

**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 classifications AR-1 (Agricultural-Residential One Acre) to AR-1 (Agricultural-Residential One Acre) with modifications, pursuant to an application for rezoning of property owned by Samuel F. Border submitted on October 30, 2014.

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 James C. Warnes on October 30, 2014 requesting rezoning a ±14.756 acre tract of land located on the west side of SR 15 in the 223rd G.M.D., Oconee County, Georgia, (TP# C-7-29B), 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 classification for the property described on the attached "Exhibit A" is hereby changed from AR-1 (Agricultural-Residential One Acre) to AR-1 (Agricultural-Residential One Acre) with modifications for the purpose of 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

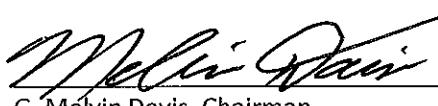
SECTION 4. Effective Date. This Ordinance shall take effect this date.

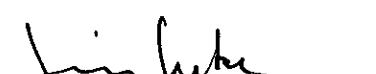
Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by same on December 15, 2014, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on January 6, 2015.

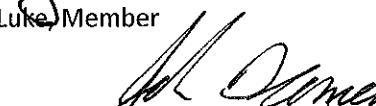
ADOPTED AND APPROVED, this 6th day of January, 2015.

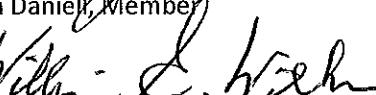
OCONEE COUNTY BOARD OF COMMISSIONERS

BY:


G. Melvin Davis, Chairman

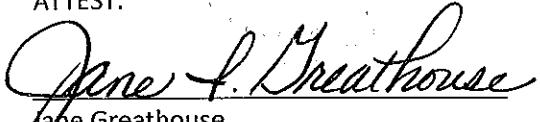

Jim Luke, Member


John Daniell, Member


W. E. "Bubber" Wilkes, Member


Mark Saxon, Member

ATTEST:


Jane Greathouse

Clerk, Board of Commissioners

EXHIBIT "A" TO ZONING AMENDMENT #6623

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CONDITIONS

This Zoning Amendment shall be subject to the following conditions which shall be fulfilled by the developer at his/her expense:

1. Prior to any subdivision of the subject property, the property owner shall amend Building Permit Application #51698 to state the correct total heated floor area and structural dimensions of the Farm Tenant Dwelling. Said application shall also be amended to remove the Farm Tenant Dwelling designation of the constructed dwelling. The property owner shall pay all additional permit fees generated resulting from amendment of the building permit application.
2. Prior to any subdivision of the subject property, the property owner shall construct a new driveway to SR 15 for access to the subject property, as illustrated on the rezone concept plan.
3. The subject property shall be subdivided in accordance with the procedures for minor subdivision plat approval, as outlined in the Oconee County Unified Development Code.
4. The subject property shall only be subdivided into 2 tracts, as illustrated on the rezone concept plan.
5. The property owner shall provide a 1 foot no-access easement on either side of the new driveway to SR 15 for access to the subject property.

NARRATIVE

Samuel F. Border owns a tract of land containing 14.756 acres, zoned AR-1, located on the southwesterly side of Georgia Highway 15, in Oconee County, Georgia. The surrounding property is zoned A-1 and AR-1.

The subject property was zoned A-2, Agricultural Residential District in 1993 (Rezone #186) as a part of a subdivision of 210 acres. This subdivision created a number of sizeable lots. The subject property (C 07 029B) is one of three flag lots created with the "pole" portion of all three lots running contiguous to each other to State HWY 15 (Greensboro Highway). The other two lots are C 07 029C and C 07 029. Each of these three lots has direct frontage on State HWY 15. The three contiguous poles comprise an 80' ingress-egress easement serving this lot and others in the subdivision.

This request is being made to allow the subdivision of the Applicant's 14.756 acre lot containing two single family residences into two lots of 10.005 acres and 4.752 acres, respectively, each containing one single family residence.

The proposed zoning will remain AR-1, and both residences will continue to be used as single family residences.

The first residence on the subject property was built in 1996. In 2008, a second residence was permitted to be built on the subject property as a farm dwelling in accord with the provisions of the Unified Development Code. A Certificate of Occupancy was issued for the second residence on December 9, 2008. There are no additional residences proposed for this tract. A driveway is being installed by the Applicant completely on his own property. There will be no additional traffic impact on the existing shared driveway and on State HWY 15 above that which has existed for the last six years.

For the same reasons, this request shall have no impact to the Oconee County School System.

The house on each of the two tracts is served by its own well and septic tank.

