AMENDED VERSION
For Signed Copies, see the Official Version adopted October 3, 2006 along with all subsequent amendments in the Office of the Clerk of the Board of Commissioners.

Oconee County, Georgia

Unified Development Code

Incorporates:

Zoning Regulations
Land Subdivision Regulations
Adult Entertainment Establishments Ordinance
Aquifer Recharge Area Protection Ordinance
Driveway Ordinance
Flood Damage Prevention Ordinance
Grading and Draining Ordinance
Manufactured Home and Recreational Vehicle Regulations
Protection of Public Right-of-Way and Easements Ordinance
Regulation of Private Bridges and Dams on Roadways Ordinance
Sign Regulations
Soil Erosion & Sedimentation Control Ordinance
Storm Drainage and Stormwater Management Ordinance
Special Tax Districts Ordinance
Telecommunications Antennae & Tower Standards Ordinance
Truck Traffic Ordinance
Wetland Protection Ordinance

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Amended December 3, 2019

OCONEE COUNTY

UNIFIED DEVELOPMENT CODE

Organization of the Code

Article 1. Adoption, Purpose and Applicability

This Article provides for the adoption of the Unified Development Code, sets out its purpose and intent, describes the lands and development to which the Code applies, shelters approved permits from changes in the regulations, and provides for the continuation of preexisting uses, structures, lots and signs that are not in conformity with the provisions of this Code.

Article 2. Use of Land and Structures

This Article defines the zoning districts in the County and identifies the specific uses to which land and structures may be put in the various zoning districts, including certain uses or structures for which special approval is required in order to be allowed. In addition, this Article identifies specific uses within each zoning district to which restrictions may apply, which are presented in Article 3 of this Code.

Article 3. Restrictions on Particular Uses

The purpose of Article 3 is to provide land use and development regulations for specific uses that are applicable to sites throughout Oconee County. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are allowed, whether by right or through Special Use approval.

Article 4. Lot and Building Standards

This Article sets out the standards that control the size of lots, the placement and size of buildings and structures on a lot, and the intensity of development on a lot.

Article 5. Subdivisions and Planned Developments

This Article presents the different ways that land can be subdivided and developed, ranging from traditional subdivisions, to open space subdivisions where green space and natural features are preserved by reducing lot sizes, to master planned developments which allow a wider variety of housing types in a well-planned mixed-use environment while also preserving green space and natural features.

Article 6. Parking and Loading Requirements

This Article sets out the requirements and restrictions on the provision of automobile parking spaces for each development to accommodate its residents, employees, customers and visitors, and for adequate truck parking to serve any business or industrial building, hospital, institution, or hotel. The provisions of this Article apply equally to each designated use without regard to the zoning district in which it is located.

Article 7. Sign Regulations

This Article provides for the types of signs that may be placed on a property, and regulates such characteristics as their size, number, placement, and timing (for temporary events).

Article 8. Landscaping and Buffers

The purpose of this Article is to improve the aesthetic qualities of the County and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

a. Providing for quality and consistency in the design of landscaping and screening; and

b. Providing for the separation of incompatible types of land use.

c. Providing a landscape appearance in keeping with the existing natural and rural farmland environment of Oconee County.

Article 9. Environmental Protection

This Article sets out the minimum requirements and standards for the protection of the natural environment within the County, including restrictions on the use of land near certain rivers and streams, within water supply watersheds, within groundwater recharge areas susceptible to pollution, and in wetlands in order to:

a. Protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the jurisdiction and the State;

b. Protect the natural habitat of animal and plant life relative to water resources; and

c. Protect valuable water-related and other natural resources, to help control erosion and river sedimentation, for contribution to drought management, and to help absorb flood waters.

Article 10. Project Design and Construction Standards

This Article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities.

Article 11. Erosion Control and Stormwater Management

This Article contains the requirements that relate to the impact of rainfall events on the natural and manmade environment, including the erosion and siltation effects of site grading and land disturbance activities, the control of stormwater flows and the potentially damaging effects of flooding.

Article 12. Procedures and Permits

This Article describes the process through which a rezoning or special use may be approved on a property, the approval process for construction of subdivisions and other land development projects, and how special districts can be established to fund such facilities as street lights in a neighborhood.

Article 13. Appeals

This Article describes the process for addressing unusual situations or unique problems that may arise from the strict interpretation or enforcement of this Development Code, including appeals from an administrative decision, for a special exception, and for unique hardships restricting reasonable use of a property.

Article 14. Administration and Enforcement

This Article sets out the structure, procedures and responsibilities of the various administrative officers for administering, amending and enforcing this Development Code, and set out penalties for violations.

Article 15. Interpretation and Definitions

This Article describes how figures, words and phrases used in this Development Code are to be interpreted, and provides a glossary of all definitions specifically used in the text of this Development Code.

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Article 1. Adoption, Purpose and Applicability

Sec. 101. Purpose of Article 1.

This Article provides for the adoption of the Unified Development Code, sets out its purpose and intent, describes the lands and development to which the Code applies, shelters approved permits from changes in the regulations, and provides for the continuation of preexisting uses, structures, lots and signs that are not in conformity with the provisions of this Code.

Sec. 102. Title and authority.

Sec. 102.01. Short title.

This Code shall be known as and may be cited as "The Unified Development Code of Oconee County, Georgia" or, for brevity, "The Development Code."

Sec. 102.02. Authority.

a. This Development Code is adopted pursuant to the authority conferred by the Georgia Constitution, and for purposes of promoting the health, safety, aesthetics, convenience, order, prosperity or the general welfare of the present and future inhabitants of Oconee County as contained and detailed herein.

b. Pursuant to the statement of purpose and intent herein, and the authority and requirements of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 *et seq*.) and other applicable State laws and requirements, this Development Code contains provisions regulating the location, height, number of stories and size of buildings and other structures; the uses of land, buildings, and structures for industry, commerce, agriculture, conservation, recreation, residences, public activities, and other purposes; creating districts for said purposes and establishing boundaries thereof; defining certain terms used herein; providing for the method of administration, amendment and enforcement and for the Appeals Procedure; and repealing conflicting Regulations and other matters.

Sec. 103. Adoption.

Under the authority and for the purposes stated herein, the Board of Commissioners of Oconee County does hereby enact as law the Articles and Sections contained in this Unified Development Code.

Sec. 103.01. Components of the development code.

This Code and the official zoning maps of the county on file and maintained in the office of the Planning Department shall together constitute the Unified Development Code of Oconee County, Georgia.

Sec. 103.02. Conflict with other regulations.

Whenever the regulations of this Development Code require a greater lot width or depth or size of yard or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this Development Code shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this Development Code, the provisions of such statutes or covenants shall govern.

Sec. 103.03. Repeal of conflicting resolutions or ordinances.

All Resolutions or Ordinances and parts of Resolutions or Ordinances in conflict with this Development Code are hereby repealed to the extent of such conflict.

Sec. 103.04. **Severability and validity.**

a. Should any Article, Section, paragraph, sentence, clause or word of this Code be declared invalid or unconstitutional by any Court of Competent Jurisdiction, such declaration shall not affect the validity of the Code as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.

b. It is hereby decreed to be the intention of the Board of Commissioners of Oconee County that the Articles, Sections, paragraphs, sentences, clauses and words of this Development Code are severable and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, Section or Sections, Article or Articles of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs, Sections and Articles of this Development Code as the same would have been enacted by the Board of Commissioners of Oconee County without the incorporation in this Code of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, Section or Sections, Article or Articles.

Sec. 103.05. **Effective date.**

This Development Code shall take effect November 1, 2006 by the Board of Commissioners of Oconee County, Georgia.

Sec. 104. Purpose and intent.

Sec. 104.01. **Purpose of the development code.**

The purpose of this Development Code is to promote the health, safety, morals, aesthetics, convenience, order, prosperity and general welfare of the community, and is intended:

a. To lessen congestion in the streets;

b. To secure safety from fire, panic and other dangers;

c. To provide adequate access to light and air;

d. To prevent the overcrowding of land and avoid undue concentration of population;

e. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, in accordance with a comprehensive plan;

f. To protect property against blight and depreciation;

g. To promote the orderly and beneficial development and expansion of the County;

h. To promote the orderly and desirable development of public and private utilities and services;

i. To encourage the most appropriate use of land, buildings and other structures throughout the county;

j. To securing economy in government expenditures;

k. To encourage the development of an economically sound and stable community so as to help conserve and protect the natural, economic, and scenic resources of Oconee County, Georgia;

l. To assure the provisions of the required streets, drainage, utilities, and other facilities and services in new land developments to help prevent and reduce traffic congestion, health and safety hazards;

m. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, and to help insure that all building lots will be accessible to firefighting equipment and other emergency and service vehicles;

n. To encourage the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes;

o. To help eliminate the costly maintenance problems which develop when streets and lots are laid out without proper consideration being given to the drainage characteristics of the tract of land at the time the land is being subdivided into streets and lots; and

p. To assure adequate identification of property on the public records.

Sec. 104.02. **Purposes of the Community Agenda.**

The Oconee County, Georgia, Community Agenda is intended for the following purposes, among others:

a. To guide and direct growth and development in Oconee County;

b. To protect, preserve and enhance the county's cultural, environmental, economic and social resources;

c. To identify current land uses in order to assist the county in making budgetary, utility and other resource allocations;

d. To enable Oconee County to predict future land uses for planning purposes;

e. To assist the county in fulfilling its statutory and other legal obligations; and

f. To provide a public document which will serve as a means of general information on land use and development for the citizens of Oconee County and other interested parties.

Sec. 104.03. **Intent in interpretation.**

In the interpretation and application of this Development Code all provisions shall be:

a. Considered as minimum requirements;

b. Liberally construed in favor of the property owner; and

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 104.04. **Intent relative to private property agreements.**

This Code is not intended to abrogate, annul or otherwise interfere with any private easement, covenant or other agreement or legal relationship between private parties; provided that, when the regulations of this Code are more restrictive or impose higher standards or requirements than such private easements, covenants, or other private agreements or legal relationships, the regulations of this Code shall govern. In no case, however, shall Oconee County be required to enforce such private easements, covenants, or other private agreements or legal relationships, whether they are more restrictive or less restrictive than the standards or requirements of this Development Code.

Sec. 105. General applicability.

Sec. 105.01. **Lands to which this code applies.**

This Development Code applies to all lands and the buildings, structures and uses thereon within the unincorporated areas of Oconee County, Georgia.

Sec. 105.02. **Exemptions.**

a. Subdivisions with Prior Approval

Subdivisions which received preliminary plat approval prior to the adoption of this Development Code shall be allowed to continue development according to said preliminary plat under the Subdivision Regulations in effect at the time the preliminary plat was approved. This provision shall expire 2 years following the date of preliminary plat approval, unless Site Development and/or Construction Plans are approved by the County

within that time. Furthermore, Site Development and/or Construction Plans approved pursuant to such subdivisions or approved prior to the adoption of this Development Code shall expire within 1 year from date of approval, unless construction has begun and continuous work is being performed on the project.

b. Previously Issued Permits.

The provisions of this Development Code and any subsequent amendments shall not affect the validity of any lawfully issued and effective site development plan approval, building permit or development permit if:

(1) The development activity or building construction authorized by the approval or permit has been commenced prior to the effective date of this Development Code or the amendment, or will be commenced after such effective date but within 6 months of issuance of the permit; and

(2) The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the approval or permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this Development Code in effect on the date of the permit expiration.

c. Recently approved rezoning.

In order to provide a smooth transition to the new Unified Development Code, any property rezoned or granted special use approval within the six calendar months preceding adoption of the Unified Development Code, but for which such use is not allowed under the Unified Development Code, shall nonetheless be allowed to be used for such purpose as previously approved, provided that:

(1) A development permit or building permit authorizing such use is issued within six calendar months after the date of adoption of the Unified Development Code; and

(2) The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of the Unified Development Code in effect on the date of the permit expiration.

d. Previously submitted applications.

Any valid and complete application accepted by Oconee County prior to adoption of the Unified Development Code for the development of, construction upon or use of land shall be processed and issued under the applicable County regulations in effect prior to adoption of the Unified Development Code, provided that the application is approved within six calendar months after the date of adoption of the Unified Development Code.

e. Effect of unified development code on exempt properties.

(1) To the extent that exemption under this Sec. 105.02 results in nonconformity with the provisions of this Development Code, such properties shall be governed by the requirements of Sec. 107, Nonconformities.

(2) Any new application for a zoning change, a variance, a preliminary subdivision plat, a site development plan, a development permit, a building permit or any other action affecting a property covered under this Sec. 105.02 shall be considered and applied under the provisions of this Development Code, as applicable.

Sec. 106. Application of the regulations.

Except as hereinafter provided:

Sec. 106.01. **Use, occupancy and construction.**

a. No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with this Development Code.

b. All buildings and structures erected hereafter, all uses of land, water, buildings or structures established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Development Code which are applicable to the zoning district in which such buildings, structures, uses or land are located.

c. Existing buildings, structures and uses that comply with the regulations of this Code shall be subject to all regulations of this Development Code. Existing buildings, structures and uses that do not comply with the regulations of this Development Code shall be authorized to continue subject to the provisions of this Article relating to nonconformities.

d. All subdivisions, planned developments and land development projects proposed for approval and permitting hereafter shall be subject to all regulations of this Development Code.

Sec. 106.02. **General prohibitions.**

a. No building or structure, and no use of any building, structure, land, or property, and no lot of record, now or hereafter existing, shall hereafter be established, constructed, expanded, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this Development Code.

b. No subdivider shall proceed with any construction work on a proposed subdivision before obtaining preliminary plat approval and issuance of a development permit from the County in conformity with the provisions of this Development Code.

c. Unless conditioned upon final plat approval and containing notice that there is no currently approved plat, the transfer of, sale of, or contractual agreement to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final subdivision plat approval by the County in conformity with the provisions of this Development Code and recorded in the office of the Clerk of the Superior Court of Oconee County is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from compliance with this provision.

d. No land dedicated as a public street shall be accepted, opened or improved, nor shall any utilities or other facilities be installed therein, unless:

(1) Such street shall have been accepted or opened as, or otherwise shall have received the legal status of a public street prior to the adoption of this Development Code; or

(2) Unless such street corresponds in its location and lines with a street shown on a final subdivision plat given final approval by the designated subdivision review staff in conformity with the provisions of this Development Code with its stamps and signatures properly placed on the plat and said plat has been recorded in the Clerk of the Superior Court's office.

e. No building permit shall be issued on a lot that gains its access from a street that has not been improved to the standards required by this Development Code, unless:

(1) The lot, in its current size and configuration, existed as a legal lot of record on the date of adoption of this Development Code; or

(2) The lot was created through approval of a subdivision in which improvement of the street was not required under the provisions of this Development Code.

Sec. 106.03. **Division of property.**

a. No person shall divide or subdivide or cause a subdivision to be made, by deed or map, of any parcel of land which is located within the boundaries of unincorporated Oconee County, except in conformity with the provisions of this Development Code.

b. Any owner or developer of any tract of land situated within the county who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of Superior Court of Oconee County, Georgia. No such plat of subdivision shall be recorded unless and until it shall have been submitted to and approved by Oconee County as provided herein. No land shall be subdivided for residential use if it is not zoned for residential development as specified on the zoning maps of the county.

c. This Development Code bears no relation to any private easement, covenant, agreement, or restriction, and the responsibility of enforcing such private easement, covenant, agreement, or restriction is not implied herein to any public official. When this Development Code calls for more restrictive standards than those required by private contract, the provisions of this Development Code shall control.

Sec. 106.04. **Height and density.**

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

a. Exceed the height limits.

b. Be occupied by more dwelling units per acre or occupy a smaller lot area per family than are herein required.

c. Have narrower or smaller front, rear or side yards or other open spaces than are herein required or specified; or in any other manner contrary to the provisions of this Development Code.

Sec. 106.05. **Yards and other spaces; service to one building.**

No part of a yard or the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with this Development Code shall be included as part of the yard or off-street parking or loading spaces required for another building, except as specifically provided herein.

Sec. 106.06. **One principal building or use on a lot.**

a. With respect to single-family detached dwellings, only one principal residence and its customary accessory buildings and structures may be erected on any one lot.

b. With respect to two-family dwellings, only one principal building (containing two dwelling units) and its customary accessory buildings and structures may be erected on any one lot.

Sec. 106.07. **Reduction in lot size.**

No lot shall be reduced in size so that lot width or depth, size of yards, lot area per family or any other requirement of this Development Code is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose.

Sec. 107. Nonconformities.

This Section sets out the provisions that protect uses, structures, lots and signs that lawfully existed prior to the adoption of this Development Code or a subsequent amendment, but no longer conform to the regulations herein. The primary intent of the treatment of nonconformity is to allow continuation of these uses, structures, lots and signs until the end of their useful life, while encouraging conformance to the new regulations when it becomes reasonable to do so.

Sec. 107.01. **Nonconforming development; in general.**

a. Lawful nonconforming uses, structures, lots and signs are declared by this Development Code to be incompatible with land uses, structures, lots and signs that conform to the requirements of the zoning districts in which the nonconformity exists. However, such nonconforming development may continue under the circumstances presented in this Section for each type of nonconformity.

b. For the purpose of this Sec. 107, "value" shall be computed from the amount a building or structure, as applicable, is appraised for tax purposes by Oconee County.

Sec. 107.02. **Nonconforming uses.**

a. Nonconforming uses; defined.

A nonconforming use is a use or activity that was lawfully established prior to the adoption or amendment of this Development Code, but which, by reason of such adoption or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this Development Code.

b. Continuance of nonconforming uses.

(1) To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this Development Code or any subsequent amendment may be continued even though the use does not conform to the provisions of this Development Code, except that the nonconforming use shall not be:

(a) Extended to occupy a greater land area;

(b) Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the adoption or amendment of this Development Code and was clearly designed to house the same use as the non-conforming use occupying the other portion of the building or structure;

(c) Reestablished after discontinuance for 12 months (or 24 months for agricultural uses which require rotation); or

(d) Changed to another nonconforming use.

(2) A building occupied by a nonconforming use at the time of adoption or amendment of this Development Code, or because of changes in the use of adjoining properties, may be retained Under the following circumstances:

(a) It shall not be enlarged or altered except in conformance with this Development Code. It may be repaired to the extent necessary to maintain it in a safe and sanitary condition;

(b) If the building is destroyed by natural or other causes to the extent of less than 50 percent of its value, it may be rebuilt to its original specifications, if completed within twelve months;

(c) If the building is destroyed by natural or other causes to the extent of 50 percent or more of its value, it may be rebuilt only in conformance to the requirements of this Development Code; or

(d) The nonconforming use of a property for occupancy by a manufactured home may not be resumed once the manufactured home is removed from the property.

(3) If an existing use was lawfully established in a zoning district that is subsequently amended to require Special Use approval for such use, the existing use shall not be subject to the provisions of this Section.

(4) Any intended but not yet existing nonconforming use for which a vested right was acquired prior to the adoption of this Development Code or the adoption of an

amendment to it shall be prohibited unless such intended nonconforming use for which a vested right was acquired is actually commenced within one year of the adoption of this Development Code or the adoption of an amendment to it regardless of the intent or expectation to commence or abandon such nonconforming use.

Sec. 107.03. **Nonconforming structures.**

a. Nonconforming structures; defined.

A nonconforming structure is a structure or building whose size, dimensions, location on a property or other features were lawful prior to the adoption or amendment of this Development Code, but which, by reason of such adoption or amendment, no longer meets or conforms to one or more such requirements of this Development Code.

b. Continuance of nonconforming structures.

(1) A nonconforming structure may continue to be occupied and used, except that:

(a) A nonconforming structure shall not be repaired, rebuilt or altered after damage or destruction of 50 percent or more of its value, unless the structure is an owner-occupied dwelling.

(b) A nonconforming structure may be repaired, rebuilt or altered to its original configuration after damage or destruction not exceeding 50 percent of its value, provided that allowed reconstruction begins within 1 year after the damage or destruction is incurred.

(c) A nonconforming structure shall not be enlarged or altered in a way that increases its nonconformity, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.

(d) A nonconforming manufactured home shall not be replaced with another nonconforming manufactured home.

(2) The strengthening or restoration to a safe condition of any nonconforming structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official.

Sec. 107.04. **Nonconforming lots.**

a. Nonconforming lots; defined

A nonconforming lot is a lot of record whose area, frontage, width or other dimensions, or location were lawful prior to the adoption or amendment of this Development Code, and which, by reason of such adoption or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

b. Treatment of nonconforming lots.

Any lot of record existing at the time of the adoption or amendment of this Development Code, may be used subject to the following exceptions and modifications:

(1) Adjoining lots.

When two or more adjoining lots of record with contiguous frontage are in one ownership at any time after the adoption or amendment of this Development Code and such lots, individually, have an area or width that is less than is required by this Development Code, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the Zoning District in which they are located.

(2) Individual lot not meeting minimum lot size requirements.

(a) Except as set forth in Sec. 107.04.b(1), in any Zoning District in which single-family dwellings are permitted, any lot of record existing at the time of adoption or amendment of this Development Code which has an area,

width or depth less than that required by this Development Code may be used as a building site for a single-family dwelling.

(b) In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, a Special Exception Variance to reduce the side-yard requirements for such lot the minimum amount necessary for a reasonable dwelling may be requested. See the Appeals Article of this Development Code for procedures.

Sec. 107.05. **Nonconforming signs.**

a. Nonconforming signs; defined.

A nonconforming sign is a sign that was lawfully erected and maintained prior to the adoption or amendment of this Development Code, and which by reason of such adoption or amendment fails to conform to all applicable regulations and restrictions of this Development Code.

b. Grandfathered nonconforming signs.

A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign shall not be replaced, expanded, relocated or substantially renovated except in conformity with the provisions of this Development Code.

c. Temporary signs to be removed.

Any nonconforming sign that is temporary in nature and not permanently affixed to the ground or to a building, such as but not limited to a portable sign, a streamer or pennant, shall be removed within 30 days of becoming a nonconforming sign.

d. Treatment of illegal signs.

(1) Illegal signs located within a public right-of-way or on public lands:

(a) Signs located illegally within any public right-of-way or other public lands shall be removed immediately upon adoption of this Development Code.

(b) The Code Enforcement Director or other county employee(s), (and/or private individuals, corporations and entities, if so authorized by the Board of Commissioners), shall be authorized to remove and dispose of nonconforming signs from public rights-of-way and other public lands with or without notice to and at the expense of the owner, builder or other parties responsible for placement of said sign.

(2) Illegal signs not located within a public right-of-way or on public lands:

(a) A sign that did not lawfully exist under the County's regulations prior to adoption of this Development Code shall, within 30 days of adoption of this Development Code, either (a) be removed or (b) be brought into conformance with all provisions of this Development Code.

(b) Failure to remove such illegal sign or bring it into conformance following 30 days notice to the owner or occupant of the property by the Code Enforcement Director shall authorize the County to remove the sign at the expense of the owner or occupant of the property.

e. Removal due to road improvements.

If a nonconforming sign must be removed due to a county or state road improvement project, the Board of Commissioners may authorize the relocation of said sign even though the new location may not meet the setbacks, location and/or spacing or other provisions of this Development Code.

f. Nonconforming sign replacement.

Within 180 days of the adoption of this section, the Code Enforcement Director shall prepare a list of signs within the County which would not be permitted under the current ordinance due to size limitations, but which signs were validly permitted and constructed under the rules and regulations applicable at that time. Any such sign which is removed, destroyed or significantly damaged may be replaced with a new sign of substantially similar dimensions at the same location, notwithstanding any provisions of this Article and upon compliance with the provisions of this Article not related to size.

(1) Replacement sign construction shall begin within 1 year of the date of demolition of the previously existing sign.

Article 2. Use of Land and Structures

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Article 2. Use of Land and Structures

Sec. 201. Purpose of Article 2.

This Article defines the zoning districts in the County and identifies the specific uses to which land and structures may be put in the various zoning districts, including certain uses or structures for which special approval is required in order to be allowed. In addition, this Article identifies specific uses within each zoning district to which restrictions may apply, which are presented in Article 3 of this Code.

Sec. 202. Definitions related to the use of land and structures.

***Accessory Use or Structure**:* A use or structure customarily incidental and subordinate to the principal use of the building.

***Agricultural Land**:* Land, including necessary buildings and structures, used for the raising of crops or animals.

***Agritourism**:* Any activity carried out on a farm that allows members of the general public for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, or harvest-your-own activities, and excluding any competitions utilizing motorized vehicles. An activity is an agritourism activity whether or not a fee is collected to participate.

***Airport**:* A transportation facility, terminal or similar location where commercial aircraft take off and land as distinguished from an "Airstrip, Private" as defined herein.

***Airstrip, Private**:* A facility or location where fixed-wing private non-commercial aircraft take off and land.

***Apartment**:* See "Dwelling, Multi-family"

***Bed and Breakfast Inn**:* A business establishment operated within a dwelling by the owner or occupant, offering temporary lodging and one or more meals to guests while away from their normal places of residence. In contrast, see "Rooming or Boarding House" and "Hotel or Motel."

***Caretaker's Residence**:* A permanent, secondary, or accessory dwelling for person's employed principally on-site for the purposes of care and protection of persons, property, maintenance responsibilities, etc., and his or her spouse and children.

***Cemetery**:* Any plot of ground, churchyard, building, mausoleum, or other enclosure used for the burial of the dead.

***Clinic**:* An establishment where patients, who are not lodged overnight, are admitted for medical examination and treatment.

***Day Care Facility**:* The use of a building or premises for the care and supervision of children or elderly adults who do not reside on the property, for periods of less than 24 hours.

1. ***Family Day Care Home**:* An accessory use within a private residence operated by the occupant of the dwelling that enrolls for pay, supervision and non-medical care, 5 or fewer children or elderly adults with no overnight stays, or no more than 6 children or elderly adults if the structure meets the Building Code requirements for institutional uses.
2. ***Group Day Care Home**:* A day care facility that enrolls for pay, supervision and non-medical care, up to 18 children or elderly adults with no overnight stays.
3. ***Day Care Center**:* A day care facility that enrolls for pay, supervision and non-medical care, 19 or more children or elderly adults with no overnight stays.

***Driveway**:* A travelway improved for vehicular access to a property for the primary purpose of providing access between a street and automobile parking facilities or truck loading areas on the property, or for providing a connection between distinct parking or loading areas on the property.

Drug Store/Pharmacy: A retail business establishment which, A) dispenses prescription and non-prescription medications and B) has more than 2,500 square feet of floor space or which offers for sale products from more than three of the following product categories:

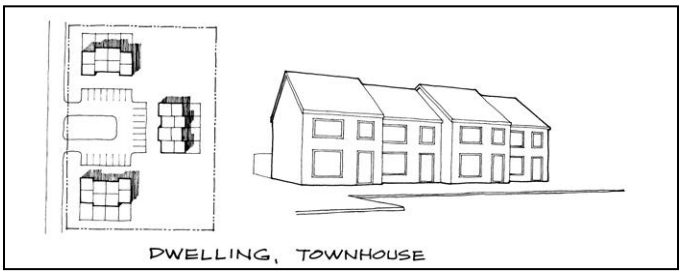
1. Bulk consumption food or drink products such as multiple serving food or drink packages or containers, (but not including single serving packages or containers).
2. Photographic film developing or processing services.
3. Tobacco products such as cigarettes, cigars, snuff, pipe tobacco, or chewing tobacco, (but not including nicotine gum, patches or similar products marketed as stop smoking aids).
4. Small appliances and personal electronics such as toasters, radios, cassette tape and CD players, calculators, cameras, video games, hair dryers or electric razors, (but not including digital medical thermometers, blood pressure or blood oxygen monitors, humidifiers, heating pads and medication delivery systems.
5. Cosmetics such as makeup, lipsticks or perfumes, (but not including mouthwashes, toothpastes, foot powders, first aid supplies or medical prostheses).
6. Alcoholic beverages such as beer, wine or spirituous liquors, (but not including medicines containing alcohol).
7. Housewares such as light bulbs, cooking utensils, cleaning fluids, drain cleaners, mops, garden hoses or lawn sprinklers.
8. Hardware such as hand tools, power tools, nails, screws, or electrical extension cords, (but not including durable medical equipment such as wheelchairs, braces, splints, crutches, walkers and similar equipment).
9. Seasonal items such as Christmas decorations, Halloween costumes and candy, lawn chairs, barbeque grills or picnic coolers, (but not including seasonal flu vaccine or other seasonal medicines).
10. School and office supplies such as staplers, three ring binders, file folders, desk calendars or pencil sharpeners.
11. Sporting goods and toys.
12. Automobile products including motor oil, gas treatment, jumper cables, wiper blades or fuses, (but not including prostheses or other device to assist a disabled person with driving).

Dumpster/Waste Container: A container used solely for the temporary collection and periodic transfer of garbage, household waste or trash excluding sanitary waste in septic tanks, yard trimmings, construction and demolition wastes, and hazardous wastes.

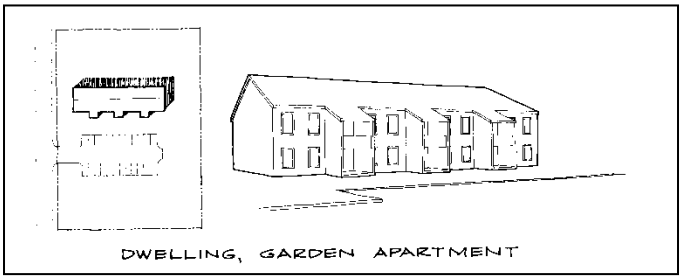
Dwelling: Any building or portion thereof which is designed for or used for residential purposes.

Dwelling, Multi-Family: A residential building designed exclusively for occupancy by three or more families in separate dwelling units living independently of each other.

1. ***Townhouse:*** A multi-family dwelling in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another, as shown in the following illustration.



2. ***Apartment**:* A multi-family dwelling in which a dwelling unit may be located above another, as shown in the following illustration.



***Dwelling, Single Family**:* A building designed for and occupied exclusively by one family. See also "Site Built Single-Family Dwelling," "Manufactured Home," "Mobile Home" and "Modular Home."

***Dwelling, Tenant**:* A residential structure located on a farm, said structure being owned by the farmer or property owner and occupied by a non-transient farm worker who is employed by the owner or operator of the farm. Said employment shall be directly associated with a bona fide agricultural operation on the same property as the tenant dwelling.

***Dwelling, Two-Family (Duplex)**:* A building designed for and occupied exclusively by two families living independently of each other in separate dwelling units within the same building.

***Dwelling Unit**:* An enclosure of one or more interconnected rooms, including separate bathroom and kitchen facilities, designed and constructed as a unit for permanent residential occupancy by one family.

***Easement**:* A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

***Event Venue**:* A structure or space being leased for receptions, events, or similar functions.

***Family**:* One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined.

***Garage Apartment**:* A dwelling unit for one family erected above a private garage detached from the main dwelling.

***Garage, Parking**:* A building or portion thereof designed or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with may be performed general automotive servicing as distinguished from automotive repairs.

***Garage, Private**:* An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport would be considered as a private garage.

***Garage, Repair**:* A building or portion thereof, other than a private or parking garage, designed or used for the storage, servicing, repairing, equipment and hiring of motor driven vehicles.

***Guest House**:* A habitable living unit that is an accessory use to a dwelling and is designed and intended for the temporary housing of visitors to a property at the behest of the property residents for no fee or other consideration, and meeting or exceeding the Standards for Single-Family and Two-Family Dwellings under this Code.

***Habitable Room**:* Any room designed and used for sleeping or living purposes, or combinations thereof. Enclosed places intended for common use, such as, bathrooms, toilet compartments, halls, closets, kitchens, storage or utility spaces, and other similar areas are not considered a habitable room.

***Helipad**:* An accessory facility where helicopters take off and land in the normal course of business, delivery or service to a principal use. A helipad consists only of the takeoff/landing facility and its attendant safety structures, and does not include service, maintenance and repair, or fueling facilities. See also "Heliport."

Heliport: A takeoff and landing area for helicopters which also provides service, storage, maintenance and repair, and fueling for private or commercial helicopters.

***Horse Riding Stable**:* A building in which horses are housed, kept, fed or maintained for personal enjoyment or commercial recreation.

