.27 feet to an iron pin; continuing thence along line of property of Carter north 5 degrees 6 minutes 1 second east 279.95 feet to an iron pin; continuing thence along line of property of Carter north 85 degrees 59 minutes 52 seconds west 299.01 feet to an iron pin; continuing thence along line of property of Carter north 85 degrees 59 minutes 25 seconds west 10.85 feet to an iron pin on the southerly side of Pete Dickens Road; running thence along the southerly side of Pete Dickens Road north 7 degrees 2 minutes 15 seconds west 194.55 feet to a point; continuing thence along and around the southerly side of Pete Dickens Road in a generally southerly direction an arc distance of 201.34 feet to a point, the chord distance thereof being north 22 degrees 41 minutes 45 seconds east 202.06 feet to a point; continuing thence along the southerly side of Pete Dickens Road north 47 degrees 23 minutes 46 seconds east 275.56 feet to a point; continuing thence along and around the southerly side of Pete Dickens Road in a generally southerly direction an arc distance of 126.03 feet to the beginning iron pin, the chord distance being thence being north 40 degrees 17 minutes 45 seconds east 125.71 feet.

LESS AND EXCEPT the westerly portion of said property, containing 41.707 acres, more or less, lying within the unincorporated area of Oconee County, as shown on said plat.

LOCATION MAP

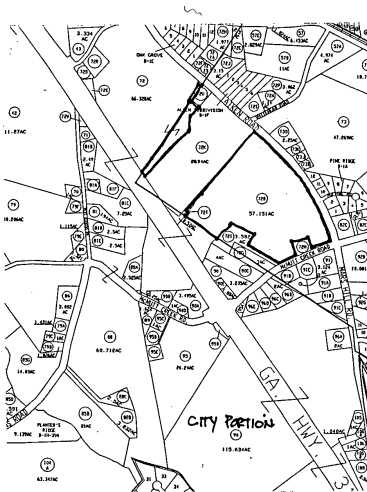


EXHIBIT "A" TO REZONE NO P23-0242

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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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DEVELOPMENT GUIDELINES

DEVELOPMENT GUIDELINES

FOR OCONEE GATEWAY

Adopted, 11/05

Rev. 6/24/09

Rev. 7/5/00

Rev. 9/18/00

Purpose

The Development Guidelines ("DG") for Oconee Gateway ("OG") is intended to supplement existing zoning regulations of Oconee County, Georgia, and the City of Bogart, Georgia, and other local, or state or federal regulations that may govern development within the Property.

The DG are intended to provide uniform requirements for development within the Property and to provide protection for the built and natural environment of the Property both during and after construction. The DG establishes guidelines and minimum standards for development of the Property, which are subject to further definitions and restrictions by the Architectural Review Committee ("ARC"). It is intended that the ARC will exercise its discretion on a case-by-case basis in approving and disapproving particular uses and designs within the parameters established by the DG.

The goal of the DG is to set the character of the Property for the future, help assure compatibility among the various facilities within the Property, present internal and surrounding property values, and provide assurance to the surrounding property owners that OG will be a good neighbor and an asset to the community-at-large.

Article I

Definitions

The terms used in the DG shall have the same meanings as set forth in the Declaration of Covenants, Restrictions and Easements for OG (the "Declaration") unless otherwise specified herein. In addition, the following definitions shall apply:

1.01. "Construction" shall mean site preparation, erection of structures or other improvements, or landscaping on any Parcel and shall specifically include, without limitation, grading, clearing, excavation, grading, and paving.

1.02. "Master Use Plan" shall refer to the Master Land Use Plan for OG ("MUP") prepared by Williams & Associates, a copy of which is attached as Exhibit "A" and incorporated herein by reference, as the same may be amended or supplemented from time to time.

- (f) a subdivision of the amount of site occupied by buildings, parking, including parking quantities and open spaces and, where appropriate, other applicable data such as areas of primary building occupancy, building types and lot coverage ratios;
- (g) exterior elevations and conceptual floor plans of each building type at 1/8" = 1' scale minimum showing general architectural design character and form, major dimensions, exterior wall openings and projections; and
- (h) descriptions of proposed exterior materials, finishes and colors, including those for walls, roofs, and trim.

On-site investigation should include major tree location, size and type (1" or greater), major drainage swales and other site features that might be pertinent to the overall site design.

2.04. **Final Submission.** After the ARC's initial review and the Owner has made appropriate revisions, the Owner shall submit his proposed final plans and specifications to the ARC. The ARC will take action on the final submission within fifteen (15) working days of the receipt of the final submission. Two copies of the plans measuring 24"x36" plus one copy measuring 11"x17" shall be submitted. The plans shall include all those items specified in paragraph 2.03 above.

2.05. **Addresses for Submissions.** Both initial and final submissions shall be submitted to Oconee Gateway Architectural Review Committee, c/o Oconee County Industrial Development Authority as its main office. The mailing address is Post Office Box 143, Watkinsville, GA 30677, the physical location is 1291 Greenboro Highway, Watkinsville, GA 30677.

2.06. **Identification of Submissions.** To insure proper identification, all drawings for both initial and final submissions must include the following identifying data:

(a) name, address, and phone of Owner and building;

(b) name, address, and phone of architect, planner and/or engineer preparing plans;

(c) street name and lot number;

(d) scale of each drawing; north arrow;

(e) date of submission; and

(f) for a re-submission, the nature and date(s) of the revision.