The two resulting lots will continue to be bordered on their southwesterly side by an existing pond. All storm water drains into the pond.

Electrical power is provided by Walton County EMC.

Both houses are wood framed construction with hardy plank exterior.

The existing house on the proposed 10.005 acre tract contains 5,300 square feet. The existing house on the proposed 4.752 acre tract contains 2,676 square feet.

The existing tract of 14.756 acres was originally platted (by plat dated 9/13/1993 recorded September 16, 1993, in Plat Book 19, page 271,) prior to the further subdivision of the parent 210+- acres approved by Oconee County, Georgia, Rezone # 186 on September 27, 1993. The subject property (C 07 029B), and two parcels located immediately to the south, (C07 029C, VillaMende, LLC and C 07 029, Feldman) each have 25+ feet of frontage on Georgia Highway 15. Each of these lots is a flag lot, with the "poles" of these three flag lots being contiguous to each other. At the time of the recording of the 9/13/1993 plat, the third "pole" provided access to "other properties of Marshall & Williams" which had yet to be subdivided. As a part of the development of these three lots, a single paved driveway runs in a southwesterly direction from Georgia Highway 15, primarily through the middle "pole" of the three lots. This paved driveway runs primarily up the middle pole (C07 029C, VillaMende), veers over onto the subject property, then back across the middle "pole" and then runs onto the Feldman property (C07 029) to the west. All three of the "poles" are subject to a non-exclusive 80 foot wide ingress-egress easement. The applicant is installing a driveway within the pole portion of his flag lot placing such driveway completely upon his property, except at its junction with the DOT apron on State HWY 15 right of way. The two lots requested by this application will be served by one driveway in compliance with the current zoning ordinance. The existing apron on State HWY 15 right of way does not meet GDOT requirements for a dual use driveway. Applicant has obtained a permit from the Georgia Department of Transportation to widen the existing apron on the DOT right of way to bring the existing apron into compliance with GDOT regulations. The new apron (which will benefit all of the lot owners using both driveways) is being installed by Applicant at his sole expense. The division of Applicant's lot will not result in any additional traffic entering or exiting Georgia Highway 15 than currently exists. The Applicant will have to build a bridge to cross the gully which exists on the west side of his property. The existing driveway swerves to the west onto the Feldman property to avoid this gully.

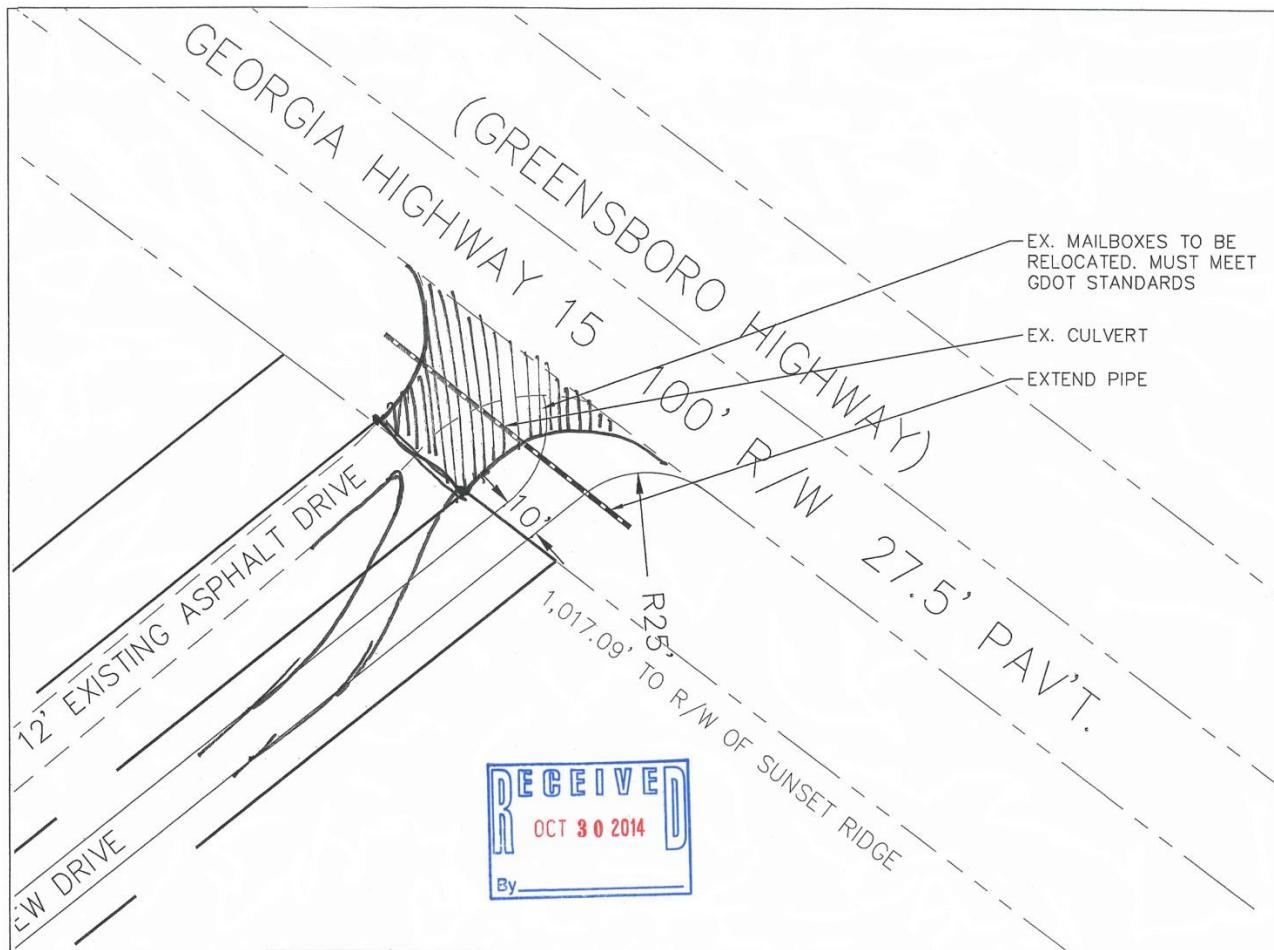
Subdividing the subject property into two lots as requested would create two lots, both consistent with the size of the surrounding lots. The one additional lot created would also be consistent with lots allowed by the existing AR-1 zoning. Permitting the subject property to be subdivided into the two lots will be a relative gain to the public by these existing houses to be marketable as opposed to being held for rental.

