

**AMENDMENT  
TO THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA  
AND THE ZONING MAPS OF OCONEE COUNTY, GEORGIA**

**TITLE**

An Ordinance amending the Unified Development Code of Oconee County, Georgia, and the Zoning Maps of Oconee County, Georgia, pursuant to Article 12, Division I et seq., to rezone from zoning classification AG (Agricultural District) to zoning classification AR (Agricultural Residential District) pursuant to an application for rezoning of property owned by Chip Patterson submitted on October 4, 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 Chip Patterson on October 4, 2023, requesting a rezone of a ±4.013-acre tract of land located at 1210 Burr Harris Road in, Oconee County, Georgia, (tax parcel no. B-05-029), the Board of Commissioners of Oconee County does hereby ordain and enact to law the following:

**SECTION 1.** An Ordinance known as the “Unified Development Code of Oconee County, Georgia” as enacted and amended by the Board of Commissioners of Oconee County 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

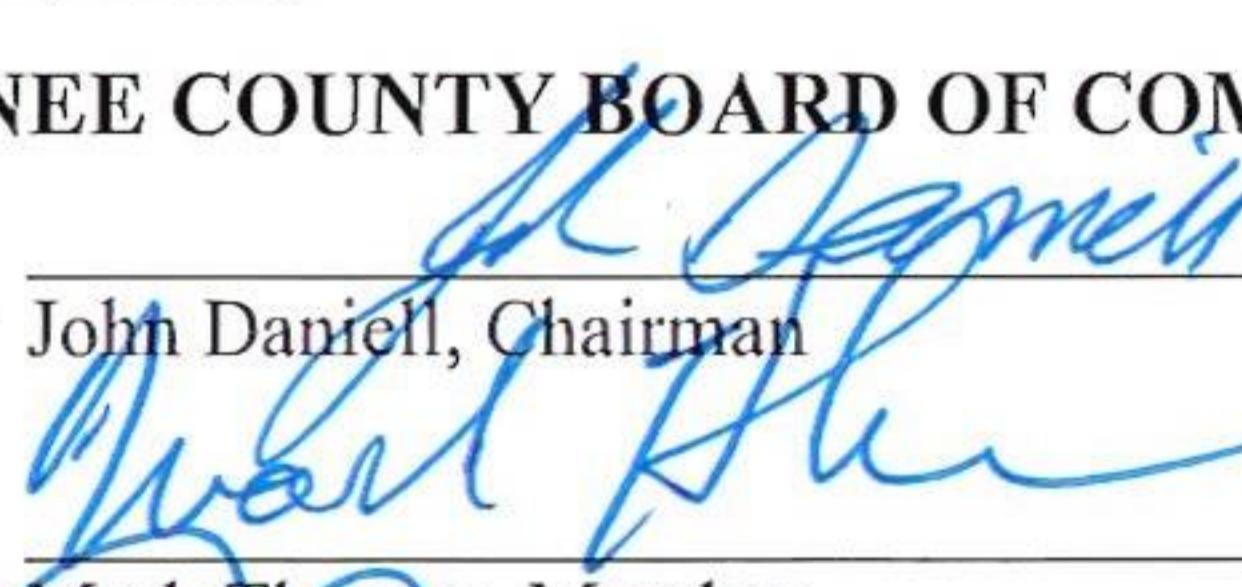
**SECTION 4.** Effective Date. This Ordinance shall take effect this date.

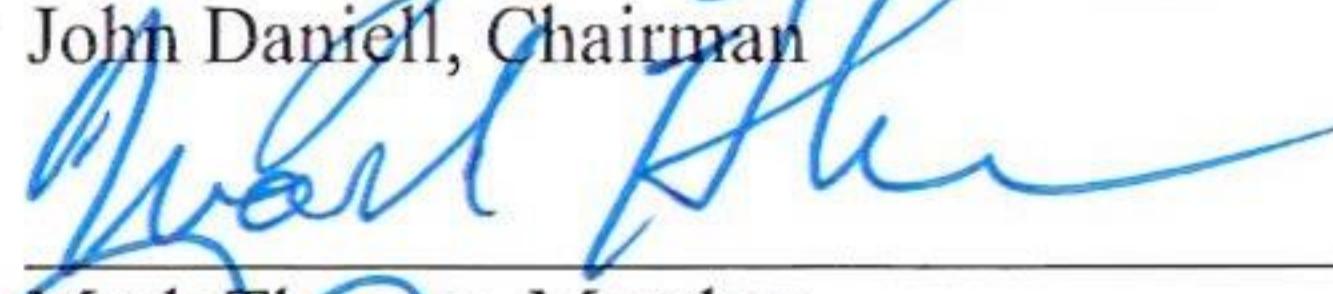
Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on December 11, 2023, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on January 2, 2024.

ADOPTED AND APPROVED, this 2<sup>nd</sup> of January, 2024.