1. *Horse Riding Stables, Commercial:* A horse riding stable in which the horses are available for riding or riding instruction for compensation to persons other than the owners of the horses or the owners' guests.
2. *Horse Riding Stables, Private:* A horse riding stable in which some or all of the horses that are housed, kept, fed or maintained, whether or not for compensation, may not be owned by the owner of the stable, and horse riding is limited to the owners of the horses or the owners' guests.
3. *Horse Riding Stables, Personal:* A horse riding stable that is an accessory use to a residence and in which the horses that are housed, kept, fed or maintained are owned by the occupants of the residence.

***Hotel or Motel**:* A business establishment offering short term lodging (30 days or fewer) to the traveling public while away from their normal places of residence, and often including a restaurant as an accessory use. In contrast, see "Bed and Breakfast Inn" and "Rooming or Boarding House."

***Industrialized Building**:* A building manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner.

***Institution**:* A non-profit corporation or non-profit establishment.

***Junk Vehicle**:* A wrecked, damaged, inoperable, or dismantled or partially dismantled motor vehicle in such a condition that the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle.

***Junk Yard**:* Any establishment which is maintained or used for storing, buying, or selling junk, or for an automobile graveyard, in contrast to a "recycling or materials recovery facility.

***Junk**:* Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste; junked, dismantled, or wrecked automobiles, or parts thereof; or iron, steel, and old scrap ferrous or nonferrous material.

***Kennels**:* Any location where raising, grooming, caring for or boarding of dogs, cats or other small animals for commercial purposes is carried on.

***Kindergarten**:* A school for pre-elementary school children ranging in age from 4 through 6 years; which operates for less than 8 hours per day.

***Landing Area**:* The area of an airport used for landing, taking off, or taxiing of aircraft.

***Laundry and Dry Cleaning Pick Up**:* A business that provides only for the convenience of taking and picking up of laundry, such as establishments not having any equipment for processing of the laundry.

***Mansard**:* A steeply sloped, roof-like facade architecturally similar to a building wall.

***Marquee**:* A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

***Massage Therapy Establishment**:* An establishment where body massages are provided by State licensed massage therapists.

***Modular Building**:* See "Industrialized Building."

***Motel**:* See "Hotel or Motel."

***Nursing Care Facility**:* A home for aged or ill persons in which 3 or more persons not of the immediate family are provided with food, shelter, and care for compensation but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment, and not including personal care homes. Nursing homes usually have comprehensive medical staff including RNs and LPNs or other state licensed health care providers.

***Parapet**:* The extension, false front or wall above a roof line.

***Personal Care Home**:* A profit or nonprofit facility, home or structure providing protective care and watchful oversight for residents. Such home, however, shall not provide chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the residents while inside the building. Personal care may include daily awareness by the management of the residents' functioning and whereabouts, the reminding of residents of their appointments, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care. The residents and staff shall live together as a single housekeeping unit and in a long-term, family-like environment. Personal care homes are distinguished from Nursing Homes in that personal care homes do not have a comprehensive or full-time medical staff.

Personal care homes shall not provide services to any person who would constitute a direct threat to the health and safety of other individuals. The term "personal care home" shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. All personal care homes must have a permit from the Georgia Department of Human Resources.

1. ***Personal Care Home, Congregate**:* A personal care home which offers care to 16 or more persons.
2. ***Personal Care Home, Fami**ly:* A personal care home in a family residence setting, non-institutional in character, which offers care to 2 through 6 persons.
3. ***Personal Care Home, Group**:* A personal care home in a residence or other type building or buildings, non-institutional in character, which offers care to 7 through 15 persons.

***Pet Grooming**:* Pet bathing, grooming, clipping, dipping and other care of domestic animals that does not include overnight boarding.

***Principal Use**:* The primary purpose for which land or a building is used.

***Religious Retreat**:* Lodging facilities operated by religious or non-secular organizations for their members and not open to the general public. Includes convents and monasteries.

***Rental, Short-Term**:* The renting or leasing of a detached, attached or semi-detached single-family dwelling unit or portion thereof, not including a rooming or boarding house, where the term of occupancy, possession, or tenancy is less than thirty (30) consecutive calendar days. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other bargained for consideration in exchange for occupancy, possession or use of the property. In contrast, see "Bed and Breakfast Inns," "Hotel and Motel," and "Rooming or Boarding House."

***Restaurant, Custom Service**:* An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a fast food restaurant.

***Restaurant, Drive-In**:* An eating and/or drinking establishment which caters to motor-driven vehicle business where the patron is served and consumes his food and/or drink while

sitting in a motor-driven vehicle in a parking space on the property provided specifically for such service and consumption.

***Restaurant, Family**:* A Custom Service Restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than 1 hour.

***Restaurant, Fast Food**:* See "Restaurant, Limited Service."

***Restaurant, Limited Service**:* Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where drive-through or take-out service is provided incidental to a Custom Service Restaurant.

***Restaurant, Quality**:* A Custom Service Restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of 1 hour or more.

***Rooming or Boarding House**:* A dwelling within which a resident family or manager offers lodging (rooming) or lodging and meals (boarding) to two or more persons not under the resident's parental or protective care, and not exceeding four persons per bedroom, in exchange for monetary compensation or other consideration, as a place of residence on a permanent or long term (more than 30 days) basis. In contrast, see "Bed and Breakfast Inn" and "Hotel or Motel."

Scrap Yard: See "junk yard."

Shopping Center: A group of two or more commercial establishments planned and developed as a unit with common off-street parking provided on the property.

***Slaughterhouse**:* An establishment where animals are butchered for market or for other commercial reasons.

***Stockyard**:* An enclosure with pens, sheds or buildings for the temporary keeping or shelter of cattle, sheep, horses or other animals intended for market.

***Swimming Pools, Private**:* Any permanent container of watertight construction which is built for the purpose of wading, informal swimming and diving and other water recreation uses, and is restricted to private use of the property owner and guests.

***Swimming Pools, Public**:* Any permanent container of watertight construction, which is built for the purpose of wading, informal or competitive swimming and diving, and team sports, and is open to the public. This definition shall include pools for associations, clubs and neighborhood pools where membership is required and/or fees are paid for use of the facility.

***Townhouse**:* See "Dwelling, Multi-Family"

***Veterinary Clinic or Animal Hospital**:* A facility or establishment where animals are regularly given medical care or treatment under the supervision of a licensed veterinarian.

***Warehouse**:* A building use primarily for the bulk storage, transfer or distribution of goods and materials.

***Warehouse, Mini, Self-Storage**:* A facility with multiple storage compartments where each compartment has an individual separate door accessed directly from the exterior vehicular use area and where the person(s) leasing the individual spaces, (usually on a monthly basis) keep the key in their possession. Such compartments are usually not more than 14 feet by 14 feet in size.

***Warehouse, Mini-Self Storage (Indoor)**:* A facility with multiple storage compartments where each compartment is accessed directly from inside the storage facility or building, where the person(s) leasing the individual spaces, (usually on a monthly basis) keeps a key in their possession. Such compartments are usually not more than 14 feet by 14 feet

in size. Buildings providing both outdoor and indoor storage compartments must adhere to the requirements for Mini-Self Storage Warehouses (Outdoor).

Sec. 203. Zoning districts; established.

For the purposes of these regulations, the unincorporated area of Oconee County, Georgia is divided into the following Zoning Districts and Overlay Districts:

Agricultural zoning districts:
AG Agricultural District
AR Agricultural Residential District
AR-3 Agricultural Residential Three Acre District
Residential zoning districts:
R-1 Single-Family Residential District
R-2 Two-Family Residential District
R-3 Multi-Family Residential District
M-H Mobile Home District*
Commercial zoning districts:
OIP Office-Institutional-Professional District
B-1 General Business District
B-2 Highway Business District
OBP Office-Business Park District
Industrial zoning districts:
I Industrial District
Overlay districts:
S-P Scenic Preservation Overlay District
F-P Flood Prone Overlay District
78-316 78/316 Special Overlay District
M-H Mars Hill Overlay District

Sec. 203.01. *Conversion of previous zoning districts.*

Zoning districts as were established under the previous zoning ordinance of Oconee County are hereby renamed to the following zoning district names and designations under this Development Code. All regulations, requirements and provisions of this Development Code applicable to a zoning district established under this section shall apply to the previously named zoning district as now named.

Previous Zoning District Designation	**Zoning District Designation under this Development Code**
A-1 Agricultural District	AG Agricultural District
AR-5 Agricultural Residential Five Acre District	AR-3 Agricultural Residential Three Acre District
AR-4 Agricultural Residential Four Acre District	AR-3 Agricultural Residential Three Acre District
AR-2 Agricultural Residential Two Acre District	AR Agricultural Residential District
AR-1 Agricultural Residential One Acre District	AR Agricultural Residential District
NSS Neighborhood Shopping and Service District	B-1 General Business District
TB Technology Business District	OBP Office-Business Park District

Sec. 204. Zoning map.

The unincorporated area of Oconee County is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, and accompanying pages, is hereby adopted by reference and declared to be a part of this Code.

Sec. 204.01. **Official zoning map adopted.**

a. The Official Zoning Map is hereby adopted and identified as that map or series of maps, adopted by the Oconee County Board of Commissioners, that generally show the property

boundaries in the county and the corresponding zoning districts adopted upon those properties and that are signed and certified by the Chairman in office at the time of the adoption as the Official Zoning Map, as follows:

> This is to certify that this is the Official Zoning Map as adopted by the Board of Commissioners on January 6, 1987, and as amended through this date, and which is referred to in the Unified Development Code of Oconee County.
>
> Chairman
>
> Oconee County Board of Commissioners
>
> Date

b. A certified copy of the zoning map as adopted pursuant to Sec. 204.01.a shall be kept on record in the County Clerk's office.

c. The Official Zoning Map, as adopted by the Board of Commissioners and amended from time to time by its action, sets forth the location of all zoning districts in the County.

Sec. 204.02. **Amendments to the official zoning map.**

a. The Official Zoning Map, as adopted by the Board of Commissioners and amended from time to time by its action, shall be maintained and available in the Planning Department.

b. No changes of any nature shall be made to the Official Zoning Map except in conformity with amendments to the map approved by the Board of Commissioners and in conformity with the procedures set forth in this Ordinance or by adoption of a new Official Zoning Map. Such amendments shall be spread upon the minutes of the Board of Commissioners and shall be available for public inspection

c. If, in accordance with the provisions of this Development Code, amendments to the map are approved which result in changes to the district boundaries on the Official Zoning Map, then these shall be noted on addendum pages to the Official Zoning Map maintained and available in the Planning Department. Said addendum pages shall note the new district boundaries along with the date the amendment was approved and shall be inserted directly after the affected map page. Said addendum pages shall be clearly noted as addendum pages

d. The Official Zoning Map as amended from time to time by the Board of Commissioners may be kept in an electronic format from which printed copies can be produced.

Sec. 204.03. **Replacement of official zoning map.**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map.

Sec. 204.04. **Interpretation of zoning district boundaries.**

a. The boundaries of the districts as shown on the Official Zoning Map shall be determined on the basis of the legal descriptions associated with approved zoning changes, or, lacking such legal descriptions, on the basis of the location of the boundary as depicted on the Official Zoning Map along with any dimensions shown.

b. Where uncertainty exists with respect to the location of the boundaries of any Zoning District in Oconee County, Georgia, the following rules shall apply:

(1) Where a Zoning District boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the centerline of a street, a county road, a state highway or a railroad right-of-way, or such lines extended, then such lines shall be construed to be the Zoning District lines.

(2) Where a Zoning District boundary line is shown as being set back from a street, a county road, a state highway or a railroad right-of-way, and approximately parallel thereto, then such Zoning District boundary line shall be construed as being at the

scaled distance from the centerline of the street, county road, state highway or railroad right-of-way and as being parallel thereto.

(3) Where a Zoning District boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than 50 feet beyond the Zoning District boundary lines.

(4) In the case of a through lot fronting on two approximately parallel streets, where such lot is divided by a Zoning District boundary line generally paralleling the streets, the restrictions of the Zoning District in which each frontage of the through lot lines shall apply to that portion of the through lot.

(5) Where a public road, street, alley or other public right-of-way is officially vacated or abandoned, the zoning district of the adjacent property to which the public right-of-way is sold or reverted, along with any applicable special use approval and any applicable conditions of zoning approval on the property, shall apply to such vacated or abandoned road, street, alley or right-of-way between the said adjacent property and the centerline of said right-of-way.

Sec. 204.05. **Special conditions of previous zoning approvals retained.**

All special conditions and special stipulations imposed as conditions of zoning approval of property prior to the initial adoption of this Development Code, including the requirement for substantial compliance with the rezone concept plan, are hereby retained and reaffirmed, and shall continue in full force and effect until such time as the property is rezoned or the prior zoning action of the Board of Commissioners is amended through the zoning approval process established by this Development Code.

Sec. 205. Zoning districts.

All lands in unincorporated Oconee County are included in one or another of the zoning districts established by this Development Code. Overlay districts, which provide additional requirements or restrictions on the portions of these zoning districts over which they are established, are found under Sec. 206 of this Article.

Sec. 205.01. **AG Agricultural District.**

a. Purpose and intent of the AG zoning district.

This Zoning District is comprised of land having a predominately rural character. It is the intent of the regulations of this District 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. The permitted uses are intended to provide a range of use possibilities in keeping with the district definition and the existing and potential land uses of the area.

b. Uses allowed in the AG zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.01(d) and on Table 2.1.

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.01(e) and on Table 2.1

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the AG zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses allowed by right in the AG zoning district are as follows:

- Crop Production, except Commercial Greenhouse, Nursery and Floriculture Production
- Crop Production: Commercial Greenhouse, Nursery and Floriculture Production

- Animal Production: Cattle Ranching and Farming, except Stockyards
- Animal Production: Cattle and Other Animal Stockyards
- Animal Production: Hog and Pig Farming
- Animal Production: Poultry and Egg Production
- Animal Production: Sheep and Goat Farming
- Animal Production: Animal Aquaculture
- Animal Production: Bees and Bee Products
- Animal Production: Horses and Other Equines
- Animal Production: Rabbits and Other Fur-Bearing Animals
- Animal Production: Dog or Cat Breeding Kennel
- Other Animal Production not Listed Above
- Agritourism
- Forestry and Logging
- Temporary Sawmill or Chip Mill
- Commercial Fishing, Hunting and Trapping
- Support Activities for Crop Production
- Support Activities for Animal Production
- Support Activities for Forestry
- Farmers Market (Wholesale)
- Farm Product Warehousing and Storage
- Single-Family Detached: Site-Built or Modular Home
- Single-Family Detached: Manufactured Home
- Religious Retreat (with no buildings or additions to be constructed)
- Recombination Plat
- Minor Subdivision: 2-Lot Split
- Minor Subdivision: 5-Lot Split
- Minor Subdivision: Large Lot Subdivision (minimum 25 acre lots)
- Major Subdivision: Traditional Subdivision (see Article 5 restrictions)
- Other Personal Services: Pet Boarding Kennel
- Landscaping Services, over 3 acres
- Carpentry Shop, Woodworking
- Horse Riding Stables, Commercial
- Horse Riding Stables, Private
- Amusement and Recreation: Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Show Arenas for Horses (including Accessory Barns)
- Alternate ("Stealth") Towers and Antennae
- Additions to Existing Towers or Mounted on Nonresidential Building
- Electric Power Transmission Substations
- Electric Power Transmission and Distribution Lines
- Natural Gas Distribution

- Neighborhood Scale Churches and Other Places of Worship

e. Principal uses allowed by Special Use approval in the AG zoning district are as follows:

- Livestock Sale Pavilion or Auction Facility
- Religious Retreat
- Personal Care Homes, Family (up to 6 under care)
- Personal Care Homes, Group (up to 15 under care)
- Bed-and-Breakfast Inns
- RV (Recreational Vehicle) Parks
- Recreational (Overnight) Camps
- Other Repair and Maintenance Services: Tractor and Other Farm Equipment Repairs and Maintenance
- Health Related Services: Ambulance Services
- Landscaping Services, under 3 acres
- Construction Contractors, Builders and Developers, office only
- Construction Contractors, Builders and Developers, with outdoor storage
- Temporary Event: Circus or Carnival
- Temporary Event: Community Fair
- Event Venues
- Artist's Studios, except Taxidermists
- Taxidermists
- Historical Sites (Commercial)
- Zoos and Botanical Gardens
- Nature Parks and Other Similar Institutions
- Amusement and Theme Parks, Fairgrounds
- Archery or Shooting Ranges
- Batting Cages
- Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center
- Dog Parks, Pet Sitting Services
- Fee Fishing Lakes
- Golf Course, with or without a Country Club
- Golf Driving Ranges
- Marinas
- Neighborhood Recreation Centers (for profit), including Private Playgrounds, Tennis, Community Swimming Pools or Other Recreation Amenities
- Recreational Day Camps
- Softball, Baseball, Football or Soccer Fields
- Tennis Clubs and Tennis Centers
- Other Amusement and Recreation Uses not listed above
- Nursery and Garden Centers
- Convenience Food Stores without fuel pumps

- Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores
- Miscellaneous Store Retailers: Farm Equipment and Implements
- Animal Slaughtering and Processing
- Warehousing and Storage: Food Locker, including meat cutting and packaging
- Self-storage of Recreational Vehicles, Campers and Boats
- Earthen Fill Landfill
- Composting Facility
- Septic Tank Cleaning and Portable Toilet Service
- Stone Mining and Quarrying
- Sand and Gravel Mining
- Private Airstrip or Heliport
- Freestanding Towers and Antennae
- Solar Energy Farms
- Water Supply Facilities
- Community Scale Church or Other Place of Worship
- Temporary Event: Religious Assemblies
- Fraternal Lodges, VFWs, Ethnic Associations and Other Civic and Social Organizations
- Cemeteries and Mausoleums
- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

Sec. 205.02. **AR-3 Agricultural Residential Three Acre District.**

a. Purpose and intent of the AR-3 zoning district.

The AR-3 Agricultural Residential Three Acre District is composed primarily of general farming areas where some development of single-family residential is occurring. The regulations for this district are designed to encourage a compatible relationship between agricultural and residential subdivisions in the district. The regulations are intended to allow low rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development. The permitted uses are intended to provide a range of use possibilities in keeping with the district definition and the existing and potential land uses of the area.

b. Uses allowed in the AR-3 zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.04(d) and on Table 2.1

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.04(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the AR-3 zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses that are allowed by right in the AR-3 zoning district are as follows:

- Crop Production, except Commercial Greenhouse, Nursery and Floriculture Production
- Animal Production: Cattle Ranching and Farming, except Stockyards
- Animal Production: Sheep and Goat Farming
- Animal Production: Bees and Bee Products
- Animal Production: Horses and Other Equines
- Animal Production: Rabbits and Other Fur-Bearing Animals
- Agritourism
- Forestry and Logging
- Single-Family Detached: Site-Built or Modular Home
- Recombination Plat
- Minor Subdivision: 2-Lot Split
- Minor Subdivision: 5-Lot Split
- Minor Subdivision: Large Lot Subdivision (minimum 25 acre lots)
- Major Subdivision: Traditional Subdivision
- Major Subdivision: Conservation Subdivision
- Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Electric Power Transmission Substations
- Electric Power Transmission and Distribution Lines
- Natural Gas Distribution
- Neighborhood Scale Churches and Other Places of Worship

e. Principal uses that are allowed by special use permit in the AR-3 zoning district are as follows:

- Crop Production: Commercial Greenhouse, Nursery and Floriculture Production
- Animal Production: Animal Aquaculture
- Dog or Cat Breeding Kennel
- Other Animal Production not Listed Above
- Commercial Fishing, Hunting and Trapping
- Support Activities for Crop Production
- Support Activities for Animal Production
- Support Activities for Forestry
- Bed-and-Breakfast Inns
- Carpentry Shop, Woodworking
- Golf Course, with or without a Country Club
- Horse Riding Stables, Private
- Show Arenas for Horses (including Accessory Barns)
- Community Scale Churches and Other Places of Worship
- Temporary Event: Religious Assemblies

- Event Venues
- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions
- Personal Care Homes, Family (up to 6 under care)
- Personal Care Homes, Group (up to 15 under care)

Sec. 205.03. **AR Agricultural Residential District.**

a. Purpose and intent of the AR zoning district.

The AR Agricultural Residential District is composed primarily of general farming areas where some development of single-family residential is occurring. The regulations for this district are designed to encourage a compatible relationship between agricultural and residential subdivisions in the district. The regulations are intended to allow medium rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development. The permitted uses are intended to provide a range of use possibilities in keeping with the district definition and the existing and potential land uses of the area.

b. Uses allowed in the AR zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.05(d) and on Table 2.1

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.06(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the AR zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses that are allowed by right in the AR zoning district are as follows:

- Crop Production, except Commercial Greenhouse, Nursery and Floriculture Production
- Animal Production: Cattle Ranching and Farming, except Stockyards
- Animal Production: Sheep and Goat Farming
- Animal Production: Bees and Bee Products
- Animal Production: Animal Production: Horses and Other Equines
- Animal Production: Rabbits and Other Fur-Bearing Animals
- Agritourism
- Forestry and Logging
- Single-Family Detached: Site-Built or Modular Home
- Recombination Plat
- Minor Subdivision: 2-Lot Split
- Minor Subdivision: 5-Lot Split
- Minor Subdivision: Large Lot Subdivision (minimum 25 acre lots)
- Major Subdivision: Traditional Subdivision
- Major Subdivision: Conservation Subdivision

- Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Electric Power Transmission and Distribution Lines
- Natural Gas Distribution
- Neighborhood Scale Churches and Other Places of Worship

e. Principal uses that are allowed by Special Use approval in the AR zoning district are as follows:

- Crop Production: Commercial Greenhouse, Nursery and Floriculture Production
- Animal Aquaculture
- Other Animal Production not Listed Above
- Commercial Fishing, Hunting and Trapping
- Support Activities for Crop Production
- Support Activities for Animal Production
- Support Activities for Forestry
- Bed-and-Breakfast Inns
- Golf Course, with or without a Country Club
- Horse Riding Stables, Private
- Show Arenas for Horses (including Accessory Barns)
- Community Scale Churches and Other Places of Worship
- Carpentry Shop, Woodworking
- Temporary Event: Religious Assemblies
- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

Sec. 205.04. **R-1 Single Family Residential District.**

a. Purpose and intent of the R-1 zoning district.

(1) The R-1 Single-Family Residential District is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than residential traffic on minor streets and to protect the orderly future development of land in accordance with comprehensive development plans for the county.

(2) This Zoning District is intended primarily for one-family residences and related uses at low suburban residential densities on land which is served by public water and/or sewer systems. The development of lots in this District is also permitted with septic tanks provided that the placement of each such septic tank shall be approved by the Oconee County Health Department.

b. Uses allowed in the R-1 zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.07(d) and on Table 2.1

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.07(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the R-1 zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses that are allowed by right in the R-1 zoning district are as follows:

- Forestry and Logging
- Single-Family Detached: Site-Built or Modular Home
- Recombination Plat
- Minor Subdivision: 2-Lot Split
- Major Subdivision: Traditional Subdivision
- Master Planned Development (MPD)
- Planned Unit Development (PUD)
- Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Electric Power Transmission and Distribution Lines
- Electric Power Transmission Substations
- Natural Gas Distribution

e. Principal uses that are allowed by Special Use approval in the R-1 zoning district are as follows:

- Bed-and-Breakfast Inns
- Golf Course, with or without a Country Club
- Neighborhood Scale Churches and Other Places of Worship
- Community Scale Churches and Other Places of Worship
- Temporary Event: Religious Assemblies
- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

Sec. 205.05. **R-2 Two Family Residential District.**

a. Purpose and intent of the R-2 zoning district.

(1) The R-2 Two-Family Residential District is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than normal residential area traffic on minor streets, to meet the demands of two-family residences and to protect the orderly future development of land in accordance with comprehensive development plans for the county.

(2) This Zoning District is intended primarily for two-family residences and related uses at low-to-medium suburban residential densities on land which is served by public water and/or sewer systems. The development of lots in this District is also permitted with septic tanks provided that the placement of each septic tank shall be approved by the Oconee County Health Department.

b. Uses allowed in the R-2 zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.08(d) and on Table 2.1

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.08(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the R-2 zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses that are allowed by right in the R-2 zoning district are as follows:

- Forestry and Logging
- Single-Family Detached: Site-Built or Modular Home
- Two-Family Dwelling: Duplex
- Personal Care Homes, Family (up to 6 under care)
- Recombination Plat
- Major Subdivision: Traditional Subdivision
- Master Planned Development (MPD)
- Planned Unit Development (PUD)
- Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Electric Power Transmission Substations
- Electric Power Transmission and Distribution Lines
- Natural Gas Distribution

e. Principal uses that are allowed by Special Use approval in the R-2 zoning district are as follows:

- Personal Care Homes, Group (up to 15 under care)
- Golf Course, with or without a Country Club
- Churches and Other Places of Worship: Neighborhood Scale
- Community Scale Churches and Other Places of Worship
- Temporary Event: Religious Assemblies
- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

Sec. 205.06. **R-3 Multi-Family Residential District.**

a. Purpose and intent of the R-3 zoning district.

(1) The R-3 Multi-Family Residential District is established to protect and promote a suitable environment for family life, to meet the needs and demands for the development of medium density residential areas and to protect the future development of land in accordance with comprehensive development plans for the county.

(2) The R-3 Multi-Family Residential Zoning District is designed for medium density suburban residential development. The development of lots in this District is also permitted only with the approval of the water and sewer systems by the Georgia Department of Human Resources and the Oconee County Health Department.

b. Uses allowed in the R-3 zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.09(d) and on Table 2.1

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.09(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the R-3 zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses that are allowed by right in the R-3 zoning district are as follows:

- Forestry and Logging
- Single-Family Detached: Site-Built or Modular Home
- Two-Family Dwelling: Duplex
- Multi-Family: Townhouses
- Multi-Family: Apartments
- Religious Retreat
- Personal Care Homes, Family (up to 6 under care)
- Personal Care Homes, Group (up to 15 under care)
- Recombination Plat
- Major Subdivision: Traditional Subdivision
- Master Planned Development (MPD)
- Planned Unit Development (PUD)
- Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Electric Power Transmission Substations
- Electric Power Transmission and Distribution Lines
- Natural Gas Distribution

e. Principal uses that are allowed by Special Use approval in the R-3 zoning district are as follows:

- Nursing Care Facilities
- Rooming and Boarding Houses
- Continuing Care Retirement Community
- Assisted Living Facility
- Golf Course, with or without a Country Club
- Neighborhood Scale Churches and Other Places of Worship
- Community Scale Churches and Other Places of Worship

- Temporary Event: Religious Assemblies
- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

Sec. 205.07. **M-H Mobile Home District.**

The Provisions of this Section shall apply to all properties zoned M-H prior to May 7, 2019. After May 7, 2019, no applications will be accepted for rezoning property to M-H. Applications may be accepted for modifications of property zoned M-H after such date provided that any change shall not increase the land area so zoned nor result in an increase the density of units per acre previously allowed.

a. Purpose and intent of the M-H zoning district.

This Zoning District is intended exclusively for the placement of manufactured homes and their accessory uses in accordance with the Manufactured Home and Recreational Vehicle Regulations of Article 3 of this Development Code. All manufactured homes, manufactured home parks and manufactured home subdivisions shall meet the requirements set forth in the Manufactured Home and Recreational Vehicle Regulations.

b. Uses allowed in the M-H zoning district.

(1) Principal uses that are allowed by right are listed in Sec 205.10(d) and on Table 2.1

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.10(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the M-H zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses that are allowed by right in the M-H zoning district are as follows:

- Forestry and Logging
- Single-Family Detached: Manufactured Home
- Manufactured Home Park
- Recombination Plat
- Manufactured Home Subdivision
- Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Electric Power Transmission and Distribution Lines
- Electric Power Transmission Substations
- Natural Gas Distribution

e. Principal uses that are allowed by Special Use approval in the M-H zoning district are as follows:

- Recreational Vehicle (RV) Subdivision
- RV (Recreational Vehicle) Parks

Sec. 205.08. **OIP Office Institutional Professional District.**

a. Purpose and intent of the OIP zoning district.

It is the intent of the OIP District to provide an area for business and professional offices as well as for social, fraternal, political, civic and community organizations. The district is also designed for institutional uses such as hospitals, nursing homes, convalescent centers, institutional planned developments and clinics.

b. Uses allowed in the OIP zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.11(d) and on Table 2.1

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.11(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the OIP zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses that are allowed by right in the OIP zoning district are as follows:

- Forestry and Logging
- Nursing Care Facilities
- Continuing Care Retirement Community
- Assisted Living Facility
- Personal Care Homes, Group (up to 15 under care)
- Personal Care Homes, Congregate (more than 15 under care)
- Recombination Plat
- Traditional Subdivision
- Planned Unit Development (PUD)
- Corporate Management Offices
- Newspaper, Periodical, Book and Directory Publishers
- Software Publishers
- Music Publishers
- Internet Publishing and Broadcasting
- Internet Service Providers and Web Search Portals
- Credit Card Issuing and Sales Financing
- Mortgage and Non-mortgage Loan Brokers
- Financial Transactions Processing, Reserve and Clearinghouse Activities
- Mortgage Servicing and Other Activities Related to Credit Intermediation
- Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.
- Insurance Carriers
- Funds, Trusts and Other Financial Vehicles
- Lawyers, Notaries and Other Legal Services
- Accounting, Tax Preparation, Bookkeeping and Payroll Services

- Architectural, Engineering, Surveying and Related Services (except Testing Laboratories)
- Interior Design, Graphic Design and other Specialized Design Services
- Management, Scientific and Technical Consulting Services, including Executive Search and Management Consulting
- Research and Development in the Physical, Engineering and Life Sciences
- Research and Development in the Social Sciences and Humanities
- Veterinarian's Office, Clinic, and Animal Hospital
- Medical Offices of Physicians
- Medical Offices of Dentists
- Medical Offices of Optometrists, Chiropractors, Therapists and Other Health Specialists
- Medical and Diagnostic Laboratories
- Call Centers: Electronic Shopping and Mail-Order Houses
- Call Centers: Direct Selling Establishments, except Fuel Dealers
- Call Centers: Promoters of Performing Arts, Sports and Similar Events
- Call Centers: Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures
- Banks, Credit Unions and Savings Institutions
- Insurance Agencies, Brokerages and Other Insurance Related Activities
- Real Estate Office
- Group Day Care Home (18 or fewer persons in care)
- Day Care Center (more than 18 persons in care)
- Dry-Cleaning and Laundry Drop-Off Station
- Home Health Care Services
- Automobile Commercial Parking Lots and Garages
- Document Preparation Services
- Telephone Answering Services
- Collection Agencies
- Credit Bureaus
- Court Reporting and Stenotype Services
- Data Processing, Hosting and Related Services
- News Syndicates
- Computer Systems Design and Related Services
- Advertising, Public Relations and Related Services
- Marketing Research and Public Opinion Polling
- Photographic Studios and Commercial Photography
- Translation and Interpretation Services
- Office Administrative Services
- Office Facilities Support Services
- Employment Placement and Temporary Help Services
- Travel Agencies, Tour Operators and Convention and Visitors Bureaus

- Investigation Services
- Security Systems Services, except Locksmiths
- Construction Contractors, Builders and Developers, office only
- Private Business Schools and Computer and Management Training
- Private Technical and Trade Schools
- Fine Arts Schools (Art, Drama, Music and Dance Studios)
- Language Schools
- Exam Preparation and Tutoring
- Automobile Driving Schools with Classroom and "On-The-Road" Training only
- Educational Counseling, Testing and Other Support Services
- Libraries and Archives
- Museums
- Historical Sites (Commercial)
- Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Cafeterias
- Coffee Shop, Donut Shop, Ice Cream Parlor and Other Specialty Snack Shops.
- Miscellaneous Manufacturing: Dental Laboratories
- Wholesale Trade, no Showrooms or Outdoor Storage
- Solid Waste Collection Company Office
- Rail Transportation Company Office
- Pipeline Transportation Company Office
- Freight Transportation Arrangement Agents and Brokers
- Intercity Couriers (FedEx, UPS), package drop-off only
- Alternate ("Stealth") Towers and Antennae
- Telephone, Cellular and Other Wired or Wireless Telecommunications Carriers (except Satellite)
- Additions to Existing Towers or Mounted on Nonresidential Building
- Electric Power Transmission Substations
- Electric Power Transmission and Distribution Lines
- Natural Gas Distribution
- Neighborhood Scale
- Charitable Organization Offices
- Social Advocacy Organizations
- Business, Professional, Labor, Political and Similar Organizations
- HMO Medical Centers
- Kidney Dialysis Centers
- Freestanding Ambulatory Surgical and Emergency Centers
- General Medical and Surgical Hospitals
- Specialty Hospitals (except Psychiatric and Substance Abuse)

- Social Services Assistance, including Individual and Family Services
- Cemeteries and Mausoleums
- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

e. Principal uses that are allowed by Special Use approval in the OIP zoning district are as follows:

- Residential Mental Retardation, Mental Health and Substance Abuse Facilities
- Outpatient Mental Health and Substance Abuse Centers
- All Other Outpatient Care Centers
- Hotels and Motels
- Barber Shops
- Beauty Salons
- Nail Salons
- Ambulance Services
- Office Computers, Copiers, Furniture and Other Machinery and Equipment Rental and Leasing
- Business Service Centers
- Other Business Support Services not listed above
- Artist's Studios, except Taxidermists
- Fitness Centers, Health Clubs
- Office Supplies and Stationery Stores
- Gift, Novelty and Souvenir Stores
- Hazardous Waste Collection Company Office
- Radio and Television Broadcasting Stations
- Community Scale Churches and Other Places of Worship
- Temporary Event: Religious Assemblies
- Fraternal Lodges, VFWs, Ethnic Associations and Other Civic and Social Organizations
- Psychiatric and Substance Abuse Hospitals
- Community Food and Housing, and Emergency and Other Relief Services

Sec. 205.09. **B-1 General Business District.**

a. Purpose and intent of the B-1 zoning district.

