

**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 AR (Agricultural Residential District) pursuant to an application for rezoning of property owned by Mary L. Bishop and Sue P. Roach submitted on May 19, 2021.

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 Mary L. Bishop and Sue P. Roach on May 19, 2021, requesting rezoning of a ±2.024-acre tract of land located at 2011 Elder Mill Road in the 223rd G.M.D., Oconee County, Georgia, (portion of tax parcel no. C-06-013), 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 classification AG (Agricultural District) to AR (Agricultural Residential District) 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 19, 2021, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on August 3, 2021.

ADOPTED AND APPROVED, this 3rd day of August, 2021.

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, Board of Commissioners

EXHIBIT "A" TO REZONE NO P21-0102
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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.

TAX MAP

Rezone # P21-0102 - Kate Pritchett Life Estate

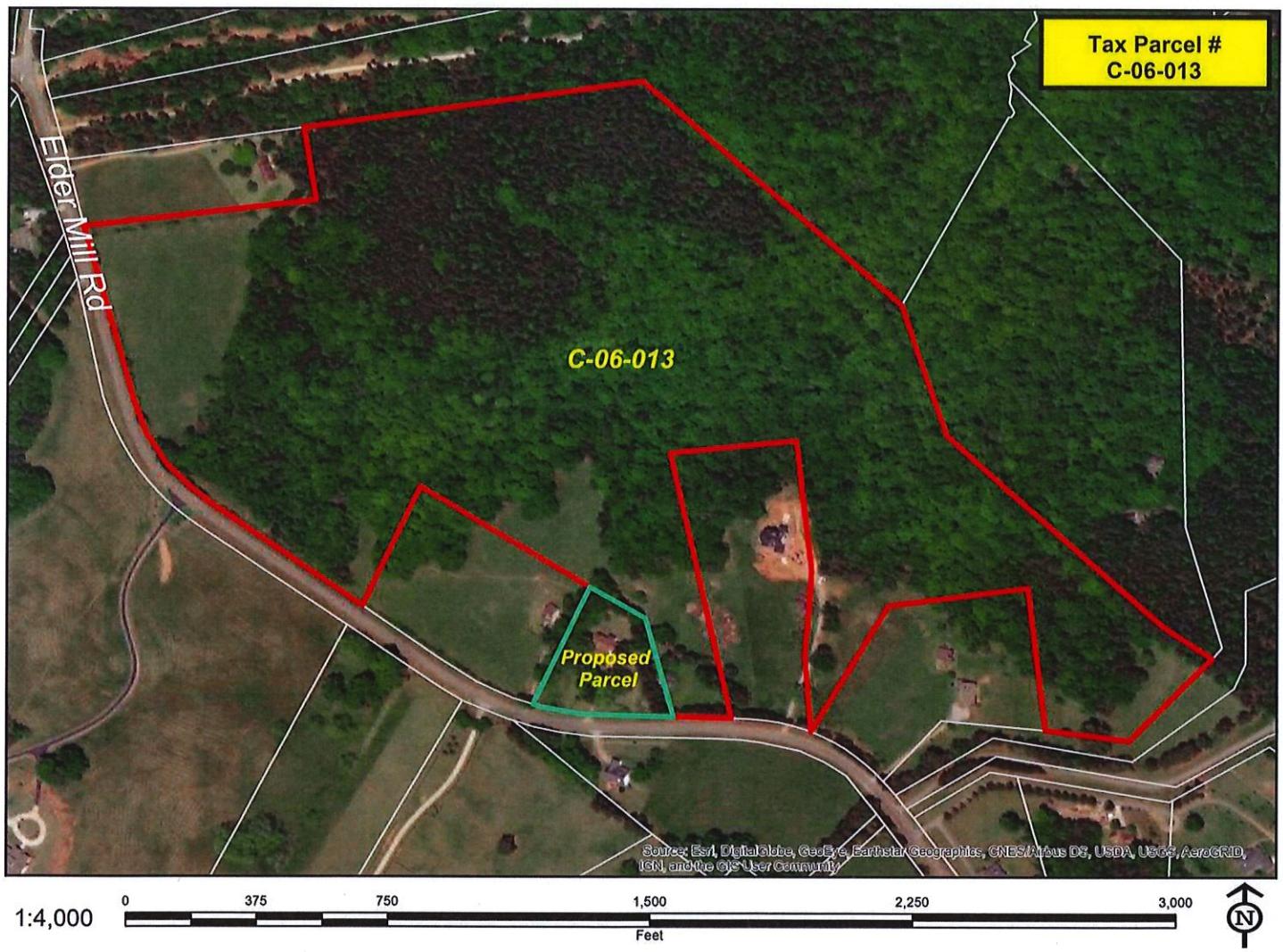


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LEGAL DESCRIPTION

LEGAL DESCRIPTION

FOR LOT 3 OF SURVEY FOR KATE M. PRITCHETT LIFE ESTATE BY R. SHANE CARSON,
GEORGIA REGISTERED LAND SURVEYOR, NO. 3141 DATED 12/22/2020.

DESCRIPTION:

BEGIN AT THE INTERSECTION OF THE CENTERLINE OF SAXON ROAD, A 80' RIGHT OF WAY ROAD, A OCONEE COUNTY, GEORGIA ROADWAY, AND THE CENTERLINE OF ELDER MILL ROAD A 80' RIGHT OF WAY ROAD, A OCONEE COUNTY, GEORGIA, DEEDED ROADWAY:

