

**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 John & Donna Washington submitted on January 12, 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 John & Donna Washington on January 12, 2024, requesting a rezone of a ±4.83-acre tract of land located at 5671 Hog Mountain Road in, Oconee County, Georgia, (tax parcel no. A-03-013A), 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 2<sup>nd</sup> 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.

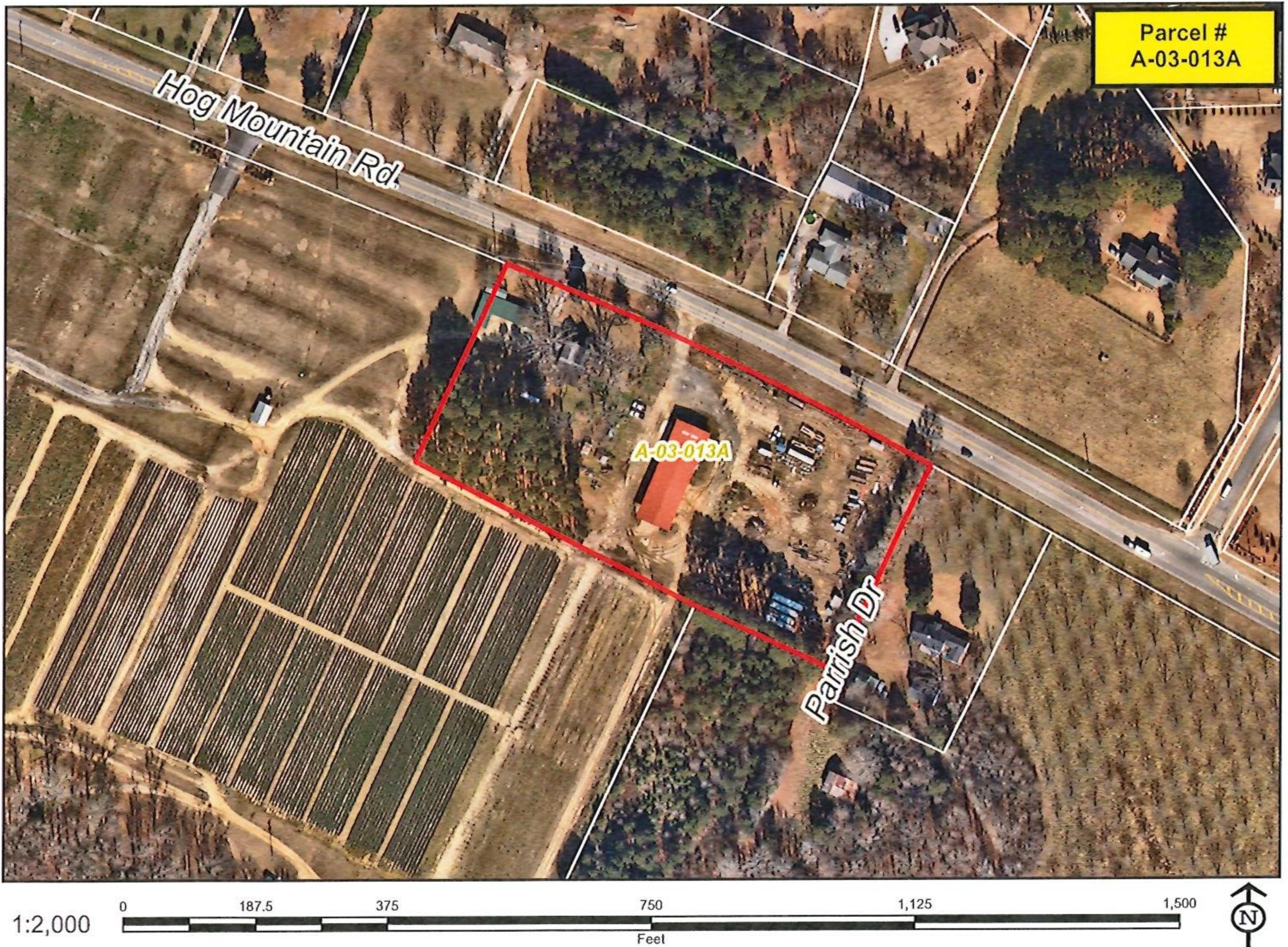


EXHIBIT "A" TO REZONE NO P24-0010

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TAX MAP

Rezone # P24-0010 - John & Donna Washington





# EXHIBIT "A" TO REZONE NO P24-0010

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## LEGAL DESCRIPTION

All that tract or parcel of land, containing 61.843 acres, more or less, situate, lying and being on the southwesterly side of Georgia Highway 53 and on the southeasterly side of Moores Ford Road, same being a corner tract, in the 224<sup>th</sup> G.M.D., Oconee County, Georgia, being more fully described by a plat thereof entitled "Survey for Leonard F. Cobb" by Ben McLeroy and Associates, Surveyors, dated May 20, 1999, recorded in Plat Book 30, page 227, in the Office of Clerk of the Superior Court of Oconee County, Georgia, which plat is hereby incorporated into this description by reference and made a part hereof; being more particularly described, according to said plat, as follows:

