

**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-3 (Agricultural Residential Three Acre District) pursuant to an application for rezoning of property owned by Kristin Shea & Thomas Senyitko submitted on January 13, 2024.

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 Kristin Shea & Thomas Senyitko on January 13, 2024, requesting a rezone of a ±23.11-acre tract of land located at 2300 and 2250 New High Shoals Rd in, Oconee County, Georgia, (tax parcel no. B-06-034A, B-06-034AB, and B-06-034ATTEAS), 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 March 18, 2024, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on April 2, 2024.

ADOPTED AND APPROVED, this 2nd of April, 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
Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT “A” TO REZONE NO P24-0010

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CONDITIONS

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, 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.
2. The proposed five lots shall be limited to a total of three (3) driveways accessing New High Shoals Road, with shared driveways being incorporated into the final design in general conformance with the Concept Plan dated 2-16-24. Shared driveway easements shall be shown on the plat as required and a 1-foot non-access easement shall be shown on lots fronting on New High Shoals Road except where there are shared driveway easements or existing driveways.
3. The location of the Ingress/Egress easement for the proposed lot 5 shall follow the existing drive or the drive shall be realigned to the easement. There shall be a 1-foot no access easement for lots 2 and 3 on the side bordering lot 4 unless the Private Access Drive standards are met (UDC Sec. 1012.07).
4. All dwelling units shall have facades that consist primarily of brick, stone, stucco, or lap siding consisting of painted wood lap or fiber cement board siding. No vinyl or metal siding shall be allowed. Each single-family detached unit shall include at least a 2-car garage.