THENCE RUNNING IN A SOUTHERLY DIRECTION ALONG SAID CENTERLINE OF ELDER MILL ROAD A DISTANCE OF 2,286.00 FEET TO A POINT ON THE CENTERLINE OF ELDER MILL ROAD; THENCE TURNING IN A NORTHERLY DIRECTION, PERPENDICULAR TO SAID CENTERLINE OF ELDER MILL ROAD A DISTANCE OF 40' TO THE SOUTHWESTERLY CORNER OF SAID LOT #3, AS DESCRIBED BY REFERENCED SURVEY BY R. SHANE CARSON; THENCE ALONG THE WESTERLY LINE OF SAID LOT NORTH 29 DEGREES, 38 MINUTES 10 SECONDS EAST, A DISTANCE OF 371.61 FEET TO THE NORTHERLY LINE OF SAID LOT; THENCE TURNING IN A EASTERLY LINE SOUTH 57 DEGREES 36 MINUTES 42 SECONDS EAST, A DISTANCE OF 171.40 FEET; THENCE TURNING IN A SOUTHERLY LINE SOUTH 10 DEGREES 16 MINUTES 52 SECONDS, A DISTANCE OF 290.59 FEET; THENCE TURNING IN A WESTERLY LINE, ALONG SAID NORTHERLY RIGHT OF WAY OF ELDER MILL ROAD, NORTH 85 DEGREES 48 MINUTES 49 SECONDS WEST, A DISTANCE OF 175.16 FEET, THENCE CONTINUING ALONG THE RIGHT OF WAY OF ELDER MILL ROAD, NORTH 78 DEGREES 28 MINUTES 12 SECONDS, A DISTANCE OF 209.90 FEET TO THE POINT OF BEGINNING.
SAID LOT BEING 2.024 ACRES.

NARRATIVE

WALTER W. PRITCHETT FARM,
Elder Mill Rd., Oconee County, GA

This property was originally bought from J. Clovis Saxon by our father Walter W. Pritchett after Walter came back from serving in World War II. Walter and Kate Pritchett built a home on the farm in 1978 where they both lived until their deaths. Walter passed in 2009 and Kate passed in May 2020. Before their deaths the farm was placed in a life estate to be passed down to their heirs', Sue P. Roach, May L. Bishop and Patsy A. Clark. The three heirs are in the process of dividing the farm and need to deed the house and two acres to Patsy Clark, who is a widow and has been handicapped since birth.

