

**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 AR (Agricultural Residential District) to zoning classification AG (Agricultural District) and revise the conditions for a previously approved rezone case #5490 pursuant to an application for rezoning of property owned by Arryss Wagner submitted on May 20, 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 Arryss Wagner on May 20, 2024, requesting a rezone of a ±13.06-acre tract of land located at 1195 Old Barnett Shoals Road in Oconee County, Georgia, (tax parcel no. D-02-025HA), 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 August 19, 2024, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on September 10, 2024.

ADOPTED AND APPROVED, this 10th of September, 2024.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: John Daniell

John Daniell, Chairman

Mark Thomas

Mark Thomas, Member

Chuck Horton

Chuck Horton, Member

Amrey Harden

Amrey Harden, Member

Mark Saxon

Mark Saxon, Member

ATTEST:

Holly Stephenson

Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO REZONE NO P24-0099

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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.

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TAX MAP

Rezone # P24-0099 - Arryss Wagner

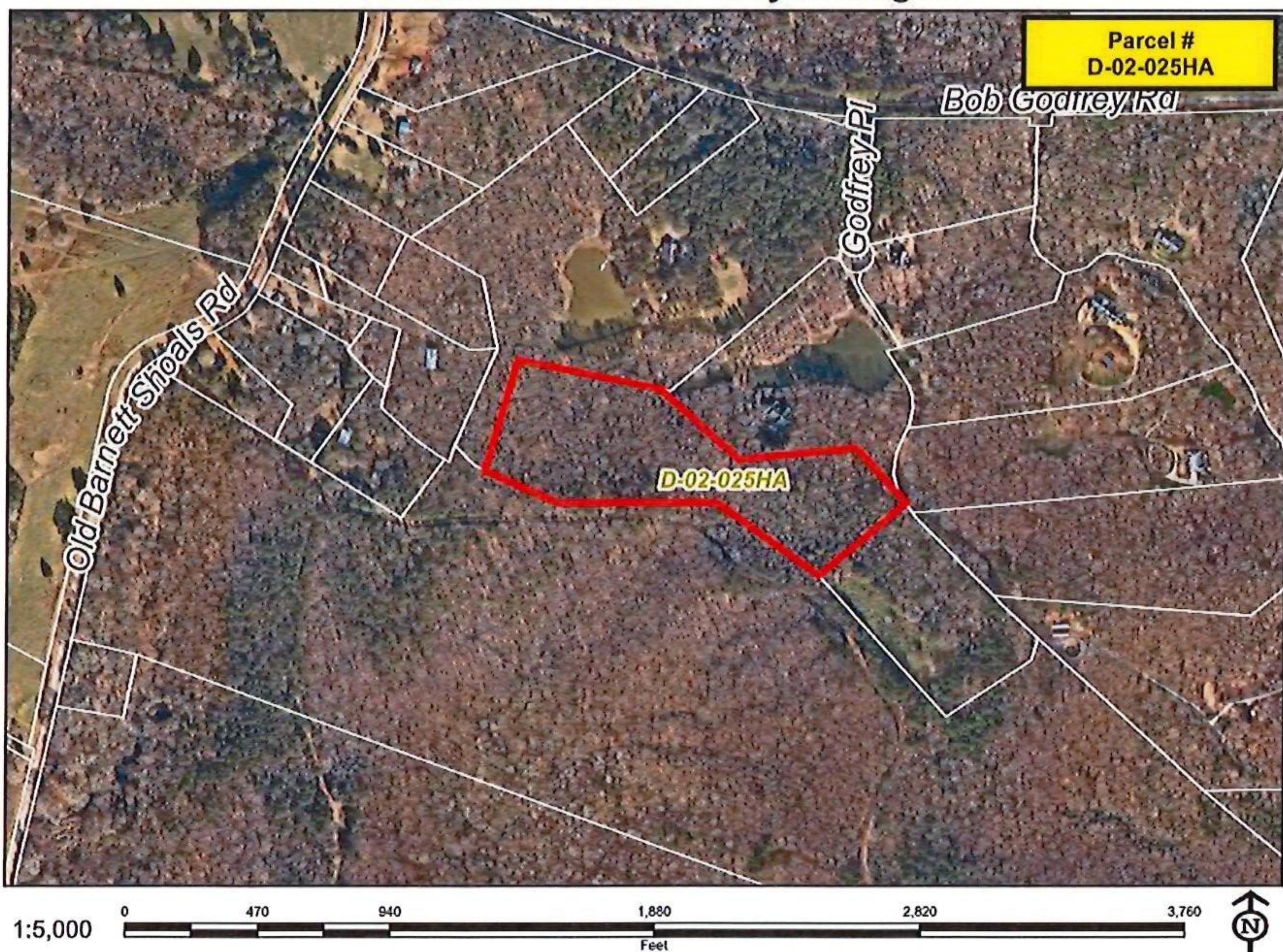


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LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND containing 14.74 acres, more or less, situate, lying and being easterly of the Old Barnett Shoals Road in the 225th District, G.M., Oconee County, Georgia; being particularly described on a plat entitled "Survey for Bill Self," dated December 15, 1986, recorded at Plat Book 13, page 82, in the office of the Clerk of Superior Court of Oconee County, Georgia; and being bounded now or formerly and generally as follows: southerly by centerline of a private road; westerly by land of Kettle and Doster; northerly by land of Polk and land of Bannister; and easterly by land of Self.

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NARRATIVE

Narrative Statement

Introduction

New owners have inherited 1195 Old Barnett Shoals Rd, Tax Parcel D 02 025HA, and want to build their personal home on it. This property is 13.06 acres according to the recorded plat.