EXHIBIT "A" TO REZONE NO P24-0010

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TAX MAP

Rezone # P24-0011 - Kristin Shea & Thomas Senyitko

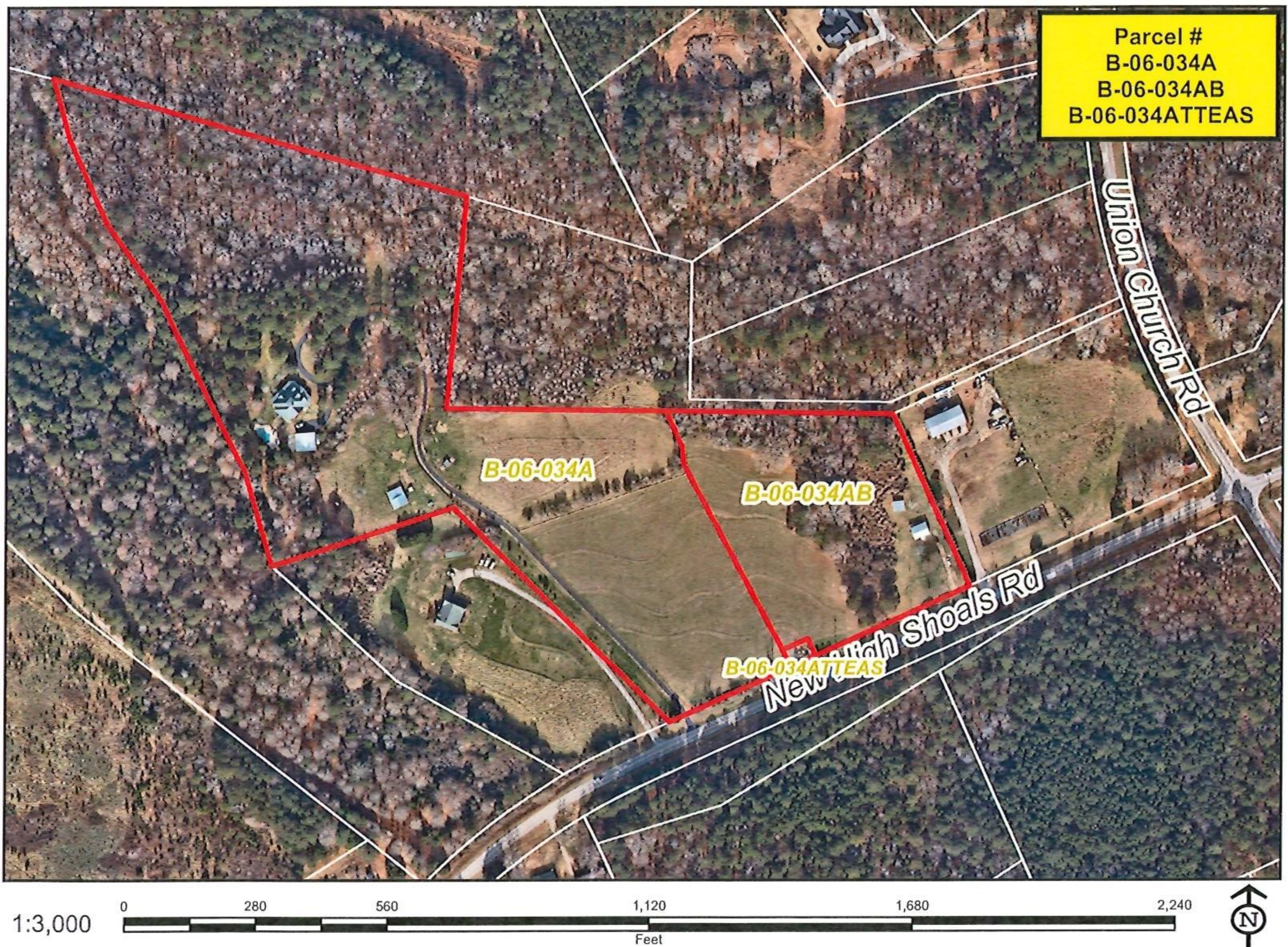


EXHIBIT "A" TO REZONE NO P24-0010

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LEGAL DESCRIPTION

Escrow File No.: 1364323

EK:1204 PG:10

EXHIBIT "A"

All that tract or parcel of land, with any improvements thereon, situate, lying and being in the 221st District, G.M., Oconee County, Georgia, containing 23.05 acres, more or less, as shown by plat and survey entitled "Survey for: Kristen Shea & Tom Senyitko", dated June 25, 2013, prepared by DuSouth Surveyors, Inc., recorded in Plat Book 37, page 690, Oconee County, Georgia, records, which plat and the recording thereof are hereby incorporated herein by reference for a more complete description of the property.

EK:1151 PG:416

12-07-04

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND, together with all improvements thereon, situate, lying and being in the 221st District, G.M., Oconee County, Georgia, designated as Tract E1, containing 23.120 acres, more or less, as shown by plat and survey entitled "Survey For: MARK SELVIDGE", prepared by Landmark Engineering Corporation, certified by J. R. Holland, GRLS No. 1087, dated August 16, 1991, last revised May 28, 1996 and recorded in Plat Book 28, Page 32, Oconee County, Georgia records; which plat and the recording thereof are hereby incorporated herein by reference for a more detailed description of the property.

This being part of the property conveyed to Mark Selvidge by Lynn S. Flanagan and Lisa Michael Ward by Warranty Deed dated June 29, 1993 and recorded in Deed Book 239, Page 16, aforesaid records.

Said property known as 2250 New High Shoals Road, Bishop, Georgia, according to the present system of numbering houses in Oconee County, Georgia.

EXHIBIT "A" TO REZONE NO P24-0010

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NARRATIVE

**NARRATIVE STATEMENT
FOR REZONE APPLICATION**

INTRODUCTION

• Description of the request.

The property owners own two parcels of land (plus one minor easement parcel) and would like to reconfigure the two parcels into five smaller parcels of no less than 3 acres each.

• The address and parcel number of the subject properties are below:

2300 New High Shoals Road, Parcel B 06 034 A - 18.05 acres

2250 New High Shoals Road, Parcel B 06 034 AB - 5.00 acres

New High Shoals Road, Parcel B 06 034 ATTEAS - .06 acres

• The existing zoning district of the subject property and requested zoning district (if applicable).

The parcels are currently zoned AG and are designated in the Comprehensive Plan as Country Estates, which allows for lots of 3 acres or more. We request a zoning change to AR-3 to allow for a total of 5 parcels of no less than 3 acres each.

