

Staff Report

Subject: 2nd Reading – Zoning Map Amendment
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: March 19, 2024
Item Description: **James Dasher** as agent for **Lain Nolan Earl Jr.** requests to **rezone +/- 185 acres from AR-1 to R-5** to allow for a residential development. Located at 311 Earl Lain Road. **[Map# 435 Parcel# 19]**

Summary Recommendation

Staff and Planning Board have reviewed the application and recommend **approval** of the request to **rezone +/- 185 acres from AR-1 to R-5** to allow for a residential development.

Executive Summary/Background

- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts.
- The applicant is proposing an approximate 260 single family detached residential development that will be served by County water and sewer.
- The proposed development is the second phase of the approved Fetzer Lakes Development that was approved by the Board of Commissioners on January 17, 2023.
- This development, if approved, will be the first R-5 zoning approved for the county.
- Per Effingham County Code of Ordinances, R-5 zoning must meet the following requirements:

- *Where applicable. This zoning district will only be allowed if municipal or county water and sewer service is adjacent to the parcel and capacity is available or a state permitted, privately owned community water and sewer system is constructed or available and can provide assurance of capacity.*

- *Required utilities. All properties in the R-5 zoning district shall be connected to water and sewer systems. No individual septic systems shall be permitted.*

- *Maximum density. Minimum zero point one five-acre lot, with no more than five dwelling units per net usable acre.*

Permitted uses.

- *Site-built and class A single-family detached dwellings.*

- *Home occupations, as provided in article III, section 3.15.*

- *Customary accessory buildings incidental to the above permitted uses.*

- *Government owned utilities, except publicly owned treatment plants permitted by the state and water storage facilities in excess of 1,000,000 gallon capacity, provided that wells, pump stations, meter stations, and water storage facilities shall be enclosed by a painted or chain link fence or wall at least six feet in height above the finished grade and provided there is neither office nor commercial operation nor storage of vehicles or equipment on the premises.*

- *Parks, recreational areas, playgrounds, public or private swimming pools.*

- *Planned single-family home communities with the following requirements:*

(a) *A homeowners' association shall be established, or management company identified. Said association or company shall operate pursuant to subdivision covenants, which are submitted to county with the final plat. It is the intent that said association or company will provide oversight of the development standards and maintenance of common areas and amenities. 1. Covenants shall include a provision that no more than 20 percent of homes in the community may be rented until at least 12 months has elapsed since issuance of the certificate of occupancy.*

(b) *The management company overseeing rentals shall pay an occupation tax and register with the county annually, pursuant to article II, business and occupation tax, for a license to operate a planned single-family home community.*

(c) *Walls in excess of 20 feet in length facing a street shall be broken up with entry elements, windows or wall offsets at least two feet deep.*

(d) *A minimum of two decorative elements shall be added to the front façade including but not limited to decorative shutters, decorative lighting, trellises, cornices, or similar architectural elements. (e) Maximum lot coverage of 45 percent shall be applied per lot on which each individual single-family residence sits.*

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Lot and building requirements.

- *Area: 6,600 sq. ft (0.15 acres)*

- *Width: Minimum 50 feet*
- *Maximum Height: 35 feet*
- *Minimum front setback: 15 feet*
- *Stairs (but not porches) may encroach up to five feet into front yard setback*
- *Minimum side setback (interior): 7.5 feet (or 3 feet provided minimum building separation of 15 feet is maintained)*
- *Minimum side setback (street): 15 feet*
- *Minimum rear setback: 25 feet*
- *Maximum lot coverage: 45%*