This property is currently zoned AR with 17 special conditions. New owners are asking to reduce the zoning to AG, which will remove the 17 special conditions currently associated with the current AR zoning.

This property was previously part of a master rezone (5490) for a large subdivision that was voted on and approved on August 7th, 2007. With the approval of this rezone, 17 special conditions were tied to the development. Since 2007, there have been no apparent moves toward completing the proposed development. New owners have no intention of following through on the proposed development from 2007. Thus, this reduction in zoning will remove all conditions pertaining to this property, as it is virtually impossible to adhere to them without owning the adjoining properties that were originally part of the rezone.

Adjacent Properties

- East- Parcel D 02 025H, Zoned AR, Vacant Timberland
- South- Parcel D 02 029, Zoned AR, Vacant Timberland
- West and Northwest- Parcel D 02 025I, Zoned AG, Single family home built in 1992 and Timberland
- North- Parcel D 02E 009, Zoned AG, Single family home built in 2001 and Timberland.

Development Details

New owners are building a single family home on their 13.06 acres of timberland. The home and land will be valued at around \$1,400,000.

Architecture

2-Story Traditional home with 3,054 sq ft of living space, 5 bedrooms and 4 bathrooms.

Access and Traffic

There is a private gated drive that is accessible from Old Barnett Shoals Road that allows the new owners access to their property. They will make 4-6 trips a day for work and shopping.

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NARRATIVE

Water and Sewer

The new owners will have a private well for their water, and will have a chamber septic system, because city water and sewer are not available in that area.

Stormwater Drainage

There is no sewer access, resulting in no stormwater drainage applicable.

Schools

New owners already reside in Oconee County, and their three children are enrolled in Oconee County Schools. There will be no change or impact on the school system.

Landscaping

Clearing 1.8 acres of timberland to build a single-family home on, and for the driveway.

Schedule

Once the parcel has been rezoned to AG from the current AR zoning, the current special conditions will be removed as a result. Then this will allow the building permit to be approved, and the new owners will have their home built in about 8 months.