The remaining property will continue to be owned by Sue Roach and Mary Bishop or their children. This is the only request for less than five acres and this request is needed to divide the assets equally. The farm will continue to remain in the family of Walter and Kate Pritchett.

Thank you for considering this needed request.

Date: 5-11-2021

Signature: May L. Bishop

Date: 5-11-2021

Signature: Sue P. Roach

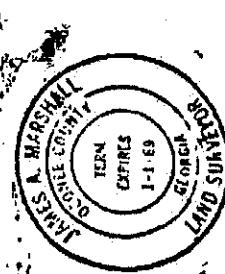
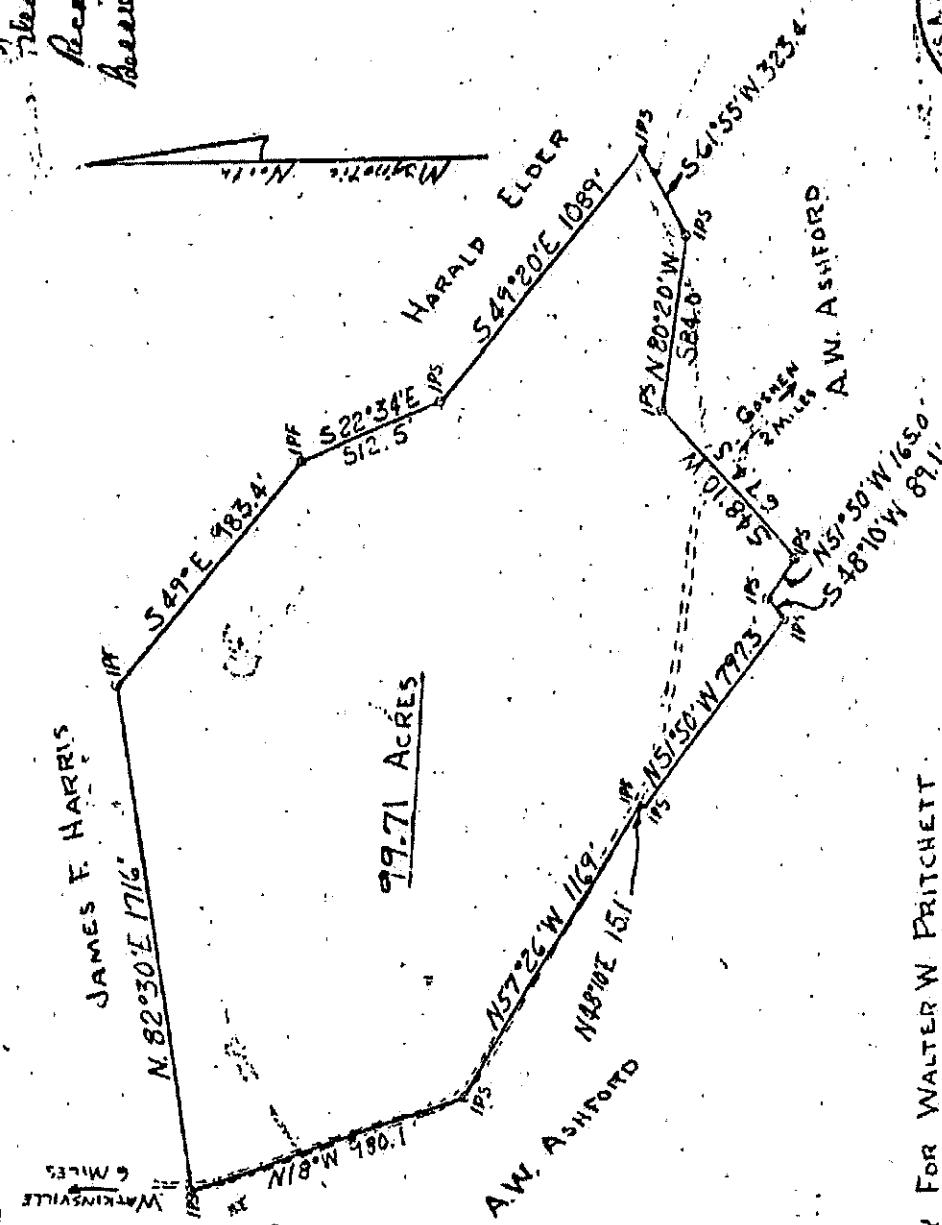
*Co-executors of Kate
Pritchett Life Estate*