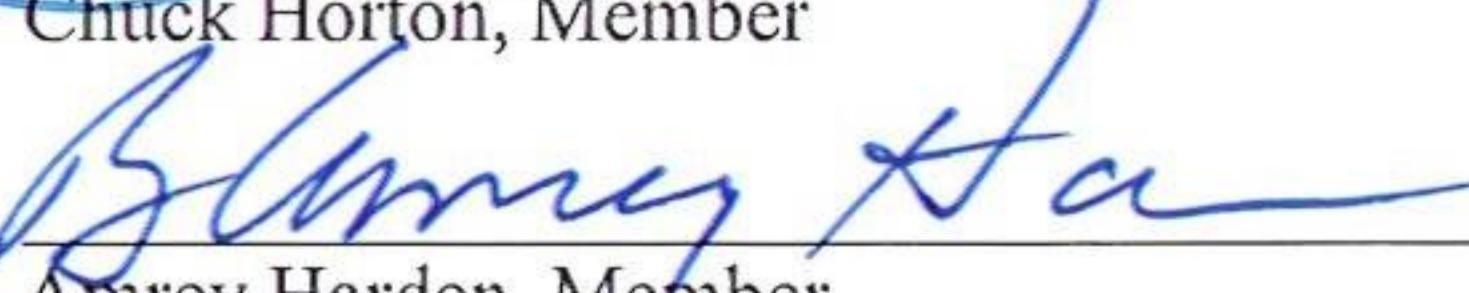
**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY:

  
John Daniell, Chairman

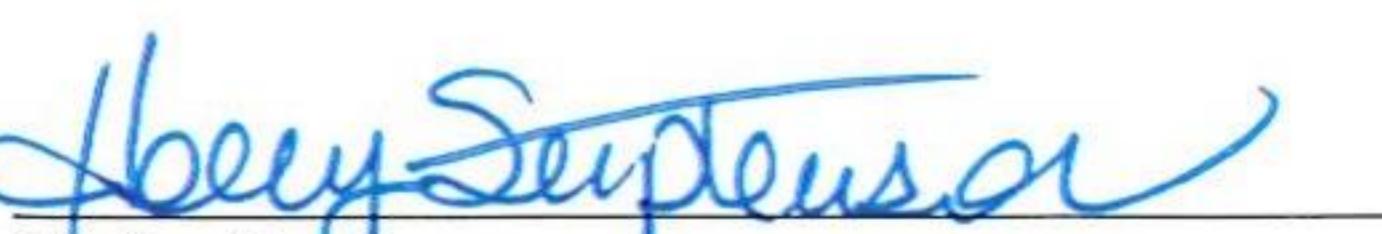
  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

  
Holly Stephenson  
Clerk, Board of Commissioners

**ACTION DENYING REZONE REQUEST**

APPLICATION SUBMITTED BY: Chip Patterson

APPLICATION SUBMISSION DATE: October 4, 2023

RE: Request to rezone from zoning classification AG (Agricultural District) to zoning classification AR (Agricultural Residential District) of a ±4.013-acre tract of land located at 1210 Burr Harris Road, Oconee County, Georgia, (tax parcel no. B-05-029) zoned AG (Agricultural District).

After consideration and a motion and second, the Oconee County Board of Commissioners does hereby deny the above-referenced request for rezoning.

This 2<sup>nd</sup> day of January, 2024.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_  
John Daniell, Chairman

ATTEST:

\_\_\_\_\_  
Mark Thomas, Member

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Holly Stephenson  
Clerk, Board of Commissioners

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Chuck Horton, Member

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Amrey Harden, Member

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Mark Saxon, Member

**EXHIBIT "A" TO REZONE NO P23-0219**

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**CONDITIONS**

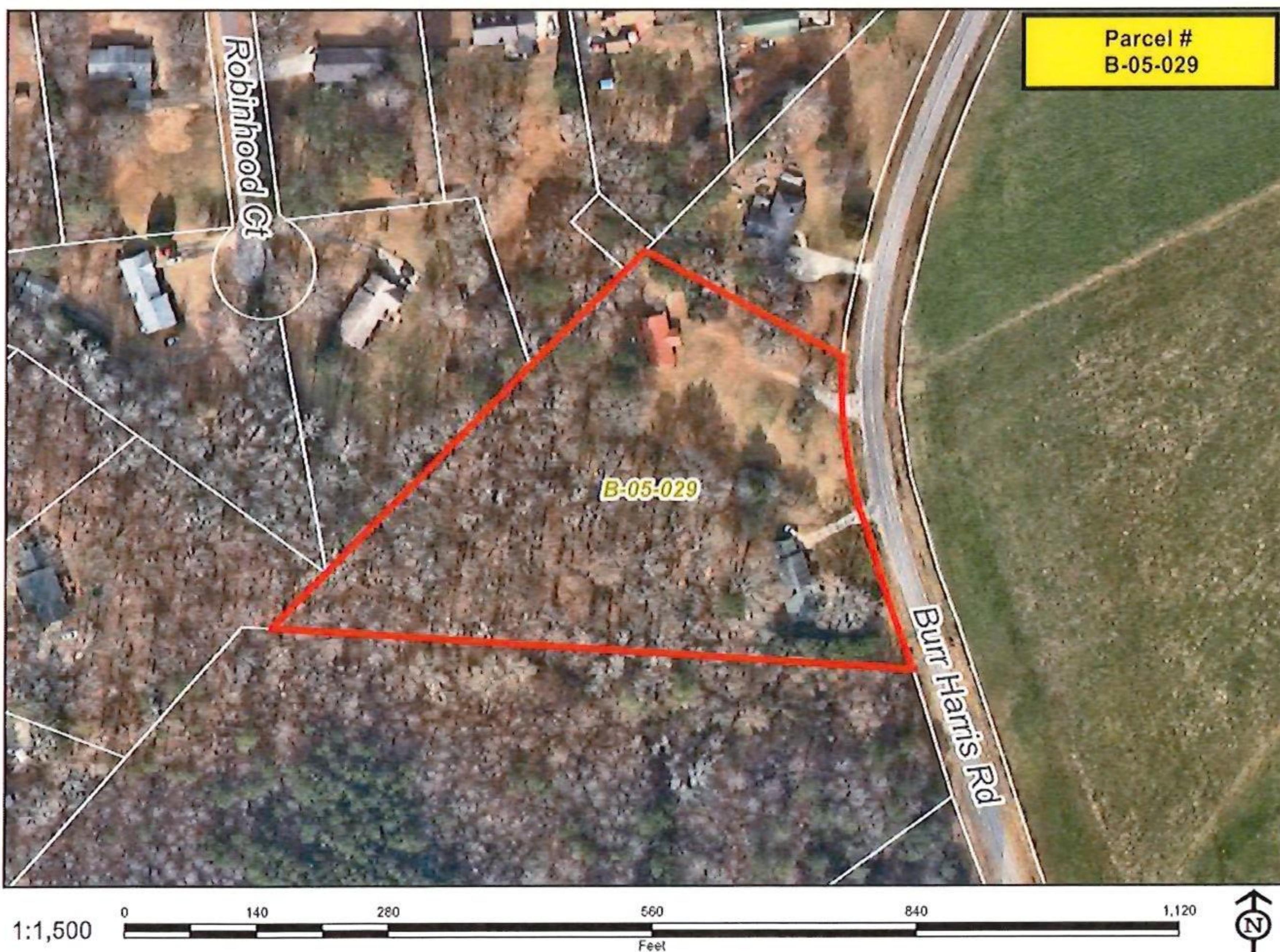
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