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REPRESENTATIVE PHOTOS

Traditional Plan 699-000060

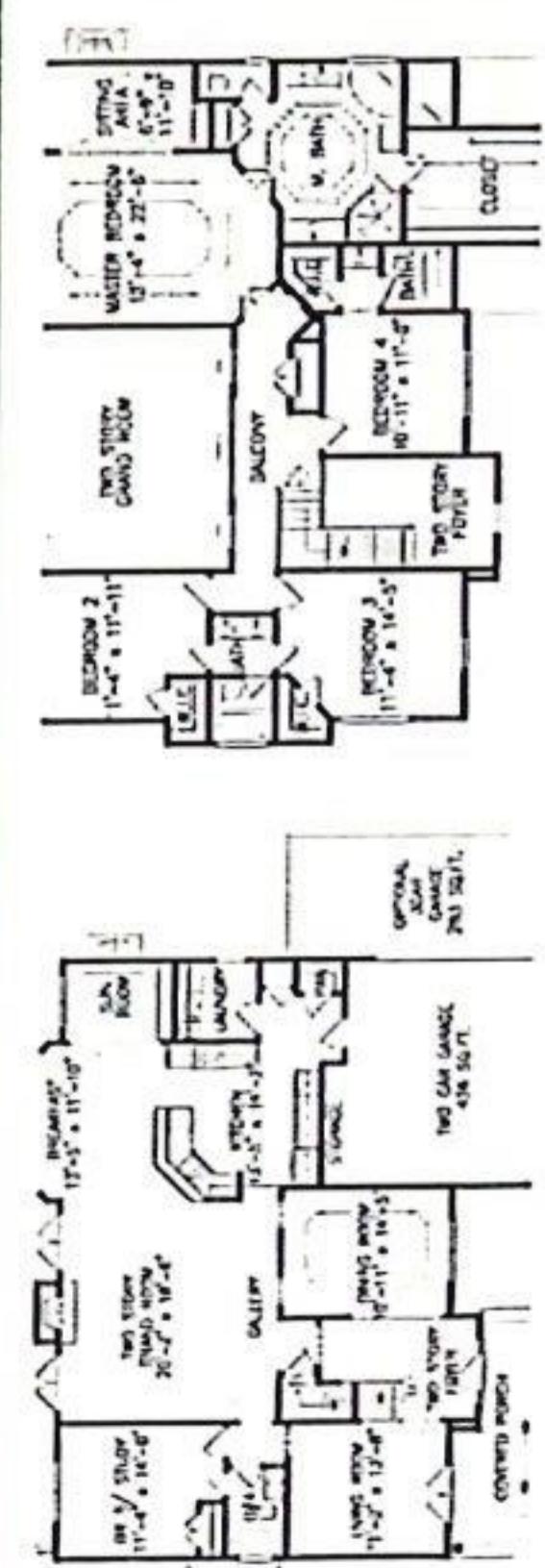
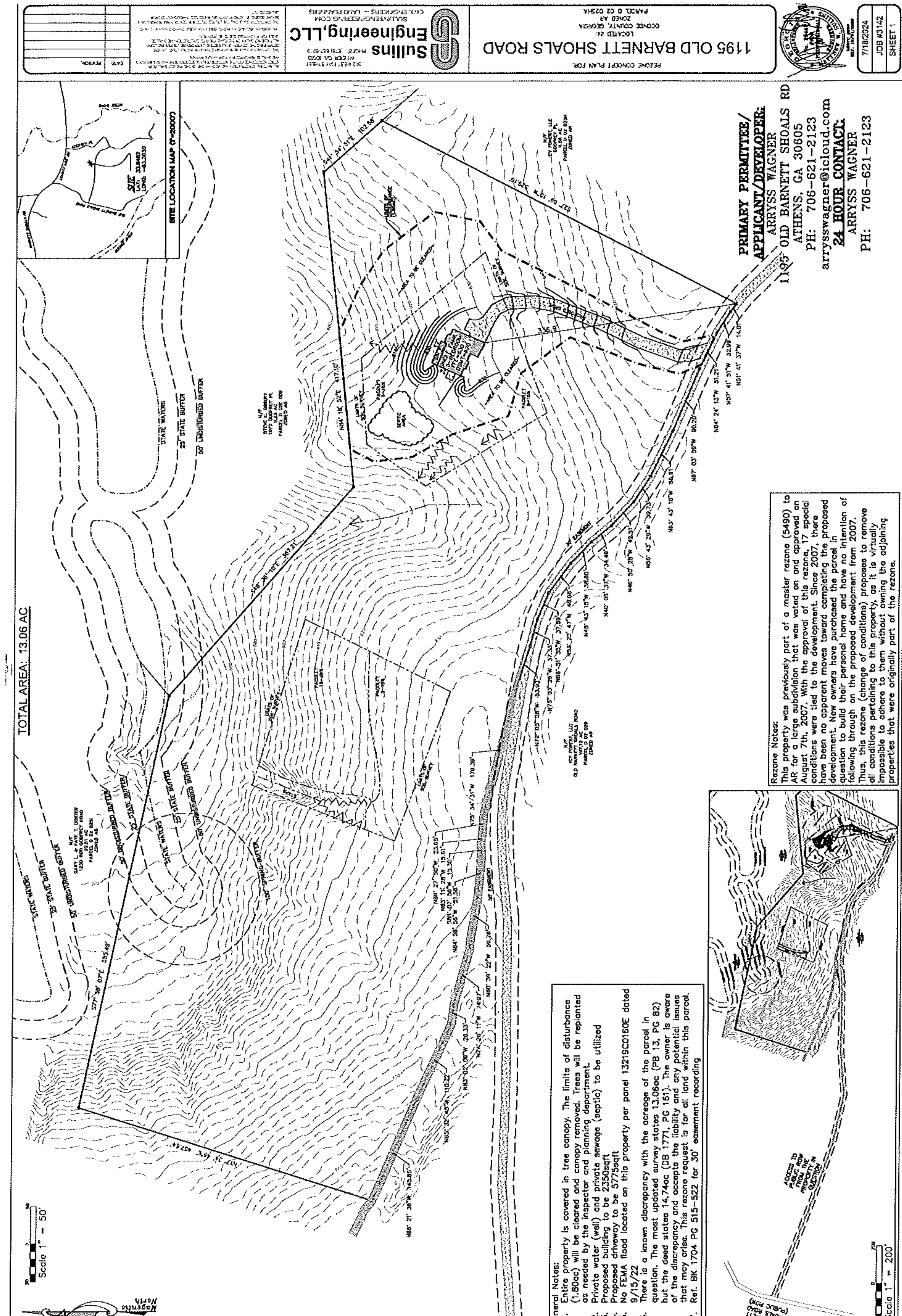