EXHIBIT "A" TO REZONE NO P21-0102

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PLAT

Received June 6, 1967
Recorded June 6, 1967
Howard H. Johnson
Clark



SURVEY FOR WALTER W. PRITCHETT
223 S. MD. OCEAN CO., G.A.
JAN. 6, 1967. SCALE 1" = 500'
IPF - IRON P.H. FOUND
IPS - IRON PIN SET



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

REZONE CASE #: P21-0102

DATE: July 9, 2020

STAFF REPORT BY: Grace Tuschak, Senior Planner
Monica Davis, Planner

APPLICANT NAME: Mary L. Bishop and Sue P. Roach

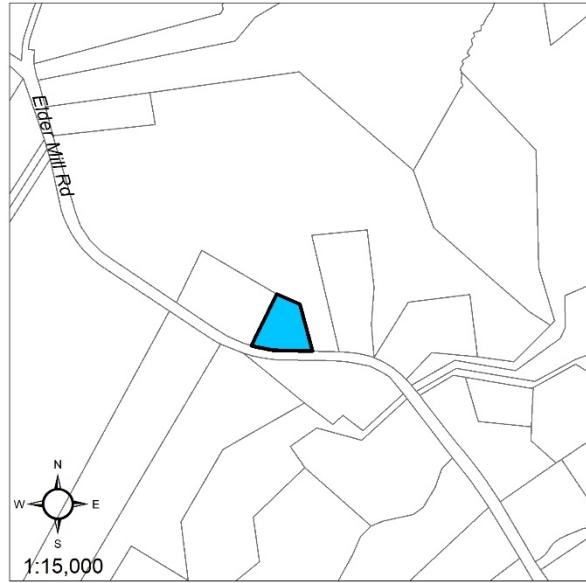
PROPERTY OWNER: Mary L. Bishop and Sue P. Roach,
co-trustees for Patsy P. Clark

LOCATION: 2011 Elder Mill Road

PARCEL SIZE: ± 2.024 acres

EXISTING ZONING: AG (Agricultural District)

EXISTING LAND USE: Single-Family Residential



FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Agricultural Preservation

ACTION REQUESTED: Rezone a portion of the property from AG (Agricultural District) to AR (Agricultural Residential District) to allow for the creation of an additional 2.024-acre residential lot with an existing house.

STAFF RECOMMENDATION: Staff recommends conditional approval of the request

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: July 19, 2021

BOARD OF COMMISSIONERS: August 3, 2021

ATTACHMENTS:

- Application
- Narrative
- Zoning Impact Analysis
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat of Survey
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property has been zoned AG since the original adoption of the zoning map in 1968.
- The single-family residence was built in 1978.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Single-family residential/undeveloped/pasture	AG (Agricultural District) AR (Agricultural Residential District)
SOUTH	Single-family residential/pasture	AG (Agricultural District)
EAST	Single-family residential/undeveloped/wooded	AG (Agricultural District) AR (Agricultural Residential District)
WEST	Single-family residential/undeveloped/wooded	AG (Agricultural District)

PROPOSED DEVELOPMENT

- The applicant proposes to rezone a portion of parcel C-06-013 from AG to AR in order to subdivide a ±2.024-acre residential lot and existing house from the parent parcel. This proposed subdivision is requested in order to equitably divide an estate among the heirs of Kate Pritchett.

PROPOSED TRAFFIC PROJECTIONS

- No additional traffic is projected because there is an existing house on the property and no new residences are proposed.