**EXHIBIT "A" TO REZONE NO P23-0219**

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**TAX MAP**

**Rezone # P23-0219 - CHIP PATTERSON**



**EXHIBIT "A" TO REZONE NO P23-0219**

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**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

All that tract or parcel of land lying and being in the 221st GMD of Oconee County, Georgia and being shown and described on that certain survey by Straight Line Surveying, Inc. certified by R. Shane Carson, R.L.S. no. 3141, dated 8/24/2023, and being more particularly described as follows:

Beginning at a nail found at the centerline intersection of Burr Harris Rd. and Robinhood Rd. thence S 23°30'02" W a distance of 592.0' to a 1/2" rebar found on the Western 60' right-of-way line of Burr Harris Rd. also being the TRUE POINT OF BEGINNING; thence following along said right-of-way of Burr Harris Rd. with a curve turning to the left with an arc length of 245.76', with a radius of 651.39', with a chord bearing of S 10°45'33" E, with a chord length of 244.30' to a calculated point on said right-of-way; thence continuing along said right-of-way S 18°44'46" E a distance of 81.00' to a 1/2" rebar found on the 60' right-of-way of Burr Harris Rd.; thence leaving said right-of-way N 86°17'11" W a distance of 709.28' to a 1/4" rebar found; thence N 47°07'14" E a distance of 577.00' to a 1/2" rebar found; thence S 60°15'57" E a distance of 245.68' to a 1/2" rebar found on said right-of-way of Burr Harris Rd. also being the TRUE POINT OF BEGINNING. Said tract having an area of 174,815.76 square feet, 4.013 acres.

## EXHIBIT "A" TO REZONE NO P23-0219

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### NARRATIVE

#### Narrative Statement

##### Introduction:

- Brief Description
  - I would like to change the zoning of this property from AG to AR. There are two residential houses on this parcel with families that are not related. We will not be adding any housing structures. We simply want the ability to divide the property so that each house can have 2 acres of land. Zoning of AR will allow for this.
  - The water is through Piedmont Water Company and each house has a septic tank in good working condition. Therefore this rezone will not be a burden to the county water/sewer demands.
  - This property borders three properties zoned as Residential 1. I am only seeking AR.
- Address
  - 1210 Burr Harris Rd, Watkinsville GA 30677
- Zoning District
  - AR
- Use
  - The existing use is residential (two housing structures). The proposed use is residential (two housing structures).

##### Adjacent Properties

- This property touches 4 adjacent properties. Three of the properties are Residential 1. One of the properties is AG.

##### Development Details

- No development is planned for the property. The current two housing structures will simply be remodeled.

##### Architecture

- Not applicable

##### Access and Traffic

- Access to each house will remain the same as it is currently. There are currently driveways to each house from Burr Harris Rd.

##### Water and Sewer

- Water for each house will remain with Piedmont Water Company. Each house has a septic tank that is in good operation and will continue to be used. There will be no impact to the county water/sewer demands.

## EXHIBIT "A" TO REZONE NO P23-0219

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### NARRATIVE

#### Stormwater Drainage

- No structures are being constructed. No grading is being performed. No new demands to stormwater drainage.

#### Schools

- No additional demand to the schools. No additional housing structures will be built.

#### Landscaping

- No meaningful landscape changes.

#### Schedule

- No development planned.