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PLAT





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

REZONE CASE #: P24-0099

DATE: August 7, 2024

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

APPLICANT NAMES: Arryss Wagner

PROPERTY OWNER(S): Arryss Wagner

LOCATION: 1195 Old Barnett Shoals Rd
Parcel number: D 02 025HA

PARCEL SIZE(s): ±13.06 acres

EXISTING ZONING: AR (Agricultural Residential)



EXISTING LAND USES: Vacant

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Agricultural Preservation

ACTION REQUESTED: Rezone the ±13.06 acre property from AR to AG (Agricultural) and modify conditions of approval of the previous AR zoning case #5490

STAFF RECOMMENDATION: Staff recommends conditional approval of this request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: August 19, 2024

BOARD OF COMMISSIONERS: September 10, 2024

ATTACHMENTS:

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

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property (13.06 acres) was part of a 284-acre rezoning, case #5490, to AR-1 approved August 7, 2007. At that time, the applicant proposed a 196-lot single family subdivision.
- As a condition of rezoning, the developer at the time was required to improve Old Barnett Shoals Road to current standards and extend a public water line 1.7 miles, with the line crossing the Oconee River.
- No construction plans were approved for the proposed “Old Barnett Estates” subdivision and no road or utility improvements were made after the rezoning approval. The subject property is an existing lot that was created out a will division. A plat was recorded in Plat Book 13, page 82 on January 28, 1987. The parcel existed prior to the adoption of the UDC in 2006.
- A revised survey was filed in Plat Book 2022, page 80 on June 3, 2022.
- The Board of Commissioners approved the down zoning of another property (parcel D 02 029A) in the original AR zoning for “Old Barnett Estates” to AG zoning on March 5, 2024, case P23-0286. The rezoning of the Rancho Tesoros, LLC property, parcel D 020 029A, to AG removed 68.34 acres of the original 284-acre project.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Residential	AG (Agricultural District)
SOUTH	Vacant	AR (Agricultural Residential District)
EAST	Residential	AG (Agricultural District)
WEST	Residential	AG (Agricultural District)

