REZONE NO. **P25-0076**

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 to modify (delete) conditions of approval of the previous AR zoning case #5490 pursuant to an application for rezoning of property owned by Icy Forest, LLC submitted on April 18, 2025.

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 Fortson, Bentley & Griffin PA on April 18, 2025, requesting a rezone and modification of previous conditions of zoning case #5490 of a ±6.56-acre tract of land located at Godfrey Place in, Oconee County, Georgia, (tax parcel no. D-02-025H), 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 July 21, 2025, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on August 5, 2025.

ADOPTED AND APPROVED, this 5th of August, 2025.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____
John Daniell, Chairman

_____
Absent
Mark Thomas, Member

_____
Chuck Horton, Member

_____
Absent
Amrey Harden, Member

_____
Mark Saxon, Member

ATTEST:

_____
Holly Stephenson
Clerk, Board of Commissioners

LEGAL NOTICE PUBLISHED: JULY 3, 2025 – OCONEE ENTERPRISE

EXHIBIT "A" TO REZONE NO P25-0076

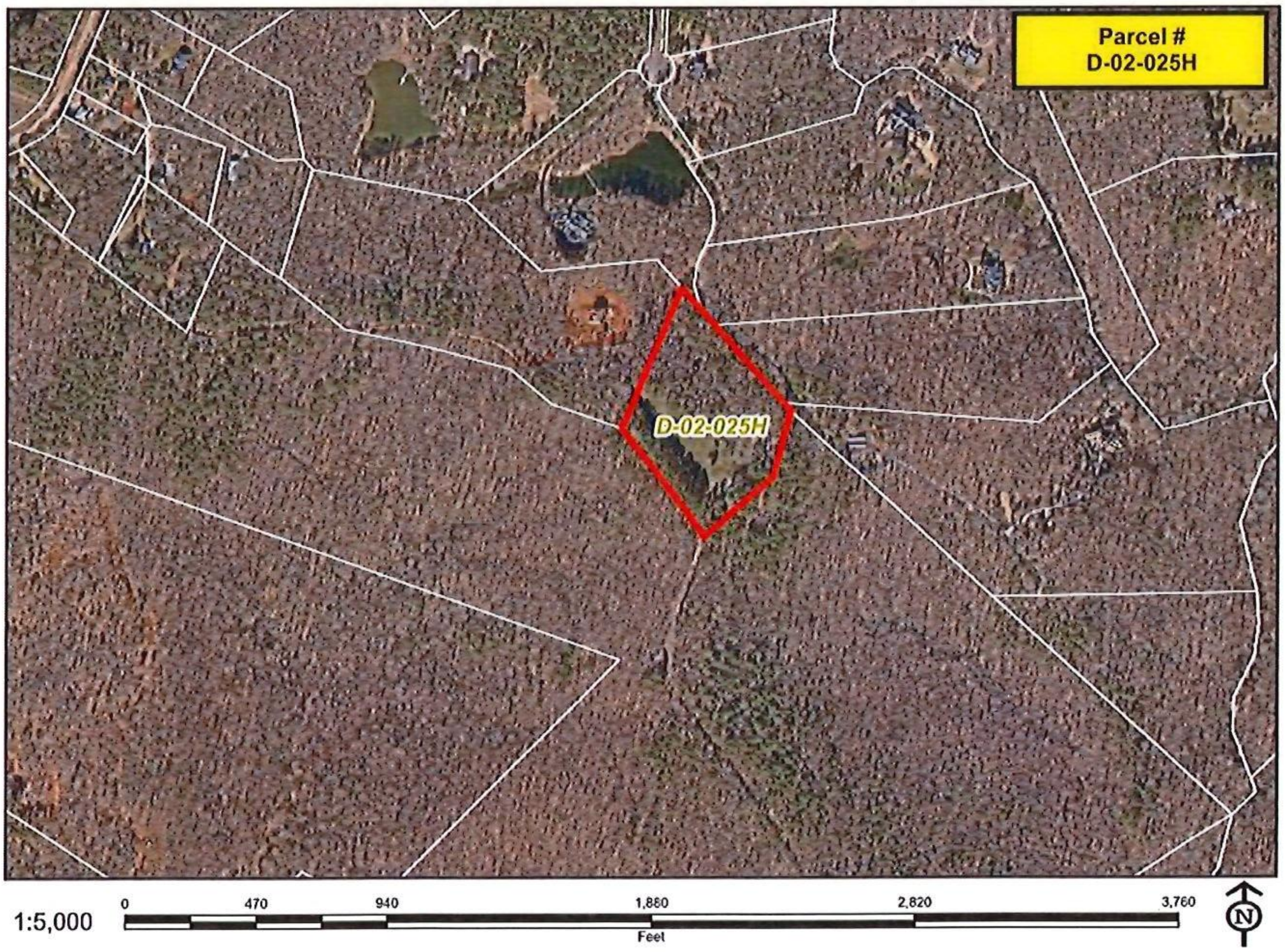
CONDITIONS

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 P25-0076

TAX MAP

REZONE # P25-0076 - ICY FOREST, LLC



LEGAL DESCRIPTION

Tax Parcel No. D 02 025H Legal Description

All that tract or parcel of land containing 6.56 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" by Sherald G. Sharp, Surveyor, dated July 28, 1986, recorded at Plat Book 12, page 431, in the office of the Clerk of Superior Court of Oconee County, Georgia; and being bounded now or formerly and generally as follows: Northwesterly by land of Mrs. N.T. Polk; northeasterly by land of Royce Banister; and southeasterly and southwesterly by land of Gissendanner, formerly Richards and Gissendanner.

The above described tract is the same tract of land conveyed by Celia Moore Polk a/ka/a Mrs. N.T. Polk to William J. Self by Warranty Deed dated August1, 1986 and recorded in Deed Book 79 , page 431 in the office of the Clerk of Superior Court of Oconee County, Georgia;

NARRATIVE

Godfrey Place (D 02 025H) Rezone Narrative

Subject Property

Property Address: Godrey Place

Tax Parcel: D 02 025H

Acreage: 6.56

Current Zoning: AR (with Conditions)

Proposed Zoning: AG

Current Use: Vacant

Proposed Use: Single-family residential