BEGINNING at an iron pin in the southeasterly intersection of Georgia Highway 53 and Moores Ford Road; running thence along Georgia Highway 53 the following courses and distances: south 62 degrees 52 minutes 09 seconds east 49.57 feet to a point, a chord measurement of south 65 degrees 11 minutes 05 seconds east 288.91 feet to a point and south 67 degrees 30 minutes 01 second east 665.32 feet to an iron pin; running thence along the boundary of lands now or formerly of E. W. Whitehead, et al south 25 degrees 39 minutes 59 seconds west 309.32 feet to an iron pin and south 64 degrees 20 minutes 01 second east 447.80 feet to an iron pin; running thence along the boundary of lands now or formerly of Robert Alan Parrish, et al south 25 degrees 39 minutes 59 seconds west 1,947.37 feet to an iron pin; running thence along the boundary of lands now or formerly of The University of Georgia north 48 degrees 45 minutes 17 seconds west 1,012.19 feet to an iron pin; running thence along the boundary of lands now or

formerly of Lonnie Jones, et al north 06 degrees 42 minutes 32 seconds west 794.71 feet to an iron pin on the southeasterly side of Moores Ford Road; running thence along Moores Ford Road the following courses and distances: north 12 degrees 53 minutes 20 seconds east 185.59 feet to a point, a chord measurement of north 17 degrees 29 minutes 18 seconds east 284.62 feet to a point, a chord measurement of north 26 degrees 02 minutes 37 seconds east 332.27 feet to a point and north 29 degrees 59 minutes 59 seconds east 470.48 feet to the beginning iron pin.



# **EXHIBIT “A” TO REZONE NO P24-0010**

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## **NARRATIVE**

### **Narrative for Rezone**

John and Donna Washington  
5671 Hog Mountain Rd.  
Bogart, GA 30622

#### **Introduction:**

For insurance purposes, we want to separate out the farming portion of our property (the area where our farm shop and farming equipment are located) from the property our home is on to make it part of our adjoining farm property. Both parcels' current zoning is AG. The request is to change the zoning of the home portion of the property to AR. It does not touch any property other than our adjoining farm property. The property that the shop and farm equipment are on is already zoned AG and will not need to be rezoned. The existing use is residential. The proposed use is residential.

Address: 5671 Hog Mountain Rd. Bogart, GA 30622  
Residential home property – A-03-013A (2.000 acres)  
Adjoining farm property – A-03-013B (2.852 acres)  
Total Acreage – 4.825 acres

#### **Adjacent Properties:**

All adjacent properties are currently zoned AG and are used for agriculture.

#### **Development Details:**

No development is involved.

#### **Architecture:**

No new structures are proposed.

#### **Access and Traffic:**

The property will be accessed by an existing driveway. No changes will be made to the driveway or access to the road.

#### **Water and Sewer:**

No changes will be made to the water supply. City water and septic system are currently in use.

#### **Utilities:**

No changes are proposed. Current utilities: Electric through Walton EMC, trash through Curbside, Internet/Cable through Spectrum.

#### **Stormwater Drainage:**

No changes will be made in topography affecting stormwater drainage.

#### **Schools:**

No impact on Oconee County School System.

#### **Landscaping:**

No changes will be made to the landscaping.