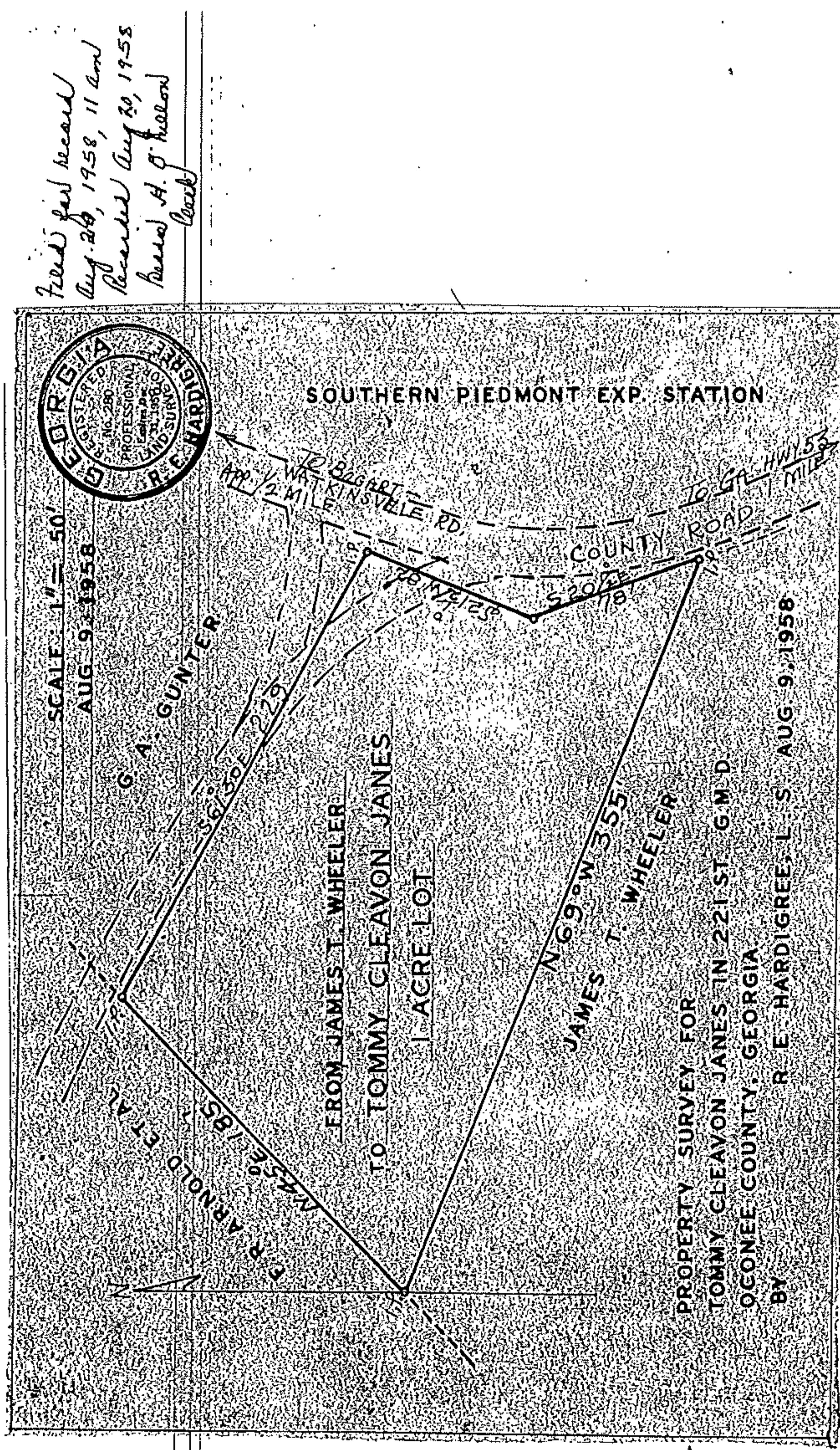
#### Conclusion

- This rezone will allow for 2 acre lots and therefore each household can own their property. Under current zoning (5 acre minimum), the second house can only serve as a rental unit. The rezone will not affect the esthetics or density of the lots. If anything, it will improve the esthetics, because you will have two home owners instead of a home owner and a rental unit. This change will produce more property tax for the county, with no burden to the county utilities or school system.