PUBLIC FACILITIES

Water:

- The additional lot would be served by an existing private well.

Sewer:

- The additional lot would be served by an existing private on-site septic system.

Roads:

- Access to the additional lot would be served by an existing driveway on Elder Mill Road.

ENVIRONMENTAL

- No 100-year flood plain, jurisdictional wetlands or state waters exist on the proposed 2.024-acre lot.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- No comments

OCONEE COUNTY FIRE DEPARTMENT

- No comments

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- 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.

Nearby properties are primarily single family residential or undeveloped/pasture and are zoned AG, AR-3, or AR. Lot sizes of nearby property range from 2.5-acre residential lots to large agricultural tracts of 10 or more acres. Staff holds that the zoning proposal is suitable in view of the existing uses, development, and zoning of nearby property.

B. Whether the property to be rezoned has a reasonable economic use as currently zoned.

The property has a reasonable economic use for single family residential purposes as currently zoned.

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 present request should have no impacts on population density and community facilities.

ii. Environmental impact;

No environmentally sensitive areas are known to exist on site.

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

No new residences or changes in use are proposed and staff holds that the proposed addition of one residential lot should not have any impact on the existing use, usability, and/or value of adjoining property.

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 is not currently vacant and this standard is not applicable to the present request.

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

The AR zoning 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. 205.02](#)). Staff holds that the request is consistent with the stated purpose of the proposed 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.

Staff finds no other existing or changing conditions or land use patterns which would give supporting grounds for either approval or disapproval of the zoning proposal.

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 [2040 Future Development Map](#). This Character Area is primarily composed of open land, active agricultural production, and low-density residential use ([2018 Comprehensive Plan p. 29](#)). While the majority of the Character Area is intended to remain in AG zoning with 5-acre minimum lot sizes, no increase in population density or additional development is proposed as part of this request to divide land equitably among heirs to a family estate. Staff holds that the present request is in conformity with the Future Development Map and the goals and objectives of the Oconee County Comprehensive Plan.

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

No other sites exist in the county that are comparable to the requested rezoning because of the nature of the request involving settlement of a family estate.

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 this request 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.

WALTER W. PRITCHETT FARM,

Elder Mill Rd., Oconee County, GA

This property was originally bought from J. Clovis Saxon by our father Walter W. Pritchett after Walter came back from serving in World War II. Walter and Kate Pritchett built a home on the farm in 1978 where they both lived until their deaths. Walter passed in 2009 and Kate passed in May 2020. Before their deaths the farm was placed in a life estate to be passed down to their heirs', Sue P. Roach, May L. Bishop and Patsy A. Clark. The three heirs are in the process of dividing the farm and need to deed the house and two acres to Patsy Clark, who is a widow and has been handicapped since birth.

The remaining property will continue to be owned by Sue Roach and Mary Bishop or their children. This is the only request for less than five acres and this request is needed to divide the assets equally. The farm will continue to remain in the family of Walter and Kate Pritchett.

Thank you for considering this needed request.

Date: 5-11-2021

Signature: May L. Bishop

Date: 5-11-2021

Signature: Sue P. Roach

*Co-executors of Kate
Pritchett Life Estate*

Rezoning Impact Analysis
2011 Elder Mill Road
May 16, 2021

A. Will the Zoning Proposal Permit a use that is suitable in view of the existing uses, development, and zoning of nearby property?

The existing use and zoning of nearby properties include the following:

North: AG-1 South: AG - 1 West : AG - 1 East : AR - 1

The properties that are located along Elder Mill Road are primarily A-1 with some AR-1 tracts. The residential character along Elder Mill Road has changed over the past 20 years in more AR-1 with tracts ranging from a few acres to AR with tracts of 50 acres or more. There is no apparent reason to expect the Subject Property would adversely impact the use or rural setting within the immediate area.

Granting the ~~rezone~~ request will not adversely affect any of the surrounding properties. The Subject Property existed in its current state prior to the most of the newly constructed residences along Elder Mill Road.