#### **Schedule:**

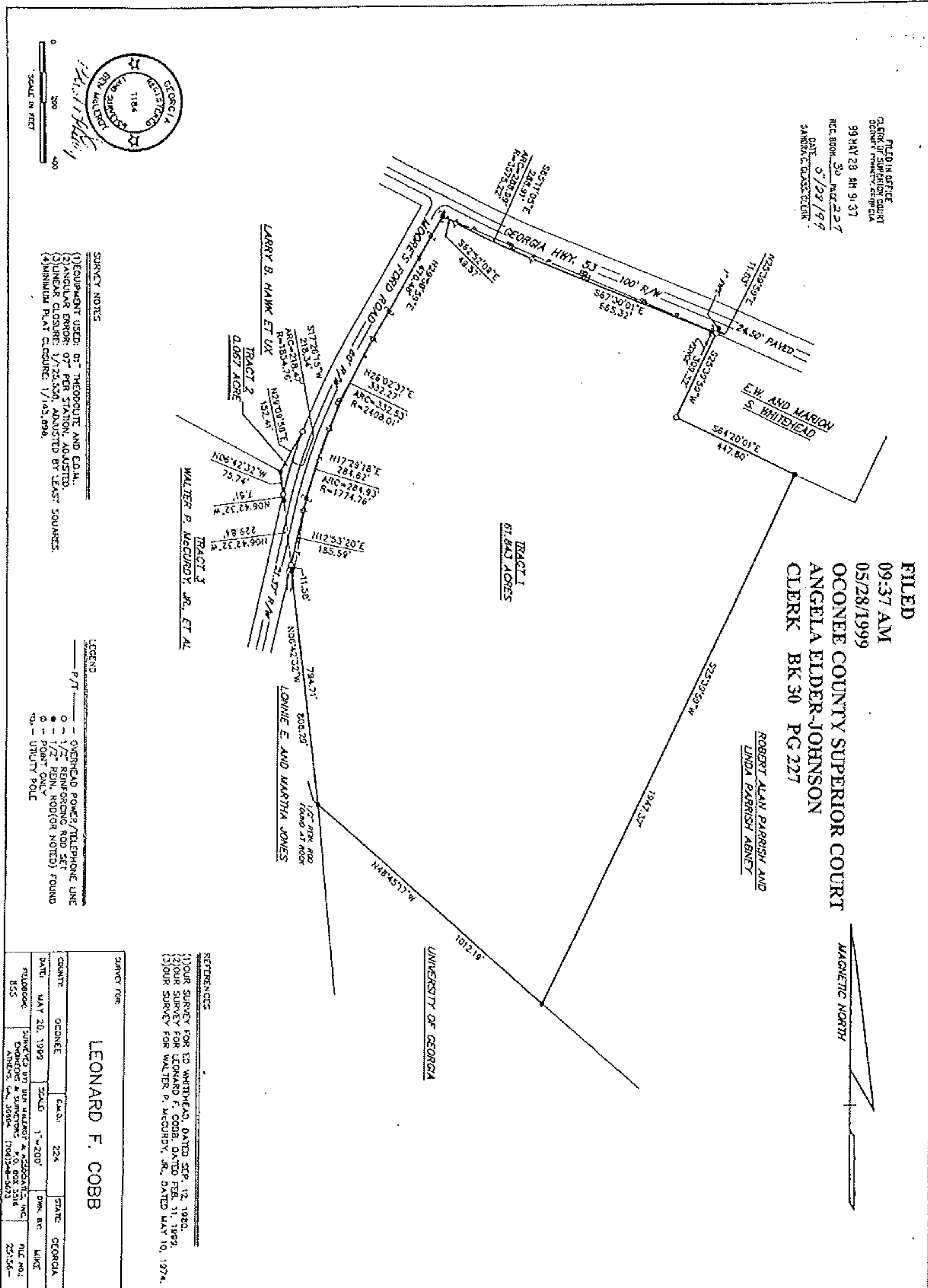
Survey has already been completed meeting county and state requirements.