PROPOSED DEVELOPMENT

- The request is a proposed rezoning to AG and to remove the previous conditions of approval of the AR zoning case #5490.
- The applicant is proposing to construct a single-family dwelling on the property and not to change the current property size.

PROPOSED TRAFFIC PROJECTIONS

- The narrative indicates that up to 6 trips per day will be generated.

PUBLIC FACILITIES

Water:

- The applicant proposes water supply via an individual private well.

Sewer:

- The applicant proposes an individual on-site septic system.

Roads:

- The project proposes accessing the existing Old Barnett Shoals Road via an easement for a shared private driveway. The access easement is recorded in Deed Book 1704, pages 515-522.

Environmental:

- The Concept Plan indicates there are state waters on the site, but no 100-year flood plain areas or wetlands.

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

- No comments received as of 8-7-2024

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 zoning is consistent with the adjacent AG zoning. There is no apparent conflict with adjacent uses. Staff analysis indicates that the proposed AG zoning with the requirement for 5-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 development proposed for 196 lots with AR zoning has not moved forward in the 17 years since it was rezoned. The costs associated with extending the public water line 1.6 miles and improving ±3,245 feet of Old Barnett Shoals Rd. to current standards would not be supported by the existing lot. The current zoning conditions do not match the needs for the proposed lot with one single family dwelling. As currently zoned, the property does not appear to have a 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;**

The request proposes to downzone the property to AG. There would be no increase in population density. The request to downzone to allow 5 acre lots would be a decrease in the impact to schools from the current zoning.

ii. Environmental impact;

The Concept Plan identifies state waters on the site. Buffer rules for State Waters would apply to mitigate any impacts.

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

The proposed development is in keeping with surrounding uses and is not anticipated to affect the existing use, usability, and/or value of adjoining property. No incompatible use buffers are indicated to be required on site as the use will be single family residential.

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 subject property has been vacant for the 17 years since the current AR zoning was passed. Staff finds the proposed AG zoning with no change to the existing lot to be in harmony with the surrounding land uses.

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

Per the UDC, The Agricultural (AG) district is intended “to preserve prime agricultural areas, allow mini farm estates where appropriate, and discourage the subdivision of land into suburban development which requires significant increases in public services such as schools, fire protection, transportation improvements or waste disposal.” (Unified Development Code Sec. 205.01). The specific lot must be developed according to the proposed single-family residential use in the narrative. Staff analysis indicates that the requested low-density residential development on an existing lot that exceeds 13 acres is consistent with the stated purpose of the Agricultural (AG) 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 property lies within the Agricultural Preservation Character Area as shown on the Character Areas Map, 2023 Oconee County Comprehensive Plan Update. The Comprehensive Plan indicates "This Character Area includes lands in row crops, hay fields, or in pasture; woodlands and areas under forestry management; commercial wholesale nurseries; sparsely settled homes on individual tracts; and areas of sensitive natural resources." The Development Strategies for this Character Area recommend to:

- Preserve the Character Area for active agricultural activities
- Allow minor subdivisions or individual lot splits; limit to a density of 5 acres or more per parcel.
- Foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in a rural setting.

The Comprehensive Plan supports AG zoning in this Character Area. Staff finds the proposed AG zone is in conformity with the Comprehensive Plan.