• The existing use of the subject property and proposed use.

The existing use of the property is residential and agriculture, and the proposed use will also be residential and agriculture. The property was subject to a conservation easement which expired on December 31, 2023.

• If companion applications were also submitted, include a brief description of the companion zoning, special use, or variance application(s).

This application covers two parcels, therefore no companion applications are expected to be submitted.

EXHIBIT “A” TO REZONE NO P24-0010

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NARRATIVE

ADJACENT PROPERTIES

In this section, you will give detailed information about the zoning of the adjacent properties and a description of the use of the adjacent properties.

Properties adjacent to the subject properties are as follows:

- 2238 New High Shoals Road, Parcel B 06 034, Zoned AG Country estates, 5 acres. Business and agriculture operating onsite.
- 2320 New High Shoals Road, Parcel B06 034AA, Zoned AG Country Estates, 5 acres. One inhabited residence.
- 2380 New High Shoals Road, Parcel A06 024, Zoned AG Country Estates. One uninhabited residence, no current residents on the property to our knowledge
- Union Church Rd, Parcel B 06T 003FD, Zoned R-1 Suburban Neighborhood. Multiple residences planned for construction, some infrastructure in place adjacent to our property.
- Union Church Rd, Parcel B 06 034B, Zoned AG Country Estates. No residences or residents on the property to our knowledge.

DEVELOPMENT DETAILS

This section will include details of the proposed development as applicable to your case. Please see the rezone/special use application checklist in this packet for more information.

The two existing parcels each currently contain one occupied residence, and no development is planned for either resulting parcel containing a residence. Creating smaller additional parcels allows the owners to transfer land to family members equitably, without impacting the owner's existing residence. The possibility of building one or two small homes on the newly-created parcels for family members will be held open for the future.

ARCHITECTURE

In this section, you will describe any proposed structures. Please discuss architectural design, construction materials, and façade materials. Architectural sketches, photos, or renderings of all proposed structures are also required with the application.

No structures are currently proposed to be built on any of the resulting parcels, but residences could be considered in the future.

NARRATIVE

ACCESS AND TRAFFIC

In this section, you will provide information about how the property will be accessed (driveways, proposed interior roads, access easements, etc.) You will also be required to provide the anticipated average daily trips generated by the project and discuss the impact on local traffic. For average daily trip calculations, please consult the most recent edition of The Trip Generation Manual by the Institute of Transportation Engineers, or contact the Planning Department for assistance.

The impact on local traffic is expected to be nil. The parcels have been designed to ensure road frontage to allow for driveways to be incorporated in the future. In the concept plan, one parcel (Tract 5) will not have road frontage after the subdivision, so an access easement has been incorporated into Tract 4. A paved driveway already exists that would remain to allow access to Tract 5 through Tract 4.

WATER AND SEWER

If applicable, in this section you will provide information on whether public water or sewer services will be used or if a well or septic system will be used. Please contact the Water Resource Department for more information on water/sewer availability.

The Oconee County Water Resource Department has provided a letter which confirms that, if needed, public water is available to all parcels. Wastewater treatment/sewer collection and transmission capacity is not available, and therefore a septic system would be required in the event it is needed for any new residence.

STORMWATER DRAINAGE

If applicable, in this section you will provide information on existing topography and proposed stormwater management.

No changes are planned to the existing topography, therefore stormwater drainage should continue as before.

SCHOOLS

If applicable, in this section you will discuss how the proposed request will impact the Oconee County School System.

No additional school-aged residents are expected to be added, so the impact on the school system in the foreseeable future is expected to be nil.

EXHIBIT "A" TO REZONE NO P24-0010

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NARRATIVE

LANDSCAPING

If applicable, in this section you will provide detailed information on any landscaping or buffers that are proposed or required for your request.

No changes are proposed to the existing landscaping or buffers.

SCHEDULE

If applicable, in this section you will provide the expected time of completion of the project and whether the proposed development will be completed in phases.