Adjacent Properties

North: AG Zone/single-family residential

East: AG Zone/single family residential

South: AR (with Conditions)/Vacant (Subject to pending contemporaneous rezone application)

West: AG Zone /single family residential

Proposed Use of Property

The subject property was zoned AR in 2007 as part of a 196-lot single family residential development on 284.29 acres with 17 conditions. The proposed 196 lot subdivision was never developed and the parcels were then sold to different owners. The property owner seeks a rezone to AG because the subject property cannot be developed under the existing zoning classification. The property owner seeks to rezone the property to allow for a single-family residential use.

The subject property is accessed by a private driveway to Old Barnett Shoals Road. There are no common areas proposed for these properties other than the driveway, the maintenance of which is governed by a recorded easement agreement between the property owners. Water is provided by private well and the property will be served by septic.

There are no specific buffers or landscaping required under the UDC for this type of zoning and use. There is no signage proposed for this development.

The owner has listed the subject property for sale, and it is anticipated that the property will be sold and construction will begin within 12 months of zoning approval. Representative architecture is included.

NARRATIVE

Average Costs of residences: $400,000

Impact to School System: The addition of one single family residence should have negligible impact on the school system.

Impact to Traffic: The addition of one single family residence should have negligible impact on local traffic.

Proposed Utilities: Georgia Power for electric, AT&T or Spectrum from Telephone/Internet

Estimate Average Daily Trip: Average Daily Trip for One (1) single family residential detached home is 10; average peak is 1.

Estimated Value at Completion: It is anticipated that the estimate value this parcel and the companion parcel that is also being rezoned will be roughly $2,100,000 upon completion.

Estimated Gallons Per Day; 300 gpd. Note: these parcels are on a well and not serviced by County Water.

Buffers: There are no specific buffers or landscaping required under the UDC for this type of zoning and use.