The B-1 General Business District is intended for those business activities providing goods and services for local citizens of Oconee County and surrounding areas.

b. Uses allowed in the B-1 zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.13(d) and on Table 2.1

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.13(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the B-1 zoning district.

(1) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

(2) Operation requirements.

(a) No dumpster pick up or emptying shall be permitted between the hours of 11:00 pm and 7:00 am on any day of the week.

(b) Except for limited outdoor dining consisting of a maximum of twenty five percent (25%) of the total seating area for any single eating establishment, all commercial display areas and sales areas shall be indoors.

(3) Architectural requirements.

Buildings and structures shall be designed to preserve or enhance area residential architectural standards including the following:

(a) All buildings shall have roof lines and roof structures that are gable or hip styles with a minimum roof pitch of 6 in 12 or steeper for a single story building and a minimum roof pitch of 4 in 12 or steeper for a multi-story building. Limited application of parapet walls with flat roofs shall be permitted as further defined herein provided that the architectural details are approved as part of the rezone concept plan and architectural drawings submitted with the rezone application and provided that such parapets constitute no more than 20 percent of any side of the building and that such flat roofs constitute no more than twenty percent of the total roof area on any side of the building and further provided that such parapets are highly embellished with architectural detailing as opposed to being single plane surfaces with plain tops. Roof material shall be architectural tab shingles, tile, slate, or wooded shakes. Standing seam metal roofing material of copper or with baked on color may be used in limited applications for accent but may not be used as the primary roofing material on a building. Chimneys and cupolas are permitted where approved in the rezone concept plans and architectural drawings submitted with the rezone application. Other roof mounted structures such as solar collectors, and HVAC equipment are prohibited. Necessary vents and plumbing stacks are to be designed and located to reduce visibility from surrounding roads and properties and shall be of sizes, colors and styles which, to the extent possible, minimize their visibility.

(b) Neon lighting of any kind and continuous strips of bulbs or LEDs are prohibited in the B-1 District. Wall mounted, building mounted and awning mounted signs higher than the eave line of the roof of a single story building or higher than the bottom of the ground floor ceiling joists on a two story or multi story building are strictly prohibited. In addition to the provisions of the Sign Regulations further limitations on signs in the B-1 District shall be as follows:

i. Wall mounted, awning mounted and building mounted signs shall not exceed 40 square feet in sign area.

ii. Wall mounted, building mounted or awning mounted signs shall only be illuminated by exterior lighting. No internally lighted wall mounted or building mounted signs are permitted in the B-1 District. This prohibition includes back lighting of awnings which have signs attached.

iii. Principal Free Standing Signs shall not exceed 15 feet in height nor shall they exceed 90 square feet in sign area or sign structure area, whichever is less.

iv. No lighted sign shall be permitted within the B-1 District if such sign is within 100 feet of a residential use property.

(c) At least 80 percent of exterior wall surfaces of all buildings and structures are to be designed to incorporate one or more of the following finish materials: Brick Veneer, Stone veneer; Natural Wood Siding or Cement-Board Siding (such as Hardy-plank).The remaining 20 percent of each wall may be

stucco. An exception is permitted for front and side building facades to allow up to 70 percent glass on a maximum of two walls of each building, provided that the remainder of such wall is comprised of the foregoing brick, stone or siding materials. The intent of this section is to encourage use of brick or stone veneer as the predominant exterior material. Where other materials are used as the dominant exterior finish, (i.e. wood or cement board siding) use of brick and/or stone foundation walls, columns, accents and detailing shall be required with a minimum of 20 percent of each exterior wall comprised of said brick or stone materials. Changes to surface materials should be made at inside corners rather than outside corners.

(d) The use of visible concrete block, painted block, split face block, poured concrete, metal, or prefabricated wall panels is specifically prohibited on all exterior wall faces. Where walls are structurally formed of such prohibited finish materials they must be completely finished per the guidelines for brick, stone, siding, stucco or glass as provided above.

(e) No flat or blank wall exceeding 25 feet in length shall be permitted for any structure; wall offsets, architectural details, doorways, windows and contrasting construction materials shall be used to meet this requirement.

(f) Buildings shall utilize at least two of the following design features to provide visual relief along the front (facade) of the structure:

i. Dormers

ii. Gables

iii. Recessed entries

iv. Covered front porches

v. Pillars or posts

vi. Bay window (min. 24-inch projection).

(g) Windows shall be provided with trim and molding and shall not be flush with the exterior wall treatment.

(h) Maximum overall building height shall be 35 feet as measured from the adjoining ground level to the highest point of any part of the building. No individual building shall exceed 20,000 square feet on the ground floor for a single story building nor 6000 square feet on the ground floor for a multistory building. No individual lease space or aggregate of multiple lease spaces which are occupied by a single business or single use shall exceed 10,000 square feet, except that an office use occupied by a single tenant or user may occupy the entire building.

(i) Deviations from standards; where allowed.

Deviations from the architectural requirements of this Section may be approved by administrative variance as outlined in the Appeals article of this Development Code.

(4) Service area, loading dock, lighting and dumpster screening and fencing.

(a) No service area or loading dock or dumpster shall be permitted adjacent to any roadway unless enclosed such that all sides appear as a primary facade similar to the principal building, including design, detail, finish material, and landscaping.

(b) Service areas and dumpsters shall be visually screened from public view by a masonry wall or privacy fence at a minimum of 6 feet high, measured from finished grade. Any masonry wall used to screen service areas and dumpster areas shall be of such material so as to match the exterior of the principal building.

(c) Each enclosure shall include a decorative opaque gate equal in height to the masonry wall or fence. The gate posts for the front gates to dumpster enclosures shall be located approximately 3 feet from the front of the enclosure wall to allow pedestrian access to the dumpster without opening and closing the gate. The gates shall remain closed at all times except during truck delivery or pick up or emptying of the dumpster container.

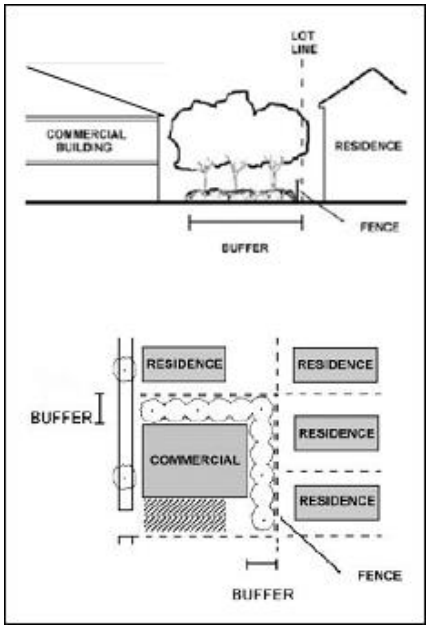
(d) Service areas, delivery areas and dumpster areas shall be directed and located away from any residential side of the development and in no case shall they be located directly between the building and any residential lot.

(e) No part of a dumpster or materials stored within the service area shall extend above the required masonry wall or fence.

(f) Dumpsters must have drainage provisions to prevent runoff from the container enclosure onto public right-of-way or onto lands of others.

(g) Where detached from the primary building, dumpster areas must be landscaped with a minimum 3 feet tall (at time of planting) evergreen hedge around the sides and rear of the enclosure.

(h) Chain link, painted or unpainted concrete block walls and barbed wire are prohibited as part of a screening.



(5) Buffers and open space.

(a) At least 20 percent of the lot must be vegetated open space that will allow the percolation of rainwater into the soil. Required buffer area may be used in determining this percentage.

d. Principal uses that are allowed by right in the B-1 zoning district are as follows:

- Assisted Living Facility
- Personal Care Homes, Group (up to 15 under care)
- Personal Care Homes, Congregate (more than 15 under care)
- Recombination Plat
- Traditional Subdivision
- Master Planned Development (MPD)
- Planned Unit Development (PUD)
- Corporate Management Offices
- Internet Publishing and Broadcasting
- Internet Service Providers and Web Search Portals
- Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.
- Lawyers, Notaries and Other Legal Services
- Accounting, Tax Preparation, Bookkeeping and Payroll Services
- Architectural, Engineering, Surveying and Related Services (except Testing Laboratories)
- Interior Design, Graphic Design and other Specialized Design Services
- Management, Scientific and Technical Consulting Services, including Executive Search and Management Consulting

- Veterinarian's Office, Clinic, and Animal Hospital
- Medical Offices of Physicians
- Medical Offices of Dentists
- Medical Offices of Optometrists, Chiropractors, Therapists and Other Health Specialists
- Promoters of Performing Arts, Sports and Similar Events
- Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures
- Banks, Credit Unions and Savings Institutions
- Insurance Agencies, Brokerages and Other Insurance Related Activities
- Real Estate Office
- Day Care Center (more than 18 persons in care)
- Group Day Care Home (18 or fewer persons in care)
- Bed-and-Breakfast Inns
- General Automotive Repair
- Automotive Oil Change and Lubrication Shops
- Car Washes
- Electronic and Precision Equipment Repair and Maintenance
- Shoes and Leather Goods Repair and Maintenance
- Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance
- Barber Shops
- Beauty Salons
- Nail Salons
- Diet and Weight Reducing Centers
- Massage Therapy Establishment
- Saunas and Spas
- Tanning Salons
- Coin-Operated Laundries and Dry Cleaners
- Dry-Cleaning and Laundry Drop-Off Station
- Dry-Cleaning and Laundry Services (except Coin-Operated)
- Funeral Homes and Funeral Services
- Pet Care, Grooming and Training (except Veterinary Services and Pet Boarding Kennels)
- Photofinishing, One-Hour
- Automobile Commercial Parking Lots and Garages
- Consumer Electronics and Appliances Rental
- Formal Wear and Costume Rental
- Video Tape and Disc Rental
- Home Health Equipment Rental
- Recreational Goods Rental
- Furniture, Party Supplies and Other Consumer Goods Rental
- Document Preparation Services

- Telemarketing Bureaus
- Business Service Centers
- Collection Agencies
- Credit Bureaus
- Court Reporting and Stenotype Services
- Photocopying and Duplicating Services (instant printing)
- News Syndicates
- Computer Systems Design and Related Services
- Caterers and Other Special Food Services
- Advertising, Public Relations and Related Services
- Marketing Research and Public Opinion Polling
- Photographic Studios and Commercial Photography
- Office Administrative Services
- Office Facilities Support Services
- Employment Placement and Temporary Help Services
- Travel Agencies, Tour Operators and Convention and Visitors Bureaus
- Locksmiths
- Construction Contractors, Builders and Developers, office only
- Exam Preparation and Tutoring
- Automobile Driving Schools with Classroom and "On-The-Road" Training only
- Libraries and Archives
- Event Venues
- Artist's Studios, except Taxidermists
- Taxidermists
- Museums
- Historical Sites (Commercial)
- Amusement and Theme Parks, Fairgrounds
- Archery or Shooting Ranges
- Batting Cages
- Dog Parks, Pet Sitting Services
- Fee Fishing Lakes
- Fitness Centers, Health Clubs
- Golf Course, with or without a Country Club
- Golf Driving Ranges
- Neighborhood Recreation Centers (for profit), including Private Playgrounds, Tennis, Community Swimming Pools or Other Recreation Amenities
- Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Public Swimming Pools

- Recreational Day Camps
- Show Arenas for Horses (including Accessory Barns)
- Softball, Baseball, Football or Soccer Fields
- Tennis Clubs and Tennis Centers
- Automotive Parts, Accessories, and Tire Stores
- Furniture and Home Furnishings Stores
- Household Appliance Stores
- Radio, Television and Other Electronics Stores
- Computer and Software Stores
- Camera and Photographic Supplies Stores
- Home Centers & Hardware Stores
- Paint and Wallpaper Stores
- Wood or Ceramic Tile Flooring Stores
- Outdoor Power Equipment Stores
- Nursery and Garden Centers
- Supermarkets and Other Grocery (except Convenience) Stores
- Convenience Food Stores with fuel pumps
- Convenience Food Stores without fuel pumps
- Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores
- Beer and Wine Stores (excluding Liquor Sales)
- Retail Bakeries and Pastry Shops
- Pharmacies and Drug Stores
- Cosmetics, Beauty Supplies and Perfume Stores
- Eyeglasses and Other Optical Goods Stores
- Food (Health) Supplement Stores
- All Other Health and Personal Care Stores, such as hearing aids and convalescent supplies
- Gasoline Stations, Full Service
- Gasoline Stations with Convenience Stores, no repairs
- Clothing Stores
- Shoe Stores
- Jewelry Stores
- Luggage and Leather Goods Stores
- Sporting Goods Stores and Bicycle Shops
- Hobby, Toy and Game Stores
- Sewing, Needlework and Piece Goods Stores
- Musical Instrument and Supplies Stores
- Book Stores
- News Dealers and Newsstands
- Prerecorded Tape, Compact Disc and Record Stores
- Department Stores

- Dollar Stores
- General Merchandise Stores
- Variety Stores (Five and Dime)
- Florists
- Office Supplies and Stationery Stores
- Gift, Novelty and Souvenir Stores
- Used Merchandise Stores
- Pet and Pet Supplies Stores
- Art Dealers
- Hot Tub Stores
- Temporary Event: Retail Sales of Seasonal Items
- Restaurants, Full-Service, Family Restaurants
- Restaurants, Full-Service, Quality Restaurants
- Restaurants, Limited-Service, including Fast Food and Take-Out, without drive-through windows.
- Cafeterias
- Coffee Shop, Donut Shop, Ice Cream Parlor and Other Specialty Snack Shops.
- Dressmakers and Tailors
- Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)
- Wholesale Trade, no Showrooms or Outdoor Storage
- Interurban Bus Transportation and Bus Stations
- Intercity Couriers (FedEx, UPS), package drop-off only
- Telephone, Cellular and Other Wired or Wireless Telecommunications Carriers (except Satellite)
- Alternate ("Stealth") Towers and Antennae
- Additions to Existing Towers or Mounted on Nonresidential Building
- Electric Power Transmission and Distribution Lines
- Electric Power Transmission Substations
- Natural Gas Distribution
- Charitable Organization Offices
- Fraternal Lodges, VFWs, Ethnic Associations and Other Civic and Social Organizations
- Business, Professional, Labor, Political and Similar Organizations
- Kidney Dialysis Centers
- Freestanding Ambulatory Surgical and Emergency Centers
- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

e. Principal uses that are allowed by Special Use approval in the B-1 zoning district are as follows:

- Residential Lofts in Mixed-Use Buildings

- Farmers Market (Wholesale)
- Cigar and Tobacco Stores, including "Vape" Shops and Electronic Cigarette Stores
- Tattoo Parlors
- Other Personal Care Services not listed above
- Other Personal Services not listed above
- Office Computers, Copiers, Furniture and Other Machinery and Equipment Rental and Leasing
- Other Business Support Services not listed above
- Performing Arts Theaters: Drama, Dance, Music (except Adult Entertainment)
- Adult Entertainment
- Temporary Event: Circus or Carnival
- Temporary Event: Community Fair
- Motion Picture Theaters (except Drive-Ins)
- Billiard and Pool Halls
- Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center
- Go-cart Concessions
- Marinas
- Miniature Golf
- Other Amusement and Recreation Uses not listed above
- Warehouse Clubs and Warehouse Supercenters
- All Other General Merchandise Stores not listed above
- Auction Houses
- Miscellaneous Retailers not listed above
- Temporary Event: Swap Meets and Outdoor Markets
- Restaurants, Limited-Service, including Fast Food and Take-Out, with drive-through windows.
- Restaurants, Drive-In
- Restaurants, 24-Hour
- Soaps, and Other Detergent Manufacturing
- Neighborhood Scale Churches and Other Places of Worship
- Community Scale Churches and Other Places of Worship
- Temporary Event: Religious Assemblies
- Outpatient Mental Health and Substance Abuse Centers
- All Other Outpatient Care Centers
- HMO Medical Centers
- Social Services Assistance, including Individual and Family Services

Sec. 205.10. **B-2 Highway Business District.**

a. Purpose and intent of the B-2 zoning district.

The B-2 Highway Business District is intended to serve those business activities generally oriented to the highways.

b. Uses allowed in the B-2 zoning district.

(1) Principal uses that are allowed by right are listed in Sec 205.14(d) and on Table 2.1.

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.14(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the B-2 zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses that are allowed by right in the B-2 zoning district are as follows:

- Farmers Market (Wholesale)
- Recombination Plat
- Traditional Subdivision
- Master Planned Development (MPD)
- Planned Unit Development (PUD)
- Corporate Management Offices
- Newspaper, Periodical, Book and Directory Publishers
- Internet Publishing and Broadcasting
- Internet Service Providers and Web Search Portals
- Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.
- Lawyers, Notaries and Other Legal Services
- Accounting, Tax Preparation, Bookkeeping and Payroll Services
- Architectural, Engineering, Surveying and Related Services (except Testing Laboratories)
- Interior Design, Graphic Design and other Specialized Design Services
- Management, Scientific and Technical Consulting Services, including Executive Search and Management Consulting
- Veterinarian's Office, Clinic, and Animal Hospital
- Medical Offices of Physicians
- Medical Offices of Dentists
- Medical Offices of Optometrists, Chiropractors, Therapists and Other Health Specialists
- Banks, Credit Unions and Savings Institutions
- Insurance Agencies, Brokerages and Other Insurance Related Activities
- Real Estate Office
- Day Care Center (more than 18 persons in care)
- Group Day Care Home (18 or fewer persons in care)
- Hotels and Motels
- Bed-and-Breakfast Inns
- RV (Recreational Vehicle) Parks
- General Automotive Repair
- Automotive Exhaust System Repair

- Automotive Transmission Repair
- Automotive Body, Paint and Interior Repair and Maintenance
- Automotive Glass Replacement Shops
- Automotive Oil Change and Lubrication Shops
- Car Washes
- Electronic and Precision Equipment Repair and Maintenance
- Tractor and Other Farm Equipment Repairs and Maintenance
- Home and Garden Equipment Repair and Maintenance
- Home Appliance Repair and Maintenance
- Shoes and Leather Goods Repair and Maintenance
- Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance
- Barber Shops
- Beauty Salons
- Nail Salons
- Diet and Weight Reducing Centers
- Massage Therapy Establishment
- Saunas and Spas
- Tanning Salons
- Dry-Cleaning and Laundry Drop-Off Station
- Dry-Cleaning and Laundry Services (except Coin-Operated)
- Blood and Organ Banks
- Funeral Homes and Funeral Services
- Pet Care, Grooming and Training (except Veterinary Services and Pet Boarding Kennels)
- Pet Boarding Kennel
- Photofinishing, One-Hour
- Automobile Commercial Parking Lots and Garages
- Bail Bonding or Bondsperson Services
- Passenger Car Rental and Leasing
- Truck, Utility Trailer and RV (Recreational Vehicle) Rental and Leasing
- Consumer Electronics and Appliances Rental
- Formal Wear and Costume Rental
- Video Tape and Disc Rental
- Home Health Equipment Rental
- Recreational Goods Rental
- Furniture, Party Supplies and Other Consumer Goods Rental
- General Equipment and Tool Rental Centers
- Construction, Transportation, Mining and Forestry Machinery and Equipment Rental and Leasing
- Office Computers, Copiers, Furniture and Other Machinery and Equipment Rental and Leasing

- Document Preparation Services
- Telemarketing Bureaus
- Business Service Centers
- Collection Agencies
- Credit Bureaus
- Court Reporting and Stenotype Services
- Photocopying and Duplicating Services (instant printing)
- News Syndicates
- Computer Systems Design and Related Services
- Caterers and Other Special Food Services
- Advertising, Public Relations and Related Services
- Marketing Research and Public Opinion Polling
- Photographic Studios and Commercial Photography
- Office Administrative Services
- Office Facilities Support Services
- Employment Placement and Temporary Help Services
- Travel Agencies, Tour Operators and Convention and Visitors Bureaus
- Packaging and Labeling Services
- Locksmiths
- Exterminating and Pest Control Services
- Janitorial Services
- Landscaping Services, under 3 acres
- Landscaping Services, over 3 acres
- Carpet and Upholstery Cleaning Services
- Swimming Pool, Duct, Gutter and Drain Cleaning and Other Services to Buildings and Dwellings
- Construction Contractors, Builders and Developers, office only
- Construction Contractors, Builders and Developers, with outdoor storage
- Carpentry Shop, Woodworking
- Vocational Rehabilitation Services
- Exam Preparation and Tutoring
- Automobile Driving Schools with Classroom and "On-The-Road" Training only
- Libraries and Archives
- Performing Arts Theaters: Drama, Dance, Music (except Adult Entertainment)
- Event Venues
- Artist's Studios, except Taxidermists
- Taxidermists
- Museums
- Historical Sites (Commercial)
- Motion Picture Theaters (except Drive-Ins)
- Amusement and Theme Parks, Fairgrounds

- Archery or Shooting Ranges
- Batting Cages
- Billiard and Pool Halls
- Bowling Centers
- Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center
- Dog Parks, Pet Sitting Services
- Fee Fishing Lakes
- Fitness Centers, Health Clubs
- Go-cart Concessions
- Golf Course, with or without a Country Club
- Golf Driving Ranges
- Ice or Roller Skating Rink
- Marinas
- Miniature Golf
- Neighborhood Recreation Centers (for profit), including Private Playgrounds, Tennis, Community Swimming Pools or Other Recreation Amenities
- Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Public Swimming Pools
- Show Arenas for Horses (including Accessory Barns)
- Softball, Baseball, Football or Soccer Fields
- Tennis Clubs and Tennis Centers
- New Car Dealers
- Used Car Dealers
- Recreational Vehicle Dealers
- Motorcycle Dealers
- Boat Dealers
- All Other Motor Vehicle Dealers
- Automotive Parts, Accessories, and Tire Stores
- Furniture and Home Furnishings Stores
- Household Appliance Stores
- Radio, Television and Other Electronics Stores
- Computer and Software Stores
- Camera and Photographic Supplies Stores
- Home Centers and Hardware Stores
- Paint and Wallpaper Stores
- Lumber Yards
- Electrical, Heating or Plumbing Supply Stores
- Wood or Ceramic Tile Flooring Stores

- Other Building Material Dealers not listed above
- Outdoor Power Equipment Stores
- Nursery and Garden Centers
- Supermarkets and Other Grocery (except Convenience) Stores
- Convenience Food Stores with fuel pumps
- Convenience Food Stores without fuel pumps
- Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores
- Beer and Wine Stores (excluding Liquor Sales)
- Retail Bakeries and Pastry Shops
- Pharmacies and Drug Stores
- Cosmetics, Beauty Supplies and Perfume Stores
- Eyeglasses and Other Optical Goods Stores
- Food (Health) Supplement Stores
- All Other Health and Personal Care Stores, such as hearing aids and convalescent supplies
- Gasoline Stations, Full Service
- Gasoline Stations with Convenience Stores, no repairs
- Clothing Stores
- Shoe Stores
- Jewelry Stores
- Luggage and Leather Goods Stores
- Sporting Goods Stores and Bicycle Shops
- Hobby, Toy and Game Stores
- Sewing, Needlework and Piece Goods Stores
- Musical Instrument and Supplies Stores
- Book Stores
- News Dealers and Newsstands
- Prerecorded Tape, Compact Disc and Record Stores
- Department Stores
- Warehouse Clubs and Warehouse Supercenters
- Dollar Stores
- General Merchandise Stores
- Variety Stores (Five and Dime)
- All Other General Merchandise Stores not listed above
- Florists
- Office Supplies and Stationery Stores
- Gift, Novelty and Souvenir Stores
- Used Merchandise Stores
- Pet and Pet Supplies Stores
- Art Dealers
- Manufactured (Mobile) Home Dealers

- Accessory Utility Structures, Prefabricated Sheds and Gazebo Dealers
- Farm Equipment and Implements
- Hot Tub Stores
- Auction Houses
- Miscellaneous Retailers not listed above
- Temporary Event: Retail Sales of Seasonal Items
- Restaurants, Full-Service, Family Restaurants
- Restaurants, Full-Service, Quality Restaurants
- Restaurants, Limited-Service, including Fast Food and Take-Out, with drive-through windows.
- Restaurants, Limited-Service, including Fast Food and Take-Out, without drive-through windows.
- Restaurants, Drive-In
- Cafeterias
- Coffee Shop, Donut Shop, Ice Cream Parlor and Other Specialty Snack Shops.
- Dressmakers and Tailors
- Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)
- Wholesale Trade, no Showrooms or Outdoor Storage
- Vending Machine Operators
- Self-storage of Recreational Vehicles, Campers and Boats
- General Freight Trucking, Local
- Specialized Freight (except Used Goods) Trucking, Local
- Interurban Bus Transportation and Bus Stations
- Taxi and Limousine Service
- School and Employee Bus Transportation
- Charter Bus Industry
- Special Needs Transportation
- Shuttle Services, Vanpools and Other Ground Passenger Transportation
- Intercity Couriers (FedEx, UPS), package drop-off only
- Local Messengers and Local Delivery
- Radio and Television Broadcasting Stations
- Telephone, Cellular and Other Wired or Wireless Telecommunications Carriers (except Satellite)
- Alternate ("Stealth") Towers and Antennae
- Additions to Existing Towers or Mounted on Nonresidential Building
- Electric Power Transmission and Distribution Lines
- Electric Power Transmission Substations
- Natural Gas Distribution
- Fraternal Lodges, VFWs, Ethnic Associations and Other Civic and Social Organizations
- Business, Professional, Labor, Political and Similar Organizations
- HMO Medical Centers

- Kidney Dialysis Centers
- Freestanding Ambulatory Surgical and Emergency Centers
- General Medical and Surgical Hospitals
- Social Services Assistance, including Individual and Family Services
- Community Food and Housing, and Emergency and Other Relief Services
- Cemeteries and Mausoleums
- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

e. Principal uses that are allowed by Special Use approval in the B-2 zoning district are as follows:

- Residential Lofts in Mixed-Use Buildings
- Pawnshop
- Cigar and Tobacco Stores, including "Vape" Shops and Electronic Cigarette Stores
- Tattoo Parlors
- Other Personal Care Services not listed above
- Ambulance Services
- Outpatient Mental Health and Substance Abuse Centers
- All Other Outpatient Care Centers
- Other Personal Services not listed above
- Other Commercial and Industrial Machinery and Equipment Rental and Leasing
- Other Business Support Services not listed above
- Temporary Event: Circus or Carnival
- Temporary Event: Community Fair
- Adult Entertainment
- Zoos and Botanical Gardens
- Motion Picture Theaters, Drive-In
- Stadiums, Coliseums, Arenas and Amphitheaters
- Racetracks
- Other Spectator Sport Facilities
- Amusement Arcades
- Other Amusement and Recreation Uses not listed above
- Temporary Event: Swap Meets and Outdoor Markets
- Soaps and Other Detergent Manufacturing
- Mini-Warehouses and Self Storage Units
- Mini-Warehouses and Self Storage Units (Indoor)
- Restaurants, 24-Hour
- General Freight Trucking, Long-Distance
- Truck Stops and Other Gasoline Stations
- Used Household and Office Goods Moving

- Specialized Freight (except Used Goods) Trucking, Long-Distance
- Motor Vehicle Towing and Wrecker Services
- Cable and Other Subscription Distribution
- Freestanding Towers and Antennae
- Community Scale Churches and Other Places of Worship
- Temporary Event: Religious Assemblies
- Crematories

Sec. 205.11. **OBP Office-Business Park District.**

a. Purpose and intent of the OBP zoning district.

The OBP District is established to provide a location for offices, institutions, limited related business and service activities and limited industrial operations and processes in buildings of high character in attractive surroundings.

b. Uses allowed in the OBP zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.16(d) and on Table 2.1

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.16(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the OBP zoning district.

Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

d. Principal uses that are allowed by right in the OBP zoning district are as follows:

- Recombination Plat
- Traditional Subdivision
- Corporate Management Offices
- Newspaper, Periodical, Book and Directory Publishers
- Software Publishers
- Music Publishers
- Internet Publishing and Broadcasting
- Internet Service Providers and Web Search Portals
- Credit Card Issuing and Sales Financing
- Financial Transactions Processing, Reserve and Clearinghouse Activities
- Mortgage Servicing and Other Activities Related to Credit Intermediation
- Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.
- Insurance Carriers
- Funds, Trusts and Other Financial Vehicles
- Lawyers, Notaries and Other Legal Services
- Accounting, Tax Preparation, Bookkeeping and Payroll Services
- Architectural, Engineering, Surveying and Related Services (except Testing Laboratories)
- Interior Design, Graphic Design and other Specialized Design Services

- Management, Scientific and Technical Consulting Services, including Executive Search and Management Consulting
- Professional Offices: Research and Development in the Physical, Engineering and Life Sciences
- Professional Offices: Research and Development in the Social Sciences and Humanities
- Veterinarian's Office, Clinic, and Animal Hospital
- Medical Offices of Physicians
- Medical Offices of Dentists
- Medical Offices of Optometrists, Chiropractors, Therapists and Other Health Specialists
- Medical and Diagnostic Laboratories
- Electronic Shopping and Mail-Order Houses
- Direct Selling Establishments, except Fuel Dealers
- Promoters of Performing Arts, Sports and Similar Events
- Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures
- Banks, Credit Unions and Savings Institutions
- Insurance Agencies, Brokerages and Other Insurance Related Activities
- Real Estate Office
- Hotels and Motels
- General Automotive Repair
- Automotive Exhaust System Repair
- Automotive Transmission Repair
- Automotive Body, Paint and Interior Repair and Maintenance
- Automotive Glass Replacement Shops
- Automotive Oil Change and Lubrication Shops
- Car Washes
- Electronic and Precision Equipment Repair and Maintenance
- Home and Garden Equipment Repair and Maintenance
- Home Appliance Repair and Maintenance
- Reupholstery and Furniture Repair and Maintenance
- Shoes and Leather Goods Repair and Maintenance
- Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance
- Dry-Cleaning and Laundry Drop-Off Station
- Dry-Cleaning and Laundry Services (except Coin-Operated)
- Linen and Uniform Supply
- Industrial Launderers
- Home Health Care Services
- Blood and Organ Banks
- Pet Boarding Kennel
- Photofinishing Laboratories (except One-Hour)
- Automobile Commercial Parking Lots and Garages

- Bail Bonding or Bondsperson Services
- Passenger Car Rental and Leasing
- Consumer Electronics and Appliances Rental
- Home Health Equipment Rental
- Office Computers, Copiers, Furniture and Other Machinery and Equipment Rental and Leasing
- Document Preparation Services
- Telephone Answering Services
- Telemarketing Bureaus
- Business Service Centers
- Collection Agencies
- Credit Bureaus
- Repossession Services
- Court Reporting and Stenotype Services
- Other Business Support Services not listed above
- Photocopying and Duplicating Services (instant printing)
- Data Processing, Hosting and Related Services
- Testing Laboratories
- Computer Systems Design and Related Services
- Caterers and Other Special Food Services
- Advertising, Public Relations and Related Services
- Marketing Research and Public Opinion Polling
- Photographic Studios and Commercial Photography
- Office Administrative Services
- Office Facilities Support Services
- Employment Placement and Temporary Help Services
- Travel Agencies, Tour Operators and Convention and Visitors Bureaus
- Packaging and Labeling Services
- Investigation Services
- Security Guards and Patrol Services
- Armored Car Services
- Security Systems Services, except Locksmiths
- Locksmiths
- Exterminating and Pest Control Services
- Janitorial Services
- Landscaping Services, under 3 acres
- Landscaping Services, over 3 acres
- Carpet and Upholstery Cleaning Services
- Swimming Pool, Duct, Gutter and Drain Cleaning and Other Services to Buildings and Dwellings
- Construction Contractors, Builders and Developers, office only

- Carpentry Shop, Woodworking
- Private Business Schools and Computer and Management Training
- Private Technical and Trade Schools
- Vocational Rehabilitation Services
- Fine Arts Schools (Art, Drama, Music and Dance Studios)
- Sports and Recreation Instruction
- Language Schools
- Exam Preparation and Tutoring
- Automobile Driving Schools with Classroom and "On-The-Road" Training only
- Automobile Driving Schools, with "On-Site" Driving Courses
- Educational Counseling, Testing and Other Support Services
- Libraries and Archives
- Artist's Studios, except Taxidermists
- Museums
- Zoos and Botanical Gardens
- Dog Parks, Pet Sitting Services
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Paint and Wallpaper Stores
- Home Centers and Hardware Stores
- Electrical, Heating or Plumbing Supply Stores
- Wood or Ceramic Tile Flooring Stores
- Other Building Material Dealers not listed above
- Auction Houses
- Apparel Manufacturing, except Dressmakers and Tailors
- Dressmakers and Tailors
- Wood Product Manufacturing, except Sawmills and Wood Preservation
- Finished Stationery Product Manufacturing
- Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)
- Pharmaceutical and Medicine Manufacturing
- Forging and Stamping
- Cutlery and Hand Tool Manufacturing
- Architectural and Structural Metals Manufacturing
- Hardware Manufacturing
- Spring and Wire Product Manufacturing
- Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing
- Computer and Peripheral Equipment Manufacturing
- Communications Equipment Manufacturing
- Navigational, Measuring, Electromedical and Control Instruments Manufacturing
- Reproducing Software, Compact Disks and Other Magnetic and Optical Media

- Dental Laboratories
- Sporting and Athletic Goods Manufacturing
- Doll, Toy, and Game Manufacturing
- Office Supplies (except Paper) Manufacturing
- Gasket, Packing, and Sealing Device Manufacturing
- Musical Instrument Manufacturing
- Fastener, Button, Needle, and Pin Manufacturing
- Broom, Brush, and Mop Manufacturing
- Burial Casket Manufacturing
- Wholesale Trade with Customer Showrooms, except Livestock Sale Pavilions
- Wholesale Trade, no Showrooms or Outdoor Storage
- Vending Machine Operators
- General Warehousing and Storage
- Postproduction Services and Other Motion Picture and Video Industries
- Sound Recording Studios
- Solid Waste Collection Company Office
- Rail Transportation Company Office
- General Freight Trucking, Local
- Specialized Freight (except Used Goods) Trucking, Local
- Taxi and Limousine Services
- School and Employee Bus Transportation
- Pipeline Transportation Company Office
- Freight Transportation Arrangement Agents and Brokers
- Intercity Couriers (FedEx, UPS), package drop-off only
- Intercity Couriers (FedEx, UPS), sorting and forwarding
- Local Messengers and Local Delivery
- Radio and Television Broadcasting Stations
- Telephone, Cellular and Other Wired or Wireless Telecommunications Carriers (except Satellite)
- Telecommunications Resellers
- Alternate ("Stealth") Towers and Antennae
- Additions to Existing Towers or Mounted on Nonresidential Building
- Electric Power Transmission and Distribution Lines
- Electric Power Transmission Substations
- Natural Gas Distribution
- Business, Professional, Labor, Political and Similar Organizations
- HMO Medical Centers
- Kidney Dialysis Centers
- Freestanding Ambulatory Surgical and Emergency Centers
- Cemeteries and Mausoleums
- Crematories

- Private Schools: Kindergarten, Elementary and Secondary
- Private Schools: Junior Colleges
- Private Schools: Colleges and Universities
- Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

e. Principal uses that are allowed by Special Use approval in the OBP zoning district are as follows:

- Nursing Care Facilities
- Outpatient Mental Health and Substance Abuse Centers
- All Other Outpatient Care Centers
- Day Care Center (more than 18 persons in care)
- Group Day Care Home (18 or fewer persons in care)
- Commercial and Industrial Machinery and Equipment Repair and Maintenance (except Automotive and Electronic Repairs, Tractor Repairs and Welding Shops)
- Ambulance Services
- Other Personal Services not listed above
- General Equipment and Tool Rental Centers
- Construction, Transportation, Mining and Forestry Machinery and Equipment Rental and Leasing
- Office Supplies and Stationery Stores
- Ice Manufacturing
- Sign Manufacturing
- Other Miscellaneous Manufacturing not listed above
- Mini-Warehouses and Self Storage Units
- Mini-Warehouses and Self Storage Units (Indoor)
- Motion Picture and Video Production
- Record Production
- Integrated Record Production/Distribution
- Hazardous Waste Collection Company Office
- General Freight Trucking, Long-Distance
- Used Household and Office Goods Moving
- Specialized Freight (except Used Goods) Trucking, Long-Distance
- All Other Support Activities for Transportation
- Cable and Other Subscription Distribution
- General Medical and Surgical Hospitals

Sec. 205.12. **I Industrial District.**

a. Purpose and intent of the I zoning district.

(1) The I Industrial District is intended primarily for those commercial and manufacturing uses which require ready access to commercial transportation facilities and whose normal operations and processes would be considered objectionable in other districts by reason of the emission of noise, vibrations, smoke, dust, gases, fumes, odors, or radiation and other potential fire and safety hazards.

(2) In all cases involving industrial uses which require heavy utility drains in terms of water usage or the disposal of industrial waste, it is necessary for the representatives of the incoming industry to consult with both the Oconee County Board of

Commissioners and the Oconee County Health Department prior to the establishment of any such use.

b. Uses allowed in the I zoning district.

(1) Principal uses that are allowed by right are listed in Sec. 205.17(d) and on Table 2.1.

(2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.17(e) and on Table 2.1.

(3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the I zoning district.

(1) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.

(2) Municipal solid waste landfill and construction/demolition waste landfill.

A Municipal Solid Waste landfill and Construction/Demolition Waste landfill (C&D) may be allowed in the I (Industrial) Zoning District of Oconee County, only upon approval as a special use by the Oconee County Board of Commissioners after a public hearing if the following conditions are met. The Board of Commissioners of Oconee County may establish a Municipal Solid Waste landfill or C&D landfill for the county upon land owned by the county without a public hearing.

(a) A Municipal Solid Waste landfill or C&D landfill may be located only on soils having slight or moderate limitations for use for this purpose, as listed in the "Soil Survey, Oconee County, Georgia", U.S. Department of Agriculture, Soil Conservation Service.

(b) No Municipal Solid Waste landfill or C&D landfill shall be allowed to operate in Oconee County without first obtaining a "Solid Waste Handling-Disposal Operation Permit" from the Georgia Department of Natural Resources (DNR) nor shall a sanitary landfill be operated in violation of DNR rules and regulations. The DNR permit shall be kept at the site and shown to the Code Enforcement Officer upon demand.

(c) The location, boundaries and the proposed method of operation shall have been approved by the Oconee County Health Department, Board of Commissioners, and the County's designated reviewing agent.

(d) The Municipal Solid Waste landfill shall be accessible directly from a State or U.S. Highway or arterial County Road without travel over residential streets.

(e) The Municipal Solid Waste landfill shall be suitably fenced to prevent the spread of paper and other material and shall be screened and planted so that it is not visible from any residential, commercial or industrial structure or from any street.

(f) The completion of the Municipal Solid Waste landfill shall result in the improvement of the property on which it is located.

d. Principal uses that are allowed by right in the I zoning district are as follows:

- Farmers Market (Wholesale)
- Recombination Plat
- Traditional Subdivision
- Planned Unit Development (PUD)
- Corporate Management Offices
- Newspaper, Periodical, Book and Directory Publishers
- Music Publishers
- Financial Transactions Processing, Reserve and Clearinghouse Activities

- Research and Development in the Physical, Engineering and Life Sciences
- Veterinarian's Office, Clinic, and Animal Hospital
- Medical and Diagnostic Laboratories
- Electronic Shopping and Mail-Order Houses
- Direct Selling Establishments, except Fuel Dealers
- Banks, Credit Unions and Savings Institutions
- Electronic and Precision Equipment Repair and Maintenance
- Commercial and Industrial Machinery and Equipment Repair and Maintenance (except Automotive and Electronic Repairs, Tractor Repairs and Welding Shops)
- Tractor and Other Farm Equipment Repairs and Maintenance
- Other Repair and Maintenance Services: Welding Shop
- Home and Garden Equipment Repair and Maintenance
- Home Appliance Repair and Maintenance
- Reupholstery and Furniture Repair and Maintenance
- Shoes and Leather Goods Repair and Maintenance
- Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance
- Linen and Uniform Supply
- Industrial Launderers
- Pet Boarding Kennel
- Photofinishing Laboratories (except One-Hour)
- General Equipment and Tool Rental Centers
- Construction, Transportation, Mining and Forestry Machinery and Equipment Rental and Leasing
- Other Commercial and Industrial Machinery and Equipment Rental and Leasing
- Business Service Centers
- Repossession Services
- Photocopying and Duplicating Services (instant printing)
- Data Processing, Hosting and Related Services
- Testing Laboratories
- Computer Systems Design and Related Services
- Employment Placement and Temporary Help Services
- Packaging and Labeling Services
- Locksmiths
- Landscaping Services, under 3 acres
- Landscaping Services, over 3 acres
- Swimming Pool, Duct, Gutter and Drain Cleaning and Other Services to Buildings and Dwellings
- Construction Contractors, Builders and Developers, office only
- Construction Contractors, Builders and Developers, with outdoor storage
- Carpentry Shop, Woodworking
- Automobile Driving Schools with Classroom and "On-The-Road" Training only

- Automobile Driving Schools, with "On-Site" Driving Courses
- Artist's Studios, except Taxidermists
- Taxidermists
- Zoos and Botanical Gardens
- Marinas
- Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
- Lumber Yards
- Electrical, Heating or Plumbing Supply Stores
- Wood or Ceramic Tile Flooring Stores
- Other Building Material Dealers not listed above
- Gasoline Stations, Full Service
- Food Manufacturing, except Animal Slaughtering and Retail Bakeries
- Beverage and Tobacco Product Manufacturing
- Ice Manufacturing
- Textile Mills
- Textile Product Mills
- Apparel Manufacturing, except Dressmakers and Tailors
- Dressmakers and Tailors
- Leather and Allied Product Manufacturing, except Leather Tanning and Finishing
- Wood Product Manufacturing, except Sawmills and Wood Preservation
- Finished Stationery Product Manufacturing
- Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)
- Pharmaceutical and Medicine Manufacturing
- Soaps and Other Detergent Manufacturing
- Plastics Product Manufacturing
- Rubber Product Manufacturing, except Tire Manufacturing
- Tire Manufacturing or Retreading
- Brick and Other Clay Product Manufacturing
- Ceramics, Fine Earthenware and Other Pottery
- Glass and Glass Product Manufacturing
- Cement Manufacturing: Ready-Mix Concrete
- Cement Manufacturing: Concrete Pipe, Brick, and Block
- Cement Manufacturing: Other Concrete Products
- Lime and Gypsum Product Manufacturing
- Other Nonmetallic Mineral Product Manufacturing
- Forging and Stamping
- Cutlery and Hand Tool Manufacturing
- Architectural and Structural Metals Manufacturing
- Boiler, Tank, and Shipping Container Manufacturing

- Hardware Manufacturing
- Spring and Wire Product Manufacturing
- Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing
- Coating, Engraving, Heat Treating, and Allied Activities
- Other Fabricated Metal Product Manufacturing not listed above
- Machinery Manufacturing
- Computer and Peripheral Equipment Manufacturing
- Communications Equipment Manufacturing
- Semiconductor and Other Electronic Component Manufacturing
- Navigational, Measuring, Electromedical and Control Instruments Manufacturing
- Reproducing Software, Compact Disks and Other Magnetic and Optical Media
- Electrical Equipment, Appliance and Component Manufacturing
- Motor Vehicle and Other Transportation Equipment Manufacturing
- Furniture and Related Product Manufacturing
- Medical Equipment and Supplies Manufacturing, except Dental Laboratories
- Dental Laboratories
- Jewelry and Silverware Manufacturing
- Sporting and Athletic Goods Manufacturing
- Doll, Toy, and Game Manufacturing
- Office Supplies (except Paper) Manufacturing
- Sign Manufacturing
- Gasket, Packing, and Sealing Device Manufacturing
- Musical Instrument Manufacturing
- Fastener, Button, Needle, and Pin Manufacturing
- Broom, Brush, and Mop Manufacturing
- Burial Casket Manufacturing
- Other Miscellaneous Manufacturing not listed above
- Wholesale Trade with Customer Showrooms, except Livestock Sale Pavilions
- Wholesale Trade with Outside Storage, except Junk and Scrap Yards
- Wholesale Trade, no Showrooms or Outdoor Storage
- Vending Machine Operators
- General Warehousing and Storage
- Refrigerated Warehousing (Cold Storage)
- Farm Product Warehousing and Storage
- Food Locker, including meat cutting and packaging
- Self-storage of Recreational Vehicles, Campers and Boats
- Motion Picture and Video Production
- Postproduction Services and Other Motion Picture and Video Industries
- Record Production
- Integrated Record Production/Distribution

- Sound Recording Studios
- Other Sound Recording Industries
- Solid Waste Collection Company Office
- Recycling and Materials Recovery Facilities
- Septic Tank Cleaning and Portable Toilet Service
- Rail Yards, Rail and Train Service and Repair
- General Freight Trucking, Local
- General Freight Trucking, Long-Distance
- Used Household and Office Goods Moving
- Specialized Freight (except Used Goods) Trucking, Local
- Specialized Freight (except Used Goods) Trucking, Long-Distance
- Taxi and Limousine Service
- School and Employee Bus Transportation
- Charter Bus Industry
- Special Needs Transportation
- Shuttle Services, Vanpools and Other Ground Passenger Transportation
- Pipeline Transportation Company Office
- Motor Vehicle Towing and Wrecker Services
- Freight Transportation Arrangement Agents and Brokers
- Packing and Crating
- All Other Support Activities for Transportation
- Intercity Couriers (FedEx, UPS), package drop-off only
- Intercity Couriers (FedEx, UPS), sorting and forwarding
- Local Messengers and Local Delivery
- Cable and Other Subscription Distribution
- Telephone, Cellular and Other Wired or Wireless Telecommunications Carriers (except Satellite)
- Telecommunications Resellers
- Satellite Telecommunications
- Alternate ("Stealth") Towers and Antennae
- Additions to Existing Towers or Mounted on Nonresidential Building
- Electric Power Transmission Substations
- Electric Power Transmission and Distribution Lines
- Electric Power Generation
- Solar Energy Farms
- Natural Gas Distribution
- Water Supply Facilities

e. Principal uses that are allowed by Special Use approval in the I zoning district are as follows:

- Document Preparation Services
- Other Business Support Services not listed above

- Office Administrative Services
- Office Facilities Support Services
- Go-cart Concessions
- Temporary Event: Swap Meets and Outdoor Markets
- Animal Slaughtering and Processing
- Sawmills
- Asphalt Paving, Roofing, and Saturated Materials Manufacturing
- Primary Metal Manufacturing
- Heating Oil Dealers
- Liquefied Petroleum Gas (Bottled Gas) Dealers
- Gasoline and Other Fuel Dealers
- Truck Stops and Other Gasoline Stations
- Bulk Petroleum Storage
- Mini-Warehouses and Self Storage Units
- Mini-Warehouses and Self Storage Units (Indoor)
- Junk Yards
- Scrap Yards
- Solid Waste or Recycling Transfer Station
- Hazardous Waste Collection Company Office
- Solid Waste Landfill (Subtitle D or Construction-Demolition Materials)
- Inert Waste Landfill
- Earthen Fill Landfill
- Composting Facility
- Asbestos Abatement, Lead Paint Removal and Other Remediation Service Company
- Mining, except Stone Quarrying, Sand and Gravel
- Stone Mining and Quarrying
- Sand and Gravel Mining
- Airport
- Private Airstrip or Heliport
- Freestanding Towers and Antennae
- Sewage Treatment Facilities

Sec. 206. Overlay districts.

Sec. 206.01. S-P Scenic Preservation Overlay District.

a. Purpose and intent of the S-P overlay district.

The S-P Scenic Preservation Overlay District is comprised of land which in the best interest of the citizens of Oconee County should remain in a natural state as nearly as possible. The intent of the regulations within this Overlay District is to maintain and upgrade the character of historic, natural, archaeological and scenic areas of interest within the County. Such regulations are designed to provide for the preservation of the designated areas without unreasonably denying the right of private land use.

b. Uses allowed in the S-P overlay district.

Within the S-P Scenic Preservation Overlay District, only the following uses are allowed, regardless of other uses otherwise allowed by right or Special Use approval in the underlying zoning district:

(1) Natural, historic, archaeological, scenic areas; buildings and associated structures and digs which are necessary to the improvement, restoration, maintenance and scholarly study of such areas, so long as such buildings and associated structures and digs do not conflict with the intent of this Development Code to preserve the special character of these areas.

(2) Pasture lands and forests.

(3) Passive recreation areas.

(4) Public parks maintained by the County or the State of Georgia or the United States Government.

Sec. 206.02. **F-P Flood Prone Overlay District.**

The F-P Flood Prone Overlay District is comprised of lands that are subject to periodic flooding and are defined as "areas of flood hazard" under the Flood Damage Prevention Section of the Erosion Control and Stormwater Management Article of this Development Code.

a. Purpose and intent of the F-P overlay district.

The intent of the regulations within this Overlay District is to limit the use of such flood plain lands to:

(1) Prevent flood damage to persons and properties and to minimize expenditures for flood relief programs, flood control projects and flood damage repairs.

(2) Preserve drainage courses that will be adequate to carry storm water runoff from existing and future land developments.

(3) Prohibit landfills or other obstructions to the flow of flood waters, except those included in the permitted uses listed below.

(4) Permit uses that are appropriate on flood plains and utilize effectively this valuable county resource.

b. Uses allowed in the F-P overlay district.

Within the F-P Flood Prone Overlay District, only the following uses are allowed, regardless of other uses otherwise allowed by right or Special Use approval in the underlying zoning district:

(1) Agriculture, including forestry and livestock raising, requiring no structures within the flood plain, except structures for temporary shelter, and including agricultural and forestry access roads.

(2) Dams provided they are constructed in accordance with the specifications of the USDA Soil Conservation Service or the U.S. Corps of Engineers.

(3) Fences.

(4) Parking areas.

(5) Roads, provided that adequate portions of them are constructed on bridges or piers to permit the free flow of flood waters.

(6) Public, semi-public, private and commercial recreation uses requiring no structures within the flood plain except structures for temporary shelter.

(7) Public utility poles, towers, pipelines and sewage treatment outfalls.

(8) Outdoor plant nursery, orchard.

(9) Wildlife sanctuary, woodland preserve, arboretum.

c. Procedure for correcting an error in F-P Flood Prone overlay district boundary line.

(1) If a property owner can demonstrate to the Oconee County Board of Commissioners that an error has been made in establishing the Flood Prone District boundary line

and that his property or a designated portion of it that lies in the Flood Prone Zoning District is actually not subject to flooding, the Board of Commissioners may correct the Flood Prone District boundary line accordingly.

(2) Such correction shall comply with applicable state and federal regulations, and shall be filed as a Letter of Map Revision (LOMR) upon approval. See the Flood Damage Prevention Section of the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 206.03. **78/316 Special Overlay District.**

a. The purpose of the 78/316 Special District Overlay is to recognize that the area generally bounded by Ga. Highway 316, U.S. Highway 78 and Atlanta Highway lying within Athens-Clarke County, Oconee County, and the City of Bogart is uniquely suitable for industrial, manufacturing, commercial and office development at a high density, regional scale, to encourage and promote such regional scale development in a manner that is coordinated by and among those jurisdictions with a uniform procedure for review and approval of projects. This Special District Overlay Zone (the "District") will ensure that development and structures are consistent with the vision, recommendations and goals of the Future Land-use plans and Future Development Plans of Athens-Clarke County, Oconee County and the City of Bogart. Further, this district is established to promote and protect the health, safety and welfare of the citizens of Athens-Clarke County, Oconee County and the City of Bogart, respectively.

b. Boundaries and Applicability.

(1) The 78/316 Special District Overlay boundaries shall be as designated on the Official Zoning Map of Oconee County, Georgia, as shown on Appendix C hereto. The Official Zoning Map of Oconee County, Georgia is hereby amended by adding the 78/316 Special District Overlay as a zoning district to the legend to said map, as shown on Appendix C hereto.

(2) In any case where the provisions of the 78/316 Special District Overlay conflict with those of the underlying zoning district or with other provisions of the unified development code, the standards and requirements of the 78/316 overlay district shall govern.

(3) The conditions for approval of any rezoning, variance, or conditional use approved by the governing jurisdiction under any prior ordinance shall remain in full force and effect and enforceable under the procedures of this Special District Overlay.

(4) If aspects of a development are not expressly regulated by the standards associated with the 78/316 Special District Overlay, the development standards associated with the underlying zoning designation and all other applicable development regulations administered by the jurisdiction in which the development is located shall apply.

c. Special District Overlay Amendment and Boundary Alteration Procedure – General Provisions.

(1) Changing needs and a dynamic economy of a growing community may from time to time require periodic updates of this Special District Overlay ordinance to maintain consistency between the provisions of the article and various community plans. In order to fulfill the above-stated purposes, the governing authorities of Athens-Clarke County, Oconee County, and the City of Bogart commit not only to the enforcement of this zoning ordinance but to its ongoing maintenance and updating as typical planning and review processes may dictate.

(2) Special District Overlay Amendment or Boundary Alteration – Generally.

(a) Scope—Every application to amend the Special District Overlay shall address the impact of the proposed change on the following:

1. The comprehensive plan for the jurisdiction that is receiving the application;

2. The future development map for the jurisdiction that is receiving the application;

3. The balance of land uses within the jurisdiction that is receiving the application;
4. Public facility elements of such jurisdiction's comprehensive plan and service delivery plan, and how the proposed change will affect the provision of services anticipated in such plan.

(b) Amendments shall be further evaluated under the following factors to balance the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of the property in issue:

1. The existing land use pattern surrounding the property in issue;
2. The possible creation of an isolated district unrelated to adjacent and nearby districts;
3. The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets;
4. The cost to each of the governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;
5. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;
6. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;
7. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if rezoned as requested will not alone constitute a significant detriment;
8. The aesthetic effect of existing and future use of the property as it relates to the surrounding area.

(c) 78/316 Special District Overlay Amendment or Boundary Alteration – Procedure

1. Initiation of an amendment or boundary alteration may be made by:
    a. Recommendation of the planning commission or any department of a jurisdiction that is a party to the Special District Overlay as to property that lies within that jurisdiction.
    b. Recommendation of the governing authority of any jurisdiction that is a party to the Special District Overlay as to property that lies within that jurisdiction.
    c. Application of property owner. In case of an amendment to the zoning ordinance that rezones property from one zoning classification to another, application shall be executed by all property owners, including holders of deeds to secure debt, as recorded in the official records of the Superior Court of Oconee County, or the property owner's authorized agent. The application shall be submitted to the jurisdiction where the property lies.
2. Complete applications must be submitted to the planning department at least 90 days prior to the first public meeting at which the item will be heard. Such jurisdiction will submit a complete copy of such application and all exhibits to the planning departments of the other participating jurisdictions within 10 days after receiving a completed application.
    a. A jurisdiction or jurisdictions that is a party to the Special District Overlay which does <u>not</u> have authority over the subject property

or subject area associated with the amendment or boundary alteration shall provide review comments to the Planning Director of the jurisdiction that does have authority over the subject property or subject area within 30 days of receipt of the application. These review comments shall be included in the report and analysis prepared by the planning staff that has authority for the subject property or area on which the request is located.

b. If the applicant contends that the current zoning classification of the property in issue constitutes an unconstitutional taking, written notice of such contention, a written evaluation supporting the contention must be filed with the application; otherwise, the applicant shall be deemed to have waived such contention. Affidavits of fact, appraisals, and related studies shall be filed with the application, in support of applicant's position.

3. Public hearings shall be held in accordance with rules of procedure. At each public hearing, the planning staff that has authority for the subject property or area on which the request is located shall present their report, followed by the applicant's presentation. Comments from proponents or opponents shall be heard. Each jurisdiction shall conduct the hearings in accordance with the rules governing their respective hearing procedures.

4. Following the public hearing before the planning commission that has authority for the subject property or area on which the request is located, the planning commission shall make a report of its findings and recommendations on the proposed action. Such report shall be forwarded to the planning directors serving each of the jurisdictions that are party to the Special District Overlay within 15 days of the planning commission's final recommendation on the proposed action. Failure to timely file a report shall create no presumption either in favor or against the proposed action. The recommendation of the planning commission shall be of an advisory nature and not be binding on the local governing authority considering the request.

5. Following receipt of the planning commission report, the jurisdiction or jurisdictions that are party to the Special District Overlay and do <u>not</u> have authority over the subject property or subject area associated with the amendment or boundary alteration shall provide review comments, if any, to the Planning Director serving the jurisdiction in which the subject property or area is located within five (5) days of receipt of the planning commission report. Comments received shall be communicated to the local governing authority considering the request.

6. After closing the public hearing at which the request is being considered, and following deliberation, the governing authority serving the jurisdiction in which the subject property or area is located may:

   a. Vote to approve Special District Overlay Amendment and/or Boundary Alteration with conditions or without conditions; or

   b. Vote to deny the Special District Overlay Amendment and/or Boundary Alteration; or

   c. Vote to send the Special District Overlay Amendment and/or Boundary Alteration back to the planning commission for further study and recommendation; or

   d. Hold without action for no more than 40 days; or

   e. For zoning ordinance text amendments, the Board of Commissioners may vote to approve or deny the text amendment.

7. Approval of all Special District Overlay Amendment and/or Boundary Alteration actions shall be by ordinance only. Copies of the approved ordinances associated with a Special District Overlay Amendment and/or

Boundary Alteration action shall be forwarded to the planning directors serving each of the jurisdictions that are party to the Special District Overlay within 5 days of the effective date of the ordinance.

d. Development Concept Review Submittals.

(1) Applicants may request a Development Concept Review prior to making application for site plan and/or construction plan review. Concept Review comments will be offered by appropriate development review staff. The staff comments shall be non-binding and serve only as advisory input based on the information provided by the applicant. Requests for Development Concept Review shall be submitted to the planning department serving the jurisdiction in which the development is proposed.

(2) Development Concept Review Plan contents. In order to facilitate the review, plans submitted for Development Concept Review shall include the following information.

(a) Boundaries of the tract or tracts included within the proposed development site.

(b) Identification of the proposed land uses and the intensity of each proposed use.

(c) Existing and proposed street alignment.

e. Permit Application Requirements.

(1) Completed applications for development permits shall be submitted to the planning department serving the jurisdiction in which the development is proposed. Such applications shall be submitted following the appropriate application procedures, submittal requirements, and deadlines associated with the affected jurisdiction's development permits. For all sites within this Overlay District, and for so long as an intergovernmental agreement with Oconee County is in effect so providing, all reviews, inspections, approvals and permitting will be performed by either the Oconee County Planning Department or the Code Enforcement Department acting as the agent of the City of Bogart in accordance with the procedures set out in this Article.

(a) Complete applications shall include all of the required information for the specific action requested, on a signed application form, and tender of the appropriate application fee.

(b) Incomplete applications are subject to return to the applicant and removal from the appropriate agenda.

(c) If no applicant activity has occurred on an application for six months after review comments have been received by the applicant from the reviewing agency staff, the reviewing agency staff shall notify the applicant in writing that the application has become inactive. The applicant shall be granted an additional six months upon written request. If an extension is not requested within 30 days of the notice of inactivity, the application shall be deemed withdrawn and the file shall be closed. If the file is closed, then a subsequent application shall be considered a new application.

(2) Notification shall be provided to all jurisdictions within the 78/316 Special District Overlay when applications for development are received. Such notification shall be provided prior to the issuance of any permits associated with the proposed development.

(3) Developments of Regional Impact (DRI): If an application is submitted for a planning action or a permit application is submitted and it is determined by the responsible department serving the jurisdiction in which the development is proposed that pursuant to O.C.G.A. § 50-8-7.1(b)(3), the proposed application is required to follow the State of Georgia's Developments of Regional Impact (DRI) process, then all processing time deadlines imposed by local ordinances are suspended until the date the results of the DRI review process are received or 30 days from date of suspension, whichever event shall occur first. Once the DRI results are received or 30 days have passed, the suspended processing time requirements shall be reinstated.

f. Applicability.

(1) All properties within the boundaries of the 78/316 Special Overlay District as defined in Sec. 206.03.b shall be required to adhere to the development standards and regulations associated with the 78/316 Special District Overlay.

(2) In the event that aspects of a development are not specifically regulated by the standards associated with the 78/316 Special District Overlay, the development standards associated with the underlying zoning designation and all other applicable development regulations administered by the jurisdiction in which the development is located shall apply.

g. Application and Permitting Procedure for Development Sites located in two more jurisdictions.

Development sites that lie within more than one jurisdiction within the 78/316 Special District Overlay shall first adhere to the regulations and standards associated with the 78/316 Special District Overlay. In the event that aspects of a development are not specifically regulated by the standards associated with the 78/316 Special District Overlay, the development standards associated with the underlying zoning in which a given portion of the development is located shall apply. The zoning boundary for the underlying zones shall follow the boundary of the adjoining jurisdictions.

h. Definitions. [See Appendix A in this Section]

i. Permitted Uses.

(1) The following uses and their accessory uses are permitted in the 78/316 Special District Overlay.

Category	Permitted Uses
Industrial	Printing/Publishing; Bakeries*; Bottling Plants; Manufacture of Foods (including Non-Odiferous)*; Food Processing*; Light Manufacturing*; Heavy Manufacturing*; Wholesale Sales; Outdoor Storage*; Wholesale Storage & Distribution*; Construction Materials Sales; Transfer Stations*; Utilities; Community Service; Parks and Open Areas; Business/Trade Schools; Medical Centers; Finished Products Display Area **No structure or area associated with the operation of this use is permitted within 200 feet of a residential structure.*
Commercial	Hotels, Motels, Retail Sales and Service, Convenience Store, Restaurant, Drive-Through Facility, Professional Services and Office, Quick Vehicle Servicing, Auto and RV Sales, Commercial Parking Structures or Lots, Administrative or Research Facilities, Broadcasting or Production Studios, Temporary Uses; Wireless Communications Facilities; Data Centers; Day Care/Kindergarten

(2) The following uses and their accessory uses are not permitted in the 78/316 Special District Overlay: residential (irrespective of type; single-family, multi-family, personal care or nursing homes, manufactured housing, boarding or rooming housing or dormitories), crematoria, mortuaries, cemeteries, churches, concrete or cement fabrication where raw materials and finished products are stored outside, pulpwood processing, asphalt manufacturing, landfills, recycling processes, outdoor storage of solid waste.

j. General Regulations.