**EXHIBIT "A" TO REZONE NO P23-0219**

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## PLAT



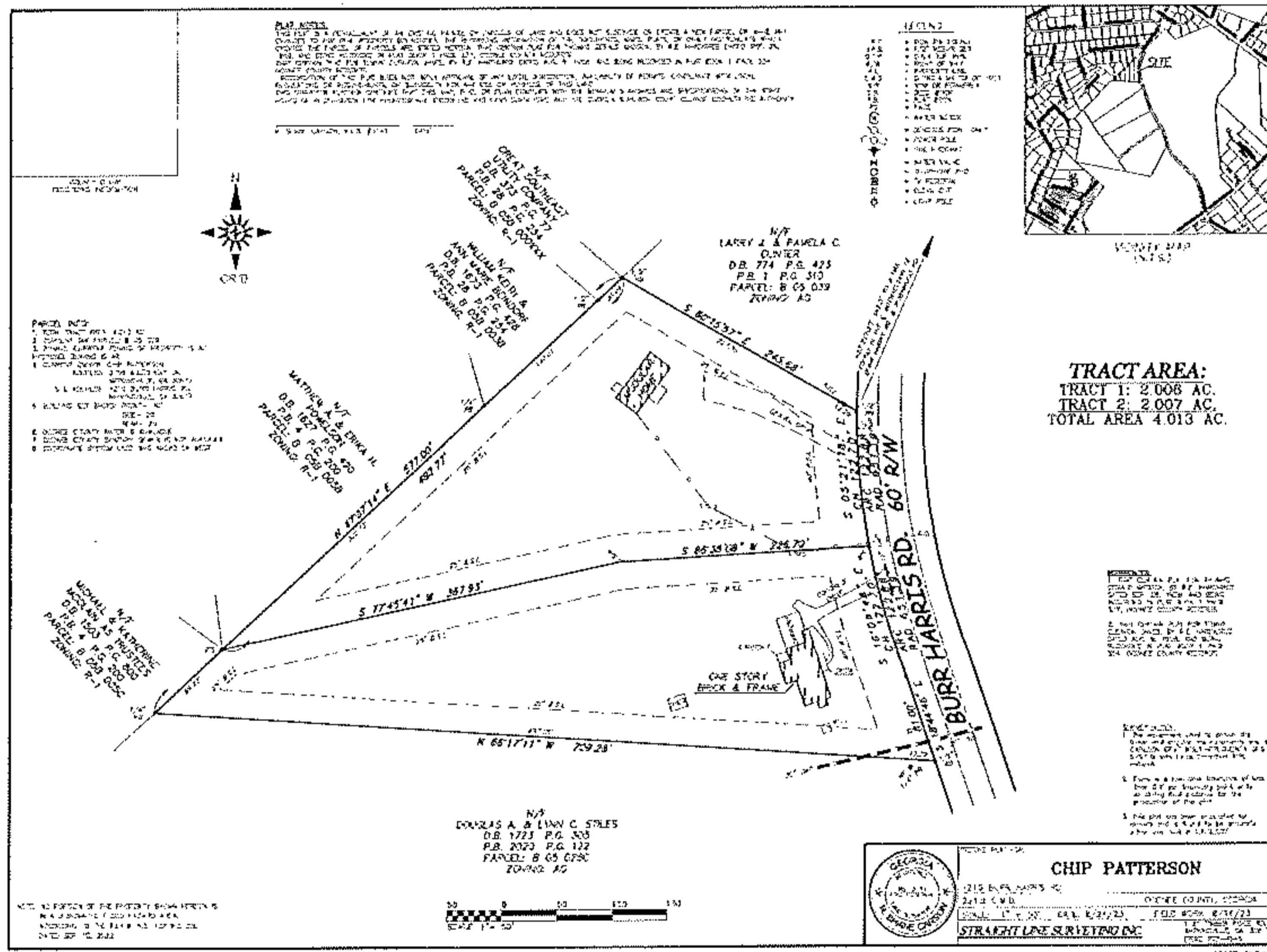
**EXHIBIT "A" TO REZONE NO P23-0219**

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## CONCEPT PLAN

# Concept Plan and Architectural Renderings

No new structures are being proposed to this property. The rezone is requested so that the property can be divided to create two 2 acres parcels. This will give each current housing structure the ability to own their lot. This will be a more natural solution than two unrelated families sharing a 4 acre parcel. It will provide the opportunity for home ownership and increase tax revenue to the county. This will have no net effect to schools or utility demand.





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

**REZONE CASE #:** P23-0219

**DATE:** November 30, 2023

**STAFF REPORT BY:** David Webb, AICP (Senior Planner)

**APPLICANT NAME:** Chip Patterson

**PROPERTY OWNER:** Chip Patterson

**LOCATION:** 1210 Burr Harris Road, 1,885 feet from the intersection with Mars Hill Road, Parcel B 05 029

**PARCEL SIZE:**  $\pm 4.01$  acres total

**EXISTING ZONING:** AG (Agricultural District)

**EXISTING LAND USE:** Residential.

**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Suburban Neighborhood

**ACTION REQUESTED:** Rezone the properties from AG (Agricultural District) to AR (Agricultural Residential) in order to create two, 2-acre lots, one for each pre-existing residence.

**STAFF RECOMMENDATION:** Staff recommends conditional approval of this request.

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** December 11, 2023

**BOARD OF COMMISSIONERS:** January 2, 2024

**ATTACHMENTS:**

- Application
- Narrative
- Zoning Impact Analysis
- Plat of Survey
- Concept Plan



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## **BACKGROUND INFORMATION & FINDINGS OF FACT**

### **HISTORY**

- The parcel contains two existing residences, a site-built home built in 1963 and a manufactured home placed on the lot in 1984.
- The deed for the subject parcel indicates a 1-acre tract and a 3-acre tract, however the 2006 tax map shows a single parcel.

### **SURROUNDING LAND USE AND ZONING**

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Residential	AG (Agricultural District)
<b>SOUTH</b>	Vacant- wooded and undeveloped	AG (Agricultural District)
<b>EAST</b>	Agricultural- UGA Experiment Station	AG (Agricultural District)
<b>WEST</b>	Residential- Northwest Woods Subdivision	R-1 (Single-Family Residential District)

### **PROPOSED DEVELOPMENT**

- The applicant proposes to create a 2-lot plat to split the property that contains two existing residences.
- No other improvements or changes to the existing structures are proposed in the application.

### **PROPOSED TRAFFIC PROJECTIONS**

- No traffic projections were provided.

### **PROPOSED PLAT REQUIREMENTS**

- The proposed AR zoning district has a minimum lot size of 2 acres with a minimum width of 150 feet where sewer is not available (UDC Table 4.1 *Dimensional Requirements by Zoning District*).
- The Concept Plan proposes two (2) lots that exceed 2-acres:
  - Proposed Tract 1 = 2.006 acres
  - Proposed Tract 2 = 2.007 acres
- The Concept Plan “Tract 1” lot does not meet the minimum lot width of 150 feet as measured at the front setback line. The concept plan shows the lot widths as:
  - Proposed Tract 1 = 149.1 feet
  - Proposed Tract 2 = 200.5 feet
- The applicant will have to revise the proposed plat to meet the minimum lot width or apply for a variance.
- The applicant will need to show the property line to be abandoned for the 1-acre lot as shown on Plat Book 1, Page 334.
- Environmental Health Department review and approval will be required to ensure that the on-site septic systems are contained within the new lot boundaries (UDC Section 1215 *Minor Subdivisions*).

### **PUBLIC FACILITIES**

#### **Water:**

- The property is served by an existing connection to a private community water system managed by Piedmont Water Company (Northwest Woods system).
- Oconee County water is not available as indicated in a letter dated September 29, 2023.

#### **Sewer:**

- There are existing septic systems for the two residential structures that are on the properties.
- Oconee County sewer is not available as indicated in a letter dated September 29, 2023.

#### **Roads:**

- The properties are accessed by existing driveways on Burr Harris Road.

## **ENVIRONMENTAL**

- There are no environmental areas or corridors identified on property.