If the proposed rezone is approved, we plan to apply for an administrative subdivision to subdivide the parcels as shown in the concept plan. A survey and subdivision application are expected to be submitted within six months. No further development or actions are planned once the parcels have been subdivided, other than keeping open the possibility of small residences for family members in the future.

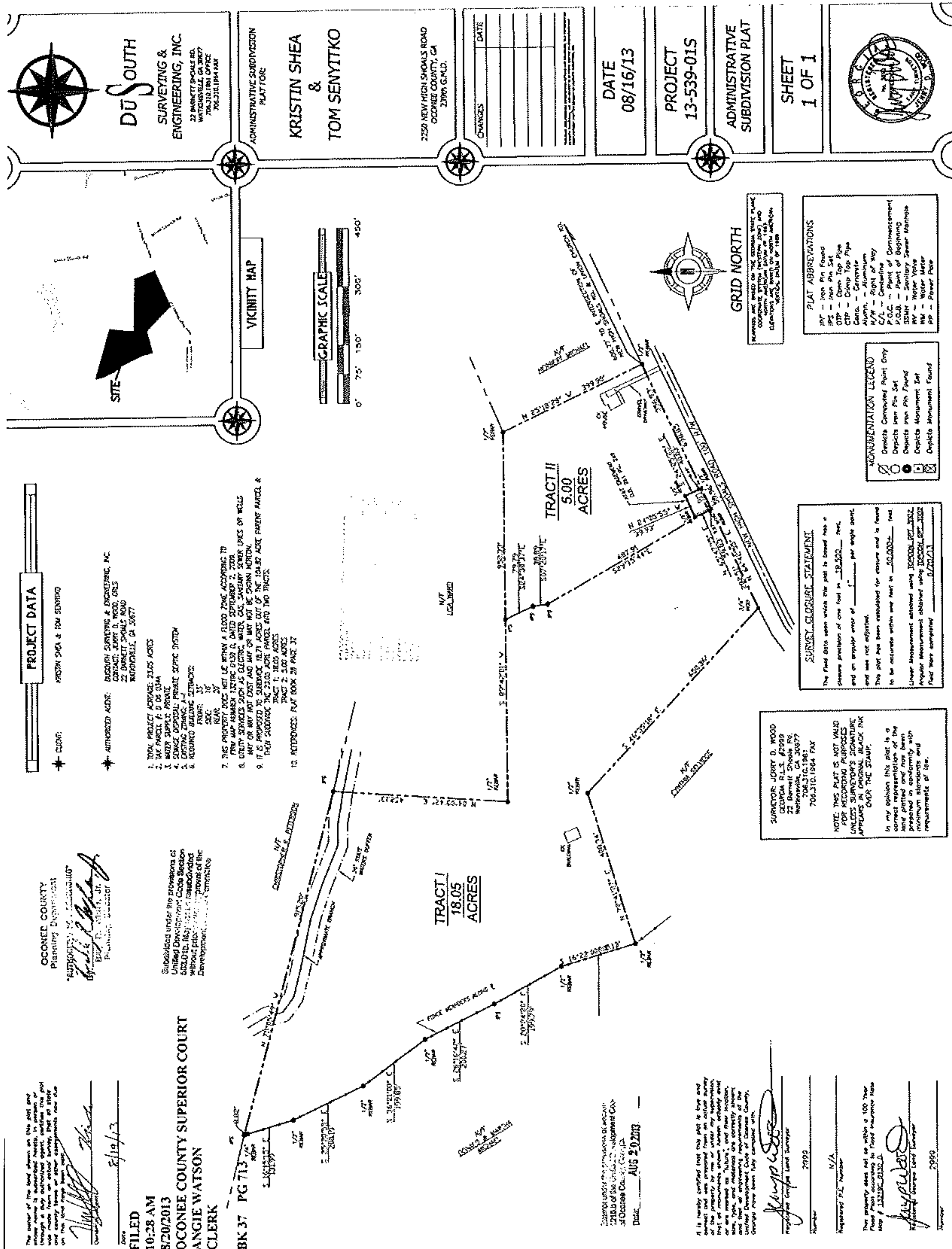
CONCLUSION

In this section include any additional information that you believe is relevant to the case.