2.07. **Approval of Submission.** The ARC will act within fifteen (15) working days after receipt of all required materials to review both initial and final submissions. Approval must be in writing and signed by the ARC. One copy of any approved submission will be made a part of the permanent records of the ARC and the other copy will be returned to the Owner.

Written approval of the initial submission for a proposed development must be obtained by the Owner before the final submission on the same project will be considered by the ARC. The final submission should be consistent with the approved initial submission. If the Owner wishes to make a major planning or design change after having received approval of the initial submission, approval of such changes must be obtained prior to the presentation of the final submission to the ARC.

In the MUP and associated zoning ordinances will require approval by Oconee County, or the City of Bogart and the ARC.

Article IV

Design and Development Guidelines

In addition to the requirements of the zoning ordinance and any other applicable local, state or federal regulations, the requirements set forth in this Article IV shall apply to the Property.

- 4.01. **Site Planning.**
- (a) **Setback Requirements.** Minimum setbacks for buildings and above-grade parking structures within the Property are defined in the Oconee County and City of Bogart Zoning ordinance.
- (b) **Topography and Vegetation.** All buildings, improvements, structures, driveways and parking areas shall be designed and placed to minimize disturbance of existing topography and vegetation.
- (c) **Off-Street Parking and Loading.** Parking and Loading design requirements and specifications are defined in the Oconee County and City of Bogart Zoning Ordinance.

*Any lot that is not within the both the Oconee County and City of Bogart Zoning Districts shall adhere to the more stringent design standards should the ordinances differ.

4.02. Architectural Standards

Purpose. OG seeks to establish itself as the model business park in the northeast Georgia area. The constructed and natural environment will reflect the quality and character OG is establishing. It is the purpose of this architectural guideline to set forth the general design criteria that is expected within the business park. Each structure will be evaluated by the ARC on an individual basis to determine its compatibility with these guidelines and existing structures within the development.

The following are the general guidelines that the designer should follow where possible throughout the design process.

- (a) **Style.** A structure at OG must be sited on a Parcel where it least disturbs the natural environment while utilizing the unique functional attributes of the site. Generally the exterior walls of building structures will be parallel or perpendicular to road rights of way. All sites will be evaluated on an individual basis however, and variances will occur.
- (b) **Mixing and Activation.** It is important for a building to be broken down into various masses and forms where feasible. Sections of the building should be articulated to form a unified whole, considering elements such as the structure, entrances (primary and secondary), internal volumes, and utilities, vents and stacks. None of these elements should necessarily be concealed but should be viewed as potential positive design features.
- (c) **Materials.** A wide range of materials may be used to express the design goals presented in this document. The fresh and creative use of materials is encouraged. Durable materials will be favored, as it will benefit the park aesthetically and functionally for a longer period

- 1.03. "Public Roadways" shall refer to any paved roadway, either within or outside the Property, which provides vehicular access to one or more Parcels and is constructed on a right-of-way dedicated or to be dedicated to public use.

Article II

Application and Review Procedures

2.01. **General.** No Construction shall be commenced on any Parcel unless and until plans and specifications for such Construction are approved by the ARC as described in Article IV of the Declaration, and herein. Also, no construction or ground disturbance activity shall be commenced without the express approval of the permitting agency of the appropriate local government, which may be the City of Bogart or Oconee County depending on the particular Parcel as shown on the MUP.

2.02. **Preparation Conference.** It is recommended that at the earliest possible time, and before design work is commenced, the Owner should seek a preplanning conference with the ARC. The conference is designed to familiarize the Owner, his architect, and/or other representatives with the OG concept and with the contents of the Declaration and these Guidelines. It is also designed to provide site information and site criteria for the Owner.

2.03. **Initial Submission.** The initial submission is designed to provide the ARC with the Owner's preliminary plans so that their coordination with the provisions of the Declaration and these Guidelines can occur as rapidly as possible. It is also designed to match very closely the submission requirements of the local governments that issue building permits. All plans should be submitted 15 days prior to the ARC Meeting, initial review will occur at that meeting. Two copies of the plans measuring 24"x36" plus one copy measuring 11"x17" shall be submitted. The plans shall include:

- (a) a site development plan showing layout of all improvements to the site including building locations, parking lots, sign locations, outdoor amenities, and public use facilities;
- (b) driveway locations for parcel under review should be clearly defined. Easement cut location on the public right-of-way is subject to review by the ARC and the county engineering department;
- (c) existing topography with a five foot minimum contour interval should be provided on the site plan;
- (d) a landscape plan showing all landscape materials, i.e. conceptual trees, shrubs, ground cover, berms, walkways, trails, screening materials, buffers, and any materials installed during development;
- (e) a sign plan showing location of signs, as well as conceptual elevations, with a scale drawing; plan shall also note the type of materials and should be in compliance with the Oconee County and/or City of Bogart sign ordinance.

2.04. **Construction Changes.** If before or after commencement of Construction, the Owner wishes to make changes in the final submission as approved, a request for approval of the changes must be submitted in duplicate to the ARC and approved by the ARC prior to the commencement of Construction on such changes. The request must include a complete description of the proposed changes including working drawings, specifications and any other pertinent data.