Table A	78/316 Overlay District
Minimum lot area	5,000 sq. ft.
Minimum lot width	100 ft.
Minimum lot depth	50 ft.
Minimum yards (except abutting residential district)	10 ft.
Minimum yard abutting a residential zone	10 feet, plus one foot for each foot of building height above 30 feet.

Uses marked with * in use table	No structure or improvement associated with the operation of this use is permitted within 200 feet of a residential structure.
Maximum lot coverage	90%
Minimum landscaped area	10%
Maximum fence height	8 feet
Noise	Noise levels are measured as constant consistent sounds. Maximum level (as measured at property lines) shall be 70dbA (measured over a 4 hour period when industrial use is in operation). The maximum noise level as measured along an adjacent residential property line is 55 db between the hours of 11:00 PM and 7:00 AM. It is the intent of this Section to regulate noise in a manner to prohibit it from exceeding levels of sound that could become a nuisance or hazard to adjacent property.
Lighting (Applicable to Industrial Related Operations)	Site - Maintained average lighting levels (±50%): a) Access roads - 1.0 f.c. b) Truck Dock - 5.0 f.c. c) Trailer Staging - 2.0 f.c. d) Parking lots - 2.5 f.c. e) Building Perimeter - 1.0 f.c.
Parking	Industrial uses, except warehousing: One space for each employee for the maximum number of employees present at any one time, plus one space per company vehicle. Warehousing. One space per one thousand square feet of gross floor area, plus one space per company vehicle. Parking permitted between the building and the street. All other parking in accordance with use requirements elsewhere provided in Zoning Ordinance
Architectural Standards	*Non-Industrial Uses* a) Building facades if visible from the front or side yard adjacent to a street may not be clad in metal siding, plain concrete block, or plain concrete walls. Decorative concrete block or concrete walls with textured surface materials are permitted. b) Buildings frontages greater than 100 feet in length shall have offsets or other distinctive changes in the building facade. c) Buildings may not incorporate glass for more than 70 percent of the building exterior. *Industrial Uses* – No additional architectural standards are required for buildings associated with Industrial Uses, as defined in the 78/316 Special District Overlay.
Signage	Underlying zoning and applicable signage regulations of each jurisdiction shall apply with regard to the regulating and permitting of all signage.

k. Screening and Buffering.

(1) *Side and rear yard buffers.* Whenever the developed portion of any nonindustrial use is within 200 feet of the developed area associated with an existing industrial use, one of the following buffers shall be installed on the lot with the nonindustrial use. Berms or other grading measures and topographic considerations may be considered as contributing to the buffer area if the vegetative conditions are not adversely impacted:

(a) Natural buffer strip: A strip at least 100 feet wide, having an existing natural growth equivalent to a densely planted evergreen screen. The planning staff may require additional planting to acquire a uniform buffer strip. Berms or other grading measures and topographic considerations may be considered as contributing to the buffer area if the vegetative conditions are not adversely impacted.

(b) Landscape buffer strip: A strip at least 50 feet wide, densely planted with an appropriate mix of trees and shrubs at least three feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least six feet within three years. A landscape plan identifying all plants to be incorporated in the buffer strips must be approved by planning staff prior to any site construction. Planning staff may require additional planting to acquire a uniform buffer strip. Berms or other grading measures and topographic considerations may be considered as contributing to the buffer area if the vegetative conditions are not adversely impacted.

(c) Landscape buffer wall: A buffer strip at least 20 feet wide, containing an opaque wall or barrier or uniformly painted fence at least six feet in height. Buffer strips shall have five feet of landscape plantings on the exterior side of the wall and shall be planted with appropriate trees, shrubs, and ground cover as to provide a transition from the wall to both edges of the buffer strip. A landscape plan identifying the location and construction of the wall or barrier and all plants to be incorporated in the buffer strip must be approved prior to any site construction. Additional planting may be required to acquire a uniform buffer strip. This section will allow any of these three buffers or a combination thereof to provide flexibility in design. Berms or other grading measures and topographic considerations may be considered as contributing to the buffer area if the vegetative conditions are not adversely impacted.

(2) *Front yard buffers.* The following front yard buffer requirements apply in all cases:

(a) 10-foot minimum front yard landscaped buffer containing trees, shrubs, and ground cover must be placed between the right-of-way line and any structure or front yard parking lot, planted in a uniformly distributed manner. Selection of shrubs and ground cover should be such that no shrub or ground cover should grow higher than four feet.

(b) All front yard buffers shall follow the sight distance triangle requirements established by the Transportation and Public Works departments representing the jurisdiction in which the development is located.

(c) Property or business identification signs may be incorporated into the front yard buffers.

Appendix A: Definitions

For the purpose of this Overlay district, those certain words and terms defined herein shall be defined and interpreted as follows. All other words and terms not expressly defined herein shall have their general meaning determined by the planning director representing the jurisdiction in which the subject site is located. Appeals of staff interpretations of this Overlay district shall be heard pursuant to the procedures outlined in Article 13 of this code.

24-hour distribution center: A distribution facility, frequented by one or more trucks a week between the hours of 11:00 p.m. and 6:00 a.m.

Accessory structure: A structure on the same lot with, and of a size and nature customarily incidental and subordinate to, the principal structure.

Accessory use: A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Administrative or research facilities*:* A facility used for the management of an enterprise or research and development activities such as improving technologies, developing products and scientific research.

Agricultural structures*:* Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses.

Agriculture: The production, raising, breeding or maintenance of plants and animals including, but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep,

swine, horses, or goats, game animals, exotics, fish, and any mutations or hybrids thereof, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nurseries; florals; ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. This does not include the commercial slaughter of poultry, livestock, or other animals.

Athens-Clarke County: The Unified Government of Athens-Clarke County, Georgia, a body politic and corporate, and a political subdivision of the state.

Athens-Clarke County Facility*:* A public service or facility provided, owned and controlled by Athens-Clarke County.

Auto wrecking yards: See "junk yards, salvage yards, and auto wrecking yards."

Automobile and RV sales: A structure and/or lot dedicated to the retail sale of new or used motor vehicles.

Bakery: A place for baking or selling baked goods.

Bar*:* An establishment in which alcoholic drinks are served. For the purposes of the 78/316 Special District Overlay, such establishments are permitted when associated with and located within a hotel, motel, or restaurant use.

Basic utilities: Infrastructure services and the structures necessary to provide those services including electricity, natural gas, telephone, water, or sewer. The gross area of these services and associated structures shall not exceed 5,000 square feet. Telecommunications towers, or any structure associated with the operation of a telecommunications tower, are not included under this definition.

Bed and breakfast facilities: A detached dwelling in which rooms are rented to transient guests on an overnight basis. No more than 15 bedrooms may be rented on an overnight basis and no more than 30 guests are allowed at one time. Meals may be served only to overnight guests. Additionally, such facilities must meet the criteria outlined in this Overlay.

Bogart, City of: The City of Bogart, Georgia, a Georgia municipal corporation.

Bogart Facility**:** A public service or facility owned and controlled by the City of Bogart.

Bottling plant: A manufacturing facility for the bottling of liquids such as water, soft drinks, wine, beer, etc.

Broadcasting or production studios: A structure designed for making and transmitting programs for radio or television or for the production/editing of films, videos, commercials, etc.

Buildable area*:* The portion of a lot remaining and available for construction of a structure or related facilities after required setbacks, yards, and buffers have been provided. Buildable area cannot contain any setback areas, easements, and similar building restrictions, and cannot contain any land that is identified as floodplain areas, riparian buffer areas, except as otherwise provided in this Overlay.

Building envelope: An area within the property boundaries of a lot or space within which a permitted manufactured housing or structure can be placed.

Building official: The official appointed by the governments of Athens-Clarke County, Oconee County, or the City of Bogart, respectively, and charged with the responsibility of permit and certificate of occupancy issuance for each respective jurisdiction.

Business or trade school: A secondary school offering instruction in a professional, vocational, or technical field.

Carport: A partially enclosed structure used for the housing of motor vehicles, the property of, and for use only by the occupants of the lot upon which such structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure and not as an accessory structure. A detached carport shall be classified as an accessory structure.

Cemetery: Place or area set apart for interment of the dead; includes not only lots for depositing remains of the deceased, but also pedestrian and vehicular thoroughfares, landscaping, and structures associated with the operation and maintenance of the cemetery.

Certificate of occupancy: A permit issued by the building official indicating that a structure has been constructed in accordance with all codes and that the structure or land is in conformity with provisions of this Overlay or that there has been a legal variance granted as provided by this Overlay.

Church: A structure consecrated to the honor of God or other supreme being or beings for religious purposes; or an assembly of persons united by the profession of the same religious faith, meeting together routinely for religious worship.

College or university: An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

Commercial or commercial use: Any activity involving the sale of goods or services for profit.

Commercial incinerator: Establishments primarily engaged in the collection and disposal of refuse by processing or destruction for profit. Examples would be furnaces or similar devices for the burning to ash of trash.

Commercial outdoor recreation*:* Outdoor commercial uses which by their nature are recreational such as golf courses, driving ranges, miniature golf courses, outdoor swimming pools, tennis courts, basketball courts, and recreational camps.

Commercial parking lots: An area devoted to the standing, maneuvering, and circulation of motor vehicles in commercial areas.

Community service*:* A structure or group of structures for a community's governmental, social, educational, and/or recreational activities. Community service facilities include federal, state, county, and local government activities.

Condominium*:* A type of ownership of attached or detached dwelling units, offices, or other space within a structure, as defined by the provisions of Overlay 44, Chapter 3, Article III, of the Official Code of Georgia Annotated (O.C.G.A. § 44-3-70 et seq.) in which each unit is independently owned and financed by the occupant but in which all lands are commonly owned.

Construction materials sales: A business involved in the sale of structure supplies and services including lumber, plywood, drywall, siding, windows, molding, cabinets, insulation, etc.

Convenience store: A retail store with a floor area of less than 2,500 square feet that sells groceries and may also sell gasoline; does not include automotive service stations, or vehicle repair shops. Any retail store that exceeds 2,500 square feet and also sells gasoline shall be considered as a "quick vehicle servicing" use as defined in this chapter.

Coverage, lot or site: Total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping shall not be deemed part of the lot or site coverage.

Crematoria**:** A furnace or establishment for the reduction of corpses to ash.

Day care, nursery or kindergarten: A school or care center, public or private, established for the purpose of caring for and supervising the activity of five or more children for no more than 12 hours per day where the student-to-staff ratio is ten to one or less.

Decibel (dB): A logarithmic unit that indicates the ratio of a sound level (power, intensity, pressure) to a specified reference level.

Decibel, A-weighted (dBA): A method of sound measurement commonly used in industrial, environmental, and aircraft noise measurements designed to approximate human hearing. A-weighting is the most commonly used of a family of curves defined in the International standard IEC 61672:2003 and various national standards relating to the measurement of sound pressure level. The weighting is employed by arithmetically adding

a table of values, listed by octave or third-octave bands, to the measured sound pressure levels in dB. The resulting octave band measurements are usually added (logarithmic method) to provide a single A-weighted value describing the sound; the units are written as dB(A).

Dense evergreen foliage: A large quantity of vegetation per unit of area which retains its leaves throughout the year and of such opacity as to block one's vision through it.

Diameter breast height (dbh): The outside diameter of the trunk of a tree, measured four and one-half feet above ground level.

Drive-through use: A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a quick vehicle servicing use or other retail sales and service use. Examples include, but are not limited to, drive-through windows, menu boards, car wash facilities, and quick lube or quick oil change facilities.

Easement: A grant of the right to use a strip of land for specific purposes.

Equestrian facilities: A structure or area for horseback riding activities including boarding, training, lessons, and shows.

Equivalent Sound Pressure Level (Leq): Time averaged sound pressure level commonly used to describe noise exposure over a specified length of time.

Fabricating: The process of assembling using standardized parts.

Fast food restaurant: A drive-through restaurant serving food from an ordering counter. Food can either be consumed on or off of the premises.

***Fence height*:** The height of a fence measured from the finish grade to the highest point of the fence structure.

***Fence, semi-open*:** A fence that is 40 to 80 percent permeable to light and air when viewed perpendicular to the plane of the fence.

***Finished Products Display Area*:** A site designated for the outdoor display of goods manufactured within the 78/316 Special District Overlay, or similarly created district.

Fixture: Complete lighting assembly consisting of a lamp or lamps, together with the parts designed to power, position, house, and protect the lamp; and other parts (such as a lens, reflector, or globe) which function together with the lamp as a light source to emit, control, direct, and disperse light. Not included is the support assembly (pole, arm, or mounting bracket) to which the lighting unit is attached. If multiple lighting units are attached to a common support assembly, each unit shall be considered to be an individual lighting fixture. A fixture with multiple lamps comprises only a single fixture.

Floodlights: Fixtures that project light in a broad, directed beam, typically of two lamp types: simple lamps whose supporting optic elements are part of the fixture casement, having wide beam angles up to 110 degrees; or sealed-beam lamps with internal parabolic reflectors, having narrower beam-spread angles of 25 to 55 degrees.

Floor area: The floor area is the gross horizontal area of the one or more floors of a structure, excluding interior parking spaces. Same as "gross leasable floor space."

Fluorescent Lighting: A lamp that produces visible light by fluorescence, especially a glass tube whose inner wall is coated with a material that fluoresces when an electrical current causes a vapor within the tube to discharge electrons.

Food processing facilities: Industrial operations in which raw food is made suitable for consumption, cooking or storage. Such facilities include commercial slaughterhouses for poultry, livestock, or other animals, and egg farms.

Footcandle (f.c.): Measure of illumination equivalent to one lumen produced uniformly on a surface of one square foot, as measured by a light meter.

Frequency: Number of complete oscillations or cycles per unit of time. The unit of frequency often used is the hertz (Hz).

Front lot line: See "lot line, front."

Front yard: See "yard, front."

Fully shielded fixture: Lighting application that is designed, constructed, and installed to meet all glare and light-trespass standards of this Section. In most instances, a fully shielded lighting application will include a horizontally cutoff fixture, but in all instances must be shielded so as to meet all light-containment provisions of this Section with respect to glare and light trespass. Any part providing this shielding shall be permanently attached to the lighting fixture.

Full-cutoff fixture: Class of lighting fixture defined by the Illuminating Engineering Society of North America (IESNA) according to technical photometric criteria. Included among those design criteria is a pattern of light distribution which does not permit any light to project at or above the horizontal plane from the lowest light emitting point of the lighting fixture—either dispersed directly from the lamp source or an integrated diffusing element, or indirectly from an integrated reflector surface, refractive lens, or refractive globe. These fixtures are also often referred to as "horizontally cutoff fixtures."

Glare: Effect caused by light sufficiently greater than that to which the eye is readily adapted, such that annoyance, physical discomfort, or visual impairment is experienced by an observer.

Gross leasable floor space: The floor area is the gross horizontal area of the one or more floors of a structure, excluding interior parking spaces. Residential floor space shall be exclusive of carport, basement, attic, patios and open porches. Same as "floor area."

Ground coverage: The area of a lot occupied by all structures and parking expressed as a percentage of the gross area of the lot. Driveways should not be included in the percent coverage but parking pads or areas, porches, decks, patios, pools, tennis courts, sheds, walkways and other accessory uses shall be included.

Heavy manufacturing: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions that include, but are not limited to, smoke, steam, noise, soot, dirt, vibration, odor, or any other by-product of the manufacturing process that is known to be detrimental to the human or natural environment. These activities may involve outdoor operations as part of their manufacturing process. Heavy manufacturing uses include, but are not limited to, storage of petroleum products, concrete or cement fabrication where raw materials and finished products are stored outside, pulpwood processing, asphalt manufacturing, landfills, recycling processes, outdoor storage of solid waste, and other uses similar in nature.

Height of structure: See "structure, height of."

Hertz: Unit of frequency equal to one cycle per second.

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

Hotel: A facility offering transient lodging accommodations to the general public at a daily rate or weekly rate for a period of continuous guest occupancy not to exceed 30 days, and providing additional services, such as restaurants, meeting rooms, and recreational facilities. Guest quarters are accessible through a main entrance and by hallways.

Indoor recreation: Indoor commercial uses which by their nature are recreational. Examples include bowling alleys, skating rinks, health clubs, racquetball courts, indoor swimming pools, video arcades, pool halls, etc.

Industrial or industrial use: An activity related to the manufacture, production or storage of products to be transported elsewhere for retail sale and including without limitation the Light Manufacturing and Heavy Manufacturing uses defined herein.

Institutional* or *institutional use: A non-profit or quasi-public use, such as a religious institution, private school, hospital, medical center, nursing home, cemetery, as well as the ancillary uses directly affiliated with these institutional uses.

Interior lot: See "lot, interior."

Intermediate care facilities: A convalescent home or other recuperative facility for use by persons subsequent to hospital confinement, who are not yet ready to resume home life.

Junk yards, salvage yards, and auto wrecking yards: A place where waste, discarded or salvaged metals, structure materials, paper, textiles, used plumbing fixtures, used vehicles or equipment in inoperative condition, or similar items are bought, sold, exchanged or stored, baled or cleaned.

Kennels: Facility for the boarding (overnight) of domestic animals, usually limited to dogs and cats. Breeding and training of dogs and cats and the sale to the public of puppies and kittens are classified as a kennel activity.

Lamp: Component, tube, or bulb of a lighting fixture that produces the light. Multiple lamps within a single fixture are lumen-rated cumulatively as if a single lamp.

Land disturbing activity: Alteration of the land surface by:

(1) Any grading, scraping, excavating, dredging, transportation or filling of land;
(2) Any clearing of vegetation;
(3) Any construction, rebuilding, or alteration of a building, road, driveway, parking area, or other structure, not including routine maintenance such as painting, repair, or reconstruction of existing structures or surfaces;
(4) Any substantial activity or use which may result in soil erosion from water or wind and the movement of sediments into waters or lands protected by this Overlay;
(5) It shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, repairs, additions or minor modifications of an existing single-family dwelling, and the cutting of firewood for personal use.

Landscaping: A planted area containing trees, shrubs, and groundcovers providing a transition between structures on a site and the property line, adjacent structures, and/or street rights-of-way.

Laundry facilities: A commercial laundering establishment which cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. Such establishments may also include self-service laundering facilities.

Light manufacturing: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials, or materials fully encapsulated in a sealed container, including but not limited to, jars, cans, drums, or other container of a similar nature, to be stored inside. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, steam, noise, soot, dirt, vibration, odor, or any other by-product of the manufacturing process that is known to be detrimental to the human or natural environment. Light manufacturing uses include, but are not limited to, machine shops, manufacturing of apparel, electrical appliances, electronic equipment and computer components, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (excluding the manufacture of paper from pulpwood), medical appliances, tools or hardware, plastic products (excluding the processing of raw materials), pharmaceuticals or optical goods, and any other product of a similar nature.

Light source: the point of origin from which illumination emanates; usually a lamp.

Light trespass: Intrusion of direct light projected from one property or roadway onto another property or roadway.

Livestock: Establishments that are primarily engaged in the fattening of livestock in a confined area for at least 30 days, either for their purposes or on a fee or contractual basis for the expressed purpose of slaughter, sale or increasing the value of the livestock. Poultry facilities and egg producing facilities shall be included in this definition.

Lot: A unit of land created by a subdivision, which complies with all applicable laws at the time such lots were created.

Lot area: The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

Lot, corner: A lot abutting the intersection of two or more streets other than an alley.

Lot depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line except on flag lots, where the depth shall be measured at the midpoint of the main body of the lot and does not include the pole or access portion.

Lot, double frontage: A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot frontage: That portion of a lot adjacent to a street.

Lot, interior: A lot other than a corner lot or a through lot.

Lot line: A boundary of a lot. "Lot line" is synonymous with "property line."

Lot line, front: In the case of an interior lot, the lot line separating the lot from the street other than an alley. A corner lot shall have one street line considered the front lot line. The narrower street frontage shall be the front lot line except when the planning director determines topographical or access problems make such a designation impractical.

Lot line, rear: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot line, side: Any lot line not a front or rear lot line.

Lot of record: An existing individual lot or a lot which is a part of a subdivision, the map of which has been legally recorded in the office of the clerk of the superior court responsible for the jurisdiction in which the property is located; or a parcel of land the deed of which has been recorded in the office of the clerk of the superior court responsible for the jurisdiction in which the property is located.

Lot, reversed corner*:* A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

Lot, through: An interior lot having frontage on two parallel or approximately parallel streets other than alleys. Such a lot shall have one front yard fronting on the primary public street.

Lot width: The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. The lot width shall be measured beginning at the front lot line, except for lots entirely fronting turnaround areas of cul-de-sacs, where the lot width shall be measured at the minimum required front setback line.

Lumen: Unit of illumination measuring the rate at which a lamp emits light where one lumen per square foot is one foot candle.

Major event entertainment: A structure or area with a capacity of greater than 1,000 seats for public performances and sporting events. Major event entertainment facilities include movie theaters, concert halls, stadiums, and arenas.

Manufacture of non-odiferous foods: Industrial operations for the manufacturing of non-odiferous foods.

Mechanical equipment: Equipment or devices installed for a use appurtenant to the primary use. Such equipment shall include heating and air conditioning equipment, solar collectors, parabolic antennas, disc antenna, radio or TV receiving or transmitting antennas, and any power generating devices. The following equipment or devices are exempt:

(1) Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater. No part of such antenna shall be within the yards required by this chapter. A structure permit shall be required for any antenna mast, or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.

(2) Parabolic antennas under three feet in diameter.

Medical center: A walk-in facility for medical, obstetrical, or surgical care limited to day use only.

Mine: *(1)* A cavity in the earth from which minerals and ores are extracted; and (2) The act of removing minerals and ores.

Minimum structure separation: A required open space between any two structures on the same lot or adjacent lots which are used for nonresidential and multifamily residential purposes.

Mining: The extraction of minerals or earth products, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term *mining* includes quarrying; ground-water diversion; soil removal or dredging; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site as part of a mining activity.

Mortuary: A place in which dead bodies are kept until burial.

Motel: A structure or group of structures on the same lot containing individual guest units for rental to transients, with separate exterior entrances, and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities.

Nonconforming use or structure: Any structure or use of land lawful at the time of passage or amendment of this Overlay which does not conform, after the passage or amendment of this Overlay, with the regulations of the district in which it is located.

Non-constant lighting: Light fixtures meant not to operate continuously, and operated only briefly, irregularly, intermittently, or occasionally by a switching device. Fixture activation by a motion sensor may provide non-constant lighting.

Nursery school: See "day care, nursery, kindergarten".

Nursing home: A home for the aged, chronically ill, or incurable persons who are unable to care for themselves and in which three or more persons not of the immediate family are kept or provided with food and shelter or care for compensation; but not including hospitals, clinics, or other similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

***Oconee County*:** Oconee County, Georgia, a political subdivision of the State of Georgia.

***Oconee County Facility*:** A public service or facility owned and controlled by the government of Oconee County, Georgia.

Off-street loading space: See "loading space, off-street."

Official map: A map officially adopted by the governing body of a given jurisdiction.

Official zoning map: A map or atlas officially adopted independently, and which are amended from time to time, by the governing bodies of Athens-Clarke County, Oconee County, and the City of Bogart, Georgia, respectively, that illustrates the various zoning districts within each jurisdiction.

Outdoor lighting: Illumination of an exterior area. Included are open air spaces which are under a roof or other cover and not fully enclosed, such as a canopy, pavilion, drive-through bay, or parking deck.

Outdoor storage: The storage of especially large quantities of materials or products associated with an industry or business. Although typically outside, such storage may include a separate structure or structures designed for and/or devoted to the containment of items related to the industrial use, such as an oil storage tank or grain elevator. If located at the rear of an industrial structure and if not visible from the right-of-way, outdoor storage areas can be surfaced with gravel in lieu of paving.

Parking space: A rectangle not less than 18 feet long and nine feet wide together with access and maneuvering space sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles, said rectangle to be located off of the street right-of-way.

Parks and open areas: An area free of structures, parking, paved areas, and other uses, the purpose of which is to provide a balanced relationship between buildable area and lot size. Such area can be utilized for active or passive recreational pursuits or for the enhancement of lot aesthetics. Includes botanical and zoological gardens.

Peak particle velocity: Unit of measurement that identifies, in inches per seconds, the rate of speed in which particles suspended in water are moving.

Principal structure: See "structure, principal."

Printing/publishing: An establishment where printed material is produced, reproduced and/or copied by either a printing press, photographic reproduction techniques, or other similar techniques.

Private access drive: A drive serving as the exclusive access for not more than two landlocked parcels of land, which is not owned or maintained by Athens-Clarke County, Oconee County, and/or the City of Bogart, Georgia within the 78/316 Special District Overly. Private easements cannot be used to meet the right-of-way requirement.

Professional services and offices: Offices used for the conduct of business-related activities, excluding the sale of merchandise or storing of merchandise on the premises.

Quarry: A mine where rock, ore, stone, and similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

Quick vehicle servicing: A business providing service to the motoring public. Such uses can include gasoline sales, light repair, tune-ups, oil changes, transmission or drive train repairs to automobiles or light trucks. No outside storage of any automobiles or materials such as tires, auto parts, etc., is allowable. The sale of motor vehicles shall be prohibited.

Rear lot line: See "lot line, rear."

Rear yard: See "yard, rear."

Recreational vehicle: A motorized vehicle, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

Recreational vehicle park: A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a manufactured home.

Residential or residential use: Any activity, as contrasted with commercial and industrial activities, which involves the peaceful, private conduct of pursuits related to the living environment.

Restaurant: A structure that prepares and serves food to customers, including sit down, fast food, drive-through, and drive-in facilities.

Retail sales and service: A business established for the sale of goods or services to consumers, usually in small quantities (as opposed to wholesale). Gasoline sales are not included is this definition.

Roadway: Street, including the right-of-way, as defined elsewhere in Article 10, whether for public or private use.

Sales of products grown on-site: Roadside stands or other temporary structures constructed for the sale of agricultural or horticultural products raised substantially on the premises.

Salvage yards: See "junk yards, salvage yards, and auto wrecking yards."

Sand pit: A surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

Sanitary landfills: A system of trash and garbage disposal in which the waste is buried between layers of earth.

Scrap metal processor: One who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for re-smelting purposes.

Screening: The establishment of an opaque fence or barrier for the purpose of obscuring from sight a use.

Self-service storage: A structure or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

Semi-public halls, clubs or lodges: A structure or facility owned or operated for special educational or recreational purposes, but not primarily for profit or to render a service that is customarily carried on for gain, not including fraternity or sorority.

Setback line: The minimum required distance from the street right-of-way line or any other property line that the principal structure must observe.

Side lot line: See "lot line, side."

Side yard: See "yard, side."

Sound pressure level (SPL): The logarithmic measure of the effective sound pressure relative to a reference value of 20 micro-Pa RMS. 0 dB SPL = 20 micropascals.

Spotlights: Fixtures that project light in a narrow beam, contained and centered on a directional axis. Related lamps typically are sealed-beam with internal parabolic reflectors and beam-spread angles of 9 to 15 degrees.

State waters: Includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Street frontage: That portion of a lot contiguous to a street.

Structure: Any combination of materials assembled to give support or shelter, and attached to the ground which has a roof and which is designed for the housing or enclosure of persons, animals or property of any kind. That which is built or constructed; an edifice of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on, in, or above the ground or which is attached to something having a location on, in or above the ground.

Structure envelope: An area, within the property boundaries of a parcel, within which a permitted structure can be placed.

Structure, height of: The vertical distance between the proposed average finished grade and the proposed average roof elevation. The average roof elevation shall be measured at the highest point of the coping of a flat roof or the deck line of a mansard roof, or at the midpoint between the highest eave and the highest ridgeline elevations for pitched or hipped roofs. The proposed average finished grade shall be measured as the arithmetic mean of the finished grade elevations taken at each corner of the building footprint. For the purposes of establishing the minimum rear setback only, the proposed average finished grade shall be measured as the arithmetic mean of the rear corner finished grade elevations. Any height limitation of this Overlay shall not apply to church spires, belfries, cupolas and domes not intended for human habitation, monuments, water towers, silos, chimneys, flag poles.

Structure line: A line on a plat indicating the limit beyond which structures may not be erected. Similar to building envelope.

Structure, principal: A structure in which is conducted the main or principal use of the lot upon which such structure is situated.

Surface mining: Includes, but is not limited to, any activity consisting all or parts of a process for the removal of minerals, ores, earth products, and other solid matter for sale or for processing or for consumption in the regular operation of a business.

***Telecommunications Tower*:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telecommunications towers, alternative tower structures, and other similar structures.

Temporary structure: A structure without any foundation or footings which is attached to the ground or other structure in some nonpermanent fashion. Temporary structures shall require a permit from the building inspection department and shall be removed from the site when the designated time period, activity, or use for which the temporary structure was established has ceased, but not exceeding 90 days in duration unless an extension is obtained from the building inspection department upon just cause. For the purposes of this Overlay, temporary structures shall not be classified by definition as accessory structures. Temporary structures shall be approved by staff permit, with such conditions as the planning staff deems necessary in light of the standards associated with the underlying zoning.

Temporary special events: A temporary public performance, festival, meeting, sporting event, or similar activity, which is not part of the normal use of the subject property and which is not otherwise permitted on the site.

Temporary use: A short-term, seasonal, or intermittent use. Such use shall be approved by staff permit, with such conditions as the planning staff deems necessary in light of the standards associated with the underlying zoning. Temporary uses are granted for 90 days, with the option for a one-time renewal not to exceed an additional 90 days. This definition shall apply to all temporary uses except "Temporary special events" provided herein.

Theaters: A structure, portion of a structure, or area devoted to the presentation of motion pictures, concerts, dramatic, dance, musical, or other live performances.

Top-shielded fixture: A lighting fixture that, either by its top-most shielding or by its sheltered placement under a soffit, cornice, roof, canopy, or other structural element, limits light at or above the horizontal plane.

Transfer station: A temporary storage facility for the consolidation and eventual transfer of solid waste to a landfill.

Tube lighting: Gas-filled glass tube that becomes luminescent in a color characteristic of the particular gas used, such as neon, argon, krypton, etc. Excluded from this lighting class are common fluorescent tubes.

Unbuildable area: All areas outside of building envelopes and within open space.

Use: The purpose or purposes for which land or a structure is designed, arranged, or intended, or to which such land or structure is occupied, maintained, or leased.

Utility substation: Facility incorporating minor buildings or fencing relating to power transmission, natural gas, telephone, telecommunications, water, or sewer that are located outside of the right-of-way. Equipment that is located off the right-of-way but that is self-contained (e.g., pad-mounted transformers, cross-boxes, etc.) is not included in this definition, and is allowed in any district and exempt from any requirements listed in Article 3.

Variance: A variance is a relaxation of the terms of this Overlay where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Overlay would result in unnecessary and undue hardship, and practical difficulties.

Veterinary clinic: Facility for the temporary boarding and treatment of domestic animals, operated under the supervision of a licensed veterinarian.

Vehicle repair: A business providing vehicle repair and body work to the motoring public.

Vision clearance area: A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Wholesale nurseries: An area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale in large quantities for resale purposes.

Wholesale sales: A business engaged in the sale of goods in large quantities for resale purposes.

Wholesale storage and distribution: The storage and distribution of goods and merchandise produced or manufactured off-premises for later shipment to retail or wholesale distributors.

Yard: A required open space located on the same lot as the principal structure, unoccupied and unobstructed except for accessory uses and landscaping.

Yard, front: A yard extended across the full width of and situated between the front lot line and the forward most plane of the principal structure projected to the side lines of the lot, the depth of which shall be the least horizontal distance between the front lot line and the structure.

Yard, rear: A yard extending across the full width of the lot between the rearmost line of the principal structure projected to the side lines of the lot and the rear lot line, the depth of which shall be the least horizontal distance between the rear line of the principal structure and the rear lot line. In all cases, the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side: A yard between the principal structure and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the principal structure. A corner lot shall have one front yard and one side yard.

Zoning: The power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

Appendix B: Environmental Areas Protection and Review

(1) An environmental areas review to ensure compliance with the provisions of this section shall be conducted in conjunction with the review of the following applications for activity that is proposed to occur within the 100-year floodplain, riparian buffer areas, including protected rivers, wetlands, or significant groundwater recharge areas.