All building setbacks shall be shown on final subdivision plat

- *Open space requirements.*
- *All developments in the R-5 zoning district shall provide 15 percent of net usable area as common outdoor open space. Open space calculations shall be shown on the sketch plan and subdivision plat. Common outdoor open space shall mean areas accessible to all residents of the development. Common outdoor open space can include passive or active recreation areas, pathways, swimming pools, and open areas for congregating, per article II, definitions.*
 - (a) *Common outdoor open space shall feature paths or walkable areas, landscaping, seating, lighting and other amenities to make the area more functional and enjoyable for a range of users, taking into consideration potential noise issues due to the configuration of the site.*
 - (b) *Ten percent of net usable area allocated as common open space shall be greenspace. The implementation of a conservation easement is strongly encouraged.*
 - (c) *A homeowners association or some other entity shall be created to maintain the amenities and open space in good condition.*
- *Subdivision design requirements.*
- *Roads and rights-of-way.*
 - (a) *Roads in R-5 developments shall have a minimum of 60-foot right-of-way, with a minimum paved area as follows:1. Twenty-two-foot road pavement width is only permitted if homes have rear alley access. Signage is required indicating that on-street parking is prohibited.2. Twenty-eight-foot road pavement width, with parking on one side, is permitted if parking side is clearly delineated. Signage indicating parking side is required.3. Thirty-six-foot road pavement width, with parking permitted on both sides.*
 - (b) *R-5 developments shall have curb and gutter throughout.*
 - (c) *Streets in the R-5 developments shall have four-foot-wide sidewalks on any side of any street that contains houses. A tree no less than two inches dbh shall be planted at a rate of one for every two houses in the two-foot section of grass between the sidewalk and the curb.*
 - (d) *If lots are platted parallel to arterial, collector, or local (if outside of existing platted subdivision) road right-of-way, the following is required:1. Provide minimum 20-foot landscaped strip and a residential street, with residential lot facing arterial, collector, or local road right-of-way.2. Provide minimum 30-foot vegetative buffer and residential lot may have rear yard facing arterial, collector, or local road right-of-way.*
- *Parking requirements. Two off street parking spaces shall be provided for each single-family dwelling. These spaces can be in a garage, carport, or driveway accessed from the front or rear of the parcel. One additional space per every five units shall be provided for overflow off-street parking.*
- *Development standards. The follow design elements shall be included:*
 - (a) *Exterior finished material shall be constructed with a combination of clay masonry brick, natural stone including granite, marble, sandstone, field stone or other similar natural stone; manufactured stone including imitation field stone, marble terrazzo, and other similar manufactured finish stone; and wood, cement plank, fiber plank, traditional three coat stucco, or other materials of like appearance.*
 - (b) *Buildings shall utilize design features from the following list, totaling at least four points, to provide visual relief along the front of the dwelling unit. Unless otherwise specified, features are worth one point:1.Dormers (functional or false);2.Gables;3.Recessed entries;4.Covered front porches, at least six feet in depth (two points);5.Pillars or posts;6.Two or more brick masonry pattern bond treatments;7.Side or rear loaded garage or carport (three points);8.Bay windows (minimum 24-inch projection);9.Multi-season porch or sunroom on rear of house (three points).*
 - (c) *The garage shall not occupy more than 40 percent of the total building façade.*
 - (d) *At least 20 percent of the wall space of the front façade shall be windows and doors. Windows shall be provided with trim.*

- (e) *The minimum roof overhang shall be 12 inches, exclusive of porches and patios.*
- (f) *The minimum landscaping shall be as follows: 1. Two large trees (one in the front yard, one in the rear yard):*

Mature size = 40 inches to 60 inches;

Planted size = Two-inches cal.

2. Two small trees (one in the front yard, one in the rear yard):

Mature size = 15 inches to 40 inches;

Planted size = Two-inches cal.

3. Four large shrubs (near foundation; 25 percent in rear yard):

Mature size = Five-inches to eight inches;

Planted size = 30 inches.

4. Eight small shrubs (near foundation; 25 percent in rear yard):

Mature size = Two-inches to four inches;

Planted size = 20 inches.

- *R-5 Rezoning application requirements. Applicant shall submit the following documentation in addition to the rezoning application:*

(a) A completed R-5 development standards submittal form and checklist.

(b) A subdivision concept plan showing the lots, road configuration, and all calculations (open space, etc.).

(c) A timeline delineating when the development will begin and estimated time of completion.

(d) Exhibits and descriptions of materials that clearly demonstrate the intent of the developer to meet the requirements of section 5.8.10, development standards.

- Per the Effingham County R-5 Ordinance, there must 15% of net usable area as common outdoor open space. The applicant has provided over 35 acres of open space.
- The applicant is currently working as part of the Planned Development for the first phase of this development to improve Earl Lain Road.
- This rezoning is consistent with the Future Land Use Map, this parcel is projected as agriculture/residential.
- At the February 13, 2024, Planning Board meeting, Mr. Alan Zipperer made a motion for approval with Staff recommendations. Mr. Peter Higgins second the motion and it carried unanimously.
- At the March 5, 2024, Board of Commissioners meeting Commissioner Burdette made a motion for approval with the following added condition:
 - A 6ft wooden privacy fence shall be constructed along the residential lots to the north that have frontage on Kolic Helmey Road that abut the new subdivision, and along the south that have frontage on Joyce Curve that abut the subdivision.

Alternatives

1. **Approve** the request to **rezone** +/- 185 acres from **AR-1** to **R-5** to allow for a residential development, with the following conditions:

- A Sketch Plan must be approved before site development plans are submitted.
- Site Development Plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
- All wetland impacts must be approved and permitted by USACE.
- A Traffic Impact Assessment shall be submitted during development plan review process.
- A 6ft wooden privacy fence shall be constructed along the residential lots to the north that have frontage on Kolic Helmey Road that abut the new subdivision, and along the south that have frontage on Joyce Curve that abut the subdivision.

2. Deny the request for to **rezone** +/- 185 acres from **AR-1** to **R-5** to allow for a residential development.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Zoning Map Amendment