2.05. **Start of Construction.** Absolutely no site Construction of any nature whatsoever may begin until approved by the ARC in writing and all local and state permits applicable to the site have been obtained. All Construction and all use of the property must comply with the Declaration and with the DG, city, county, and state ordinances.

2.06. **Other Approvals.** The ARC will assist the Owner in identifying other approvals that may be required by government agencies. Of course, the ARC's scope of review is limited to those matters covered in the Declaration and in the DG, and approval of the final submission relates only to the Declaration and the DG. Owners should be specifically aware of the provisions of the zoning ordinance, as it is applicable to OG. Building and Occupancy permits are required for all construction in Oconee County and Bogart, Georgia, the precise location of each Parcel, as shown on the MUP, determines whether Oconee County or the City of Bogart is the permitting agency.

2.11. **Compliance with Law.** All final plans for proposed Construction shall be certified by a registered architect, engineer, or landscape architect to be in compliance with all applicable federal, state, and local codes, regulations, restrictions, or any other regulations. The ARC shall not be liable to any person under any theory or under any circumstances in connection with the approval or disapproval of the plans, including, without limitation, any liability based on soundness of construction, adequacy of drawings and specifications, or otherwise.

2.12. **Variances.** The ARC may authorize variances from compliance with any of the provisions of the DG when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations require, but only in accordance with its duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions set forth in the body of the Declaration, or (c) strip the ARC from defining a variance in other circumstances.

Article III

Permitted Land Uses

For the purposes of the Declaration and the DG, land use for the Property is hereby classified into the following Districts as Green Space, Business, Retail, Commercial, Office or Institutional, and Light Industry or Technology. The areas subject to each designation can be found on the MUP. Uses allowed within each designation are specified in the Technology Business District defined in the Oconee County and the City of Bogart Zoning ordinances. Deviation from the uses specified

of time. Brick will be required on all sides of the building where structurally possible and a minimum of 75% of the exterior facade shall be brick. Brick and mortar, color and type shall be approved by the ARC prior to obtaining construction permits.

- (d) **Roofing.** The architect should determine the most aesthetic and functional roof design (pitch, materials, and color) should be considered with regard to each building. The ARC committee will approve the design prior to obtaining construction permits.
- (e) **Temporary Buildings.** Temporary structures in accord with Article IV, Section 6 are permitted during the construction period. Pre-engineered steel building will be allowed, but must adhere to all construction requirements herein.

(f) **Minimum Construction Requirements.** The following shall be required in all buildings:

- (i) fire retardant roof system; and
- (ii) conformance with all building construction codes, local, state and federal, governing construction within Oconee County and the City of Bogart, Georgia.
- (g) **Outdoor Storage.** Outdoor storage will be permitted only at the rear and sides of the buildings and then only if screened from the view of adjacent property and roadways by masonry walls, or other permanent type screening approved by the ARC. Outdoor storage areas shall comply with all setback requirements. Storage elements shall be an integral part of the building design and shall not be less than two (2) feet higher than height of materials to be screened but no taller than 10'.
- (h) **Refuse Collection.** Closed steel containers of a type, size, and shape suitable for the operation of each building shall be used for refuse collection and shall be screened from the view of adjacent property and Public Roadways. The surrounding area shall be maintained in a clean condition at all times. Trash shall be removed from the site on a regular basis. Refuse storage and collection areas shall be an integral part of the building design concept.
- (i) **Utilities.** All utility lines shall be placed underground, with the exception of very high voltage electric service, which may be installed above grade. Transformers and gas meters shall be ground mounted on concrete pads and screened from view from Public Roadways and/or adjacent Parcels by means of planting or landscaping.

4.03. **Exterior Illumination.** Exterior illumination shall be designed to light only buildings, parking areas, and walkways and shall not produce glare on adjacent streets or Parcels. Up-lighting of buildings signs and landscaping will be allowed. Parking area lighting fixtures shall not exceed forty (40) feet in height, and pedestrian area lighting fixtures shall not exceed fifteen (15) feet in height. All parking lot, driveway and pedestrian walkway lighting shall have a minimum level of 3 foot candles.

4.04. **Landscaping.** The inherent beauty of OG is the incorporation of its industrial buildings with a natural setting. This natural character shall be an important element in the OG development. The landscape of individual building sites shall be divided into two zones. All landscape areas between the roadway and the face of the building will be treated in a structural, architectural fashion, while landscape areas behind the building face will be free-form and naturalistic.

EXHIBIT "A" TO REZONE NO P23-0242

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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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DEVELOPMENT GUIDELINES CONTINUED

The landscape shall be provided adjacent to all structures in order:

- (i) to enhance the architectural character;
- (ii) to visually soften the impact of the building on the site; and
- (iii) to help maintain overall quality and continuity throughout the entire OG property

The landscape also helps to control and guide traffic, screen unnecessary views into and out of parking and storage areas, and to separate and control vehicle use areas. The landscape treatment should accommodate pleasing views and maintain safe sight distances at all site entrances. Landscaping shall not be required between any retail structure and the customer parking areas.