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

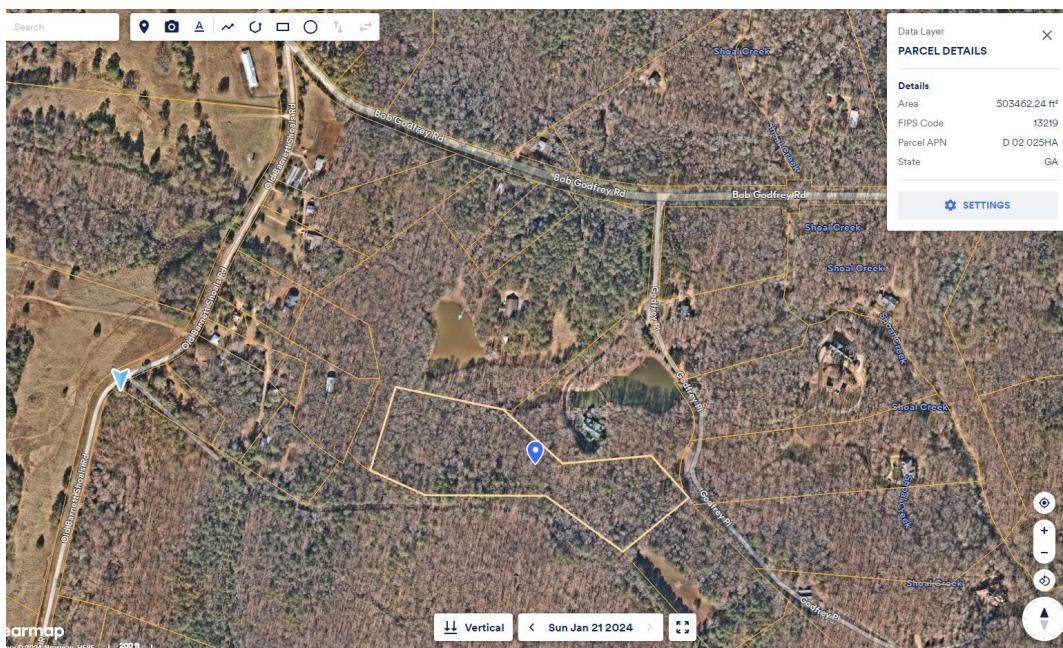
It is likely that other AG-zoned properties exist in the county that would permit the requested low-density residential development. However, the proposed use of the subject property aligns with the Comprehensive Plan and is an expansion of the adjacent AG zoning district.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