None noted.

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PLAT



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

REZONE CASE #: P24-0011

DATE: March 6, 2024

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

APPLICANT NAMES: Thomas Senyitko and Kristin Shea

PROPERTY OWNER(S): Thomas Senyitko and Kristin Shea

LOCATION: 2300 and 2250 New High Shoals Rd.
Parcel number(s) B06 034A, B 06 034AB,
B06 034ATTEAS

PARCEL SIZE(s): ±23.11 acres

EXISTING ZONING: AG (Agricultural)

EXISTING LAND USES: Residential

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Country Estates

ACTION REQUESTED: Rezone the ±23.11 acre properties from AG (Agricultural) to AR-3 (Agricultural Residential Three Acres).

STAFF RECOMMENDATION: Staff recommends conditional approval of this request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: March 18, 2024

BOARD OF COMMISSIONERS: April 2, 2024

ATTACHMENTS: Application
Narrative
Zoning Impact Analysis
Plat of Survey
Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The two subject properties were zoned AG as part of the original zoning map adoption in 1968.
- There are existing residences on the two existing parcels built in 1970 and 2014 according to tax records.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Vacant/ Wooded	R-1 (Single Family Residential District)
SOUTH	Residential and Vacant	AG (Agricultural District), AR (Agricultural Residential) and OBP (Office-Business Park District)
EAST	Residential	AG (Agricultural District)
WEST	Residential	AG (Agricultural District)

PROPOSED DEVELOPMENT

- The request is to re-subdivide two lots to create five residential lots that exceed 3 acres.
- The proposed lot sizes range from 3.1 acres to 9.8 acres.
- Two of the proposed lots have existing single-family dwellings that will remain.
- According to the narrative, “Creating smaller additional parcels allows the owners to transfer land to family members equitably, without impacting the owner’s existing residence.”

PROPOSED TRAFFIC PROJECTIONS

- The concept plan indicated two lots will access New High Shoals Road. The creation of 3 additional lots does not require a traffic impact study. The applicant’s narrative indicated there will be no impacts to traffic.

PUBLIC FACILITIES

Water:

- The property is currently served by county water and future lots will also be served by county water.

Sewer:

- Oconee County Water Resource indicated no sewer is available for this property. The existing dwellings and all proposed dwellings will be served by on-site septic systems.

Roads:

- The property will be accessed by driveways that will connect to New High Shoals Road.

ENVIRONMENTAL

- The Concept Plan indicates there is no 100-year flood plain on the site. There are State Waters and wetlands present on the site.
- The concept plan indicates there will be no impacts to the wetlands or state waters areas.
- The site will have to meet the requirements of Article 9: Environmental Protection.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- No comments received as of 3-6-2024.

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- Reviewed with no comments

OCONEE COUNTY FIRE CHIEF

- Reviewed with no comments

OCONEE BOARD OF EDUCATION

- Reviewed with no comments
-

STAFF ANALYSIS

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.**
The proposed AR-3 zoning is consistent with the adjacent existing uses that have a mix of residential and agricultural uses. Staff analysis indicates that the proposed AR-3 zoning with the requirement for 3-acre minimum lot sizes would be suitable in view of the low-density development in the area.
- B. Whether the property to be rezoned has a reasonable economic use as currently zoned.**
The application indicates that all proposed lots will have a residential use. As currently zoned, the property has a reasonable economic use to continue as residential uses.
- 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 would be a small change in density from 0.08 to 0.21 dwellings per acre. There is no anticipated impact to schools from the rezoning request. Oconee County schools reviewed the request and determined it will have little to no impact. There are no anticipated impacts to streets or sewer. Water Resources has indicated there is capacity to serve the additional three dwellings.
 - ii. Environmental impact;**
The Concept Plan indicates there is no 100-year flood plain on the site. Wetlands and State Waters are present on the site. The concept plan indicates there will be no impacts to the wetlands or State Waters areas.
 - iii. Effect on the existing use, usability and/or value of adjoining property.**
All of the proposed lots will contain existing or future residential uses, thus there would be no impact to the usability or value of adjoining properties.
- 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.**
This criteria would not apply to the request as the properties are not currently vacant.
- E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**
Per the UDC, The Agricultural Residential Three Acre (AR-3) district is “intended to allow low rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development.” (Unified Development Code Sec. 205.02). The specific lots must be developed according to the proposed single-family residential uses in the application materials. Staff analysis indicates that the proposal for five (5) lots is consistent with the stated purpose of the Agricultural Residential Three Acre (AR-3) 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.**
There are no known existing or changing conditions or land use patterns affecting the use and development of the property.
- G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.**
The subject portion of the property lies within with the Country Estates character area, as shown on the 2040 Future Development Map. The Country Estates character area “provides a transition between the more rural