Existing trees and shrubs should be preserved to the greatest extent possible. All planting and irrigation drawings must be prepared by a registered Landscape Architect and shall include specifications, planting list, details, etc., and shall be submitted to the ARC for approval prior to the installation of the landscaping. The landscaping plan will include the following requirements:

- (a) **Landscape Setback Easement.** A 25' landscape setback easement shall be reserved behind all Public Roadways at the discretion of the ARC. Such easement shall be maintained by the development authority and may not be encroached upon without the written permission of the ARC. Driveway cuts shall be made to maintain existing trees that may have been previously planted on the easement where possible. It is the responsibility of the lot owner to replace and repair existing landscaping or irrigation that are within this easement should they be damaged during the construction process.
- (b) **Landscape Strip.** A 10' wide landscape strip/median zone between all buildings and drives and parking areas is preferred by the ARC.
- (c) **Easements.** A minimum of 25% of the proposed trees and 50% of the proposed shrubs shall be evergreen, remaining plant material may be deciduous.
- (d) **Screening.**
 - (i) all vehicular parking areas, loading/unloading areas, service areas and utility structures/transformers shall be screened from view of public right-of-way and adjacent property;
 - (ii) all plants used for screening shall be evergreen using a minimum of a double staggered row; and
 - (iii) earthen berms may be used where appropriate to accentuate screening.
- (e) **Minimum Plant Sizes.**
 - (i) Plant material must conform to the "American Standard Nursery Stock Standards";
 - (ii) Shade trees - 2" caliper and 12-14' height with full head;
 - (iii) Ornamental trees - 4" minimum height with full head;
 - (iv) Evergreen trees - 6" minimum height with full structure;
 - (v) Shrubs - all shrubs for screening shall be evergreen, 3 gallon minimum, spaced no further than 3' o.c. maximum or the standard set forth in the Oconee County Zoning Ordinance whichever is greater;
 - (vi) Grass - all areas within 100' of a public right-of-way shall be sodded; all other areas may be seeded to match the sod.
- (f) **Minimum Site Planting.** The site shall be landscaped in a manner that meets the requirements of the development guidelines.

be compatible with the building architecture and may not be erected more than twelve (12) feet above grade, or above the roofline of a retail building.

- (a) **Temporary Signs.** There may be two (2) temporary signs per Parcel, one (1) identifying persons or firms offering the parcel for sale or lease and the other identifying builders, architects, and lenders involved in the construction and design of the building as buildings being erected. Each such sign shall be removed within thirty (30) days after completion of construction on the site or closing of the sale or lease of the site, as applicable. One sign construction of space within buildings on each Parcel may be maintained by the Owner, constructed and designed in good taste, provided that it is approved prior to construction by the ARC.

4.06 Construction Activities. During the period that construction activities are in progress on each Parcel within the property, the following requirements and procedures shall be closely observed and followed:

- (a) Land disturbing activities are to be limited to the immediate area of the building and site improvements plus a reasonable working distance around them.
- (b) An erosion and sediment control plan must be established that will specify the types of temporary devices that will be constructed to control runoff and contain silt within the disturbed areas of the Parcels. The owner and his contractor will be responsible for keeping all Public Roadways free of silt, soil, gravel, etc. during construction.
- (c) Protective devices, such as wood or chain link fences or barriers, are required around major trees that remain as part of the approved landscape plan. These trees and other vegetation are to be protected during the construction and weeded as may be necessary to maintain life.
- (d) Grass seed shall be spread or other ground cover shall be planted as soon as practicable on each Parcel.
- (e) Rock aprons are to be provided and maintained at each entrance drive to the Parcel from a Public Roadway from the time grading commences until pavement is placed.
- (f) Trash and debris shall be collected and stored in suitable containers or fenced areas and shall be removed from the Parcel at regular intervals. Loose trash and debris shall not be permitted to lie around the Parcel at any time.
- (g) No temporary building or structure, other than construction offices and structures for related purposes during the construction period, shall be installed or maintained on any Parcel without the prior written approval of the ARC. All temporary structures used for construction purposes must receive prior approval by the ARC with regard to location and appearance and must be removed promptly upon completion of construction. In no event may any such temporary structure be located or stored on any Public Roadway.
- (h) Other local, state, and federal regulations that may apply to construction activities shall be closely observed on all Parcels within the Property.
- (i) Parking for construction personnel shall be provided on the building site or on adjacent land owned by the building site Owner in a safe and neatly arranged fashion.
- (j) Access will be limited to the curb cuts located on the Owner's approved site plans.

- (b) **Parking Islands.** Planned parking islands shall be placed at the ends of all parking rows (at one end only on retail customer parking lots), intermediate islands will be required as defined in the Oconee County Zoning Ordinance.
- (c) **Retention Ponds.** The on-site detention pond shall be placed at the rear of all property, to the extent topography permits, and landscaped in a naturalistic manner to screen it from view of all public rights-of-ways and adjacent property.
- (d) **Installation.** All of the above landscape treatment excluding the 25' landscape easement along Public Roadways shall be the responsibility of Parcel Owner. Approved landscaping shall be installed prior to obtaining a certificate of occupancy.
- (e) **Maintenance.** All landscaping shall be maintained in a neat and orderly manner with a healthy appearance.

4.05 Signage. All signage within the Property shall be approved by the ARC as to location, height, size, color, and graphic layout and shall conform to the Oconee County and City of Bogart zoning ordinances. All exterior signs shall be for identification only and shall not be designed for advertising. All signage texts shall be limited to company name and/or logo. No flashing, moving, brilliantly illuminated, or brightly colored signs shall be permitted.