ARCHITECTURAL SKETCHES

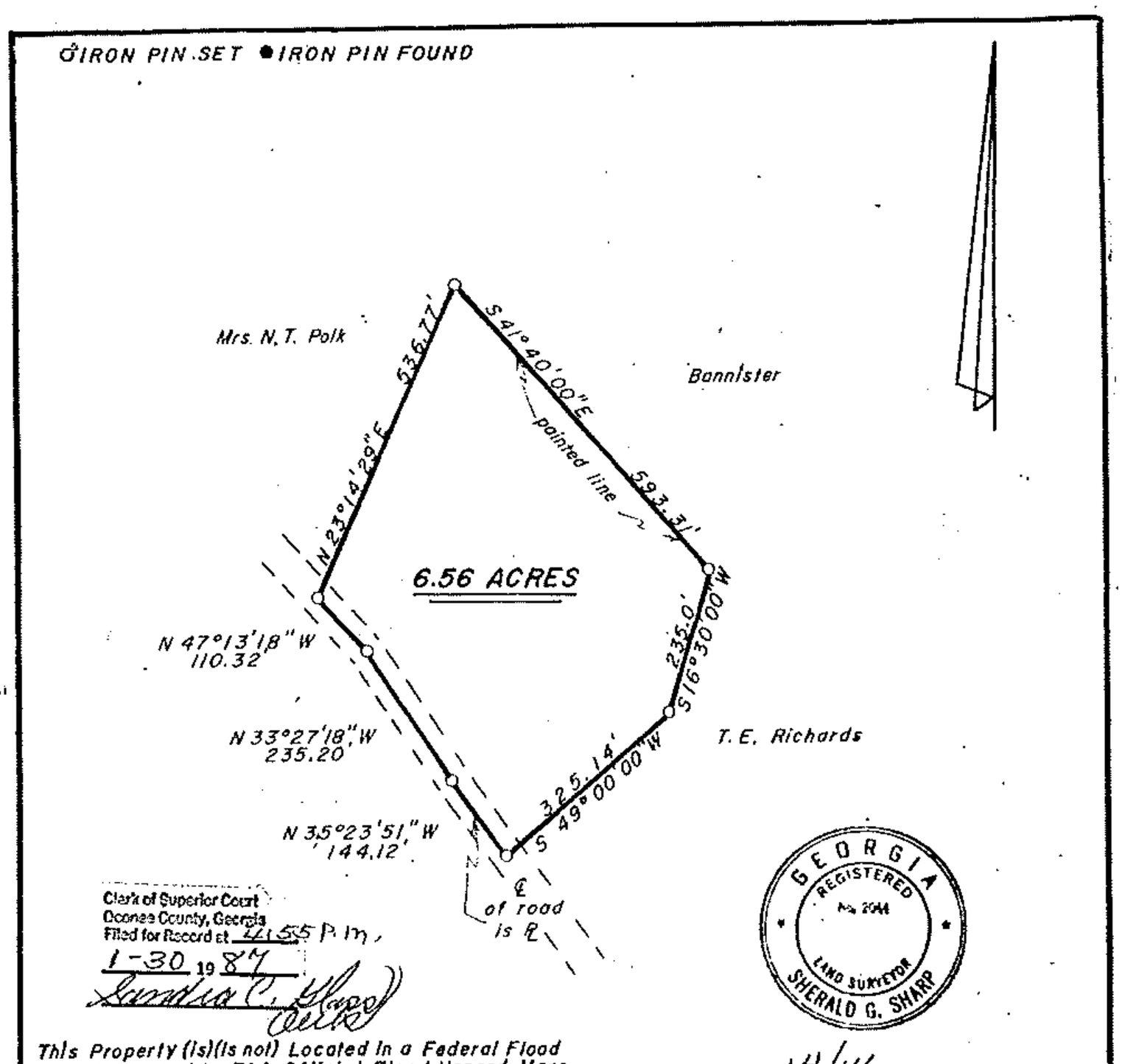


ARCHITECTURAL SKETCHES



PLAT

116



Clerk of Superior Court
Oconee County, Georgia
Filed for Record at 12:55 P.M.
1-30 1987
Sandra C. Hood Clerk

GEORGIA REGISTERED No. 2044 LAND SURVEYOR SHERALD G. SHARP

This Property (Is)(Is not) Located In a Federal Flood Area Indicated by F.I.A. Official Flood Hazard Maps

14/116

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND WAS PREPARED WITHIN THE MINIMUM STANDARDS REQUIRED BY LAW.

Sherald G. Sharp

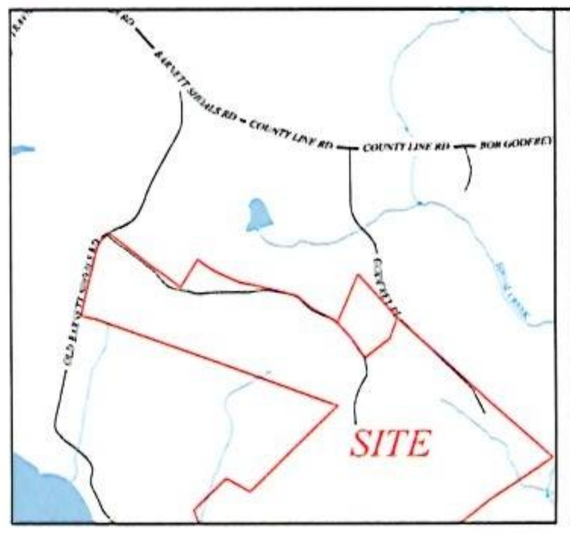
SHERALD G. SHARP GA R.L.S. NO. 2044

PIEDMONT
ENGINEERING AND
SURVEYING CO.
CRAWFORD, GA 743-8634

SURVEY FOR
BILL SELF
Portion of Mrs. N.T. Polk Prop.