## **COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

### **OCONEE COUNTY PUBLIC WORKS DEPARTMENT**

- Reviewed with no comments

### **OCONEE COUNTY WATER RESOURCES DEPARTMENT**

- Reviewed, approved as presented

## **STAFF ANALYSIS**

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THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

**A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.**

Nearby properties are predominantly zoned AG and R-1. Primary land uses in the area are a mixture of agricultural and residential. The applicant is not proposing additional development. Staff finds the existing land use with no proposed development is suitable.

**B. Whether the property to be rezoned has a reasonable economic use as currently zoned.**

The zoning change is required to allow the applicant to create two new lots that are 2-acres each. The two existing residences on the properties indicate there is a current reasonable economic use.

**C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:**

**i. Population density and effect on community facilities such as streets, schools, water, and sewer;**  
There is no proposed change to the density that would effect streets, schools, water, or sewer.

**ii. Environmental impact;**

No environmentally sensitive areas are known to exist on the site.

**iii. Effect on the existing use, usability and/or value of adjoining property.**

The existing residential use will be maintained. With no change proposed, staff finds there is no change to the usability, and/or value of adjoining property.

**D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.**

The property is not vacant. It has been in residential use since 1963. The existing use is consistent with the character of the properties in the vicinity of the subject property.

**E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**

The AR (Agricultural Residential) zoning district's purpose and intent states “The regulations for this district are designed to encourage a compatible relationship between agricultural and residential subdivisions in the district. The regulations are intended to allow medium rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development.” (Unified Development Code Sec. 205.03). Staff finds that the requested continued residential use is consistent with the stated purpose of the proposed zoning district.

**F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

The existing residential use is already permitted by the existing zoning; however, the requested zoning change would allow for two-acre lots. The two-acre lot size is consistent with other parcels in the area.

Staff finds that these conditions give supporting grounds for approval of the zoning proposal.

**G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.**

The subject properties lie within the Suburban Neighborhood Character Area as shown on the Character Areas Map in the 2023 Comprehensive Plan Update. The Suburban Neighborhood Character Area “consists principally of single-family detached houses with some higher density housing included in a planned development or near an established nonresidential area. Houses tend to be on 1.5-acre to 2-acre or larger lots on public water. Water and sewer are either existing or planned within this Character Area.” The recommended zoning districts for this Character Area are AR (Agricultural Residential District) without sewer available and R-1 (Single-Family Residential District) where public water and sewer are available. Staff finds the rezoning to AR is in conformity with the Future Development Map and the goals and objectives of the Oconee County Comprehensive Plan.

**H. The availability of adequate sites for the proposed use in districts that permit such use.**

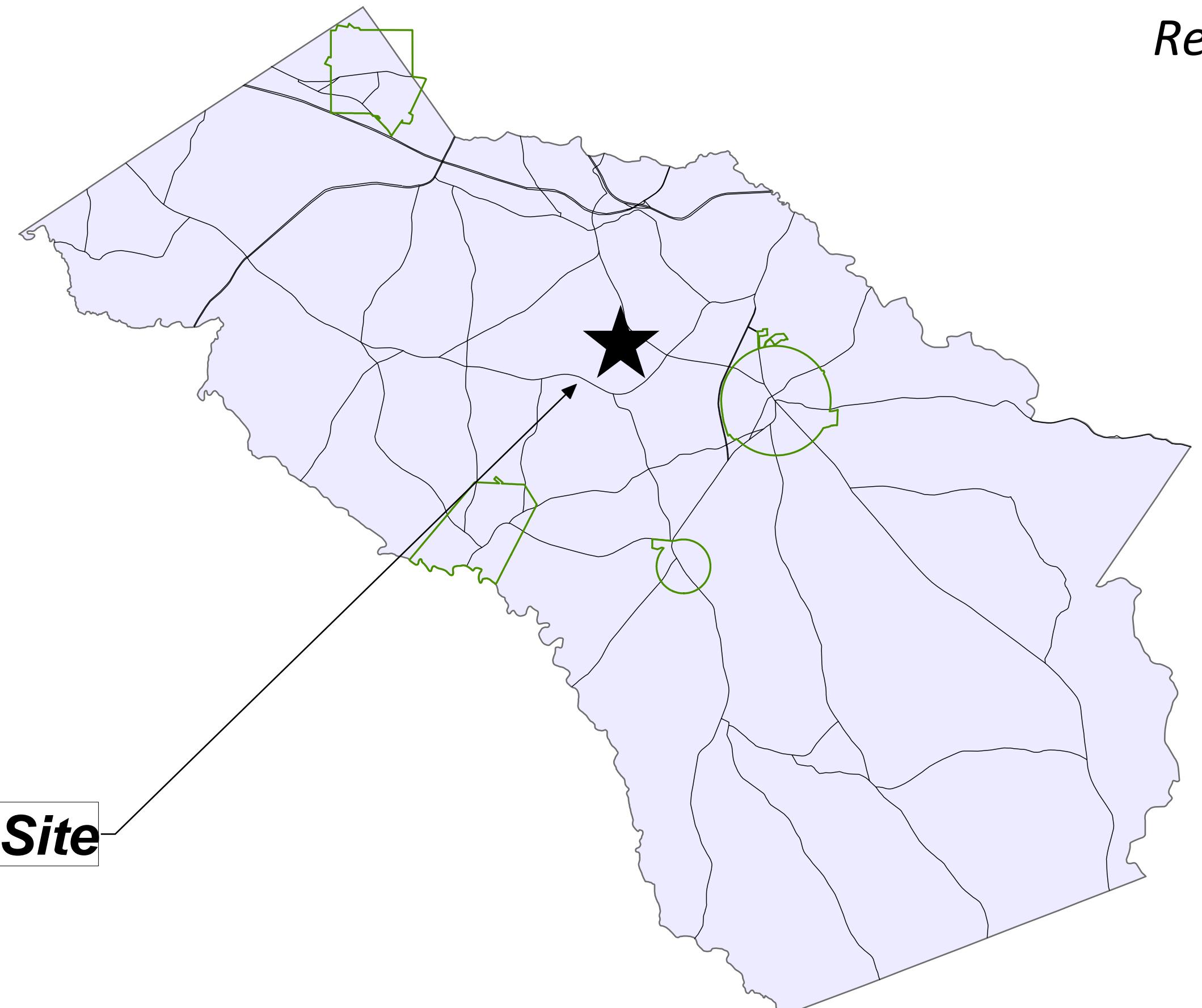
It is likely that other AR-zoned properties exist in the county that would permit the requested residential use. However, AR zoning for the subject parcel aligns with the surrounding land use patterns.

**STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

**Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends conditional approval of this request subject to the following conditions to be fulfilled at the expense of the owner/developer:**

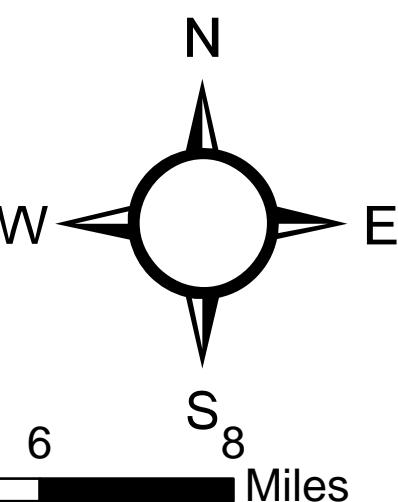
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

*Location Map -*  
*Rezone # P23-0219*  
*Chip Patterson*



1:125,573

0 1 2 4 6 Miles



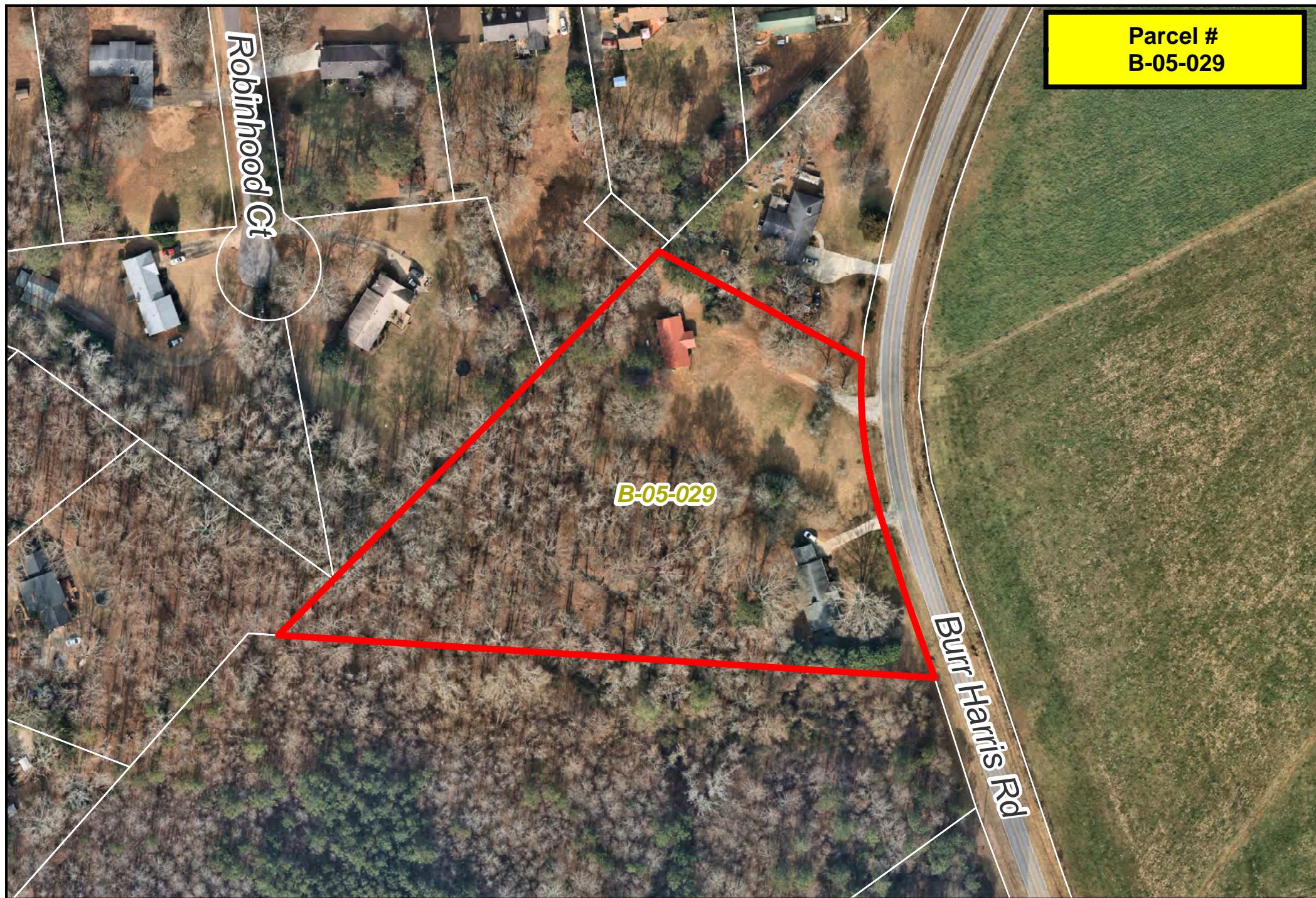
# Rezone # P23-0219 - CHIP PATTERSON

Parcel #  