(a) Plats combining the full extent of two or more lots to create a single lot.

(b) Preliminary subdivision plats.

(c) Any proposed change of use of any property. Change of use, as used herein, shall be defined in a manner consistent with that employed in the administration of the zoning and development ordinances for each jurisdiction in which the property is located.

(d) Any proposed water treatment facility, purification facility, or stormwater management facility.

(e) Road and utility construction.

(f) Excavation and fill where the fill or excavation combined is equal to or greater than ten cubic yards.

(g) Any work requiring a zoning permit or land disturbance activity permit, but not for work that only requires permits for ordinary repair and maintenance or work that occurs entirely within the interior of a building or structure but does not entail a change of the use of the building or structure.

(h) Any substantial clearing of vegetation which alters the nature and characteristics of the existing vegetation on site unless the clearing meets the definition of timber production or agriculture.

(i) Any increase in impervious surface equal to or more than either ten percent of the existing impervious surface on the existing lot of record or 10,000 square feet, whichever is less.

(j) Construction of a dam or any other impoundment.

(2) An environmental areas review permit is not required for the following activities:

(a) Ordinary maintenance of buildings and yards, planting and maintenance of non-commercial home gardens and the cutting of firewood for personal use provided that no live trees are removed within 25 feet of a stream bank. (i.e., fewer than two cords of wood per year). Routine repair and maintenance of existing roadways and utility facilities.

(b) Timber production, surface mining, granite quarry. Although not requiring an Environmental Areas Review Permit, all activities associated with timber production shall comply with the best management practices as specified in *Georgia's Best Management Practices for Forestry* available from the Georgia Forestry Commission. All activities associated with timber production, surface mining, or granite quarry shall not impair the quality of the water as defined by the Federal Clean Water Act, and shall comply with all state and federal laws and all regulations promulgated by the Georgia Forestry Commission.

(c) Any action taken by a governmental entity in an emergency to mitigate an existing or potential hazard.

(d) Any land-disturbing activities conducted by any electric membership corporation or any public utility under the regulatory jurisdiction of the Public Service Commission.

(e) Agricultural production and management. Although not requiring an environmental areas review permit, all agricultural production and management shall comply with the best management practices established by the Georgia Soil and Water Conservation Commission, shall not impair the quality of the water as defined by the Federal Clean Water Act, and shall comply with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture, including the best management practices established by the Natural Resources Conservation Service.

(f) Existing buildings, structures or on-going land-use activities do not require an environmental areas review as long as at the time of construction the existing building or structures obtained the appropriate construction related permits (i.e., building permits). An environmental areas review permit shall be required if the previously permitted land-use activities have ceased for a period of more than one year.

(3) Applications and plans required: A complete application and the following plans are required for any activity that meets the thresholds established above:

(a) A site plan containing the following information:

1. The location and extent of environmental areas, as established herein. Plans shall indicate the extent and boundaries of floodplain, riparian buffers, wetlands, or significant groundwater recharge areas. The applicant may request the department to field verify the applicant's delineation of protected streams and buffers. The field review by the department will be valid for up to six months.

2. The location and extent of topography, with areas having slopes greater than 25 percent delineated.

3. The location and extent of all existing non-natural features including buildings, structures, foundations, parking areas, driveways, walls, and fences.

4. The location and extent of any easements or other physical encumbrances on the property.

5. The location and extent of all proposed construction including clearing, construction of buildings, impervious surfaces (driveways, paving, patios and sidewalks), roads, walls, fences and other accessory structures.

6. Buildable area.

(b) As part of the application process, the boundaries of all environmental areas shall be clearly marked in the field for review during routine site inspections

and shall remain clearly marked for the duration of the proposed activity. Ongoing activities shall be marked in a manner approved by staff.

(c) The application and plans shall clearly demonstrate how the proposed activity within the environmental areas meets the requirements of this chapter.

(d) Criteria for approval. An application for an environmental areas review permit shall be issued by the planning director when the applicant demonstrates the following:

1. That all environmental areas have been properly identified and indicated on the plans submitted.
2. That the proposed activity is in compliance with the requirements of this section.

(4) Riparian Buffers.

(a) Riparian buffers within the 78/316 Special District Overlay zone must observe a minimum buffer of 75 feet (measured horizontally from uppermost part of the river, stream or lake bank usually marked by a break in slope) from all perennial and intermittent rivers, lakes, and streams.

(b) Permitted Activities.

1. Subdivisions of land: All lots modified by lot line adjustments or new lots created from existing lots which contain protected environmental areas must demonstrate that the proposed lots contain a buildable area of sufficient size to accommodate a single-family dwelling, regardless of the extent of the uses allowed by the underlying zoning. The demonstration of the buildable area does not establish or secure the ability of the owner or subsequent owners to construct on the site.
2. Stormwater treatment facilities or purification facilities.
3. The restoration or enhancement of riparian buffers must meet the federal and state standards and be conducted in accordance with state and federal standards and guidelines.
4. Measures to remove or abate nuisances or any other violation of state or federal statute, administrative rule or local ordinance must demonstrate that manner of removal or abatement does not create a further negative impact on the riparian buffers or violate additional local ordinances.
5. New transportation or utility stream crossings must meet the following criteria:
   a. Water and sewer lines must run parallel to existing streams and rivers. The location of water and sewer lines shall be located as far from the bank as the physical constraints of the site allows.
   b. All crossings shall be made at a right angle unless demonstrated that a right angle is not feasible.
   c. The installation and maintenance of the facility shall be conducted in such a manner as to protect the integrity of the floodplain area. An installation and maintenance plan shall accompany the environmental areas review application.
   d. Construction of transportation and utilities shall meet all requirements of the Erosion and Sedimentation Control Act as amended.
   e. Utilities shall not impair the drinking quality of the water, as defined by the Federal Clean Water Act, as amended.
6. Criteria for clearing vegetation within the riparian buffer for permitted activities:
   a. Native vegetation shall be retained, protected, and supplemented within the environmental area. Limited non-mechanical clearing of vegetation is allowed within riparian buffer, provided that the

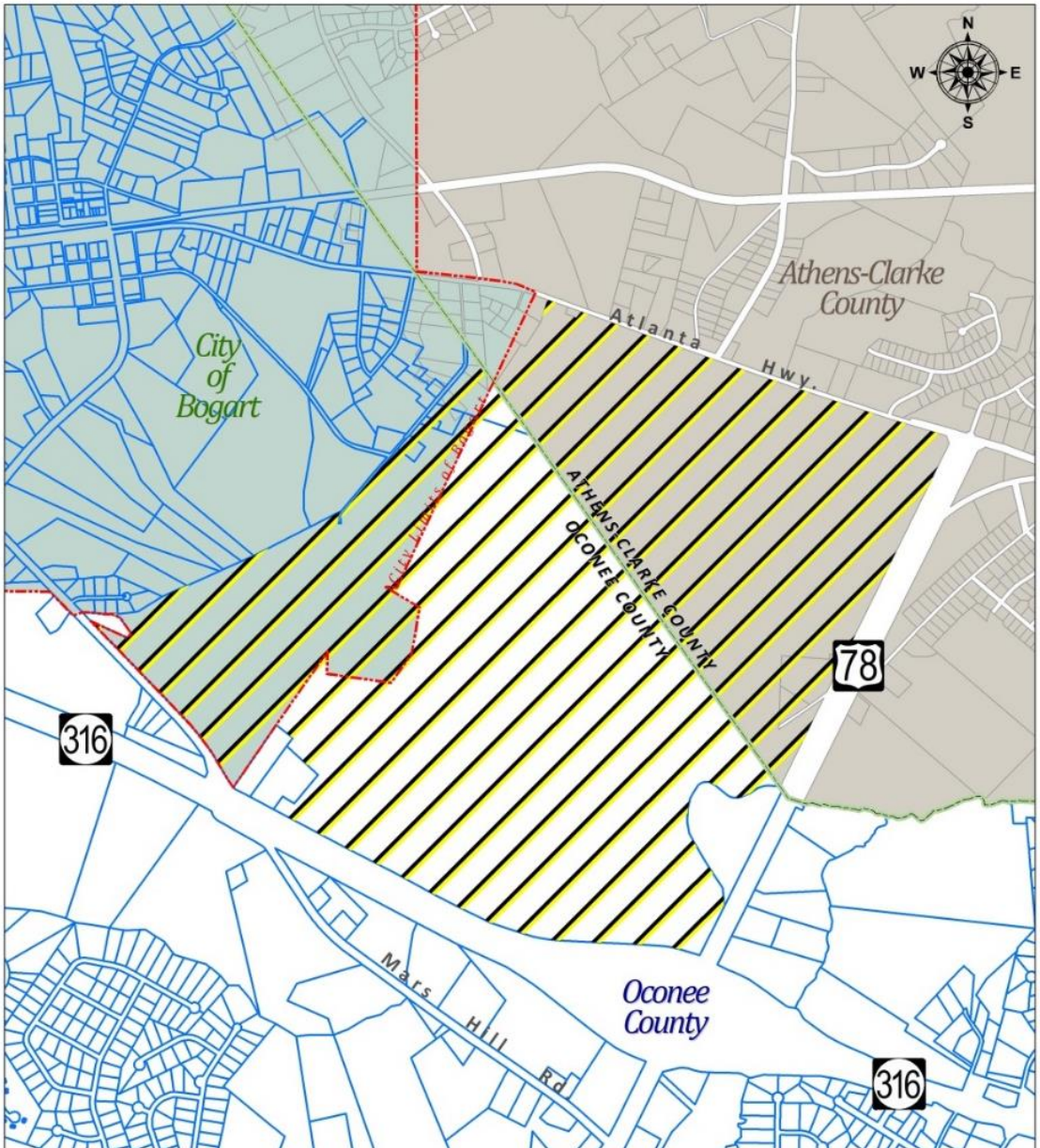
vegetation removed is less than six-inch (DBH) and is not within 25 feet of the stream bank.

b. No removal of living trees within 25 feet of the stream bank.

(c) Prohibited activities within riparian buffers.

1. Any new structures, land disturbance activities, or impervious surfaces other than those specifically permitted in this chapter.
2. Handling areas for the receiving and storage of hazardous waste as defined by the State of Georgia.
3. Hazardous waste and solid waste landfills.
4. Agricultural waste pits.
5. Parking lots.
6. Those activities not specifically listed in the preceding section.

Appendix C: 78/316 Special Overlay District Map



Sec. 206.04. **M-H Mars Hill Overlay District.**

a. Purpose and intent of the M-H Mars Hill Overlay District.

(1) The purpose of the M-H Mars Hill Overlay District is to minimize the potentially negative land use impacts on properties adjacent to and near the Oconee Connector, Mars Hill Road and Experiment Station Road due to the widening of these roads between the southern right-of-way of State Route 316 and the city limits of the City of Watkinsville.

(2) The M-H Mars Hill Overlay District is intended to:

(a) Protect the stability, value and livability of residential neighborhoods within the overlay district;

(b) Provide appropriate locations for residential, office and commercial development within the overlay district compatible with and supportive of the stability, value and livability of residential neighborhoods; and,

(c) Provide a transition for impacted residential properties to higher density single-family subdivisions and compatible mixed use developments.

b. Boundaries and applicability.

(1) The M-H Mars Hill Overlay District extends roughly 1,000 feet or more along both sides of the Oconee Connector, Mars Hill Road and Experiment Station Road, from the southern right-of-way of State Route 316 to the city limits of the City of Watkinsville. More specifically:

(a) The M-H Mars Hill Overlay District boundaries are as designated on the Official Zoning Map of Oconee County, Georgia. The Unified Development Code Official Zoning Map of Oconee County, Georgia is hereby amended by adding the M-H Mars Hill Overlay District as a zoning district to the legend to said map.

(b) In addition, the map entitled the "Mars Hill Overlay District" map is hereby adopted to guide the implementation of the provisions of this Overlay District in accordance with its purpose and intent first stated above. The map, as adopted or as most recently amended, is inserted herein under Section 206.04.f.

(2) The provisions of the M-H Mars Hill Overlay District apply to individual properties as follows:

(a) Any property, or any portion of a property, located within the M-H Mars Hill Overlay District is regulated by the applicable provisions of this Section 206.04, in addition to the provisions of the property's zoning district classification and any approved Special Use (including any conditions of zoning or Special Use approval) applicable to the property.

(b) For any property located partially within the boundary of the M-H Mars Hill Overlay District, the provisions of this Section 206.04 shall apply to the entirety of the property both lying within and extending beyond the overlay district boundary.

(3) In any case where the provisions of the M-H Mars Hill Overlay District conflict with those of the underlying zoning district or with other provisions of the Unified Development Code, the standards and requirements of the M-H Mars Hill Overlay District shall govern.

(4) The conditions for approval of any rezoning, variance, or special use approved by the Board of Commissioners under any prior ordinance shall remain in full force and effect and enforceable in addition to the requirements of this Overlay District.

(5) If aspects of a development are not expressly regulated by the standards associated with the M-H Mars Hill Overlay District, the development standards associated with the underlying zoning designation and all other applicable regulations of this Development Code shall apply.

c. Policy areas.

The M-H Mars Hill Overlay District is divided into policy areas, designated as "land use policy categories" on the Mars Hill Overlay District map. The areas, and the provisions that apply individually to each one, are as follows:

(1) Residential preservation.

These areas encompass neighborhoods that are in sound physical condition and are economically stable, and are therefore to be protected from nonresidential intrusions or redevelopment. Vacant land and other properties appropriate only for development as an R-1 single-family residential development or a predominantly residential mixed use Master Planned Development project with limited commercial or office uses, whichever is appropriate for the location, is included in this category.

(a) Any rezoning or Special Use, if approved, must adhere strictly to the analysis of the Standards for Rezoning Consideration contained in this Development Code, all provisions of the Mars Hill Overlay District and any Conditions of Approval imposed by the Board of Commissioners.

(b) Home occupations must be conducted entirely indoors, with no outward appearance of a business activity or equipment not normally associated with a residence.

(c) For an individual residential property limited to direct driveway access only from Mars Hill Road, a Special Use approval may be granted by the Board of Commissioners for office use of the existing single family dwelling, with the following provisions:

i. The use must be limited to a use allowed by right in the OIP (Office Institutional Professional) zoning district. No OIP Special Uses are allowed.

ii. Parking must be in the rear or in a garage.

iii. OIP buffers and landscaping requirements can be modified or waived as conditions of approval of the Special Use.

iv. Principal freestanding signage on the property shall be limited to a single ground sign with a maximum area of 15 square feet and no more than 3 feet high.

v. No new construction or external expansion of the existing structure is allowed.

vi. Areas internal to the existing structure may be converted to heated and occupiable floor area, such as conversion of an enclosed garage to office space.

vii. The existing structure must retain its residential character and existing architectural design; new exterior work on the building, such as enclosure of a garage opening, must be done with the same architectural treatment as exists for the rest of the structure to maintain a harmonious and consistent design.

(d) Rezoning of any property in the Residential Preservation area is limited to the R-1 (Single Family Residential) zoning district for a single-family house or subdivision, or an R-1 Master Planned Development (MPD) that is predominantly single-family residential (with a maximum of 15% of the land commercial and a minimum of 20% open space).

(e) Any portion of a MPD approved for commercial or office use must comply with the Development Standards of Section 206.04.d of this Overlay District, below, as well as any conditions of approval adopted by the Board of Commissioners as part of the rezoning.

(2) Multi-Family zoned properties.

Lands zoned R-3 (Multi-Family Residential) at the time of adoption of this Overlay District comprise this category. All such properties are currently developed as zoned with townhouses.

(a) The use of all properties zoned R-3 is limited to townhouses. Such properties otherwise may continue to be used in accordance with all requirements of the existing zoning on the property, including any Special Use approvals and any applicable conditions of zoning or Special Use approval.

(b) Special Use requests within the existing R-3 zoning district may be initiated by the land owner or their authorized representative.

(3) Commercial zoned properties.

Lands zoned B-1 (General Business) or B-2 (Highway Business) at the time of adoption of this Overlay District comprise this category, whether developed as zoned or vacant at that time.

(a) Developed properties may continue to be used in accordance with all requirements of the existing zoning on the property, including any Special Use approvals and any applicable conditions of zoning or Special Use approval.

(b) Compliance with the Development Standards of this Overlay District under Section 206.04.d is mandatory for new development of a vacant property.

(c) New zoning and Special Use requests within the existing B-1 or B-2 zoning district may be initiated by the land owner or their authorized representative.

(d) Construction, rehabilitation, restoration, repair of a commercial-zoned structure, interior renovations or interior finishes within an existing structure, or addition to an existing office structure that was permitted prior to the enactment of this Article shall not be subject to the provisions of the Mars Hill Overlay, provided that such properties shall be governed by the requirements of Sec. 107, Nonconformities.

(4) Office zoned properties.

Lands zoned OIP (Office Institutional Professional) or OBP (Office-Business Park) at the time of adoption of this Overlay District comprise this category, whether developed as zoned or vacant at that time.

(a) Developed properties may continue to be used in accordance with all requirements of the existing zoning on the property, including any Special Use approvals and any applicable conditions of zoning or Special Use approval.

(b) Compliance with the Development Standards of this Overlay District under Section 206.04.d is mandatory for new development of a vacant property.

(c) New zoning and Special Use requests within the existing OIP, OBP or TB zoning district may be initiated by the land owner or their authorized representative.

(d) Construction, rehabilitation, restoration, repair of an office-zoned structure, interior renovations or interior finishes within an existing structure, or addition to an existing office structure that was permitted prior to the enactment of this Article shall not be subject to the provisions of the Mars

Hill Overlay, provided that such properties shall be governed by the requirements of Sec. 107, Nonconformities.

(5) Future development opportunity.

Lands for which rezoning for commercial or office use could be appropriate are included in this category.

(a) Rezoning of an individual property may be requested by the property owner or their authorized representative.

(b) All such properties rezoned for commercial or office use must comply with the Development Standards of Section 206.04.d of this Overlay District, below, as well as any conditions of approval adopted by the Board of Commissioners as part of the rezoning.

(6) Mixed use developments.

A large tract or area currently zoned for single-family residential use or for a Master Planned Development (MPD), which is encouraged to be developed for single-family residential use or redeveloped as a predominantly residential mixed use Master Planned Development project with limited commercial or office uses.

(a) Rezoning is limited to the R-1 (Single Family Residential) zoning district for development of either:

i. A single-family subdivision; or

ii. An R-1 Master Planned Development (MPD).

The MPD must be predominantly single-family residential with a maximum of 15% of the land commercial and a minimum of 20% open space, as required by this Development Code.

(b) Any portion of an MPD approved for commercial or office use must comply with the Development Standards of Section 206.04.d of this Overlay District, below, as well as any conditions of approval adopted by the Board of Commissioners as part of the rezoning

(7) Tax Exempt properties.

(a) Lands owned by the County (including the Board of Education) or the State (including the Board of Regents and the Department of Transportation) are not subject to the provisions of this Overlay District.

(b) Lands to be developed by a tax-exempt non-profit organization, such as a church or other institution or society, must comply with the Development Standards of Section 206.04.d of this Overlay District, below, as well as any conditions of approval adopted by the Board of Commissioners as part of the property's zoning.

d. Development standards.

The development of a vacant property, or the change of a principal use on a property, for a commercial, office or non-profit organization use, including the commercial portion of a Master Planned Development, must comply with the following development standards of this Section, unless exempted under the following paragraph (10) below:

(1) Prohibited Uses.

(a) Self service storage or mini-warehouses.

(b) Salvage, junk, wrecking and scrap yards.

(c) Adult and novelty bookstores.

(d) Sexually oriented businesses or establishments.

(e) Pawnshop or loan brokers, other than mortgage loan brokers.

(f) Rooming and boarding houses.

(g) Automotive repair and maintenance, except car washes.

(h) Industrial-Zoned Districts.

(2) Special Uses. The following uses shall require a special use approval in accordance with the procedures of Article 12.

(a) Outdoor commercial recreation.

(b) Car washes.

(c) Outdoor storage or display.

(d) Commercial buildings in excess of 150,000 square feet.

(3) Inter-parcel access.

(a) Inter-parcel access is required and mandatory for any office or retail sales or services use, per Section 608 of this Development Code. The requirement for inter-parcel access may be waived only due to insurmountable physical or topographical issues or for other hardships not created by the property owners themselves.

(b) As a matter of policy, a new driveway proposed to connect to the Oconee Connector, Mars Hill Road or Experiment Station Road within the Mars Hill Overlay District may not be approved within 300 feet of an existing driveway or street intersection on the same side of the road.

(4) Parking lot screening and landscaping.

(a) Automobile parking areas and truck loading areas are required to be screened from adjacent street view, per Sections 803.03 and 804 of this Development Code, respectively, except that trees required to be planted within the landscape area shall be evergreen or 'shade' (deciduous) trees as provided herein.

(b) The number of trees to be planted shall be equal to one tree per 25 lineal feet of landscape area or portion thereof, rounded down to the nearest whole number. At least 25% of the total number of trees required within the landscape area shall be a species that will attain a normal height at maturity of more than 40 feet. Trees may be grouped together for artistic effect provided that adequate spacing is provided for the normal spread for each tree at maturity.

(c) Trees to be planted to meet the screening requirements are to be selected from the List of Approved Landscaping Materials approved by the Board of Commissioners and available from the Department of Planning and Inspections.

(d) An alternate but equivalent tree species approved by a Georgia Registered Landscape Architect as having similar form, mature height, spread and color as the trees on the List of Approved Landscaping Materials, above, and suited for growing conditions on a particular property, may be considered for approval by the Planning Director, except that any proposed deciduous tree must be a species that has a normal height at maturity of at least 40 feet.

(e) Parking areas are required to contain landscaping islands and planted trees, per Section 803.04 of this Development Code.

(5) Buffers.

(a) A structural or natural landscape buffer is required between any nonresidential development along a side or rear lot line that abuts a less intense land use, in accordance with Section 806 of this Development Code; provided further that:

(b) All properties zoned for commercial or office use must provide effective buffers when adjacent to or across the street from a Residential Preservation policy area, unless the Residential Preservation policy area fronts on and is located directly across the Oconee Connector, Mars Hill Road or Experiment Station Road from the property.

(6) Compliance with Mars Hill Road Tree Planting Plan.

(a) For lots where the Mars Hill Road Tree Planting Plan has not been implemented by the County, implementation of the said Tree Planting Plan will be required at the time of development. In addition to the Site Development Plans required by Article 12 of this Development Code, the owner/developer shall submit a plan to the Planning and Code Enforcement Department at the time of application for a development or building permit depicting street trees in conformity with the Mars Hill Road Tree Planting Plan.

(7) Architectural requirements: commercial and office zoned developments.

Buildings and structures to be constructed in the B-1 (General Business), B-2 (Highway Business), OIP (Office Institutional Professional), or OBP (Office-Business Park) zoning districts shall be designed in accordance with the following architectural standards:

(a) Roofs.

i. All buildings shall have roof lines and roof structures that are gable or hip styles with a minimum roof pitch of 6 in12 or steeper for a single story building and a minimum roof pitch of 4 in 12 or steeper for a multi-story building.

ii. Limited application of parapet walls with flat roofs are allowed, provided that such parapets constitute no more than 20 percent of any side of the building, that such flat roofs constitute no more than 20 percent of the total roof area on any side of the building, and that such parapets are highly embellished with architectural detailing as opposed to being single plane surfaces with plain tops.

iii. Roof material shall be architectural tab shingles, tile, slate, or wooded shakes. Standing seam metal roofing material of copper or with baked on color may be used in limited applications for accent but may not be used as the primary roofing material on a building.

iv. Chimneys, solar collectors and cupolas are permitted. Other roof mounted structures such as HVAC equipment are prohibited.

v. Necessary vents and plumbing stacks are to be designed and located to reduce visibility from surrounding roads and properties and shall be of sizes, colors and styles which, to the extent possible, minimize their visibility.

(b) Exterior walls.

i. At least 80 percent of exterior wall surfaces of all buildings and structures are to be designed to incorporate one or more of the following finish materials: Brick Veneer, Stone veneer; Natural Wood Siding or Cement-Board Siding (such as Hardy-plank).The remaining 20 percent of each wall may be stucco.

ii. An exception is permitted for front and side building facades to allow up to 70 percent glass on a maximum of two walls of each building, provided that the remainder of such wall is comprised of the foregoing brick, stone or siding materials.

iii. The intent of this section is to encourage use of brick or stone veneer as the predominant exterior material. Where other materials are used as the dominant exterior finish, (i.e. wood or cement board siding) use of brick and/or stone foundation walls, columns, accents and detailing shall be required with a minimum of 20 percent of each exterior wall comprised of said brick or stone materials. Changes to surface materials should be made at inside corners rather than outside corners.

iv. The use of visible concrete block, painted block, split face block, poured concrete, metal, or prefabricated wall panels is specifically prohibited on

all exterior wall faces. Where walls are structurally formed of such prohibited finish materials they must be completely finished per the guidelines for brick, stone, siding, stucco or glass as provided above.

v. No flat or blank wall exceeding 25 feet in length shall be permitted for any structure; wall offsets, architectural details, doorways, windows and contrasting construction materials shall be used to meet this requirement.

(c) Buildings shall utilize at least two of the following design features to provide visual relief along the front (facade) of the structure:

i. Dormers

ii. Gables

iii. Recessed entries

iv. Covered front porches

v. Pillars or posts

vi. Bay window (min. 24-inch projection).

(d) Windows shall be provided with trim and molding and shall not be flush with the exterior wall treatment.

(e) Building height.

Maximum overall building height shall be 35 feet as measured from the adjoining ground level to the highest point of any part of the building.

(f) Service areas, loading docks and dumpsters.

i. No service area or loading dock or dumpster shall be permitted adjacent to any roadway unless enclosed such that all sides appear as a primary façade similar to the principal building, including design, detail, finish material and landscaping.

ii. Service areas and dumpsters shall be visually screened from public view by a masonry wall or privacy fence at a minimum of 6 feet high, measured from finished grade. Any masonry wall used to screen service areas and dumpster areas shall be of such material so as to match the exterior of the principal building.

iii. Each enclosure shall include a decorative opaque gate equal in height to the masonry wall or fence. The gate posts for the front gates to dumpster enclosures shall be located approximately 3 feet from the front of the enclosure wall to allow pedestrian access to the dumpster without opening and closing the gate. The gates shall remain closed at all times except during truck delivery or pick up or emptying of the dumpster container.

iv. Service areas, delivery areas and dumpster areas shall be directed and located away from any residential side of the development and in no case shall they be located directly between the building and any residential lot.

v. No part of a dumpster or materials stored within the service area shall extend above the required masonry wall or fence.

vi. Dumpsters must have drainage provisions to prevent runoff from the container enclosure onto public right-of-way or onto lands of others.

vii. Where detached from the primary building, dumpster areas must be landscaped with a minimum 3 feet tall (at time of planting) evergreen hedge around the sides and rear of the enclosure.

viii. Chain link, painted or unpainted concrete block walls and barbed wire are prohibited as part of a screening.

(g) Deviations from standards, where allowed.

Deviations from the architectural requirements of this Section may be approved by administrative variance as outlined in the Appeals article of this Development Code.

(8) MPD commercial areas.

A commercial area approved as part of a Master Planned Development shall comply with the following, in addition to all other standards of this Section 206.04.d:

(a) The commercial uses allowed within any particular MPD must be located in a single area, planned as a unified and cohesive shopping and office area integrated within the MPD.

(b) The commercial area must comply with all requirements—such as the land use limitations and the operation, architectural, buffer and screening standards—of the B-1 General Business District

(c) Principal freestanding signs are limited as to type, area and height under Section 206.04.d(6)(b), below.

(9) Signage.

All signage requirements, restrictions and other provisions of Article 7, Sign Regulations, of this Development Code shall apply to every property within the M-H Mars Hill Overlay District, except as follows:

(a) Principal freestanding signs—business and office zoning districts:

i. Only ground signs are allowed as principal freestanding signs.

ii. One commercial or office use on a property: maximum 60 square feet in area, maximum 10 feet high.

iii. Planned commercial or office center: maximum 120 square feet in area, maximum 12 feet high.

(b) Principal freestanding signs—MPDs:

i. Only ground signs are allowed as principal freestanding signs.

ii. One commercial or office use on a property: maximum 60 square feet in area, maximum 10 feet high.

iii. For any building containing two or more individual uses: 1 sign is allowed, maximum 120 square feet in area, maximum 12 feet high.

(c) Project entrance signs:

i. Only ground signs are allowed as project entrance signs.

ii. For a single-family subdivision or a master planned development: maximum 64 square feet in area, maximum 8 feet high.

iii. For an office or commercial park consisting of two or more lots: maximum 120 square feet in area, maximum 12 feet high.

(d) Lighting of signs.

Neon lighting of any kind and continuous strips of bulbs or LEDs are prohibited for all signs, including freestanding signs, wall signs, awning signs and window signs. Digital signs composed of LED diodes or similar technology are not allowed.

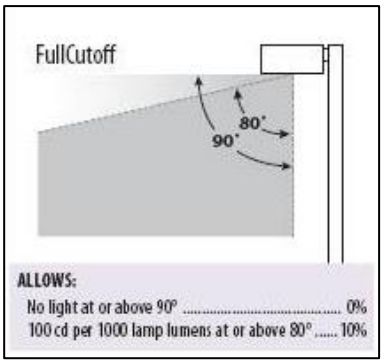
(10) Area lighting.

Illumination of any exterior area of a nonresidential development, including parking lots, areas under a canopy or roof, walkways and building entrances, shall be lighted by either illuminated bollards or ground lights, or by full cutoff fixtures.

(a) The total of all area lighting fixtures shall not exceed 2.5 lumens per square foot of all at-grade paved site improvements in the development, such as parking lots and loading areas, curbs, driveways, ramps, steps and walkways.

(b) Bollards and ground lights shall be no higher than 4 feet, the light from the source (the bulb or lamp) must be directed toward the ground and be fully shielded from view, and must not exceed 2 foot-candles in brightness.

(c) Cutoff fixtures must meet or exceed the limitations of "full cutoff luminaires" as classified by the Illuminating Engineering Society of North America (IESNA) as follows:



i. The luminaire shall have a light distribution in which zero light projects at or above the plane horizontal to the earth from the lowest light emitting point of the lighting fixture; and,

ii. The light intensity must not numerically exceed 10% of the initial lamp lumens at or above a vertical angle of 80° from the lowest light emitting point of the lighting fixture. This applies to all lateral angles around the luminaire.

iii. For under-canopy luminaires, the lowest light emitting point of the lighting fixture must be flush with the canopy surface or recessed.

iv. The light source (the bulb or lamp) shall be white metal halide, halogen or narrow-spectrum LED, and have a color temperature of no more than 4200 Kelvins.

(d) The light source must not be directly visible from any right-of-way or adjoining property.

(e) Illumination from the lighting fixtures must not exceed 0.3 foot-candles above ambient light at the property line of any adjoining property zoned or developed for residential occupancy.