ERROR CLOSURE	GMD 225
EQUIPMENT USED:	DATE July 28, 1986
LINEAR NIKON EDM	DRAWN AKS
ANGULAR NIKON NT-1	REVISIONS
SCALE 1" = 200'	Land Lot
COUNTY OCONEE	Land Dist.
STATE GEORGIA	
City	





VICINITY MAP

NOT TO SCALE

PROJECT DATA

PROFESSIONAL CONTACT: BASELINE SURVEYING & ENGINEERING
MATTHEW D. ULMER, GA. RLS#3060
P.O. BOX 269 WATKINSVILLE, GA 30677
MATT@BASELINEGA.COM
706-614-1952

1. TOTAL PROJECT ACREAGE: 200.00 +/- ACRES
2. TAX PARCEL #: D 02 029 & D 02 025H
3. NO ATTEMPT WAS MADE TO LOCATE UTILITIES OR IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PROPERTY EXCEPT AS SHOWN HEREON.
4. THIS IS A CONCEPT PLAN HAS BEEN DEVELOPED FROM PUBLIC RECORDS AND LIMITED FIELD WORK FOR REZONING. THIS NOT A BOUNDARY SURVEY AND SHOULD NOT BE RECORDED.
5. PROPERTIES CURRENTLY ZONED: AR - PROPOSED ZONING: AG
6. THIS FIRM HAS NO KNOWLEDGE OF ANY UTILITIES ON THESE PARCELS. PROPERTIES TO BE SERVED BY PRIVATE WELL AND SEPTIC SYSTEMS.
7. APPLICANT FOR THIS REZONE CONCEPT PLAN IS ICY FOREST, LLC
8. ANY FUTURE CONSTRUCTION OF BUILDINGS WILL COMPLY WITH A 50' PRIMARY BUILDING SETBACK AND 25' SIDE & REAR BUILDING SETBACK.
9. AT THE TIME OF THIS PLAN ONLY 3 BUILDINGS ARE PROPOSED. ONE FOR EACH ENVELOPE SHOWN HEREON. ANY FUTURE BUILDINGS SHOULD BE APPLIED FOR P&R OCONEE COUNTY REGULATIONS.
10. FLOOD ZONE LINES SHOWN HEREON ARE THE APPROXIMATE LOCATION OF ZONE AE PER FEMA FIRM 13219C 0100E, DATED SEPTEMBER 1 9th 2022
11. DEFINITE BUILDING PLANS NOT DETERMINED AT THE TIME OF THIS PLAN. COVERAGES AND BUILDING FOOTPRINTS NOT TO EXCEED 10,000 SQUARE FEET PER EACH PROPOSED BUILDING SITE.
COVERAGE AND BUILDING FOOTPRINT WILL BE LESS THAN 1% OF TRACT 1
COVERAGE AND BUILDING FOOTPRINT WILL BE LESS THAN 5% OF TRACT 2
12. CONTOUR RE SHOWN HEREON ARE FROM NOAA LIDAR NAVD 88 AND DO NOT REPRESENT A FIELD RUN TOPOGRAPHIC SURVEY. CONTOUR INTERVAL IS 5'

THIS IS A REZONE CONCEPT PLAN, NOT A BOUNDARY SURVEY. THIS PLAN IS NOT TO BE RECORDED

BASELINE
SURVEYING & ENGINEERING, INC.
P.O. BOX 269
WATKINSVILLE, GA 30677
WWW.BASELINEGA.COM
PHONE: 706-769-6610

REZONE CONCEPT PLAN FOR:

ICY FOREST, LLC

225th GEORGIA MILITIA DISTRICT

OCONEE COUNTY

PHYSICAL ADDRESS:

OLD BARNETT SHOALS ROAD
ATHENS, GA
30605

REVISIONS	DATE
REVISED TO ADD SITES AND BOUNDS AROUND BUILDING AND BARN ENVELOPES	4/15/2025
REVISED TO MATCH SITES AND BOUNDS OF REQUESTED LEGAL DESCRIPTION	4/29/2025
REVISED TO ADDRESS OCONEE COUNTY COMMENTS FROM 8/5/2025	8/16/2025