# EXHIBIT "A" TO REZONE NO P24-0010

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## PLAT



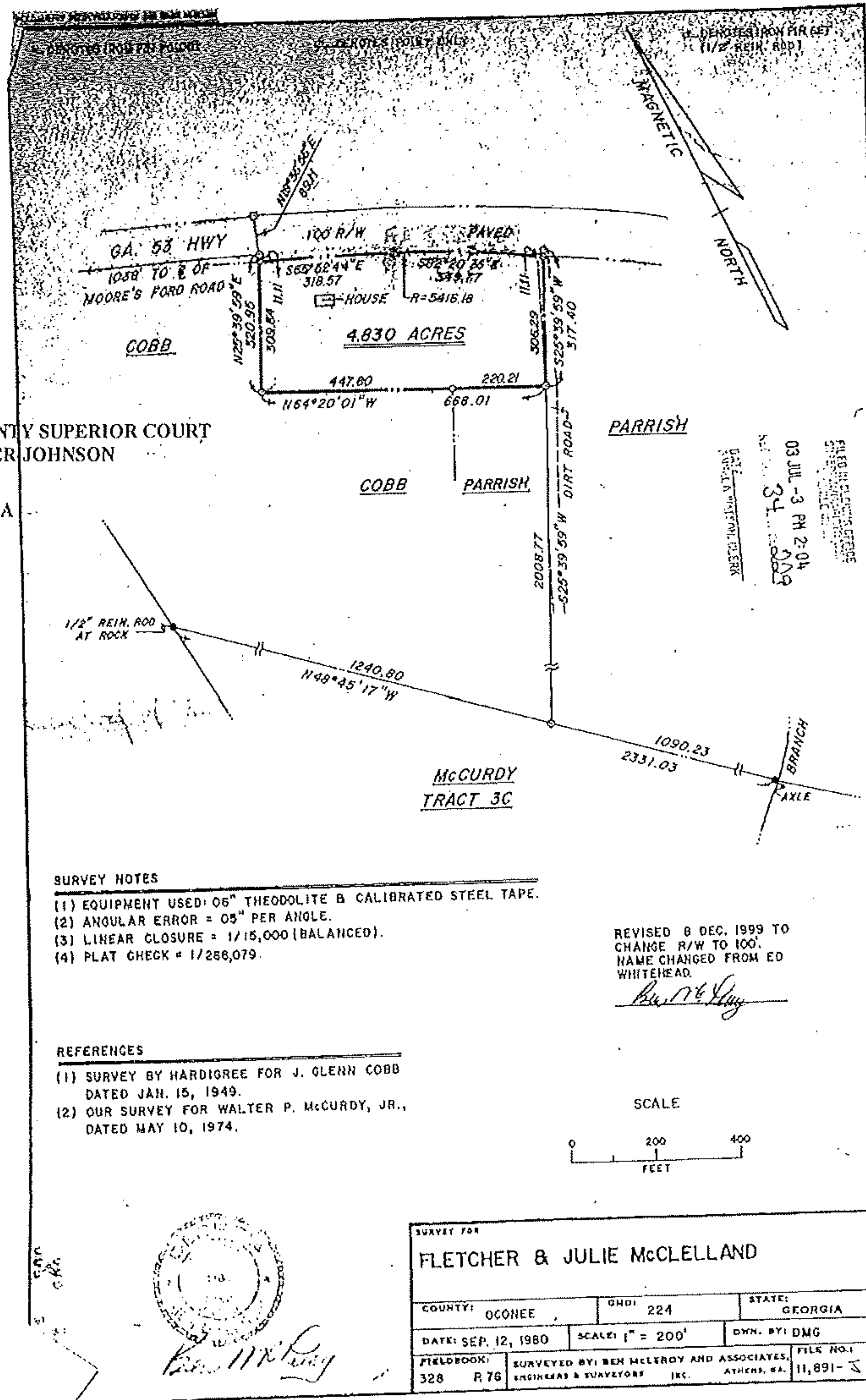


## EXHIBIT "A" TO REZONE NO P24-0010

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## PLAT

FILED  
02:04 PM  
07/03/2003  
OCONEE COUNTY SUPERIOR COURT  
ANGELA ELDER JOHNSON  
CLERK  
BK 34 PG 229A





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00680  
00729

0007221

0-00729

CG-2-3 Feb 24

680 729

7303

ROBERT J. TRUFF  
ATTORNEY AT LAW  
P. O. BOX 162  
WATKINSVILLE, GA 30677

OCONEE COUNTY, GEORGIA  
Real Estate Transfer Tax  
Paid \$ 21.00  
Date May 3, 2012  
John L. Davis assessor

## WARRANTY DEED

STATE OF GEORGIA

COUNTY OF O C O N E E.

THIS INDENTURE, Made this 2nd day of July, in the  
year two thousand three, ( 2003 ) between \_\_\_\_\_

FLETCHER McCLELLAND and JULIE B.C. McCLELLAND

of the County of Oconee, State of Georgia, as party  
or parties of the first part, hereinafter called "Grantor" and  
JOHN G. WASHINGTON and DONNA A. WASHINGTON

County of Oconee, State of Georgia, as party or parties of the second part, hereinafter called "Grantee", (the terms Grantor and Grantee to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION----- (\$ 10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

All that tract or parcel of land, together with all improvements thereon, containing 3.812 acres, more or less, situate, lying and being on the southeasterly side of Georgia Highway 12 s/w/4-3ng Xenia land, in the 22dth S.W., Oconee County, Georgia, being more fully described by a plat thereof entitled "Survey for Platted & John McCallister" by Tom Zellwag and Associates, Surveyors, dated September 12, 1918, certified December 8, 1919, recorded as Plat Book 34, page 206, in the Office of Clerk of Superior Court of Oconee County, Georgia, which plat is hereby incorporated into this description by reference and made a part hereof; being more particularly described, according to said plat, as follows:

To reach the true point of beginning, begin at an iron pin on the southwesterly side of Hog Mountain Road 1034 feet northerly of the centerline of Moore Ford Road, as measured along the southwesterly side of Hog Mountain Road; run thence south 25 degrees 39 minutes 53 seconds west 11.51 feet to a point on the southwesterly right-of-way of Hog Mountain Road which is the TRUE point OF BEGINNING; running thence along the southwesterly right-of-way of Hog Mountain Road south 65 degrees 53 minutes 11 seconds east 311.57 feet to a point 255 yards 62 degrees 24 minutes 26 seconds east 311.17 feet to a point; running thence along the boundary of lands now or formerly of Parlin south 25 degrees 39 minutes 39 seconds west 116.25 feet to an iron pin; running thence along the boundary of lands now or formerly of Cobb north 64 degrees 24 minutes 11 seconds west 444.81 feet to an iron pin and north 25 degrees 39 minutes 39 seconds west 311.44 feet to the point of beginning.