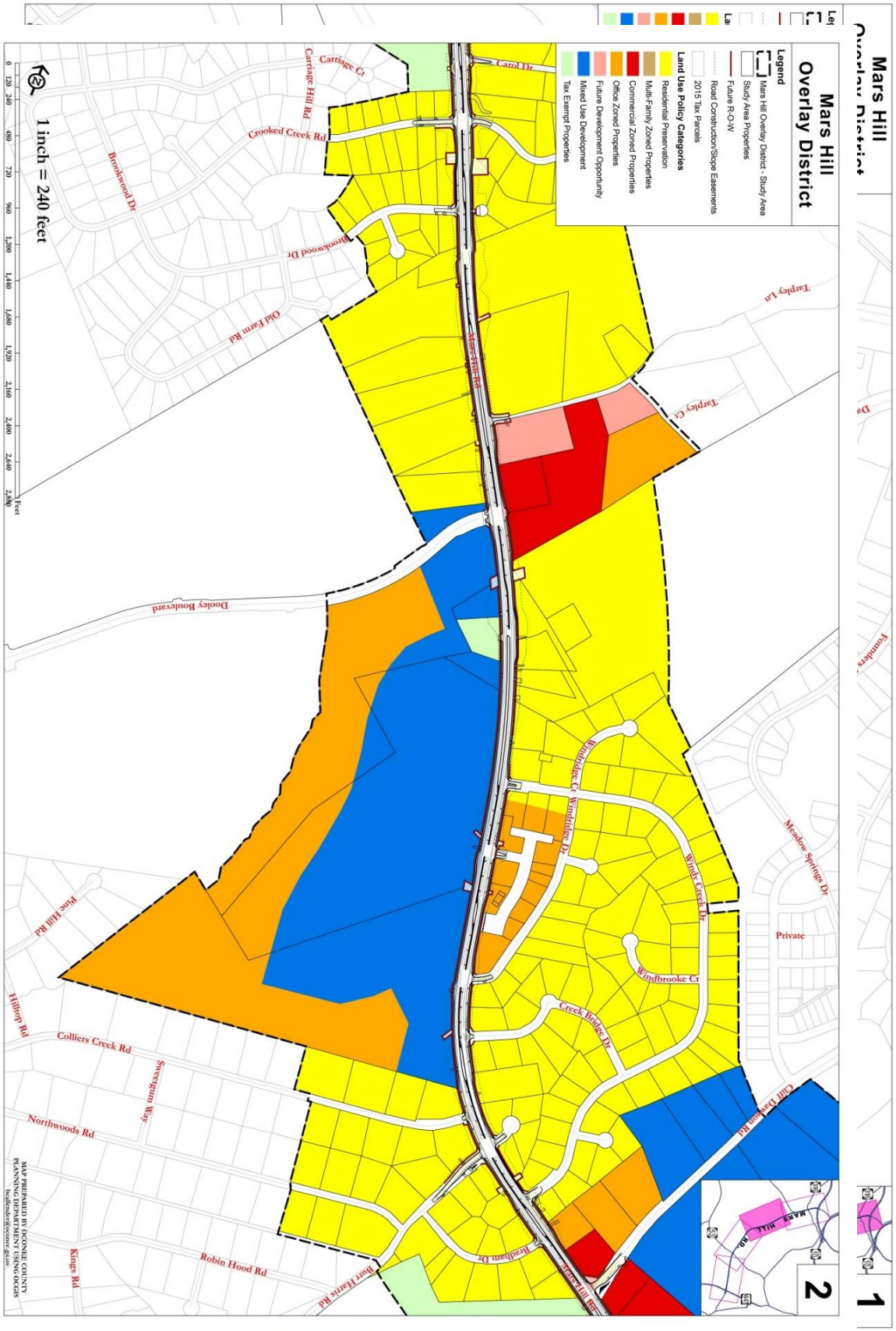
(f) An Area Lighting Plan and specifications demonstrating compliance with this Section must be submitted to and approved by the Planning Director prior to issuance of the first permit for construction of a building or paved site improvement on the property.

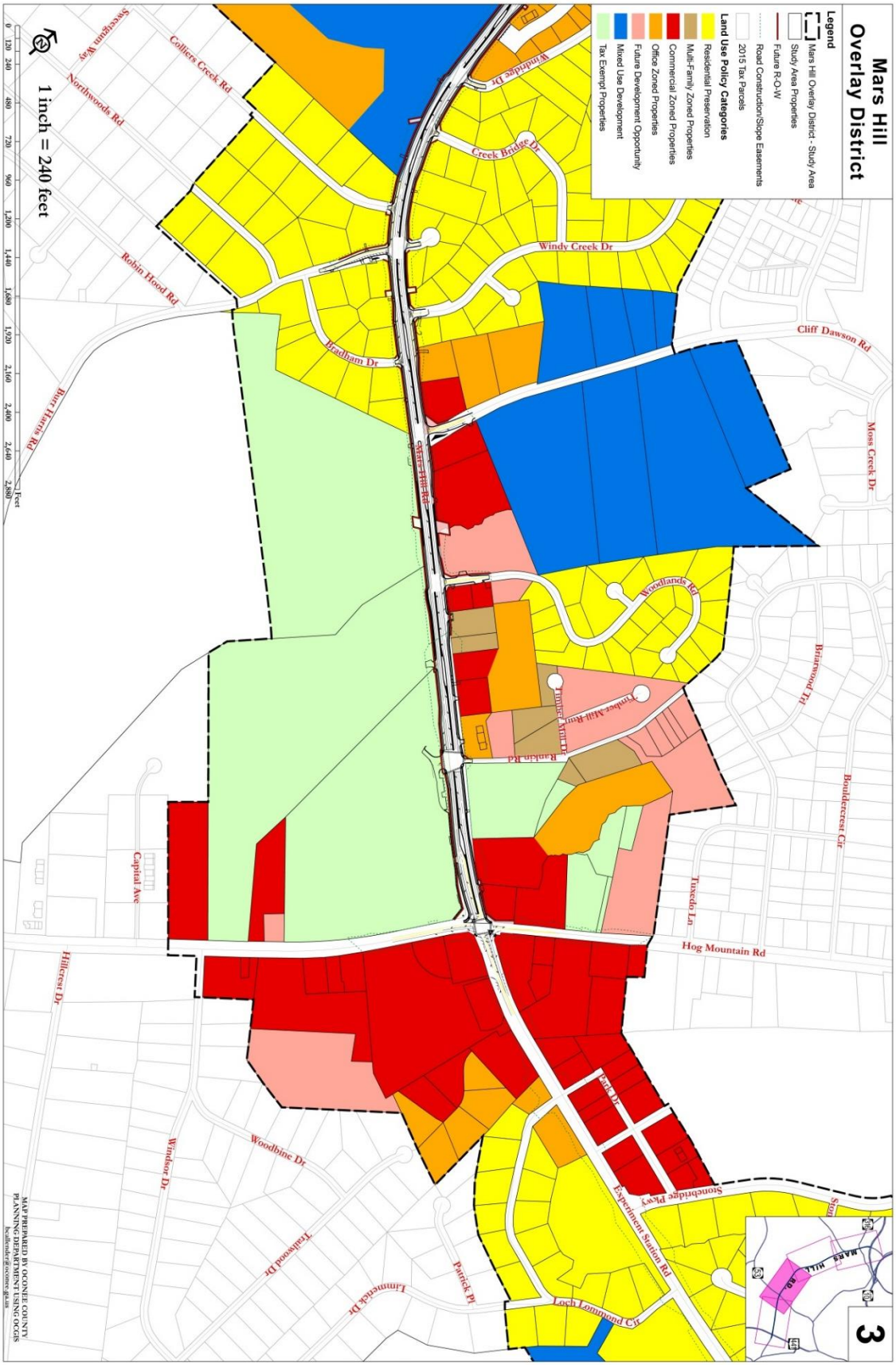
(11) Exemption.

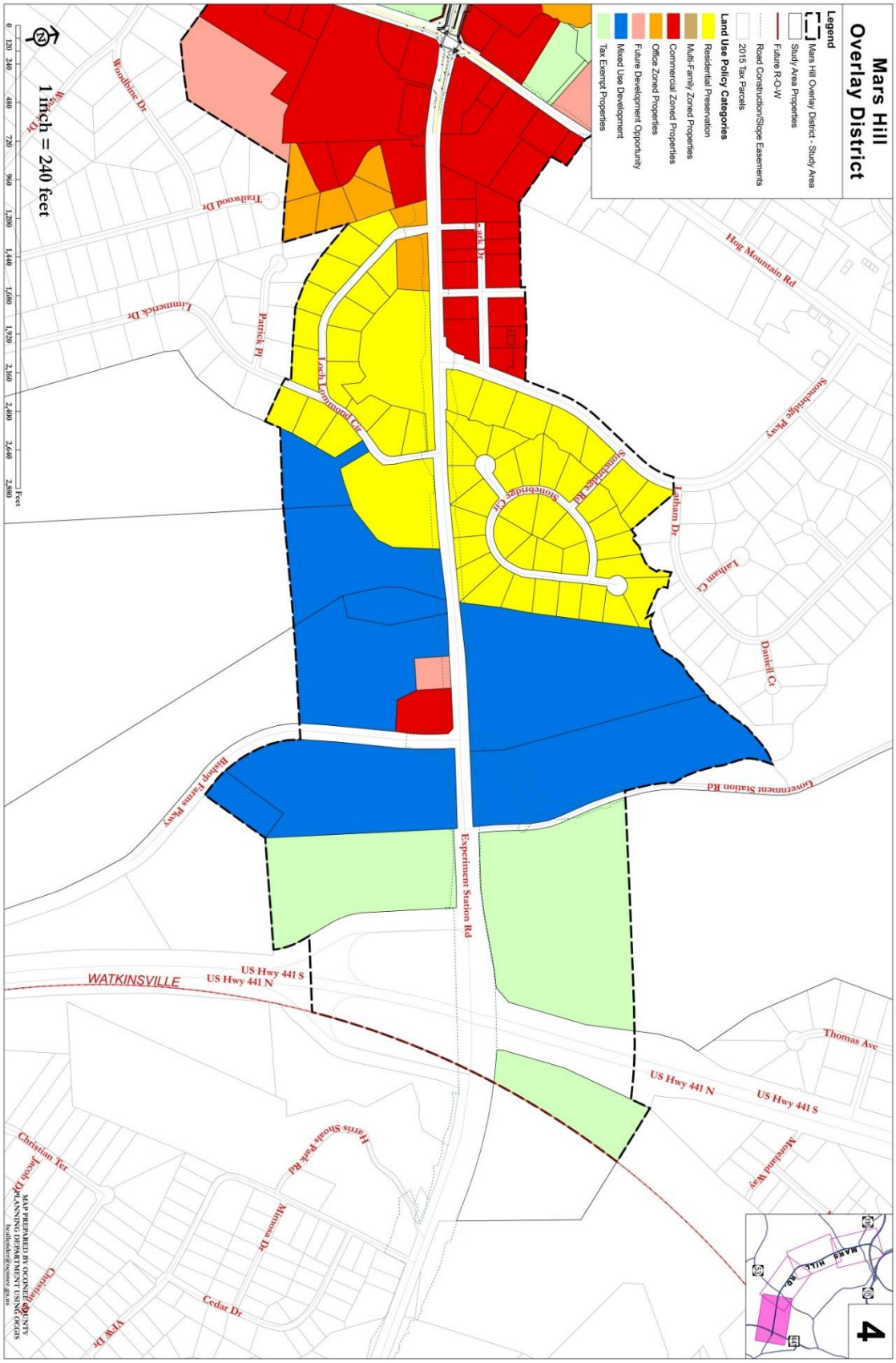
The Development Standards of this Section 206.04.d do not apply to properties approved for office use in an existing residential structure approved by the Board of Commissioners as a Special Use in a Residential Preservation policy area under Section 206.04.c(1)(c).

e. M-H Mars Hill Overlay District Policy Map.

The M-H Mars Hill Overlay District map is attached hereto and incorporated herein as a nonbinding guide for consideration during the special use or rezoning approval of any property.


Mars Hill Overlay District
Legend
Mars Hill Overlay District - Study Area
Study Area Properties
Future R-O-W
Road Constuction/Slope Easements
2015 Tax Parcels
Land Use Policy Categories
Residential Preservation
Multi-Family Zoned Properties
Commercial Zoned Properties
Office Zoned Properties
Future Development Opportunity
Mixed Use Development
Tax Exempt Properties
1 inch = 240 feet
0 120 240 480 720 960 1,200 1,440 1,680 1,920 2,160 2,400 2,640 2,880
Feet
Carriage Ct
Carriage Hill Rd
Crooked Creek Rd
Brookwood Dr
Old Farm Rd
Carol Dr
Mars Hill Rd
Tarpley Ln
Tarpley Ct
Dooley Boulevard
Windridge Ct
Windridge Dr
Windy Creek Dr
Windbrooke Ct
Creek Bridge Dr
Meadow Springs Dr
Private
Pine Hill Rd
Hilltop Rd
Colliers Creek Rd
Sweetgum Way
Northwoods Rd
Robin Hood Rd
Kings Rd
Butt Harris Rd
Bradham Dr
Barrett Hill Rd
Hill Dairy Rd
MARS HILL RD
MAP PREPARED BY OCONEE COUNTY PLANNING DEPARTMENT USING OGIS
bsallinder@oconee.ga.us


Mars Hill Overlay District
Legend
Mars Hill Overlay District - Study Area
Study Area Properties
Future R-O-W
Road Construction/Slope Easements
2015 Tax Parcels
Land Use Policy Categories
Residential Preservation
Multi-Family Zoned Properties
Commercial Zoned Properties
Office Zoned Properties
Future Development Opportunity
Mixed Use Development
Tax Exempt Properties
1 inch = 240 feet
0 120 240 480 720 960 1,200 1,440 1,680 1,920 2,160 2,400 2,640 2,880
Feet
Windridge Dr
Creek Bridge Dr
Windy Creek Dr
Cliff Dawson Rd
Moss Creek Dr
Colliers Creek Rd
Sweetgum Way
Northwoods Rd
Robin Hood Rd
Bradham Dr
Burt Hatley Rd
Mars Hill Rd
Woodlands Rd
Timber Mill Run
Timber Mill Run Dr
Randolph Rd
Briarwood Pl
Boulderecrest Cir
Tuxedo Ln
Hog Mountain Rd
Capital Ave
Hillcrest Dr
Park Dr
Stonebridge Pkwy
Experiment Station Rd
Loch Lomond Cir
Patrick Pl
Woodbine Dr
Windsor Dr
Talbotwood Dr
Limmerick Dr
MARS HILL
MAP PREPARED BY OCONEE COUNTY PLANNING DEPARTMENT USING OCGIS
3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1 inch = 240 feet
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0 120 240 480 720 960 1,200 1,440 1,680 1,920 2,160 2,400 2,640 2,880
Hog Mountain Rd
Sonterdale Pkwy
Sonterdale Rd
Sonterdale Cir
Lanham Dr
Latham Ct
Daniell Ct
Government Station Rd
Experiment Station Rd
Park Dr
Loch Lomond Cir
Patrick Pl
Limmeck Dr
Trailwood Dr
Woodbine Dr
Wright Dr
Bishop Farms Pkwy
WATKINSVILLE
US Hwy 441 S
US Hwy 441 N
Thomas Ave
Moreland Way
Harris Shoals Park Rd
Mimosa Dr
Cedar Dr
Christian Ter
Jacob Dr
Christian Dr
VFW Dr
MARS HILL RD
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hcallender@oconee.ga.us

Sec. 207. Uses allowed in each zoning district.

This Section identifies the uses that are allowed by right or by Special Use approval in each of the zoning districts (Sec. 205), and uses to which certain restrictions apply.

a. In specific areas covered by an overlay district, the overlay district imposes restrictions on uses not noted on the following use tables. The specifics of each overlay district under Sec. 206 must be consulted as applicable to a particular property or area.

b. In Master Planned Developments (MPDs) and Planned Unit Developments (PUDs), uses that are allowed are established through approval of the planned development. See the Subdivisions and Planned Developments Article of this Development Code for details.

Sec. 207.02. Chart of uses.

This section lists by the following matrix chart the uses allowed by right and by Special Use approval in each zoning district. A listed allowed use is one which is allowed in the zone without any qualifications, except wherever such qualifications may be indicated in this Development Code. A listed special use is one which may be granted only when certain conditions are met. In the following chart an "A" means that the use is automatically allowed in the zoning district listed by the abbreviation at the top of the column. An "S" means that the use is allowed only by special use approval. A blank space indicates that the use is not allowed under any circumstances.

Sec. 207.03. Allowed principal and accessory uses.

a. A *Principal Use* is the specific, primary purpose for which land or a building is used.

b. An *Accessory Use* is a use that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.

c. Principal uses that are allowed by right or allowed only by Special Use approval in each zoning district are shown on the following Table 2.1: Principal Uses Allowed by Zoning District. Accessory uses that are allowed in conjunction with a principal use are shown on Table 2.2: Accessory Uses Allowed by Zoning District.

Sec. 207.04. Special uses.

Principal and accessory uses that are Special Uses may be granted subject to Special Use approval procedures as set forth in the Procedures and Permits Article of this Code.

Sec. 207.05. Restrictions on particular uses.

Restrictions that apply to certain principal uses and to certain zoning districts are listed in the Restrictions on Particular Uses Article of this Code (Article 3). The restrictions also apply to Special Uses unless specifically waived or modified as a stipulation of Special Use approval. For those uses that have specific restrictions associated with them, a reference is given on the two tables to the pertinent Section in Article 3. The provisions of Division 1 of Article 3 that apply to development in general, and Division IV, Prohibited Uses, however, are not indicated in either of the two tables.[1]

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[1] The following Sections of Article 3 apply generally and may not be otherwise noted on Table 2.1 or Table 2.2 in all cases:

§302, Separation distances between certain use;

§303, Environmentally hazardous uses;

§304, Standards for single-family and two-family dwellings;

§305, Standards for multi-family dwellings (including townhouses);

§306, Standards for nonresidential uses;

§307, Sexually oriented adult uses; Division IV, Prohibited uses.

Sec. 207.06. **Prohibited uses.**

a. Any principal use not shown on the following Table 2.1 as allowed in a zoning district, whether by right or with approval as a Special Use, is specifically prohibited.

b. Any accessory use not shown on the following Table 2.2 as allowed in a zoning district, whether by right or with approval as a Special Use, is specifically prohibited.

c. In addition, uses, products and manufacturing processes that are specifically prohibited in all zoning districts are listed in Division IV of Article 3.

Sec. 207.07. **Interpretation of uses.**

Some degree of interpretation will occasionally be required. It is not possible to list each and every variation or name of a given use.

a. In addition to other generally accepted references and resources, the *North American Industrial Classification System* (NAICS), published by the U.S. Department of Commerce (current available edition), may be referred to in order to interpret the definition of uses listed on **Table 2.1** and **Table 2.2** to identify similar uses that may be allowed along with each listed use. The NAICS classification number is shown on the tables for each applicable use for reference and interpretation only; the NAICS is not adopted as part of this Code.

In all cases of uncertainty, the determination of whether or not a particular use is allowed in a particular zoning district shall reflect the purpose of the zoning district as stated in this Article, both the common and dictionary definitions of the use, and the array of listed uses that are allowed in the district as to their character and intensity, as determined by the Planning Director.

The following tables of allowed uses are organized under the following land use categories:

Table 2.1 organizes the various **principal uses** under the following headings:

- Agriculture, Forestry, Fishing and Hunting
- Residential Uses
- Administrative and Professional Offices
- Commercial Services
- Arts, Entertainment and Recreation
- Retail Trade
- Manufacturing, Wholesaling and Warehousing
- Transportation, Communications and Utilities
- Public and Institutional Uses

Table 2.2 presents the various **accessory uses** allowed in each zoning district.

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
S	**Use is allowed in the district if approved as a Special Use**

NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
	Agriculture, Forestry, Fishing and Hunting													
111	Crop Production, except Commercial Greenhouse, Nursery and Floriculture Production	A	A	A										
1114	Crop Production: Commercial Greenhouse, Nursery and Floriculture Production	A	S	S										
112	**Animal Production:**													
1121	Cattle Ranching and Farming, except Stockyards	A	A	A										314
112112	Cattle and Other Animal Stockyards	A												314
1122	Hog and Pig Farming	A												314
1123	Poultry and Egg Production	A												314
1124	Sheep and Goat Farming	A	A	A										314
1125	Animal Aquaculture	A	S	S										314
11291	Bees and Bee Products	A	A	A										314
11292	Horses and Other Equines	A	A	A										314
11293	Rabbits and Other Fur-Bearing Animals	A	A	A										314
11299	Dog or Cat Breeding Kennel	A	S											314
11299	Other Animal Production not Listed Above	A	S	S										314
	Agritourism	A	A	A										315
113	Forestry and Logging	A	A	A	A	A	A	A	A	A	A	A	A	342
321113	Temporary Sawmill or Chip Mill	A												
114	Commercial Fishing, Hunting and Trapping	A	S	S										
1151	Support Activities for Crop Production	A	S	S										
1152	Support Activities for Animal Production	A	S	S										
1153	Support Activities for Forestry	A	S	S										
42441	Farmers Market (Wholesale)	A								S	A		A	
42452	Livestock Sale Pavilion or Auction Facility	S												
	Residential Uses													
	Single-Family Detached: Site-Built or Modular Home	A	A	A	A	A	A							304
	Single-Family Detached: Manufactured Home	A						A						329
	Two-Family Dwelling: Duplex					A	A							304
	Multi-Family: Townhouses						A							305
	Multi-Family: Apartments						A							305
	Manufactured Home Park							A						329
7213	Rooming and Boarding Houses						S							
	Religious Retreat	S					A							336

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
S	**Use is allowed in the district if approved as a Special Use**

NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
	Religious Retreat (with no buildings or additions to be constructed)	A												336
	Residential Lofts in Mixed-Use Building									S	S			305
623	**Nursing and Residential Care Facilities:**													
6231	Nursing Care Facilities						S		A			S		
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities								S					
623311	Continuing Care Retirement Community						S		A					
623312	Assisted Living Facility						S		A	A				
6239	Personal Care Homes, Family (up to 6 under care)	S	S			A	A							332
6239	Personal Care Homes, Group (up to 15 under care)	S	S			S	A		A	A				332
6239	Personal Care Homes, Congregate (more than 15 under care)								A	A				332
	Subdivisions													
	Minor Subdivisions:													
	Recombination Plat	A	A	A	A	A	A	A	A	A	A	A	A	503
	Minor Subdivision: 2-Lot Split	A	A	A	A									503
	Minor Subdivision: 5-Lot Split	A	A	A										503
	Minor Subdivision: Large Lot Subdivision (minimum 25 acre lots)	A	A	A										503
	Major Subdivisions:													
	Traditional Subdivision	A	A	A	A	A	A		A	A	A	A	A	504
	Conservation Subdivision		A	A										505
	Manufactured Home Subdivision							A						329
	Recreational Vehicle (RV) Subdivision							S						329
	Planned Developments:													
	Master Planned Development (MPD)				A	A	A			A	A			506
	Planned Unit Development (PUD)				A	A	A		A	A	A		A	507
	Administrative and Professional Offices													
55	Corporate Management Offices								A		A	A	A	
	Publishing and Information Technology:													
5111	Newspaper, Periodical, Book and Directory Publishers								A		A	A	A	
5112	Software Publishers								A			A		
51223	Music Publishers								A			A	A	
516	Internet Publishing and Broadcasting								A	A	A	A		
5181	Internet Service Providers and Web Search Portals								A	A	A	A		
	Credit and Financial Offices:													
5222	Credit Card Issuing and Sales Financing								A			A		

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
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NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
52231	Mortgage and Non-mortgage Loan Brokers								A			A		
52232	Financial Transactions Processing, Reserve and Clearing-house Activities								A			A	A	
52239	Mortgage Servicing and Other Activities Related to Credit Intermediation								A			A		
523	Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.								A	A	A	A		
5241	Insurance Carriers								A			A		
525	Funds, Trusts and Other Financial Vehicles								A			A		
	Professional Offices:													
5411	Lawyers, Notaries and Other Legal Services								A	A	A	A		
5412	Accounting, Tax Preparation, Bookkeeping and Payroll Services								A	A	A	A		
5413	Architectural, Engineering, Surveying and Related Services (except Testing Laboratories)								A	A	A	A		
5414	Interior Design, Graphic Design and other Specialized Design Services								A	A	A	A		
5416	Management, Scientific and Technical Consulting Services, including Executive Search and Management Consulting								A	A	A	A		
54171	Research and Development in the Physical, Engineering and Life Sciences								A			A	A	
54172	Research and Development in the Social Sciences and Humanities								A			A		
54194	Veterinarian's Office, Clinic, and Animal Hospital								A	A	A	A	A	344
	Medical Offices:													
6211	Medical Offices of Physicians								A	A	A	A		
6212	Medical Offices of Dentists								A	A	A	A		
6213	Medical Offices of Optometrists, Chiropractors, Therapists and Other Health Specialists								A	A	A	A		
6215	Medical and Diagnostic Laboratories								A			A	A	
	Call Centers:													
4541	Electronic Shopping and Mail-Order Houses								A			A	A	
4543	Direct Selling Establishments, except Fuel Dealers								A			A	A	
7113	Promoters of Performing Arts, Sports and Similar Events								A	A		A		
7114	Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures								A	A		A		
	Commercial Services													
	Finance, Insurance and Real Estate Services:													
5221	Banks, Credit Unions and Savings Institutions								A	A	A	A	A	
522298	Pawnshop										S			

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
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NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
5242	Insurance Agencies, Brokerages and Other Insurance Related Activities								A	A	A	A		
	Real Estate Office								A	A	A	A		
	Day Care Services:													
6244	Day Care Center (more than 18 persons in care)								A	A	A	S		323
6244	Group Day Care Home (18 or fewer persons in care)								A	A	A	S		323
	Transient Lodging:													
7211	Hotels and Motels								S		A	A		
721191	Bed-and-Breakfast Inns	S	S	S	S					A	A			313
7212	RV (Recreational Vehicle) Parks	S						S			A			329
7212	Recreational (Overnight) Camps	S												
8111	Automotive Repair and Maintenance:													
811111	General Automotive Repair									A	A	A		312
811112	Automotive Exhaust System Repair										A	A		312
811113	Automotive Transmission Repair										A	A		312
811121	Automotive Body, Paint and Interior Repair and Maintenance										A	A		312
811122	Automotive Glass Replacement Shops										A	A		312
811191	Automotive Oil Change and Lubrication Shops									A	A	A		312
811192	Car Washes									A	A	A		
	Other Repair and Maintenance Services:													
8112	Electronic and Precision Equipment Repair and Maintenance									A	A	A	A	
8113	Commercial and Industrial Machinery and Equipment Repair and Maintenance (except Automotive and Electronic Repairs, Tractor Repairs and Welding Shops)											S	A	
81131	Tractor and Other Farm Equipment Repairs and Maintenance	S									A		A	
81131	Welding Shop												A	
811411	Home and Garden Equipment Repair and Maintenance										A	A	A	
811412	Home Appliance Repair and Maintenance										A	A	A	
81142	Reupholstery and Furniture Repair and Maintenance											A	A	
81143	Shoes and Leather Goods Repair and Maintenance									A	A	A	A	
81149	Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance									A	A	A	A	
8121	Personal Care Services:													
812111	Barber Shops								S	A	A			
812112	Beauty Salons								S	A	A			
812113	Nail Salons								S	A	A			
812191	Diet and Weight Reducing Centers									A	A			
812199	Massage Therapy Establishment									A	A			

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
S	**Use is allowed in the district if approved as a Special Use**

NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
812199	Saunas and Spas									A	A			
812199	Tanning Salons									A	A			
812199	Tattoo Parlors									S	S			
812199	Other Personal Care Services not listed above									S	S			
8123	Dry-Cleaning and Laundry Services:													
81231	Coin-Operated Laundries and Dry Cleaners									A				
81232	Dry-Cleaning and Laundry Drop-Off Station								A	A	A	A		
81232	Dry-Cleaning and Laundry Services (except Coin-Operated)									A	A	A		
812331	Linen and Uniform Supply											A	A	
812332	Industrial Launderers											A	A	
	Health Related Services:													
6216	Home Health Care Services								A			A		
62191	Ambulance Services	S							S		S	S		
621991	Blood and Organ Banks										A	A		
	Other Personal Services:													
81221	Funeral Homes and Funeral Services									A	A			
81291	Pet Care, Grooming and Training (except Veterinary Services and Pet Boarding Kennels)									A	A			
81291	Pet Boarding Kennel	A									A	A	A	314
812921	Photofinishing Laboratories (except One-Hour)											A	A	
812922	Photofinishing, One-Hour									A	A			
81293	Automobile Commercial Parking Lots and Garages								A	A	A	A		
81299	Bail Bonding or Bondsperson Services										A	A		
81299	Other Personal Services not listed above									S	S	S		
532	Rental and Leasing Services:													
53211	Passenger Car Rental and Leasing										A	A		
53212	Truck, Utility Trailer and RV (Recreational Vehicle) Rental and Leasing										A			
53221	Consumer Electronics and Appliances Rental									A	A	A		
53222	Formal Wear and Costume Rental									A	A			
53223	Video Tape and Disc Rental									A	A			
532291	Home Health Equipment Rental									A	A	A		
532292	Recreational Goods Rental									A	A			
532299	Furniture, Party Supplies and Other Consumer Goods Rental									A	A			
5323	General Equipment and Tool Rental Centers										A	S	A	
53241	Construction, Transportation, Mining and Forestry Machinery and Equipment Rental and Leasing										A	S	A	
53242	Office Computers, Copiers, Furniture and Other Machinery and Equipment Rental and Leasing								S	S	A	A		

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
S	**Use is allowed in the district if approved as a Special Use**

NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
53249	Other Commercial and Industrial Machinery and Equipment Rental and Leasing										S		A	
5614	Business Support Services:													
56141	Document Preparation Services								A	A	A	A	S	
561421	Telephone Answering Services								A			A		
561422	Telemarketing Bureaus									A	A	A		
56143	Business Service Centers								S	A	A	A	A	
56144	Collection Agencies								A	A	A	A		
56145	Credit Bureaus								A	A	A	A		
561491	Repossession Services											A	A	
561492	Court Reporting and Stenotype Services								A	A	A	A		
561499	Other Business Support Services not listed above								S	S	S	A	S	
	Other Business Services:													
323114	Photocopying and Duplicating Services (instant printing)									A	A	A	A	
5182	Data Processing, Hosting and Related Services								A			A	A	
51911	News Syndicates								A	A	A			
54138	Testing Laboratories											A	A	
5415	Computer Systems Design and Related Services								A	A	A	A	A	
7223	Caterers and Other Special Food Services									A	A	A		
5418	Advertising, Public Relations and Related Services								A	A	A	A		
54191	Marketing Research and Public Opinion Polling								A	A	A	A		
54192	Photographic Studios and Commercial Photography								A	A	A	A		
54193	Translation and Interpretation Services								A					
5611	Office Administrative Services								A	A	A	A	S	
5612	Office Facilities Support Services								A	A	A	A	S	
5613	Employment Placement and Temporary Help Services								A	A	A	A	A	
5615	Travel Agencies, Tour Operators and Convention and Visitors Bureaus								A	A	A	A		
56191	Packaging and Labeling Services										A	A	A	
5616	Investigation and Security Services:													
561611	Investigation Services								A			A		
561612	Security Guards and Patrol Services											A		
561613	Armored Car Services											A		
561621	Security Systems Services, except Locksmiths								A			A		
561622	Locksmiths									A	A	A	A	
5617	Services to Buildings and Dwellings:													
56171	Exterminating and Pest Control Services										A	A		
56172	Janitorial Services										A	A		
56173	Landscaping Services, under 3 acres	S									A	A	A	328

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
S	**Use is allowed in the district if approved as a Special Use**

NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
56173	Landscaping Services, over 3 acres	A									A	A	A	328
56174	Carpet and Upholstery Cleaning Services										A	A		
56179	Swimming Pool, Duct, Gutter and Drain Cleaning and Other Services to Buildings and Dwellings										A	A	A	
	Construction Services:													
23	Construction Contractors, Builders and Developers, office only	S							A	A	A	A	A	322
23	Construction Contractors, Builders and Developers, with outdoor storage	S									A		A	362
23835	Carpentry Shop, Woodworking	A	S	S							A	A	A	
	Job Training Services:													
6114	Private Business Schools and Computer and Management Training								A			A		
6115	Private Technical and Trade Schools								A			A		
6243	Vocational Rehabilitation Services										A	A		
6116	Private Schools: Personal Enrichment:													
61161	Fine Arts Schools (Art, Drama, Music and Dance Studios)								A			A		
61162	Sports and Recreation Instruction											A		
61163	Language Schools								A			A		
611691	Exam Preparation and Tutoring								A	A	A	A		
611692	Automobile Driving Schools with Classroom and "On-The-Road" Training only								A	A	A	A	A	
611692	Automobile Driving Schools, with "On-Site" Driving Courses											A	A	
6117	Educational Counseling, Testing and Other Support Services								A			A		
	Arts, Entertainment and Recreation													
51912	Libraries and Archives								A	A	A	A		
7111	Performing Arts Theaters: Drama, Dance, Music (except Adult Entertainment)									S	A			
7111	Adult Entertainment									S	S			307
71119	Temporary Entertainment Events:													
71119	Temporary Event: Circus or Carnival	S								S	S			340
71119	Temporary Event: Community Fair	S								S	S			340
	Event Venues	S	S							A	A			
7115	Artist's Studios, except Taxidermists	S							S	A	A	A	A	
71151	Taxidermists	S								A	A		A	
712	**Museums, Historical Sites, and Similar Institutions:**													
71211	Museums								A	A	A	A		
71212	Historical Sites (Commercial)	S							A	A	A			
71213	Zoos and Botanical Gardens	S									S	A	A	331
71219	Nature Parks and Other Similar Institutions	S												331