DATE
02/19/25

PROJECT
17-807S

REZONE CONCEPT PLAN

SHEET
1 OF 1

GEORGIA REGISTERED LAND SURVEYOR MATTHEW D. ULMER

LSF000110
EXPIRES 12-31-2025

Planning Department
Oconee County, Georgia

STAFF REPORT



REZONE CASE #: P25-0076

DATE: July 11, 2025

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

APPLICANT NAMES: Fortson, Bentley & Griffin PA

PROPERTY OWNER(S): Icy Forest, LLC

LOCATION: Godfrey Place (unaddressed)
Parcel number: D 02 025H

PARCEL SIZE(s): ±6.56 acres

EXISTING ZONING: AR (Agricultural Residential)

EXISTING LAND USES: Vacant

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Agricultural Preservation

ACTION REQUESTED: Rezone the ±6.56 acre property from AR to AG (Agricultural) and modify (delete) 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: July 21, 2025

BOARD OF COMMISSIONERS: August 5, 2025

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

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property (6.56 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. A plat was recorded in Plat Book 14, page 116 on January 30, 1987. The parcel existed prior to the adoption of the UDC in 2006.
- The Board of Commissioners previously approved two other down zonings to AG that were a part of case #5490, case P23-0286 to rezone 68.34 acres to AG; and case P24-0099 to rezone 13.06 acres to AG.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Residential	AG (Agricultural District)
SOUTH	Vacant	AG (Agricultural 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 the addition of one single family residence should have negligible impact on

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 Plat book 19, Page 106.

Environmental:

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

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- Reviewed with no comments on July 9, 2025.

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- Reviewed with no comments on July 3, 2025.

OCONEE COUNTY FIRE CHIEF

- Reviewed with no comments on July 8, 2025.

OCONEE BOARD OF EDUCATION

- Comments received on July 11, 2025:
  We have reviewed the Fortson, Bentley & Griffin PA rezone request P25-0076. This will impact our Oconee High Attendance Zone by 1 student. Specifically, Colham Ferry Elementary School, Oconee County Middle School, and Oconee County High School.

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 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 indicates there are state waters, 100-year flood plain areas and wetlands on the site. The property is adjacent to the Oconee River.

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 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 ±6.56 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.