areas of the county and traditional suburban residential development and provides an “edge” between the urban and rural fringe.” The Comprehensive Plan supports AR-3 zoning in this Character Area. Staff finds the proposed AR-3 zone is in conformity with the Comprehensive Plan as the proposal will not exceed the recommend residential density and the exiting uses are compatible with the area.

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

It is likely that other AR-3 zoned properties exist in the county that would permit the requested low-density residential development. However, the proposed use and residential density of the subject property aligns with the Comprehensive Plan.

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 the request to rezone ± 23.11 acres to AR-3 (Agricultural Residential Three Acres 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, 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.
2. The proposed five lots shall be limited to a total of three (3) driveways accessing New High Shoals Road, with shared driveways being incorporated into the final design in general conformance with the Concept Plan dated 2-16-24. Shared driveway easements shall be shown on the plat as required and a 1-foot non-access easement shall be shown on lots fronting on New High Shoals Road except where there are shared driveway easements or existing driveways.
3. The location of the Ingress/Egress easement for the proposed lot 5 shall follow the existing drive or the drive shall be realigned to the easement. There shall be a 1-foot no access easement for lots 2 and 3 on the side bordering lot 4 unless the Private Access Drive standards are met (UDC Sec. 1012.07).
4. All dwelling units shall have facades that consist primarily of brick, stone, stucco, or lap siding consisting of painted wood lap or fiber cement board siding. No vinyl or metal siding shall be allowed. Each single-family detached unit shall include at least a 2-car garage.

SITE PICTURES



Existing Residence at 2300 New High Shoals Road



ATT Utility easement area



Rezone # P24-0011 - Kristin Shea & Thomas Senyitko

Parcel #
B-06-034A
B-06-034AB
B-06-034ATTEAS

B-06-034A

B-06-034AB

B-06-034ATTEAS

Union Church Rd

New Shoals Rd

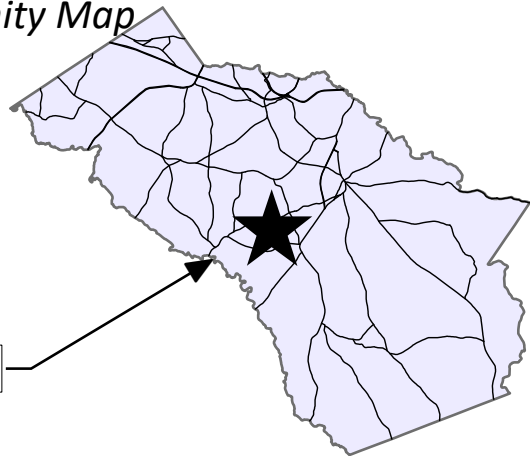
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0 280 560 1,120 1,680 2,240