- (a) **Directional, Identification and Regulatory Signs.** Individual site needs for controlling and regulating traffic flow shall meet with uniform sign criteria established by the ARC. Owners must, at their own expense, purchase, install, and maintain directional, informational and regulatory signs along roadways or parking areas within the Parcel. Such signs shall be a maximum of four (4) square feet in size and located not higher than 8'0" above grade.

(b) Entrance Signs. Each building on the Property shall be permitted one (1) freestanding entrance sign at a point near the major vehicular entrance to the Parcel. A Parcel which fronts two (2) roadways within the Property will be permitted a secondary entrance sign. Entrance signs shall identify the Parcel entrance and/or building only.

- (c) Information presented shall be limited strictly to the legal, generally used name, and/or logo of the business, organization, or association occupying the building. One line of copy of standard size and typeface designated by the ARC may be used to identify the specific nature of the facility. No other information shall be allowed. The ARC shall allow one pylon sign acceptable to the ARC for each site.

(d) Materials. The material used for the sign surface shall be closely related to the building material employed for the park entrance. The ARC will dictate the sign structure and size allowing some flexibility in configuration. Landscape integration with the entrance sign is encouraged.

- (e) **Position.** Primary and secondary entrance signs must be positioned within the legal boundaries of the Parcel. No part of the sign structure shall be closer than one (3) feet to the property line or within the appropriate sight triangle. Signs shall not be positioned within the right-of-way of any roadway.

(f) Illumination. Illumination shall be approved in conjunction with the Landscape plans by the ARC and the Oconee County DMC committee.

- (g) **Building Signs.** Each building or tenant within the Property shall be permitted one (1) building-mounted identification sign. The location of the building identification sign must

- (k) Construction trailers must be approved by the ARC and placed in an orderly fashion upon the site. Construction trailers in poorly maintained or structurally unsafe condition will not be allowed.

(l) Storage of construction materials on-site shall be in a safe and secured location not directly visible from OG Public Roadways and organized in a neat fashion.

- (m) **Security during construction** shall be the responsibility of the Owner or his contractor and the ARC shall have no such responsibility.

(n) All construction signage must be approved by the ARC and meet the standards and requirements set forth in Article 4.05(d) of these Development Guidelines.

- (o) Each construction site must be kept clean of unnecessary material scraps and trash. It is the responsibility of the Owner or his contractor to police and maintain a neat and trash-free construction site at all times. Should this not be the case and should the problem continue for a time such that an obvious lack of concern is exhibited by the Owner, the ARC would then take the responsibility of cleaning up the site, the cost of which will be assessed back to the Owner.

(p) Damages that occur during the construction program by the general contractor, subcontractor or suppliers shall be the ultimate responsibility of the Owner (who will be held responsible for their repairs). These shall include damages of, but not limited to, landscaping, curbs and gutters, sewer service, water, sewer and gas utilities, signs, screen walls, irrigation, lakes and retention areas including siltation, etc.

- (q) Erosion control shall be maintained by the Owner or his contractor during the period of construction. Staked straw bales and/or silted erosion control fabric shall be used as appropriate to prevent improper drainage or sediment encroachment on adjacent roadways, adjacent Parcels and waterways.

4.07 Performance Standards. Each facility constructed within the Property shall meet existing local, state, and federal standards and regulations in the control of nuisances. This shall include, without limitation, the following:

- (a) **Noise.** The type, intensity, and time of day of noise or audible sounds shall be controlled so as not to unreasonably disturb other owners or occupants of other property in the vicinity of OG.
- (b) **Vibration.** Excessive sources of vibration that could be transmitted to points off the Parcel on which they are being produced will not be permitted.
- (c) **Smoke.** The discharge of smoke from any facility within the Property shall comply with all local, federal and state environmental regulations and shall not unreasonably disturb other owners or other surrounding property owners.
- (d) **Heat.** Heat generated within a facility shall be contained within a small interior area of the Parcel, shall comply with all environmental regulations, and shall not be permitted to be a nuisance to other owners or to persons on adjacent properties.
- (e) **Illumination or Glare.** Exterior parking lot, street, and general security lighting is to be designed and placed in such a manner so as not to reflect into or cause glare in any residential district or cause a nuisance to any owner or other adjacent property owners.
- (f) **Dust.** Dust-producing activities are not permitted within the Property. All road, parking, and loading areas shall be paved with an all-weather, durable surface material.

- (g) **Odors and Toxic Matter.** Activities which produce offensive odors, toxic matter, or other industrial waste materials will not be permitted unless such odors of toxic matter can be contained within a small interior area of the Parcel in a manner which meets all environmental guidelines and does not constitute a nuisance to other owners or to owners or occupants of surrounding parcels.
- (h) **Drainage.** Storm water runoff and drainage will be governed by local and state regulations, sound civil engineering practices, and positive control devices, such as retention basins, rip-rap stone lined drainage ways, ground swales, and other proven devices to control the speed and volume of storm water so as to not damage adjacent property by washing or sluffing. Grading shall be done with minimum damage to existing areas.