REZONE # P25-0076 - ICY FOREST, LLC

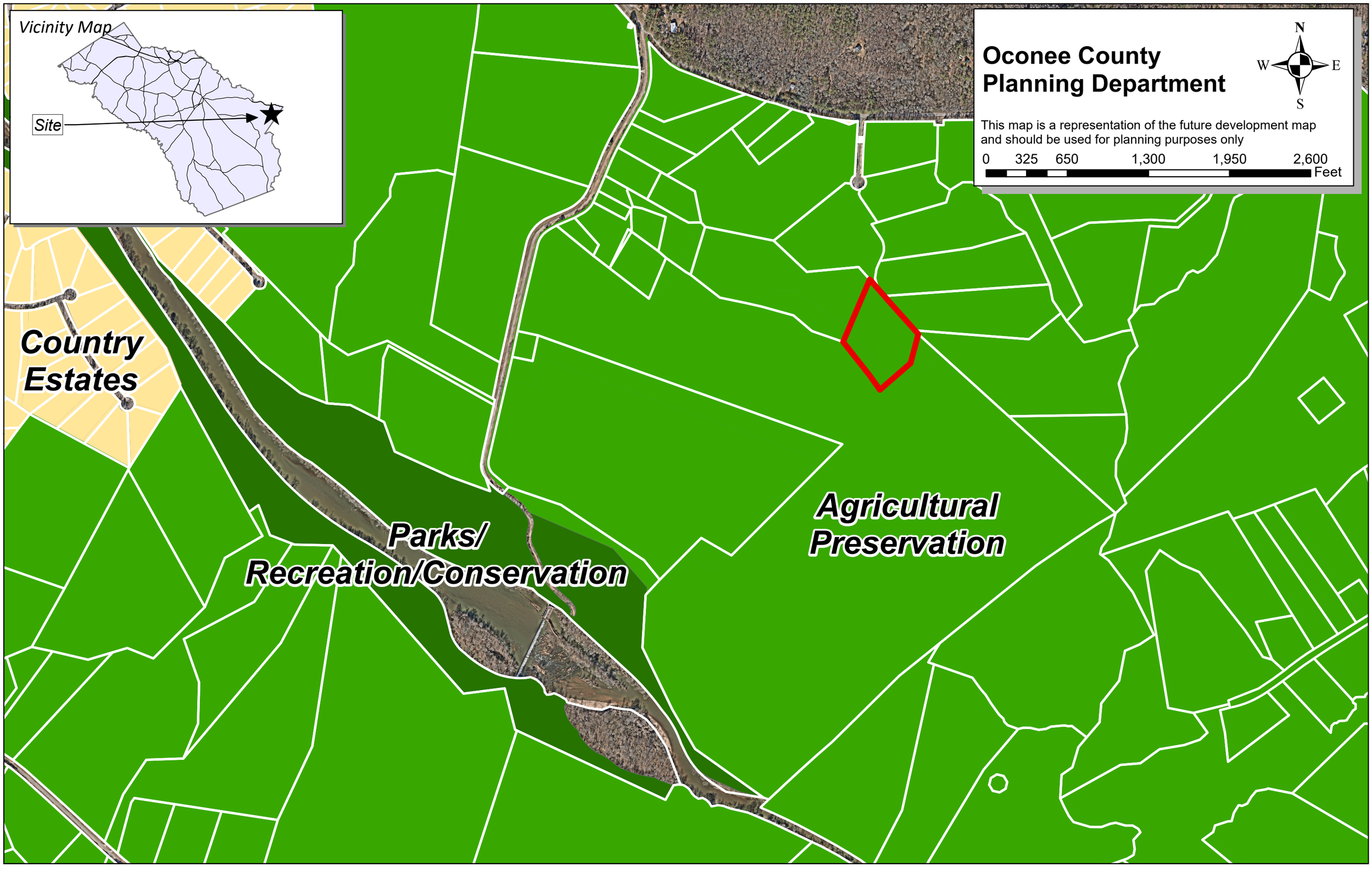


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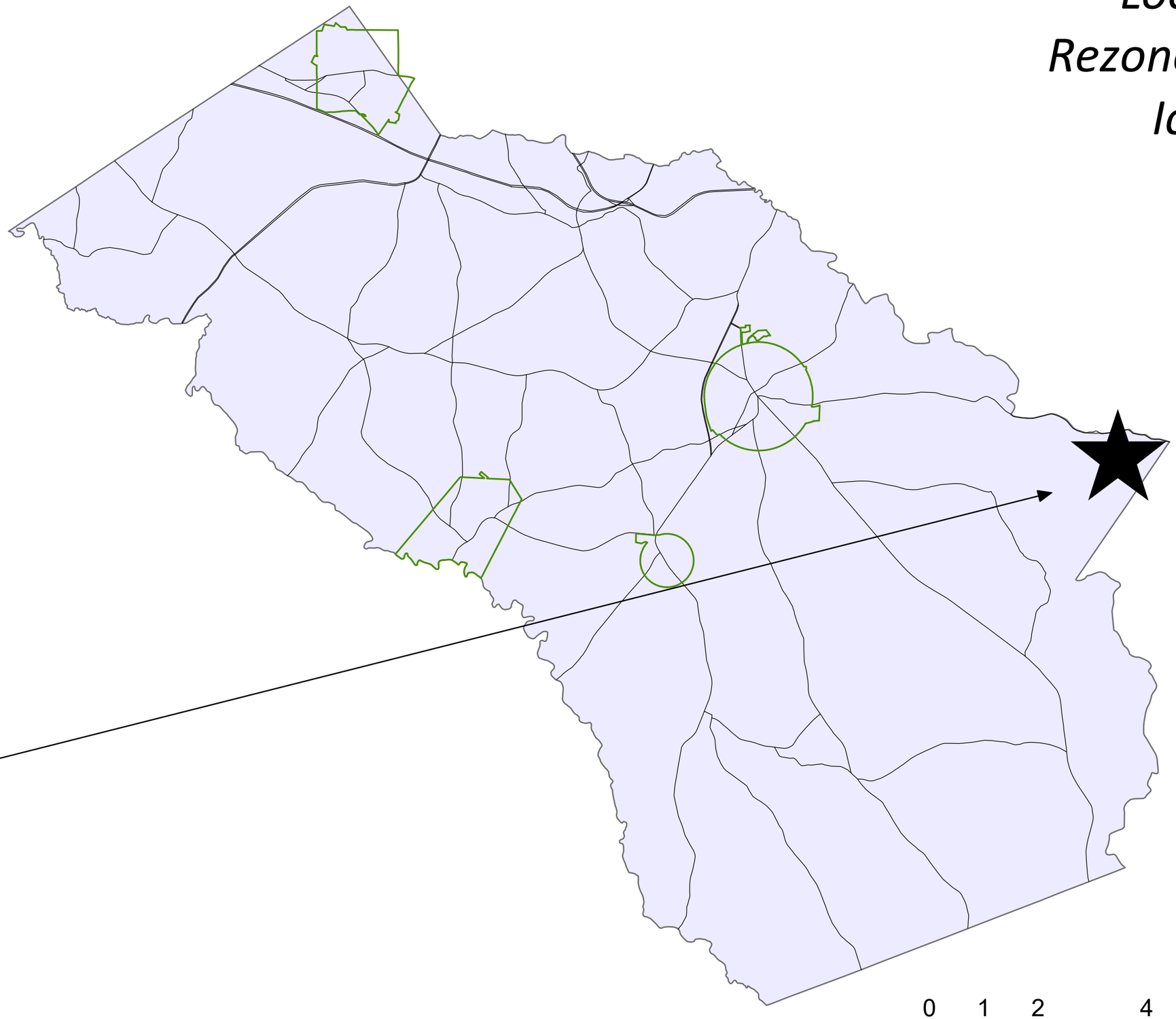
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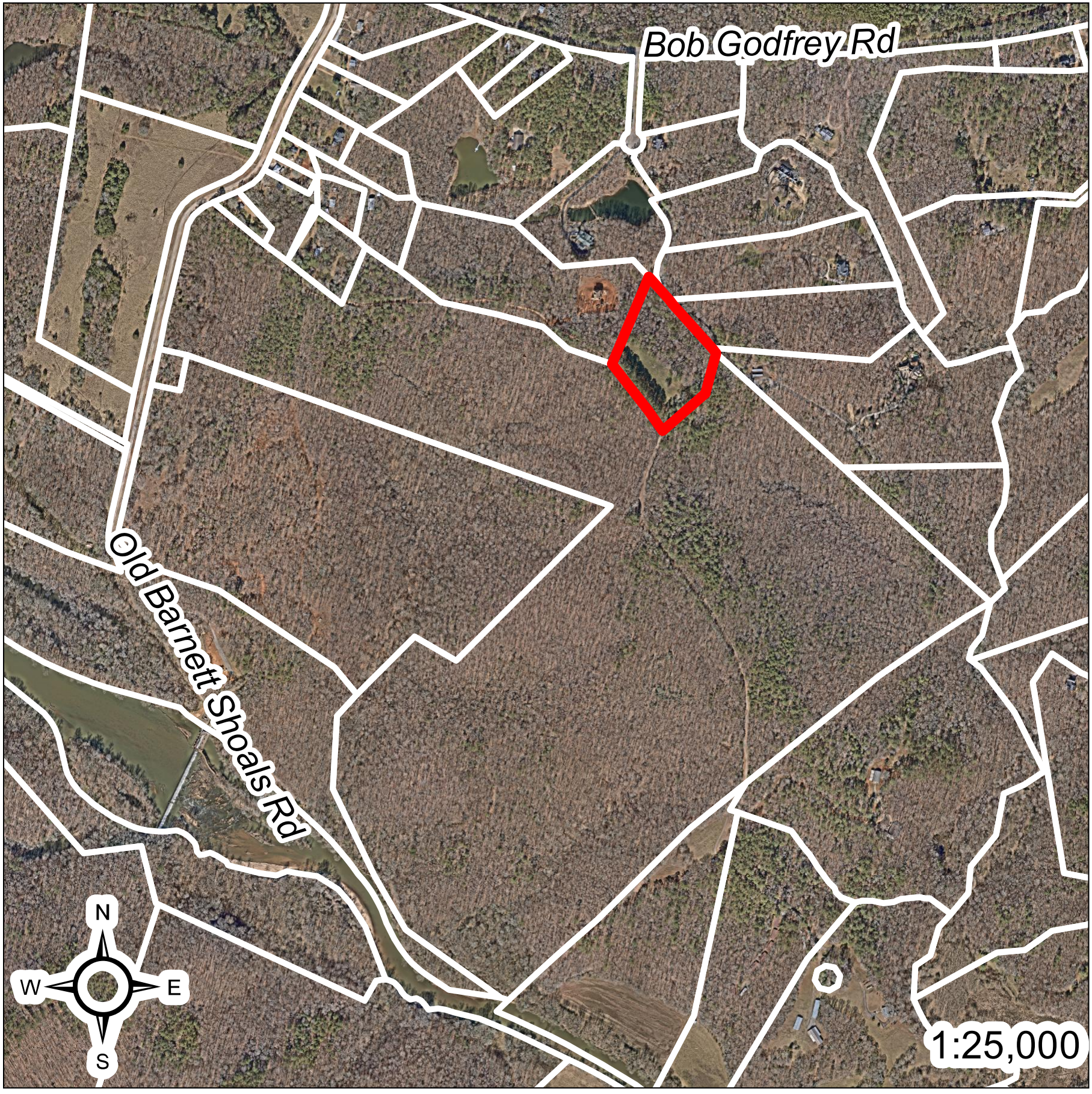