B. Does the Subject Property have a reasonable economic use as currently zoned ?

The Subject Property is not expected not have any impact on surrounding properties after the Approval of this rezoning request. The existing property residential character is in keeping with the Agricultural and Residential criteria being approved by Oconee County within a reasonable distance to the Subject Property.

C. Consider the extent to which the zoning proposal promotes the health, safety, morals or general welfare of the Public with consideration to : (1) Population density and effect on community facilities such as streets, schools, water and sewer; (2) environmental impact; (3) effect on existing use, usability , and/ or value of adjoining property.

There will be no additional impact on school over which is current existing. Population increase is not expected. Current traffic will not be impacted and there is no present public water or sewer available to the Subject Property.

There will be no impact to the existing environment by the Rezone request approval. There is ~~new~~ ^{no} activity planned or expected for the Subject Property.

There will not be any changes to the Subject Property nor adverse effects to the use, usability, and/or value of adjoining or nearby properties.

There are no negative effects on the environment due to the rezone of this Property. There are no known wetlands,flood plains, state waters or and other protected buffers or environmental restrictions on the Subject Property.

D. Length of time the Property had been vacant as zoned, considered in the context of land development in the vicinity of the Subject Property.

The Subject Property use and character existed prior to 90 per cent of the residential properties within one mile radius of the Subject Property. On the contrary the development of many homes along Elder

over 

Mill Road have come about after the existing property was put into use. The rezone request has no tangible impact on the present/existing neighborhood use for rural residential use with an agricultural character.

F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

The current and somewhat apparent land use pattern for property along Elder Mill Road is consistent with the desires and expectations of the Subject Property owners. The original openers of the Subject Property since WWII purchase was to have a rural setting for their heirs for residential/agricultural use. Two of the three immediate heirs are living on the larger tract. There are three Second generation heirs have residences on the larger family farm as well. There is remaining land for other possible family heirs to have their residences in accordance with Oconee County requirements.

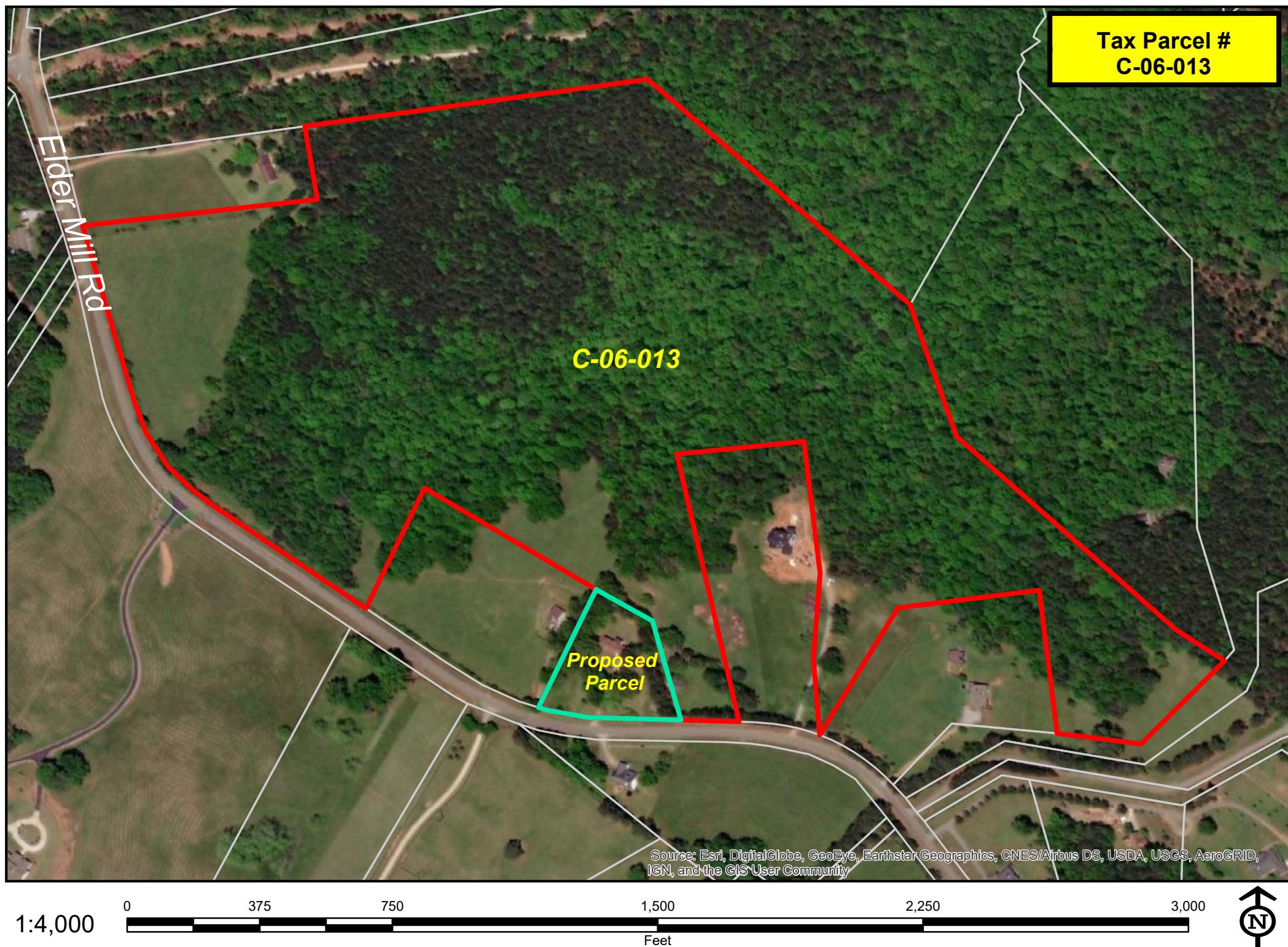
G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.