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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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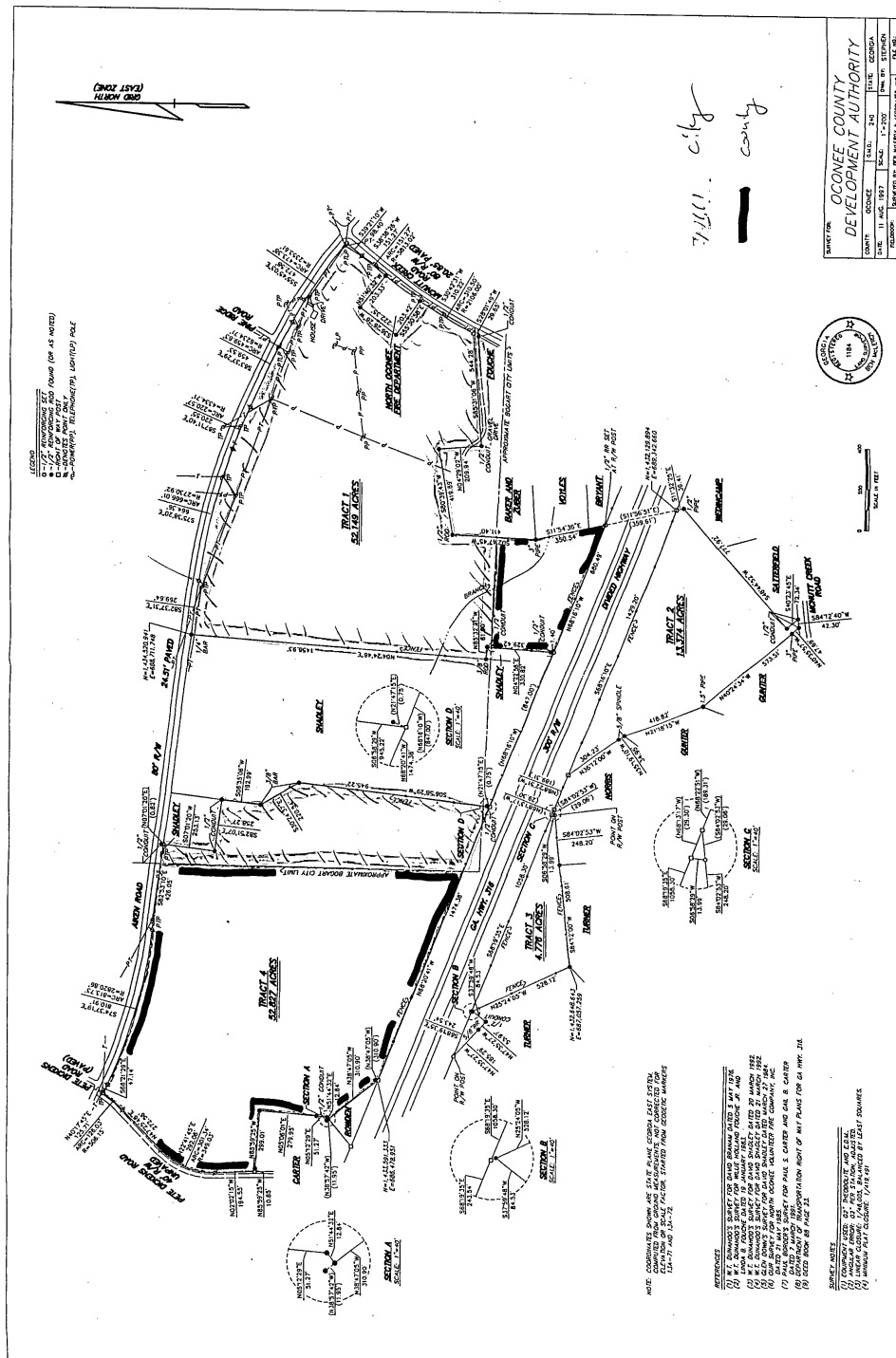
PLAT

EXHIBIT "A" TO REZONE NO P23-0242

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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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CONCEPTUAL LAND USE PLAN