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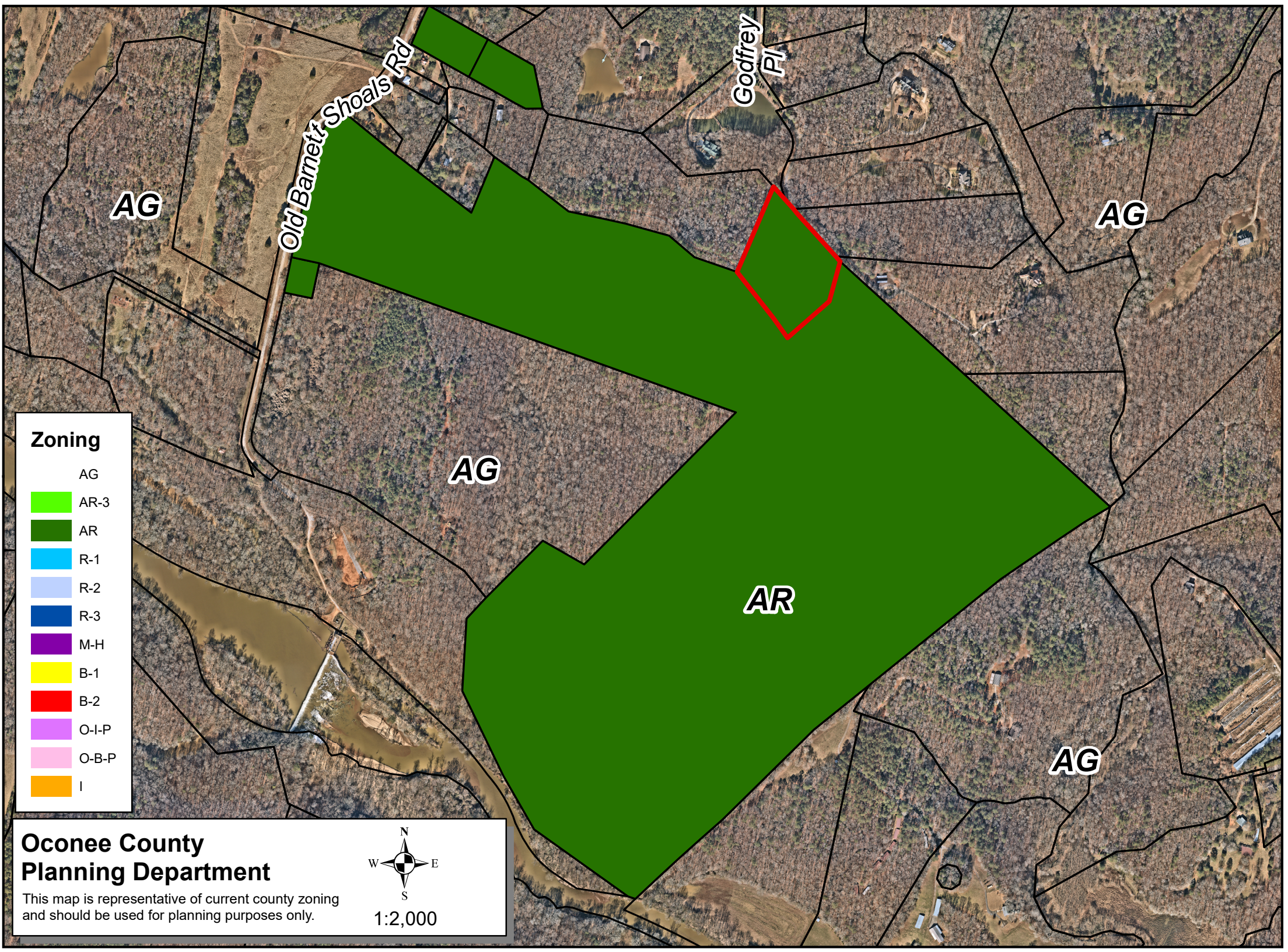

Vicinity Map
Site
Oconee County
Planning Department
N
W
E
S
This map is a representation of the future development map
and should be used for planning purposes only
0
325
650
1,300
1,950
2,600
Feet
Country
Estates
Parks/
Recreation/Conservation
Agricultural
Preservation

Location Map - Rezone # P25-0076 Icy Forest, LLC



1:120,000


Bob Godfrey Rd
Old Barnett Shoals Rd
N
W
E
S
1:25,000


Old Barnett Shoals Rd
Godfrey Pl
AG
AG
AG
AR
AG
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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