This being the site properly conveyed to Florence McLelland and Julia W. C. McLelland by Marisa E. Whitehead by Warranty Deed dated September 26, 1911, recorded in Deed Book 317, page 267, in said Clerk's Office. The improvements upon said property being known as 3111 Ray Mountain Road, according to the present system of numbering for (Kathlesville) Oconee County, Georgia.

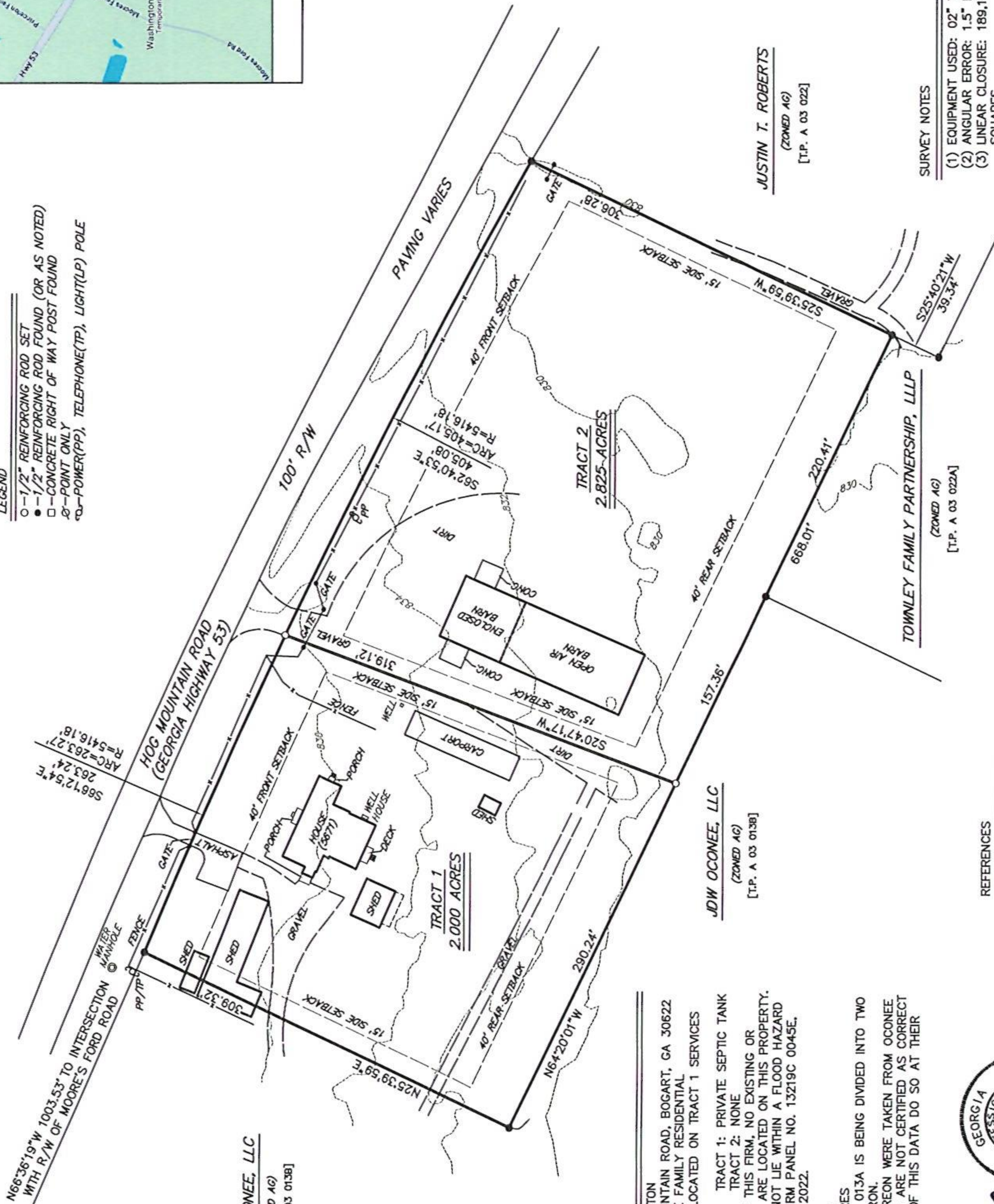


**CONCEPT PLAN**





- LEGEND
- 1/2" REINFORCING ROD SET
  - 1/2" REINFORCING ROD FOUND (OR AS NOTED)
  - CONCRETE RIGHT OF WAY POST FOUND
  - ⊗ POINT ONLY
  - ⊕ POWER(PP), TELEPHONE(TP), LIGHT(LP) POLE



JDW O'CONNOR, LLC  
(ZONED AG)  
[T.P. A 03 0138]