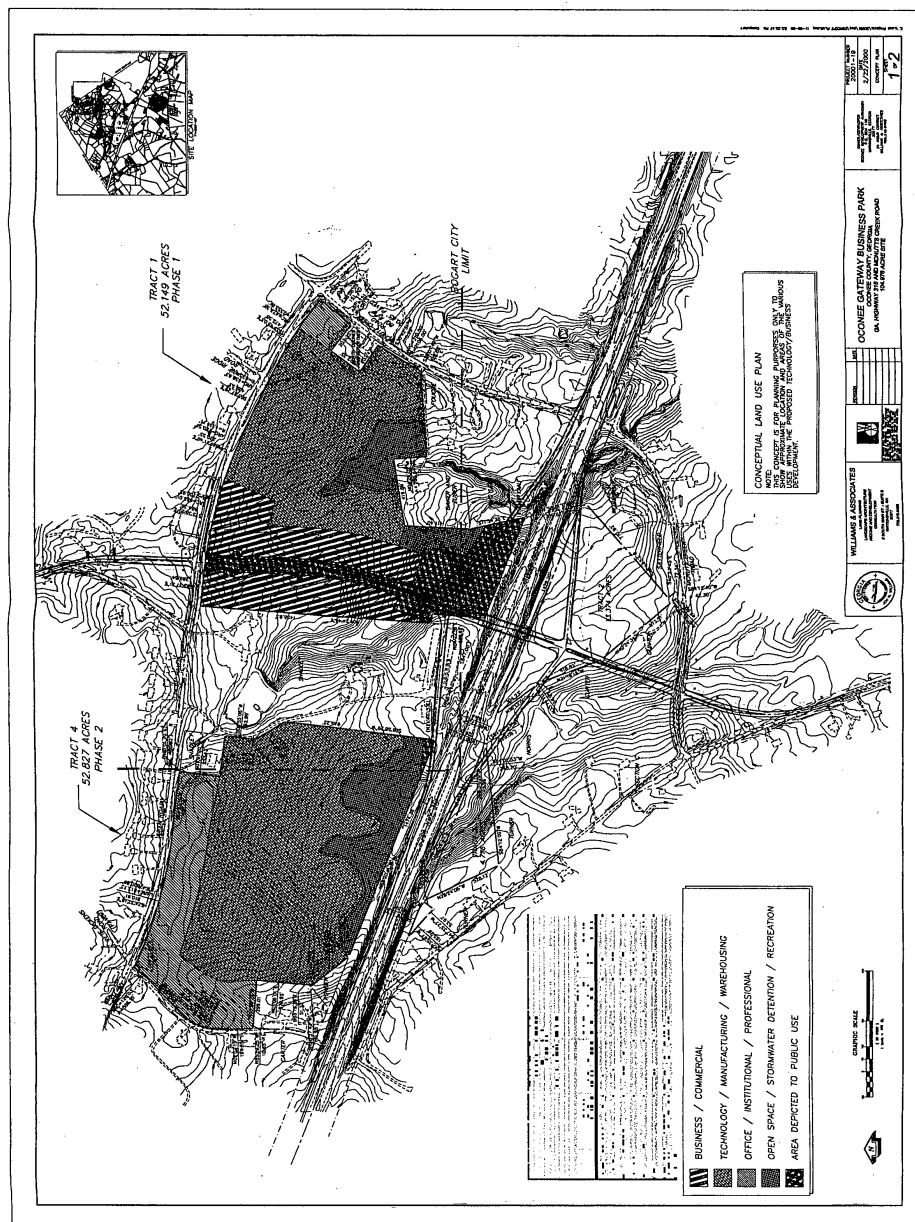


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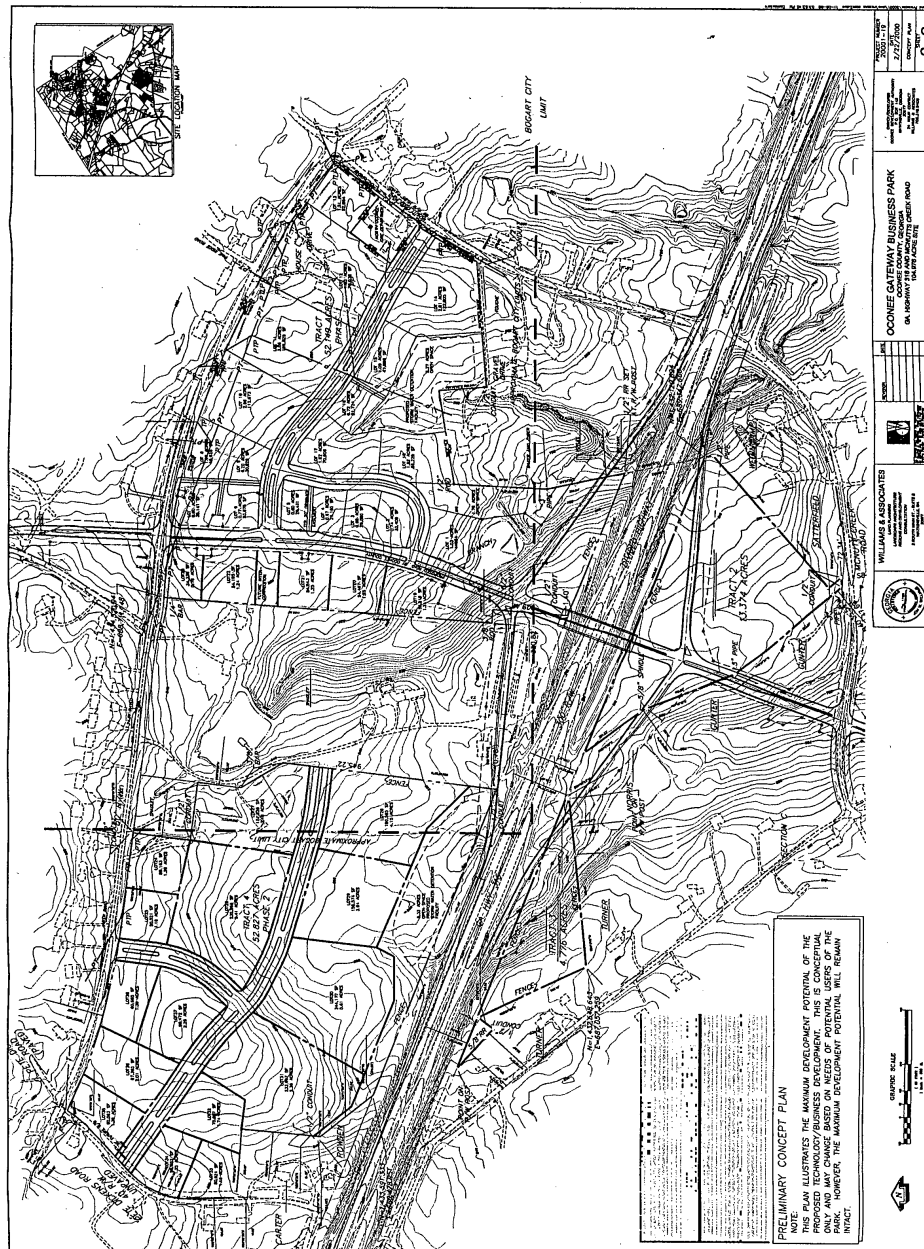
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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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DEVELOPMENT PLAN





**Planning Department
Oconee County, Georgia
STAFF REPORT**

REZONE CASE #: P23-0243

APPLICANT NAME: Bogart City Council

PROPERTY OWNER: Rodwood Investments, LLC.