Feet

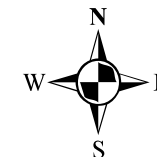


Vicinity Map



Site

Oconee County Planning Department



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

0 165 330 660 990 1,320 Feet

Character Areas Map - 2023 Joint Comprehensive Plan

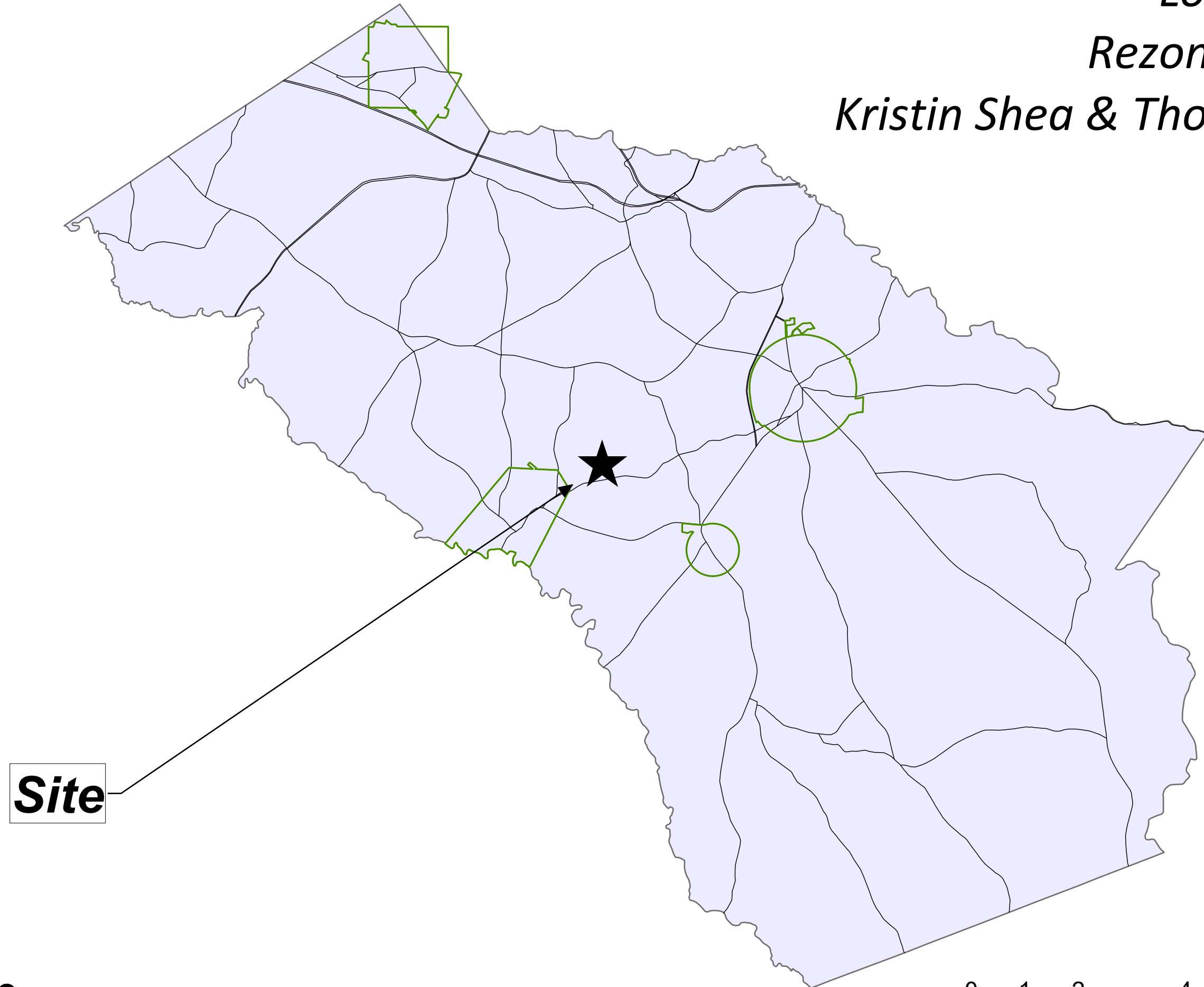
Suburban Neighborhood

**Country
Estates**

**Neighborhood
Village**

Parks/Recreation/Conservation

*Location Map -