JDW O'CONNOR, LLC  
(ZONED AG)  
[T.P. A 03 0138]

JUSTIN T. ROBERTS  
(ZONED AG)  
[T.P. A 03 022]

SURVEY NOTES

- (1) EQUIPMENT USED: 02" THEODOLITE AND E.D.M.
- (2) ANGULAR ERROR: 1.5" PER STATION ADJUSTED
- (3) LINEAR CLOSURE: 189.1554, BALANCED BY LEAST SQUARES
- (4) MINIMUM PLAT CLOSURE: 1/247.073

REFERENCES

- (1) BEN MCLEROY SURVEY FOR FLETCHER & JULIE MCLELAND, DATED SEPT. 12, 1980
- (2) BEN MCLEROY SURVEY FOR LEONARD F. COBB, DATED MAY 20, 1999
- (3) PLAT BOOK 2018, PAGE 52
- (4) DEED BOOK 680, PAGE 729

SURVEY NOTES

- (1) OWNER: JOHN WASHINGTON  
5671 HOG MOUNTAIN ROAD, BOGART, GA 30622
- (2) PROPOSED USE: SINGLE FAMILY RESIDENTIAL
- (3) WATER SUPPLY: WELL LOCATED ON TRACT 1 SERVICES BOTH TRACTS.
- (4) SEWERAGE DISPOSAL: TRACT 1: PRIVATE SEPTIC TANK  
TRACT 2: NONE
- (5) TO THE KNOWLEDGE OF THIS FIRM, NO EXISTING OR ABANDONED LANDFILLS ARE LOCATED ON THIS PROPERTY.
- (6) THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO FIRM PANEL NO. 13219C 0045E, DATED SEPTEMBER 15, 2022.
- (7) CURRENT ZONING: AG  
PROPOSED ZONING: AR
- (8) TOTAL AREA: 4.825 ACRES
- (9) TAX PARCEL NO. A 03 013A IS BEING DIVIDED INTO TWO TRACTS AS SHOWN HEREON.
- (10) CONTOURS SHOWN HEREON WERE TAKEN FROM O'CONNOR COUNTY GIS MAPS AND ARE NOT CERTIFIED AS CORRECT BY THIS FIRM. USERS OF THIS DATA DO SO AT THEIR OWN RISK.



REVISED DECEMBER 13, 2023 TO LOCATE CARPORT AND MOVE PROPOSED DIVIDING LINE.  
REVISED FEBRUARY 2, 2022 TO ADDRESS COMMENTS.

|                              |              |              |  |
|------------------------------|--------------|--------------|--|
| CONCEPT PLAN FOR REZONE FOR: |              |              |  |
| JOHN WASHINGTON              |              |              |  |
| COUNTY:                      | O'CONNOR     | G.M.D.:      | 224                                      |
| DATE:                        | MAY 27, 2022 | SCALE:       | 1"=60'                                   |
| FIELDBOOK:                   | 1036         | SURVEYED BY: | TRADITIONS SURVEYING LLC                 |
|                              |              |              | 140 MILL CENTER BLVD. ATLANTA, GA 30308  |
|                              |              |              | LAND SURVEYOR FIRM LICENSE NO. L39001277 |
|                              |              | STATE:       | GEORGIA                                  |
|                              |              | DRAWN BY:    | JESSI                                    |
|                              |              | FILE NO.:    | 38382-                                   |







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

**REZONE CASE #:** P24-0010

**DATE:** March 6, 2024

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

**APPLICANT NAME:** John Washington

**PROPERTY OWNER(S):** John and Donna Washington

**LOCATION:** 5671 Hog Mountain Road  
Parcel number A 03 013A

**PARCEL SIZE(s):** ±4.83 acres

**EXISTING ZONING:** AG (Agricultural)

**EXISTING LAND USES:** Residential/ Agricultural

**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Country Estates

**ACTION REQUESTED:** Rezone the ±4.83 acre property from AG (Agricultural) to AR (Agricultural Residential).

**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 subject property was zoned AG as part of the original zoning map adoption in 1968.
- There is an existing residence with barns and various outbuildings associated with Washington Farms.
- The residence was constructed in 1915 according to tax records.
- The owners have a bona fide farm on the adjacent property.

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

|              | <b>EXISTING LAND USES</b> | <b>EXISTING ZONING</b>        |
|--------------|---------------------------|-------------------------------|
| <b>NORTH</b> | Residential               | AG (Agricultural District)    |
| <b>SOUTH</b> | Agricultural              | AG (Agricultural District)    |
| <b>EAST</b>  | Residential/ Agricultural | AR (Agricultural Residential) |
| <b>WEST</b>  | Agricultural              | AG (Agricultural District)    |

### **PROPOSED DEVELOPMENT**

- The request is a proposed rezoning from AG to AR to create two lots on 4.83 acres.
- The two lots are proposed be 2.0 and 2.83 acres.
- One of the proposed lots contains barns that are part of a bona fide farm operation (Washington Farms).
- There are no anticipated changes to the residential and farm uses of the two proposed lots.
- As one of the lots will retain its agricultural use, the residential density will remain at the existing 1 unit per 4.83 acres.