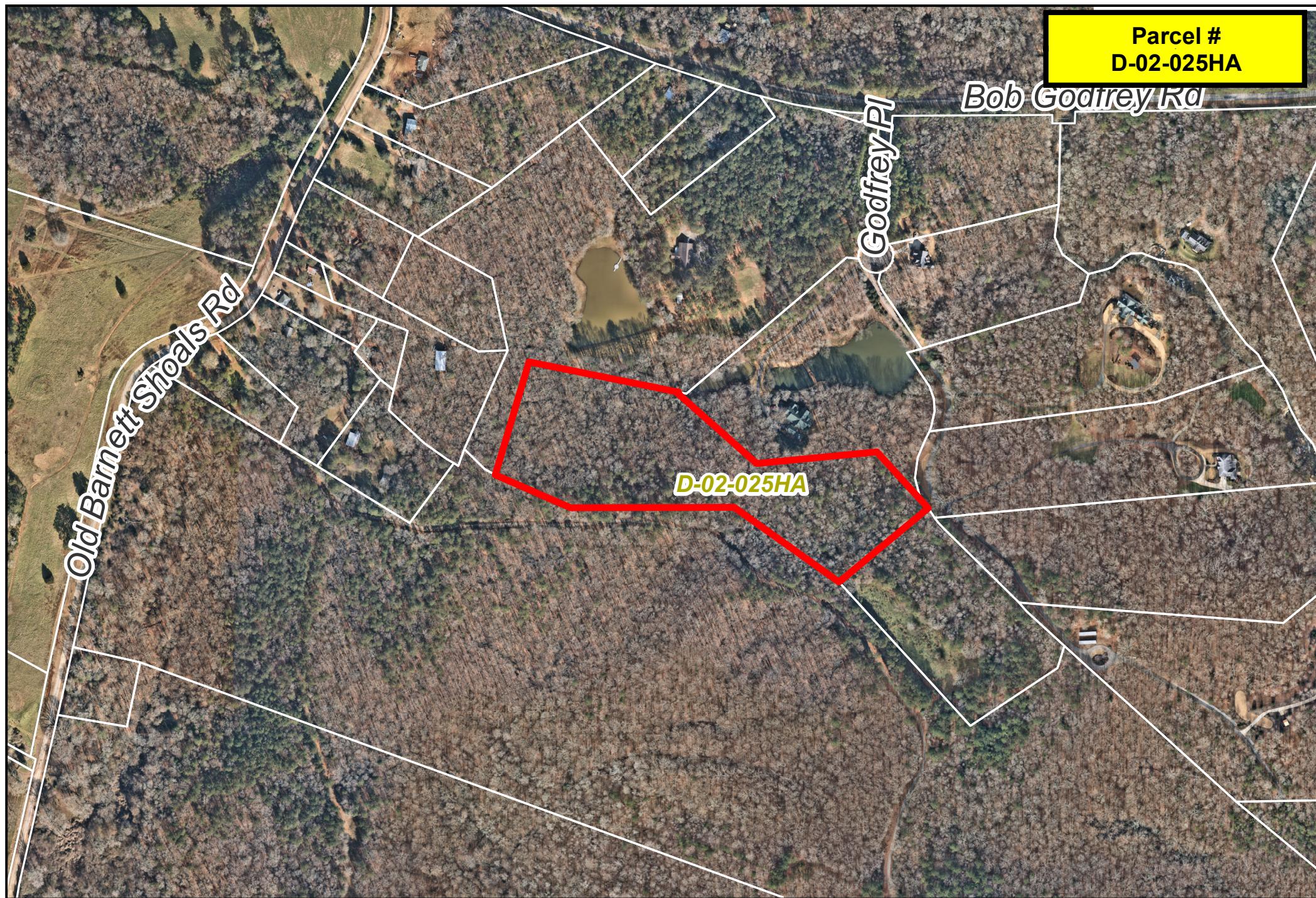
Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends conditional approval of the request to rezone ±13.06 acres to AG (Agricultural District) and to remove all previous conditions from rezoning #5490 that were attached to the property 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.