With the exception of the previously self-imposed condition limiting the number of lots in Rezone 186, the current request meets all requirements of the Oconee County Unified Development Code, and brings the existing non-complying apron on State HWY 15 right of way into compliance with GDOT requirements for dual use driveways. Failure to grant this request will be a violation of Applicant's rights under the United States Constitution and the Constitution of the State of Georgia.

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GDOT DRIVEWAY PERMIT DRAWING



TAX MAP

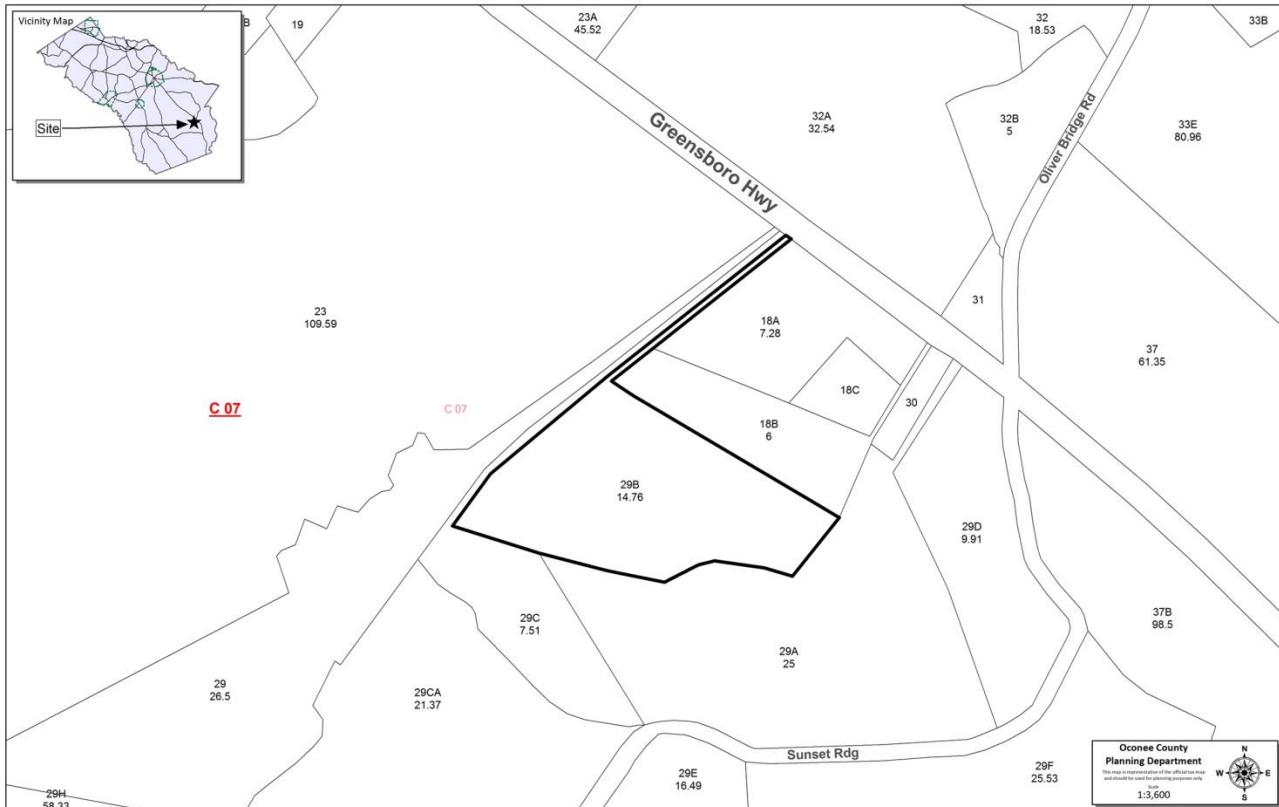


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LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the 223rd GMD, Oconee County, Georgia, containing 14.756 acres, and being more particularly described as follows:

Beginning at an iron pin on the southwesterly right of way of the Georgia Highway 15 (Greensboro Highway), which iron pin is 1,017.09 feet northwest of the intersection of Sunset Ridge and Georgia Highway 15; From the beginning point thence south 51 degrees 39 minutes 14 seconds west 879.80 feet to an iron pin; running thence south 56 degrees 50 minutes 21 seconds east 103.48 feet to a cedar tree; running thence south 59 degrees 21 minutes 18 seconds east 819.55 feet to an iron pin; running thence south 26 degrees 9 minutes 20 seconds west 325.23 feet to a point in the centerline of a branch; (there is an iron pin offset from the centerline of the branch 20.51 feet; the centerline of the branch is the property line); running thence along the meanderings of the branch north 68 degrees 15 minutes 44 seconds west 115.43 feet to a point; running thence north 81 degrees 18 minutes 18 seconds west 97.03 feet to a point; running thence north 75 degrees 36 minutes 