### **PROPOSED TRAFFIC PROJECTIONS**

- No changes are proposed to the driveway and no additional structures are proposed to be constructed that would change the traffic pattern.

### **PUBLIC FACILITIES**

#### **Water:**

- The property is currently served by county water and no additional residences are proposed.

#### **Sewer:**

- The property is currently served by an on-site septic system and no additional residences are proposed.

#### **Roads:**

- The property will be accessed by an existing driveway that connects to Hog Mountain Road. No changes will be made to the driveway or access to the road.

### **ENVIRONMENTAL**

- The Concept Plan indicates there is no 100-year flood plain or jurisdictional wetlands on the site.

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

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

- Reviewed with no comments

### **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



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## **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 zoning is consistent with the adjacent existing uses that have a mix of residential and agricultural uses. Staff analysis indicates that the proposed AR zoning with the requirement for 2-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 there will be no change in use and no additional residential buildings will be constructed. As currently zoned, the property has a reasonable economic use to continue as a residence with associated agricultural buildings.
- 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 are no plans indicated to expand the buildings on the site. There would be no increase in population density. 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, water or sewer.
  - ii. Environmental impact;**  
The Concept Plan indicates there is no 100-year flood plain or jurisdictional wetlands on the site. There are no plans indicated to expand the buildings on the site, so no stormwater impacts are anticipated.
  - iii. Effect on the existing use, usability and/or value of adjoining property.**  
There is no proposed change of use or additional construction anticipated, 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 property is 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 (AR) district is 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). The specific lots must be developed according to the existing single-family residential and agricultural uses. Staff analysis indicates that the requested two lots, with one lot being for agricultural use, is consistent with the stated purpose of the Agricultural Residential (AR) 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.**  
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. As one of



the lots will retain its agricultural use, the residential density will remain at the existing 1 unit per 4.83 acres. This will not exceed the recommend residential density of 1 dwelling unit per 3 acres. Staff finds the proposed AR 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-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 ±4.83 acres to AR (Agricultural District) 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.



SITE PICTURES





# Rezone # P24-0010 - John & Donna Washington

Parcel #  
A-03-013A

Hog Mountain Rd.

A-03-013A

Parish Dr

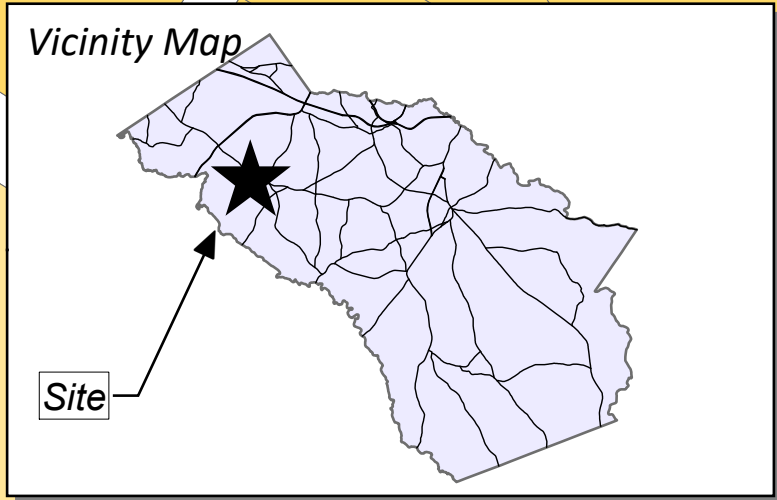
1:2,000

0 187.5 375 750 1,125 1,500

Feet







**Oconee County  
Planning Department**

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

0 120 240 480 720 960 Feet

A north arrow is located in the top right corner, pointing upwards with 'N' at the top, 'S' at the bottom, 'E' to the right, and 'W' to the left. Below the north arrow is a scale bar with markings at 0, 120, 240, 480, 720, and 960 feet.