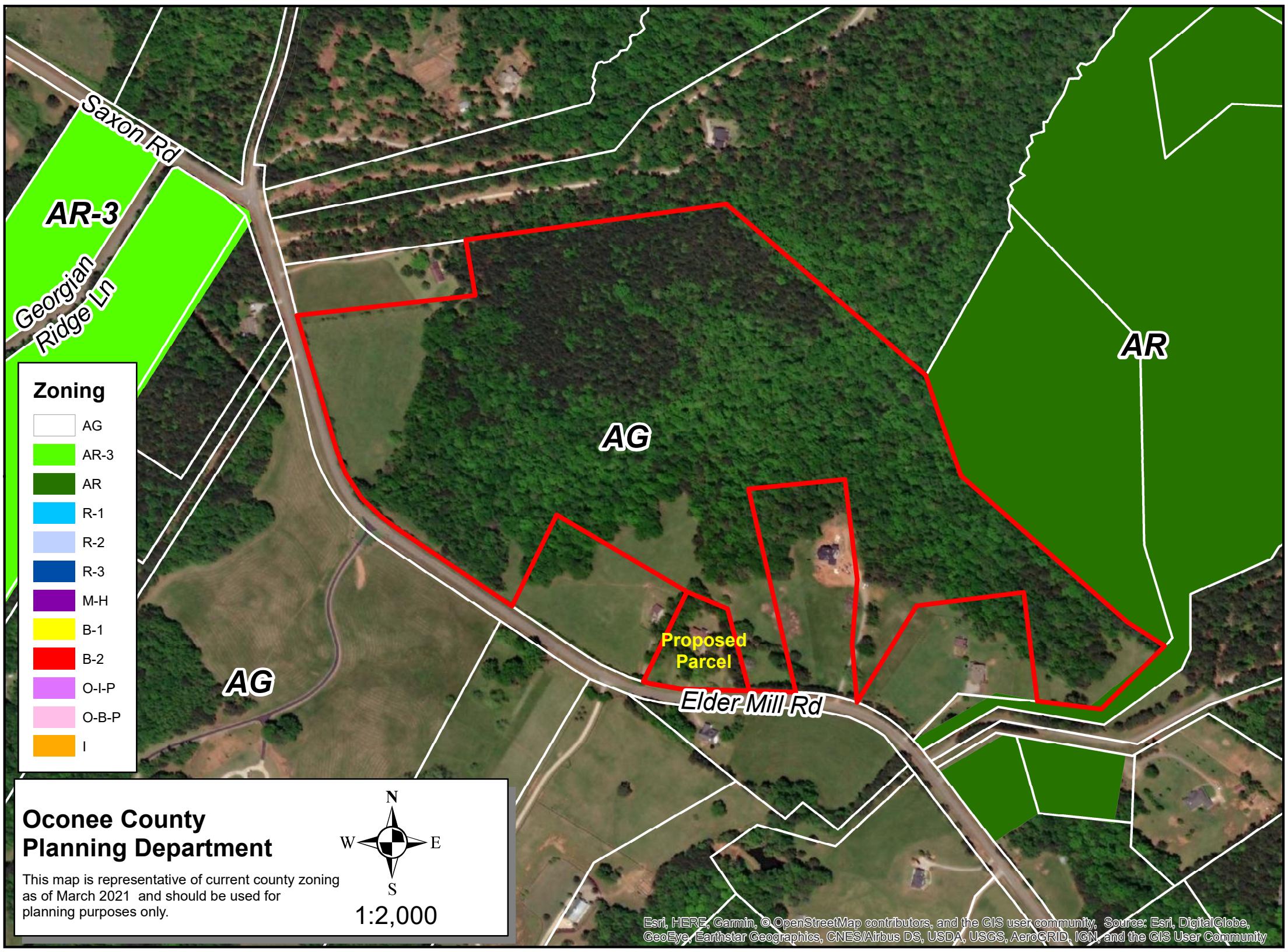
The rezone request will not adversely impact the future OC Future Development Map by any relative degree. The once only rezone is to accommodate the needs of heirs of the Subject Property as a residence for family benefit.