SITE PICTURES



Rezone # P24-0099 - Arryss Wagner



1:5,000

0

470

940

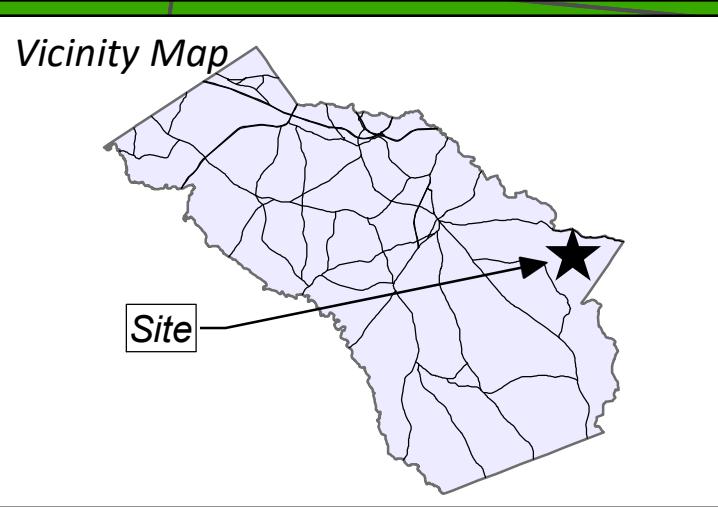
1,880

2,820

3,760

Feet

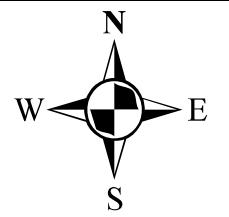




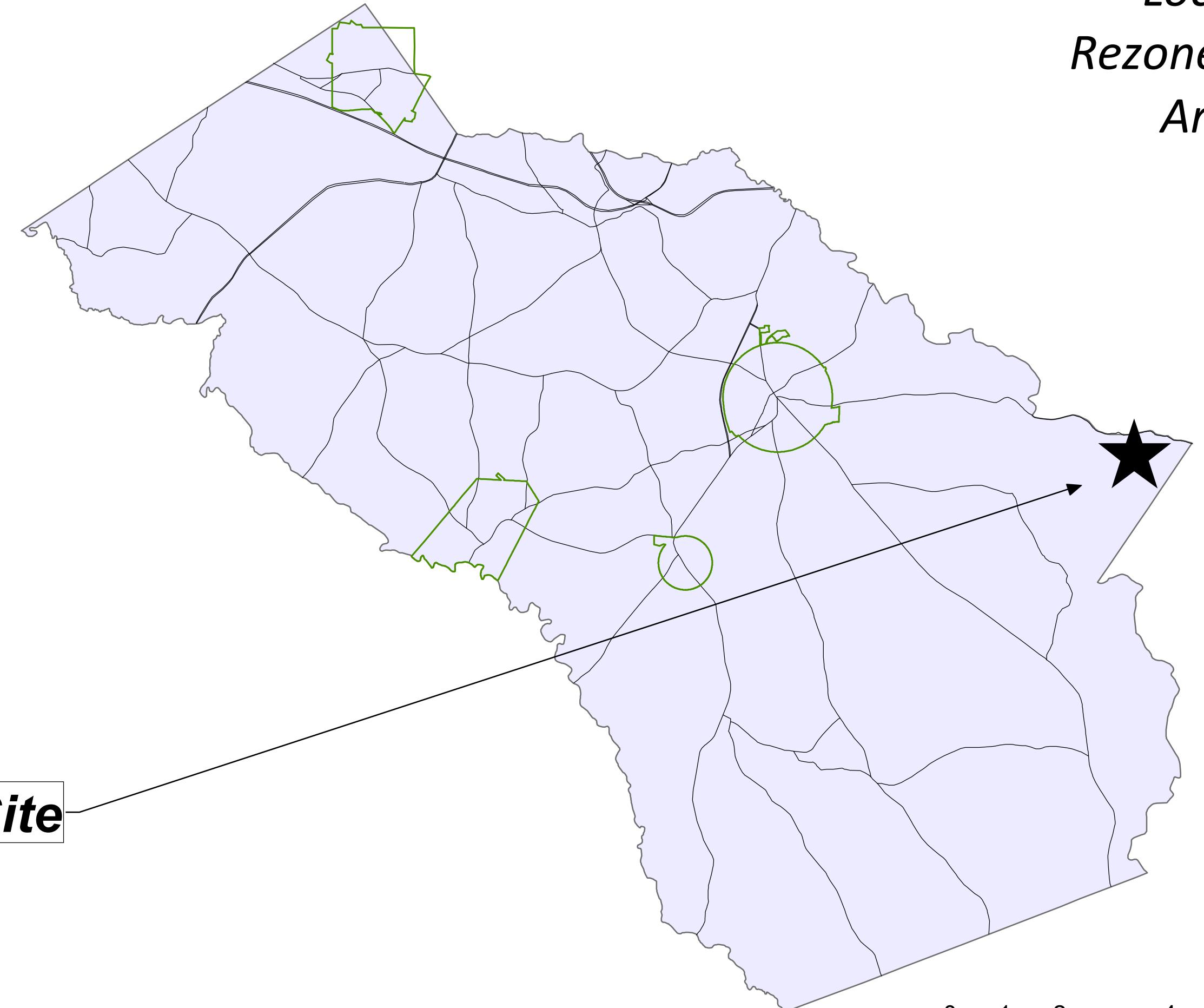
Oconee County Planning Department

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

0 162.5 325 650 975 1,300
Feet



Location Map -
Rezone # P24-0099
Arryss Wagner



1:120,000

0 1 2 4 6 8 Miles

Old Barnett Shoals Rd

Bob Godfrey Rd
Godfrey Pl

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