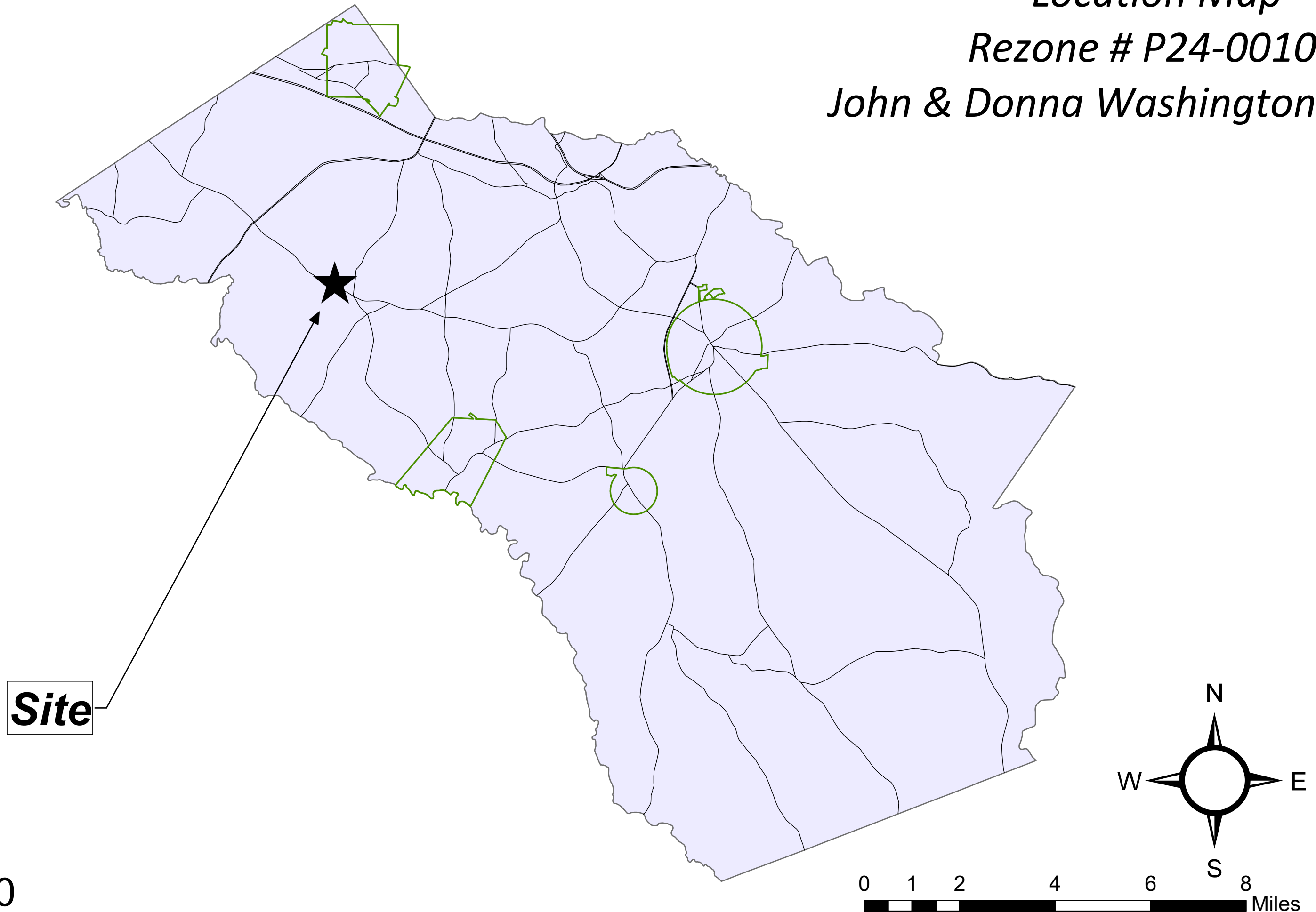
**Character Areas Map -  
2023 Joint Comprehensive Plan**

**Suburban Neighborhood**

**Country  
Estates**

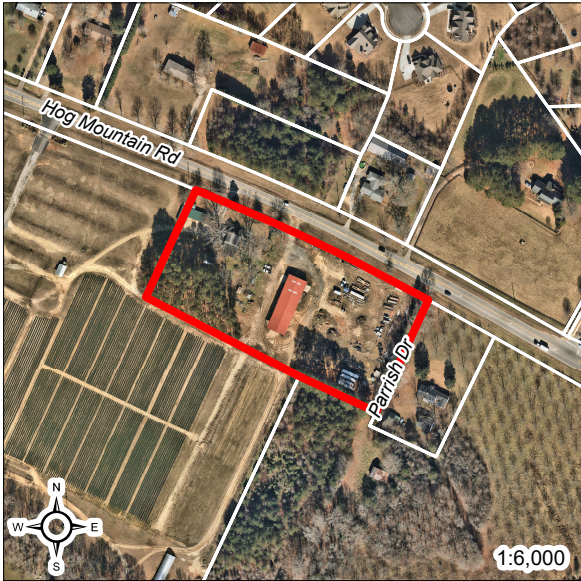


*Location Map -  
Rezone # P24-0010  
John & Donna Washington*



1:120,000





Hog Mountain Rd

Parrish Dr



1:6,000



**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.

1:2,000