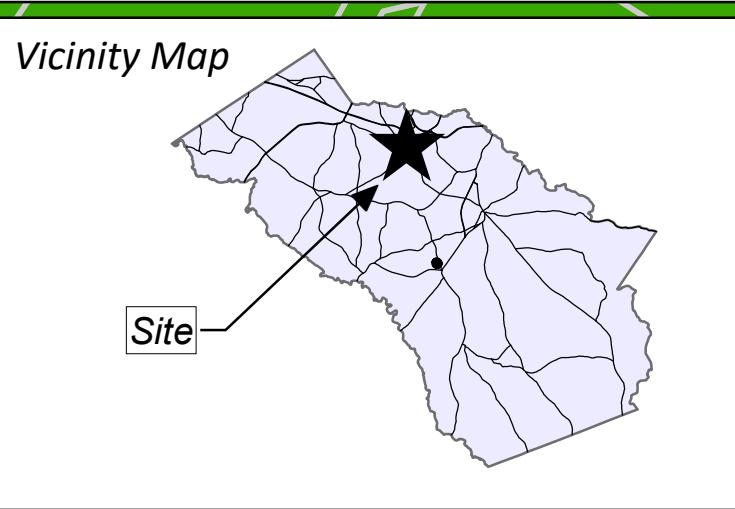
F. The availability of adequate sites for the proposed use in district that permit such use.

There presently exist properties along Elder Mill Road that existed prior to the present Oconee County Zoning Regulations. None of which present any adverse impact to the value or use for existing or future residences. This rezone request is for an existing structure. Therefore of sites for a similar characteristics is not relative to this request.

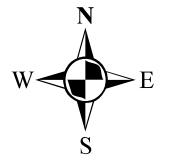
Rezone # P21-0102 - Kate Pritchett Life Estate







Oconee County Planning Department



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

0 205 410 820 1,230 1,640
Feet