Rezone # P24-0011
Kristin Shea & Thomas Senyitko*

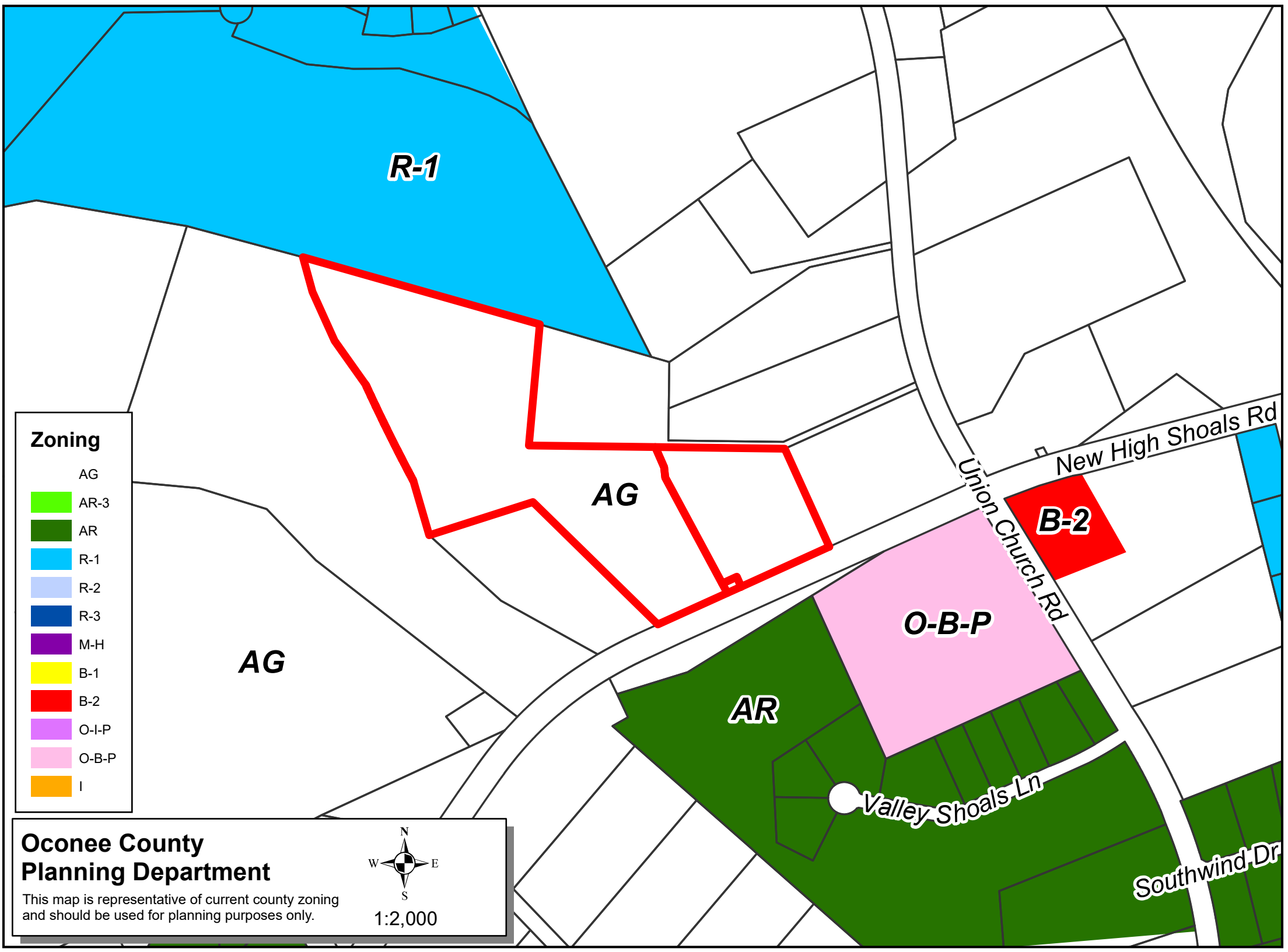


Site

1:120,000

0 1 2 4 6 8 Miles





Zoning

- AG
- AR-3
- AR
- R-1
- R-2
- R-3
- M-H
- B-1
- B-2
- O-I-P
- O-B-P
- I

Oconee County Planning Department

This map is representative of current county zoning
and should be used for planning purposes only.



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