LOCATION: Gateway East Parkway (Tax Parcel # B-01U-002 & B-01U-003)

PARCEL SIZE: ±36.39 acres

EXISTING ZONING: TB (Technology Business District)

EXISTING LAND USE: Undeveloped

**FUTURE DEVELOPMENT MAP CHARACTER AREA
DESIGNATION:** Workplace Center



ACTION REQUESTED: Rezone modification of the January 8, 2001 City of Bogart Rezone TB (Technology Business District) Resolution for the subject property to remove the Development Guidelines from the 2000 City of Bogart Rezone Resolution.

REQUEST SUMMARY: The City of Bogart is initiating and will consider the rezone modification of the January 8, 2001 City of Bogart Rezone TB (Technology Business District) Resolution for the subject property to remove the Development Guidelines from the 2001 rezone resolution.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: November 13, 2023

BOGART CITY COUNCIL: December 4, 2023

ATTACHMENTS: Prior Resolution

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS OF REVIEW” AS SET FORTH IN SECTION 14.03.001 OF THE *CITY OF BOGART ZONING ORDINANCE*.

Per that section “The following standards governing the exercise of the City’s zoning power are to be considered by the MAYOR AND COUNCIL and the PLANNING COMMISSION in balancing the interest of the public health, safety, morality or general welfare against the unrestricted use of property:

- A. The existing land use pattern;**
The existing land use pattern in the area around the property is generally undeveloped. Staff is of the opinion that the proposed modification is not in conflict with the existing land use pattern.
- B. The possible creation of an isolated DISTRICT unrelated to adjacent and nearby DISTRICTS;**
The City of Bogart Character Areas Map of the 2023 Oconee County Comprehensive Plan Update labels the area as Workplace Center. Staff is of the opinion that the proposed modification will not create an isolated district that is unrelated to adjacent and nearby districts.
- C. The population DENSITY pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, SCHOOL, utilities, and STREETS;**
The proposed modification will not increase or over-tax the load on public facilities.
- D. The costs to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, SCHOOLS, STREETS, law enforcement, fire protection and other public services;**
Staff is of the opinion that the proposed modification will not significantly increase the cost of providing, improving, increasing or maintaining public utilities, schools, streets, law enforcement, fire protection and other public services.
- E. The possible impact on the environment, including, but not limited to drainage, soil erosion and sedimentation, flooding, air quality and water quality;**
Staff is of the opinion that the proposed modification will not significantly impact the environment.
- F. Whether the proposed zoning amendment will allow uses which will be a detriment to the value of adjacent property in accordance with existing regulations;**
The proposed modification is consistent with the identified Workplace Center character area. Staff is of the opinion that the proposed modification will not be a detriment to the value of adjacent property.
- G. Whether there are substantial reasons why the property cannot be used and developed in accordance with the existing regulations;**
Staff is of the opinion that the proposed modification will be in keeping with the zoning resolution of the unincorporated portion of the property.
- H. The aesthetic effect of the existing and proposed use of the property as it relates to the surrounding area;**
Staff is of the opinion that the proposed modification will not negatively impact the aesthetics of the surrounding area.
- I. The extent to which the proposed zoning amendment is consistent with the comprehensive land use plan;**
Staff is of the opinion that the proposed modification is consistent with the Comprehensive Plan.
- J. The possible effects of the proposed zoning amendment on the character of the zoning DISTRICT.**
Staff is of the opinion that the proposed modification is appropriate for the Character Area.
- K. The relationship that the proposed zoning amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed zoning change will carry out the purposes of these zoning regulations;**
Staff is of the opinion that the proposed modification is in keeping with the overall zoning scheme and will carry out the purpose of the zoning regulations.
- L. Any application for a zoning map amendment which does not contain a specific site plan carries a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;**
Staff is of the opinion that the proposed modification will not adversely affect the zoning scheme.

- M. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;**
Staff is of the opinion that the proposed modification will not negatively impact the integrity of residential neighborhoods in the area.
- N. In those instances, in which property fronts on a major THOROUGHFARE and also adjoins an established residential neighborhood, the factor of preservation in the residential neighborhood shall be considered to carry great weight;**
The comprehensive plan identifies Aiken Road as a minor collector, thus the property does not front on a major thoroughfare.
- O. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned, and;**
The property affected by the zoning decision has a reasonable economic use as currently zoned.
- P. Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the ZONING ACTION.**
Staff is of the opinion that the proposed modification will be in keeping with the zoning resolution of the unincorporated portion of the property.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Based on the City of Bogart policies, decision-making criteria, and standards outlined in the zoning ordinance of the City of Bogart, staff recommends approval of this request.