B-05-029

Robinhood Ct

B-05-029

Burr Harris Rd



1:1,500

0

140

280

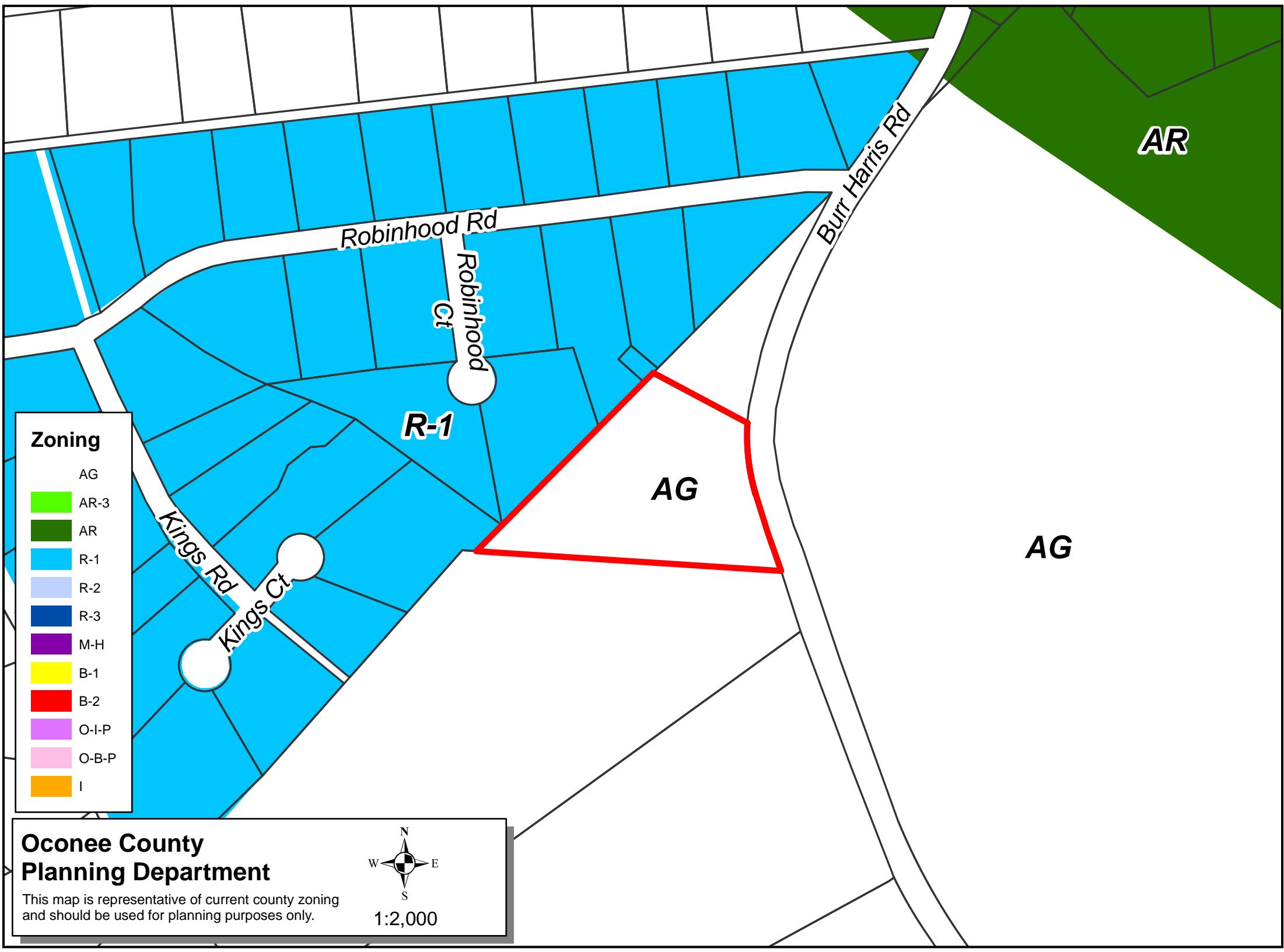
560

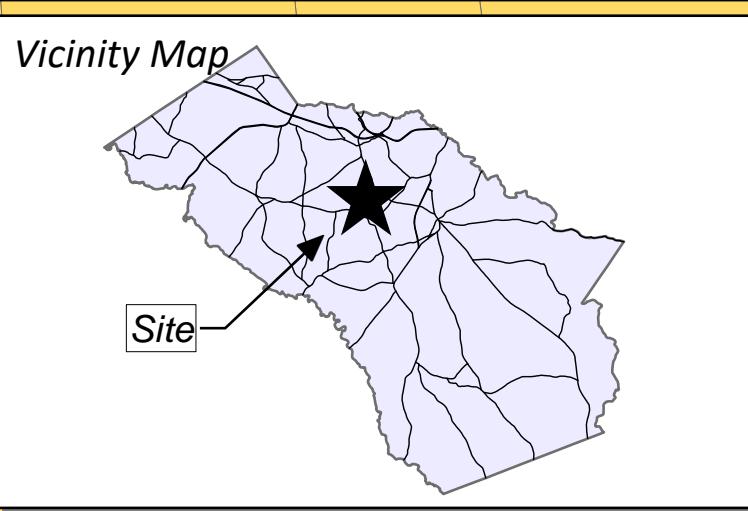
840

1,120

Feet







## Oconee County Planning Department



This map is a representation of the future development map and should be used for planning purposes only

0 80 160 320 480 640  
Feet

### Character Areas Map - 2023 Joint Comprehensive Plan

**Parks/Recreation/  
Conservation**

**Suburban  
Neighborhood**