34 seconds west 86.49 feet to a point; running thence south 72 degrees 28 minutes 28 seconds west 155.41 feet to a point; running thence north 86 degrees 08 minutes 14 seconds west 176.36 feet to an iron pin on the edge of a pond; running thence north 78 degrees 32 minutes 33 seconds west 324.40 feet to a point in the pond; running thence north 72 degrees 34 minutes 48 seconds west 347.92 feet to a point in the pond; running thence north 36 degrees 23 minutes 24 seconds east 247.60 feet to an iron pin; running thence north 50 degrees 11 minutes 22 seconds east 586.02 feet to a point in the middle of a paved drive; running thence north 51 degrees 39 minutes 14 seconds east 872.96 feet to an iron pin on the southwesterly right-of-way of Georgia Highway 15; running thence along the southwesterly right of way of Georgia Highway 15, south 52 degrees 54 minutes 25 seconds east 27.55 feet to the beginning point and iron pin.

COMPOSITE PLAT



REF. #
THIS PLAT REPRESENTS TRACT II
ON OUR SURVEY FOR
JAMES MARSHALL & DAVID WILLIAMS
DATED SEPT. 13, 1993

STREET ADDRESS:
4560 GREENSBORO HIGHWAY

Clerk of Superior Court
Oconee County, Georgia
File for Record at 3:12 PM
6/16/97

THE HOUSE ON THIS LOT IS NOT LOCATED
IN A 100 YEAR FLOOD PLAIN
Ray N. Woods
Georgia Registered Land Surveyor No. 2049

I hereby certify, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.
Ray N. Woods
Georgia Registered Land Surveyor No. 2049

200 0 200 400
SCALE 1" - 200'

28 187

	SURVEY FOR				LOCATION MAP
	THOMAS A. & JO A. ARMSTRONG				
GMD:	COUNTY	STATE	DATE	THEODOLITE	
223	OCONEE	GA	08 - 19 - 97	TOPCON	
DRAWN BY	SURVEYED BY:			DISTANCE EQUIP	
MIKE W.	RAY N. WOODS			TOPCON	
FIELD BOOK	LAND SURVEYOR			CLOSURE	
D-66 & FB, 300	WINTERVILLE, GEORGIA 30683			1/26,000	
(706) 742-8598			ANGLE CLOSURE		
			2" PER		