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
S	**Use is allowed in the district if approved as a Special Use**

NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
512131	**Motion Picture Theaters (except Drive-Ins)**									S	A			
512132	**Motion Picture Theaters, Drive-In**										S			331
7112	**Spectator Sports:**													
711211	Stadiums, Coliseums, Arenas and Amphitheaters										S			339
711212	Racetracks										S			331
711219	Other Spectator Sport Facilities										S			331
7139	**Amusement and Recreation Uses:**													
71312	Amusement Arcades										S			
71311	Amusement and Theme Parks, Fairgrounds	S								A	A			331
71399	Archery or Shooting Ranges	S								A	A			331
71394	Batting Cages	S								A	A			
71399	Billiard and Pool Halls									S	A			
71395	Bowling Centers										A			
71399	Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center	S							A	S	A			320
71399	Dog Parks, Pet Sitting Services	S								A	A	A		331
71399	Fee Fishing Lakes	S								A	A			
71394	Fitness Centers, Health Clubs								S	A	A			
71399	Go-cart Concessions									S	A		S	331
71391	Golf Course, with or without a Country Club	S	S	S	S	S	S			A	A			325
71399	Golf Driving Ranges	S								A	A			325
71399	Horse Riding Stables, Commercial	A												331
71399	Horse Riding Stables, Private	A	S	S										
71394	Ice or Roller Skating Rink										A			
71393	Marinas	S								S	A		A	
71399	Miniature Golf									S	A			331
71399	Neighborhood Recreation Centers (for profit), including Private Playgrounds, Tennis, Community Swimming Pools or Other Recreation Amenities	S								A	A			
71399	Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.		A	A	A	A	A	A		A	A			320
71399	Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks	A	A	A	A	A	A	A	A	A	A	A	A	
71394	Public Swimming Pools									A	A			
71399	Recreational Day Camps	S								A				331
11521	Show Arenas for Horses (including Accessory Barns)	A	S	S						A	A			
71394	Softball, Baseball, Football or Soccer Fields	S								A	A			
71394	Tennis Clubs and Tennis Centers	S								A	A			331
71399	Other Amusement and Recreation Uses not listed above	S								S	S			331
	Retail Trade													

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
S	**Use is allowed in the district if approved as a Special Use**

NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
441	**Motor Vehicle and Parts Dealers:**													
44111	New Car Dealers										A			312
44112	Used Car Dealers										A			312
44121	Recreational Vehicle Dealers										A			312
441221	Motorcycle Dealers										A			312
441222	Boat Dealers										A			312
441229	All Other Motor Vehicle Dealers										A			312
4413	Automotive Parts, Accessories, and Tire Stores									A	A			
	Furniture, Electronics and Appliance Stores:													
442	Furniture and Home Furnishings Stores									A	A			
443111	Household Appliance Stores									A	A			
443112	Radio, Television and Other Electronics Stores									A	A			
44312	Computer and Software Stores									A	A			
44313	Camera and Photographic Supplies Stores									A	A			
4441	**Building Material and Supplies Dealers:**													
44411, 44413	Home Centers and Hardware Stores									A	A	A		
44412	Paint and Wallpaper Stores									A	A	A		
44419	Lumber Yards										A		A	
44419	Electrical, Heating or Plumbing Supply Stores										A	A	A	
44419	Wood or Ceramic Tile Flooring Stores									A	A	A	A	
44419	Other Building Material Dealers not listed above										A	A	A	
4442	**Lawn and Garden Equipment and Supplies Stores:**													
44421	Outdoor Power Equipment Stores									A	A			
44422	Nursery and Garden Centers	S								A	A			
445	**Food and Beverage Stores:**													
44511	Supermarkets and Other Grocery (except Convenience) Stores									A	A			326
44512	Convenience Food Stores with fuel pumps									A	A			324
44512	Convenience Food Stores without fuel pumps	S								A	A			
4452	Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores	S								A	A			326
4453	Beer and Wine Stores (excluding Liquor Sales)									A	A			
4453	Liquor Stores													365
311811	Retail Bakeries and Pastry Shops									A	A			
446	Health and Personal Care Stores:													
44611	Pharmacies and Drug Stores									A	A			
44612	Cosmetics, Beauty Supplies and Perfume Stores									A	A			
44613	Eyeglasses and Other Optical Goods Stores									A	A			
446191	Food (Health) Supplement Stores									A	A			

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
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NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
446199	All Other Health and Personal Care Stores, such as hearing aids and convalescent supplies									A	A			
447	Gasoline Stations:										A			
4471	Gasoline Stations, Full Service									A	A		A	324
44711	Gasoline Stations with Convenience Stores, no repairs									A	A			324
44719	Truck Stops and Other Gasoline Stations										S		S	324
448	Clothing and Clothing Accessories Stores:													
4481	Clothing Stores									A	A			
4482	Shoe Stores									A	A			
44831	Jewelry Stores									A	A			
44832	Luggage and Leather Goods Stores									A	A			
451	Sporting Goods, Hobby, Book and Music Stores:													
45111	Sporting Goods Stores and Bicycle Shops									A	A			
45112	Hobby, Toy and Game Stores									A	A			
45113	Sewing, Needlework and Piece Goods Stores									A	A			
45114	Musical Instrument and Supplies Stores									A	A			
451211	Book Stores									A	A			
451212	News Dealers and Newsstands									A	A			
45122	Prerecorded Tape, Compact Disc and Record Stores									A	A			
452	General Merchandise and Department Stores:													
45211	Department Stores									A	A			
45291	Warehouse Clubs and Warehouse Supercenters									S	A			
45299	Dollar Stores									A	A			
45299	General Merchandise Stores									A	A			
45299	Variety Stores (Five and Dime)									A	A			
45299	All Other General Merchandise Stores not listed above									S	A			
453	Miscellaneous Store Retailers:													
4531	Florists									A	A			
45321	Office Supplies and Stationery Stores								S	A	A	S		
45322	Gift, Novelty and Souvenir Stores								S	A	A			
4533	Used Merchandise Stores									A	A			
45391	Pet and Pet Supplies Stores									A	A			
45392	Art Dealers									A	A			
45393	Manufactured (Mobile) Home Dealers										A			
453991	Cigar and Tobacco Stores, including "Vape" Shops and Electronic Cigarette Stores									S	S			
453998	Accessory Utility Structures, Prefabricated Sheds and Gazebo Dealers										A			
453998	Farm Equipment and Implements	S									A			

Table 2.1: Principal Uses Allowed by Zoning District

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NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
453998	Hot Tub Stores									A	A			
453998	Auction Houses									S	A	A		
453998	Miscellaneous Retailers not listed above									S	A			
	Temporary Sales Events:													
45439	Temporary Event: Retail Sales of Seasonal Items									A	A			340
45439	Temporary Event: Swap Meets and Outdoor Markets									S	S		S	340
722	Food Services and Drinking Places:													
7221	Restaurants, Full-Service, Family Restaurants									A	A			
7221	Restaurants, Full-Service, Quality Restaurants									A	A			
722211	Restaurants, Limited-Service, including Fast Food and Take-Out, with drive-through windows. Restaurants, Drive-In.									S	A			
722211	Restaurants, Limited-Service, including Fast Food and Take-Out, without drive-through windows.									A	A			
	Restaurants, 24-Hour									S	S			
722212	Cafeterias								A	A	A			
722213	Coffee Shop, Donut Shop, Ice Cream Parlor and Other Specialty Snack Shops.								A	A	A			
7224	Bars, Taverns and Other Drinking Places (Alcoholic Beverages)													365
	Manufacturing, Wholesaling and Warehousing													
311	Food Manufacturing, except Animal Slaughtering and Retail Bakeries												A	
3116	Animal Slaughtering and Processing	S											S	
312	Beverage and Tobacco Product Manufacturing												A	
312113	Ice Manufacturing											S	A	
313	Textile Mills												A	
314	Textile Product Mills												A	
315	Apparel Manufacturing, except Dressmakers and Tailors											A	A	
31521	Dressmakers and Tailors									A	A	A	A	
316	Leather and Allied Product Manufacturing, except Leather Tanning and Finishing												A	
316	Leather Tanning and Finishing													365
321	Wood Product Manufacturing, except Sawmills and Wood Preservation											A	A	
321113	Sawmills												S	
321114	Wood Preservation													365
322	Paper Manufacturing, except Finished Stationery Product Manufacturing													365
32223	Finished Stationery Product Manufacturing											A	A	
323	Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)									A	A	A	A	

Table 2.1: Principal Uses Allowed by Zoning District

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NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
324	Petroleum and Coal Products Manufacturing, except Petroleum Refining and Asphalt Paving, Roofing, and Saturated Materials Manufacturing													365
32411	Petroleum Refining													365
32412	Asphalt Paving, Roofing, and Saturated Materials Manufacturing												S	309
325	Chemical Manufacturing, except Pharmaceutical and Medicine Manufacturing, and Explosives													364
3254	Pharmaceutical and Medicine Manufacturing											A	A	
325611	Soaps and Other Detergent Manufacturing									S	S		A	
32592	Explosives Manufacturing													365
3261	Plastics Product Manufacturing												A	
3262	Rubber Product Manufacturing, except Tire Manufacturing												A	
32621	Tire Manufacturing or Retreading												A	
327	Concrete, Clay, Stone, Glass and other Nonmetallic Mineral Product Manufacturing:													
3271	Brick and Other Clay Product Manufacturing												A	
327112	Ceramics, Fine Earthenware and Other Pottery												A	
3272	Glass and Glass Product Manufacturing												A	
32732	Cement Manufacturing: Ready-Mix Concrete												A	309
32733	Cement Manufacturing: Concrete Pipe, Brick, and Block												A	
32739	Cement Manufacturing: Other Concrete Products												A	
3274	Lime and Gypsum Product Manufacturing												A	
3279	Other Nonmetallic Mineral Product Manufacturing												A	
331	Primary Metal Manufacturing												S	
332	Fabricated Metal Products Manufacturing:													
3321	Forging and Stamping											A	A	
3322	Cutlery and Hand Tool Manufacturing											A	A	
3323	Architectural and Structural Metals Manufacturing											A	A	
3324	Boiler, Tank, and Shipping Container Manufacturing												A	
3325	Hardware Manufacturing											A	A	
3326	Spring and Wire Product Manufacturing											A	A	
3327	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing											A	A	
3328	Coating, Engraving, Heat Treating, and Allied Activities												A	
332992	Small Arms Ammunition													365
332993	Other Ammunition (including bombs, grenades, mines and torpedoes)													365
3329	Other Fabricated Metal Product Manufacturing not listed above												A	
333	Machinery Manufacturing												A	

Table 2.1: Principal Uses Allowed by Zoning District

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NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
334	Computer and Electronic Product Manufacturing:													
3341	Computer and Peripheral Equipment Manufacturing											A	A	
3342	Communications Equipment Manufacturing											A	A	
3344	Semiconductor and Other Electronic Component Manufacturing												A	
3345	Navigational, Measuring, Electromedical and Control Instruments Manufacturing											A	A	
3346	Reproducing Software, Compact Disks and Other Magnetic and Optical Media											A	A	
335	Electrical Equipment, Appliance and Component Manufacturing												A	
336	Motor Vehicle and Other Transportation Equipment Manufacturing												A	
337	Furniture and Related Product Manufacturing												A	
339	Miscellaneous Manufacturing:													
33911	Medical Equipment and Supplies Manufacturing, except Dental Laboratories												A	
339116	Dental Laboratories								A			A	A	
33991	Jewelry and Silverware Manufacturing												A	
33992	Sporting and Athletic Goods Manufacturing											A	A	
33993	Doll, Toy, and Game Manufacturing											A	A	
33994	Office Supplies (except Paper) Manufacturing											A	A	
33995	Sign Manufacturing											A	A	
339991	Gasket, Packing, and Sealing Device Manufacturing											A	A	
339992	Musical Instrument Manufacturing											A	A	
339993	Fastener, Button, Needle, and Pin Manufacturing											A	A	
339994	Broom, Brush, and Mop Manufacturing											A	A	
339995	Burial Casket Manufacturing											A	A	
33999	Other Miscellaneous Manufacturing not listed above											S	A	
42	Wholesale Trade:													
42	Wholesale Trade with Customer Showrooms, except Livestock Sale Pavilions											A	A	344
42	Wholesale Trade with Outside Storage, except Junk and Scrap Yards												A	362
42	Wholesale Trade, no Showrooms or Outdoor Storage								A	A	A	A	A	345
4542	Vending Machine Operators										A	A	A	
45431	Fuel Dealers:													
454311	Heating Oil Dealers												S	
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers												S	
454319	Gasoline and Other Fuel Dealers												S	
493	Warehousing and Storage:													

Table 2.1: Principal Uses Allowed by Zoning District

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NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
49311	General Warehousing and Storage											A	A	346
49312	Refrigerated Warehousing (Cold Storage)												A	
49313	Farm Product Warehousing and Storage	A											A	
49319	Bulk Petroleum Storage												S	333
	Food Locker, including meat cutting and packaging	S											A	
53113	Mini-Warehouses and Self Storage Units										S	S	S	330
53113	Mini-Warehouses and Self Storage Units (Indoor)										S	S	S	330
53113	Self-storage of Recreational Vehicles, Campers and Boats	S									A		A	336
5121	Motion Picture Industries:													
51211	Motion Picture and Video Production											S	A	
51219	Postproduction Services and Other Motion Picture and Video Industries											A	A	
5122	Sound Recording Industries:													
51221	Record Production											S	A	
51222	Integrated Record Production/Distribution											S	A	
51224	Sound Recording Studios											A	A	
51229	Other Sound Recording Industries												A	
562	Waste Management and Remediation Services:													
42314	Junk Yards												S	327
42393	Scrap Yards												S	327
562111	Solid Waste or Recycling Transfer Station												S	345
562111	Solid Waste Collection Company Office								A			A	A	
562112	Hazardous Waste Collection Company Office								S			S	S	
562211	Hazardous Waste Treatment and Disposal													345
562212	Solid Waste Landfill (Subtitle D or Construction-Demolition Materials)												S	345
562212	Inert Waste Landfill												S	345
562212	Earthen Fill Landfill	S											S	345
562213	Solid Waste Combustors and Incinerators													363
562219	Composting Facility	S											S	345
56291	Asbestos Abatement, Lead Paint Removal and Other Remediation Service Company												S	
56292	Recycling and Materials Recovery Facilities												A	345
562991	Septic Tank Cleaning and Portable Toilet Service	S											A	
21	Mining and Quarrying:													
21	Mining, except Stone Quarrying, Sand and Gravel												S	334
21231	Stone Mining and Quarrying	S											S	334
212321	Sand and Gravel Mining	S											S	334
	Transportation, Communications and Utilities													

Table 2.1: Principal Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
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NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
481	Airports and Other Air Transportation:													
4811	Airport												S	
4812	Private Airstrip or Heliport	S											S	308
482	Rail Transportation:													
4821	Rail Transportation Company Office								A			A		
4882	Rail Yards, Rail and Train Service and Repair												A	
484	Truck Transportation:													
48411	General Freight Trucking, Local										A	A	A	
48412	General Freight Trucking, Long-Distance										S	S	A	
48421	Used Household and Office Goods Moving										S	S	A	
48422	Specialized Freight (except Used Goods) Trucking, Local										A	A	A	
48423	Specialized Freight (except Used Goods) Trucking, Long-Distance										S	S	A	
485	Transit and Ground Passenger Transportation:													
4852	Interurban Bus Transportation and Bus Stations									A	A			
4853	Taxi and Limousine Service										A	A	A	
4854	School and Employee Bus Transportation										A		A	
4855	Charter Bus Industry										A		A	
485991	Special Needs Transportation										A		A	
485999	Shuttle Services, Vanpools and Other Ground Passenger Transportation										A	A	A	
486	Pipeline Transportation Company Office								A			A	A	
488	Support Activities for Transportation:													
48841	Motor Vehicle Towing and Wrecker Services										S		A	311
4885	Freight Transportation Arrangement Agents and Brokers								A			A	A	
488991	Packing and Crating												A	
488999	All Other Support Activities for Transportation											S	A	
492	Couriers and Messengers:													
4921	Intercity Couriers (FedEx, UPS), package drop-off only								A	A	A	A	A	
4921	Intercity Couriers (FedEx, UPS), sorting and forwarding											A	A	
4922	Local Messengers and Local Delivery										A	A	A	
515	Broadcasting and Telecommunications:													
5151	Radio and Television Broadcasting Stations								S		A	A		
5152	Cable and Other Subscription Distribution										S	S	A	
5171 5172	Telephone, Cellular and Other Wired or Wireless Telecommunications Carriers (except Satellite)								A	A	A	A	A	
5173	Telecommunications Resellers											A	A	
5174	Satellite Telecommunications												A	

Table 2.1: Principal Uses Allowed by Zoning District

				A	**Use is allowed by right in the zoning district indicated**									
				S	**Use is allowed in the district if approved as a Special Use**									
NAICS Ref.	**PRINCIPAL USES**	**AG**	**AR-3**	**AR**	**R-1**	**R-2**	**R-3**	**M-H**	**OIP**	**B-1**	**B-2**	**OBP**	**I**	**See Sec:**
5179	Radio, Television and Telecommunications Antennae and Towers:													
5179	Freestanding Towers and Antennae	S									S		S	335
5179	Alternate ("Stealth") Towers and Antennae	A							A	A	A	A	A	335
5179	Additions to Existing Towers or Mounted on Nonresidential Building	A							A	A	A	A	A	335
22	Utilities:													
22111	Electric Power Generation												S	
22112	Electric Power Transmission Substations	A	A	A	A	A	A	A	A	A	A	A	A	343
22112	Electric Power Transmission and Distribution Lines	A	A	A	A	A	A	A	A	A	A	A	A	
22114	Solar Energy Farms	S											A	343
2212	Natural Gas Distribution	A	A	A	A	A	A	A	A	A	A	A	A	343
22131	Water Supply Facilities	S											A	
22132	Sewage Treatment Facilities												S	
	Public and Institutional Uses													
8131	Churches and Other Places of Worship:													
8131	Neighborhood Scale	A	A	A	S	S	S		A	S				318
8131	Community Scale	S	S	S	S	S	S		S	S	S			318
8131	Temporary Event: Religious Assemblies	S	S	S	S	S	S		S	S	S			340
8132	Charitable Organization Offices								A	A				
8133	Social Advocacy Organizations								A					
8134	Fraternal Lodges, VFWs, Ethnic Associations and Other Civic and Social Organizations	S							S	A	A			319
8139	Business, Professional, Labor, Political and Similar Organizations								A	A	A	A		
6214	Clinics and Outpatient Medical Care Centers:													
62142	Outpatient Mental Health and Substance Abuse Centers								S	S	S	S		
621491	HMO Medical Centers								A	S	A	A		
621492	Kidney Dialysis Centers								A	A	A	A		
621493	Freestanding Ambulatory Surgical and Emergency Centers								A	A	A	A		
621498	All Other Outpatient Care Centers								S	S	S	S		
622	Hospitals:													
6221	General Medical and Surgical Hospitals								A		A	S		
6222	Psychiatric and Substance Abuse Hospitals								S					
6223	Specialty Hospitals (except Psychiatric and Substance Abuse)								A					
6241	Social Services Assistance, including Individual and Family Services								A	S	A			
6242	Community Food and Housing, and Emergency and Other Relief Services								S		A			321
81222	Cemeteries and Mausoleums	S							A		A	A		317
81222	Crematories										S	A		317

Table 2.1: Principal Uses Allowed by Zoning District

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NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
6111	Private Schools: Kindergarten, Elementary and Secondary	S	S	S	S	S	S		A	A	A	A		337
6112	Private Schools: Junior Colleges	S	S	S	S	S	S		A	A	A	A		337
6113	Private Schools: Colleges and Universities	S	S	S	S	S	S		A	A	A	A		337
6116	Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions	S	S	S	S	S	S		A	A	A	A		337

Table 2.2: Accessory Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
S	**Use is allowed in the district if approved as a Special Use**

NAICS Ref.	ACCESSORY USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
	Accessory Uses to a Principal Use	A	A	A	A	A	A	A	A	A	A	A	A	347
	Agricultural Accessory Uses													
	Agricultural Produce Stand:													
	Agricultural Products Produced On-Premises	A	A	A										357
	Agricultural Products Produced Off-Premises	S									A			357
	Agritourism	A	A	A										315
	Farm Tenant Dwelling	A	A	A										358
	Residential Accessory Uses													
	Accessory Uses Customary to a Dwelling	A	A	A	A	A	A	A		A	A			348
	Garage Apartment	A	A	A	A									351
	Guest House	A	A	A	A									351
	Rentals, Short-Term	A	A	A	A	A	A							352
	Artist's Studios, except Taxidermists	A	A	A	A									
	Home Occupation:													
	Home Office	A	A	A	A	A	A	A		A	A			350
	Home Business	A	A	A	S	S	S	S		A	A			350
	Family Day Care Home	A	A	A	A	A								350
	Horse Stable, Personal	A	A	A										349
	Backyard Hen Flock, Personal	A	A	A										316
	Landscaping Services, under 3 acres	S									A	A	A	328
	Landscaping Services, 3 or more acres	A									A	A	A	328
	Event Venues	S	S							A	A			
	Accessory Recreation Amenities to a Residential Development:													350
	Originally Approved as Part of the Development		A	A	A	A	A	A						350
	Proposed Subsequent to Construction of the Development		S	S	S	S	S	S						350
	Manufactured Home as a Second and Temporary Residence	S	S	S										329
	Night Watchman Residence											A	A	360
45439	Temporary Event: Yard or Garage Sale	A	A	A	A	A		A						340
	Nonresidential Accessory Uses													
	Accessory Uses Customary to a Church or Other Place of Worship	A	A	A	A	A	A		A	A	A			354
6242	Community Food Bank and Housing, and Emergency and Other Relief Services (accessory to a Church or Other Place of Worship)								A	A	A			321
	Accessory Uses Customary to Commercial and Industrial Uses	A							A	A	A	A	A	355
6244	Accessory Day Care Centers, Adult & Child (above 18)								A		A	A	A	323
6244	Accessory Day Care Group Facility, Adult & Child, Group (up to 18)						A	S	A	A	A	A	A	323
	Accessory Retail Uses within an Office, Hospital, Hotel or Multi-Family Building						A		A	A	A	A		356
	Accessory Uses Customary to a Golf Course, except Golf Driving Range	A	A	A	A	A	A			A	A			325

Table 2.2: Accessory Uses Allowed by Zoning District

A	**Use is allowed by right in the zoning district indicated**
S	**Use is allowed in the district if approved as a Special Use**

NAICS Ref.	ACCESSORY USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
	Accessory Golf Driving Range to a Golf Course	S	S	S						A	A			325
	Dumpster/Waste Container	S	S	S	S	S	A	A	A	A	A	A	A	
481219	Helicopter Landing Pad	S							S		S	S		359
	Manufacturing of Products for Sale On-Site									A	A		A	355
	Outdoor Display Area									A	A		A	361
	Outdoor Storage Area, except Equipment									S	S	A	A	362
	Outdoor Storage Yard, Equipment												A	362
	Temporary Office for a Development	A	A	A	A	A	A	A	A	A	A	A	A	341
	Temporary Sawmill or Chip Mill	A												

Sec. 208. Zoning Guidelines for Future Land Use Map Character Areas.

The zoning districts shown on Table 2.3 are intended as zoning guidelines for each Future Land Use Map Character Area and shall not be construed as the only allowable zoning districts for each identified character area.

Table 2.3: Future Land Use Map Character Areas and Corresponding UDC Zoning Districts

2040 FUTURE LAND USE MAP CHARACTER AREA	ZONING DISTRICT(S)
Agricultural Areas	
Parks/Recreation/Conservation	AG (Agricultural District)
Agricultural Preservation	AG (Agricultural District)
Rural Places	AR-3 (Agricultural Residential Three Acre District)
Residential Areas	
Country Estates	AR (Agricultural Residential District) R-1 (Single Family Residential District)
Suburban Neighborhood	AR (Agricultural Residential District) R-1 (Single Family Residential District)
Activity & Industry	
Neighborhood Village Center	B-1 (General Business District)
Community Village Center	B-1 (General Business District) B-2 (Highway Business District) OIP (Office Institutional Professional District) R-2 (Two-Family Residential District) R-3 (Multi-Family Residential District)
Historic Main Street	B-1 (General Business District) OIP (Office Institutional Professional District)
Corridor Commercial	B-2 (Highway Business District)
Civic Center	OIP (Office Institutional Professional District) B-1 (General Business District) B-2 (Highway Business District) R-1 (Single Family Residential District) R-2 (Two-Family Residential District) R-3 (Multi-Family Residential District)
Technology Gateway	OBP (Office-Business Park District) OIP (Office Institutional Professional District) B-1 (General Business District) R-2 (Two-Family Residential District) R-3 (Multi-Family Residential District)

Table 2.3: Future Land Use Map Character Areas and Corresponding UDC Zoning Districts

2040 FUTURE LAND USE MAP CHARACTER AREA	ZONING DISTRICT(S)
Regional Center	OIP (Office Institutional Professional District) B-1 (General Business District) B-2 (Highway Business District)
Workplace Center	I (Industrial District) OBP (Office-Business Park District) B-2 (Highway Business District) R-1 (Single Family Residential District) R-2 (Two-Family Residential District) R-3 (Multi-Family Residential District)

Article 3. Restrictions on Particular Uses

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Article 3. Restrictions on Particular Uses.

Sec. 301. Purpose of Article 3.

The purpose of Article 3 is to provide land use and development regulations for specific uses that are applicable to sites throughout Oconee County. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are allowed, whether by right or through Special Use approval.

DIVISION I. RESTRICTIONS THAT APPLY IN GENERAL.

Sec. 302. Separation distances between certain uses.

Sec. 302.01. Separation required for certain new uses.

The following distances shall be maintained between the uses indicated and residential structures on neighboring properties within or between all zoning districts:

a. The following agricultural structures or operations, when constructed or established, must be at least 400 feet from any residential structure, other than that which belongs to the owner of the poultry house, turkey range or feedlot and lagoon:

(1) Active poultry houses larger than 10,000 square feet;

(2) Turkey ranges or feedlots; and

(3) Animal waste pits, litter composting or waste lagoons.

For the purpose of this paragraph, "active" shall mean having been in use for one of the above uses within the past 12-month period.

b. The following agricultural structures or operations, when constructed or established, must be at least 500 feet from any residential structure:

(1) Slaughter houses; and

(2) Commercial stockyards.

c. Junk yards: See Sec. 327.

d. Horse riding stables: See Sec. 331.06.

e. Structures for the on-site sale of agricultural products: See Sec. 357.

Sec. 302.02. Separation from certain existing uses.

a. When a new residential structure will adjoin an existing use, or a use for which a valid permit has been issued and construction is proceeding, that is listed under Sec. 302.01, the new residential structure shall not be located closer to the listed use than the separation distance required. This provision does not apply to a new residential structure to be owned and occupied by the owner of the listed use, or to construction on a lot of record existing as of January 1, 2003.

b. When a residential subdivision is proposed, separation distances as may be required under this Section shall be established upon approval of a Preliminary Subdivision Plat. Subsequent changes in adjoining uses shall not affect the ability to locate a residence on any such lot (following Final Subdivision Plat recordation).

Sec. 302.03. Waiver or reduction of unnecessary separations.

Following a review and recommendation by the Planning Commission, the Board of Commissioners may waive a separation otherwise required by this Section, or reduce its extent to an appropriate dimension, provided that the Board deems such waiver or reduction as adequate to protect the health, safety or general welfare of the public, and provided that reasonable objections from adjoining property owners shall be considered in making such waiver or reduction.

Sec. 303. Environmentally hazardous uses.

Sec. 303.01. Special Use approval required.

Any use that requires a federal or state permit due to the handling, storage, production or processing of bio-medical or hazardous materials, products or waste, if otherwise allowed in a zoning district, must obtain approval as a Special Use from the Board of Commissioners. The Special Use application shall include a copy of the application for the federal or state permit.

a. Section 313 businesses.

Any business that is required to file a Toxic Chemical Release Inventory report (Form R or Form A) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499) is subject to Special Use approval in order to operate in Oconee County. An initial Form R or Form A must be included in the application for Special Use approval.

b. Annual reporting required.

A Section 313 Toxic Chemical Release Inventory report (Form R or Form A) shall be filed with the Code Enforcement Department annually when filed with the U.S. Environmental Protection Agency and the state. Failure to submit such report to the Development Code Enforcement annually may be grounds to void County approval through re-initiation of the Special Use approval.

Sec. 303.02. EPCRA Section 313 businesses.

Businesses that may be subject to EPCRA Section 313 are those businesses with 10 or more full-time employees that manufacture, process or use any EPCRA Section 313 toxic chemical and that may be classified under any one of the following categories. Specific determinations are made under EPA rules on a business-by-business basis.

a. Mining or manufacturing facilities.

Businesses involved with toxic chemicals and engaged generally in any of the following industrial classifications:

(1) Metal mining;

(2) Coal mining;

(3) Food and kindred products;

(4) Tobacco products;

(5) Textile mill products;

(6) Apparel and other finished products made from fabrics and other similar materials;

(7) Lumber and wood products (except furniture);

(8) Furniture and fixtures;

(9) Paper and allied products;

(10) Printing, publishing and allied industries;

(11) Chemicals and allied products;

(12) Petroleum refining and related industries;

(13) Rubber and miscellaneous plastics products;

(14) Leather and leather products;

(15) Stone, clay, glass and concrete products;

(16) Primary metal industries;

(17) Fabricated metal products, except machinery and transportation equipment;

(18) Industrial and commercial machinery and computer equipment;

(19) Electronic and other electrical equipment and components, except computer equipment;

(20) Transportation equipment;

(21) Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks; and

(22) Miscellaneous manufacturing industries.

b. Any facility that combusts coal or oil for the purpose of generating electricity for distribution in commerce.

c. Any refuse system regulated under federal law.

d. Wholesale establishments engaged in storing chemical or allied products, or petroleum terminals or bulk storage.

e. Businesses primarily engaged in solvents recovery services on a contract or fee basis.

Sec. 304. Standards for single-family and two-family dwellings.

All single-family and two-family dwellings, including on-site built and industrialized housing and manufactured homes, shall meet or exceed the following requirements in order to be constructed, assembled, moved into, or relocated within Oconee County:

Sec. 304.01. Foundation.

a. The structure shall be attached to a permanent foundation constructed in accordance with the Building Code or State regulations, as applicable.

b. Upon placement, all means of transportation, such as towing devices, wheels, axles, and hitches, shall have been removed.

c. The area beneath the ground floor manufactured homes shall either be a slab foundation or shall be enclosed around the exterior of the structure with a foundation wall or a curtain wall constructed of finished masonry at least 4 inches thick, penetrated by openings only for installed vents, access doors, foundation drains, and other required features for the property function of appliances or equipment installed within the dwelling or directly adjacent to the dwelling. Penetrations through the foundation walls shall not compromise the structural integrity of the wall assembly. Skirting compliant with UDC Section 329.06 (b) (5) (c) may also be used.

d. Where raised slab foundations are allowed the slab shall be at least 2 feet above the finished grade. This requirement shall not apply to additions to an existing dwelling.

e. Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the *Installation of Manufactured Homes and Mobile Homes* rules and regulations established and published by the Georgia Safety Fire Commission (O.C.G.A. 8-2-160 et. seq.)

f. All new single-family detached homes in Major Subdivisions (as defined in this UDC) or phases of a Major Subdivision that have a Final Plat approved after January 1, 2018 shall be constructed with either crawlspace or basement foundations. This requirement shall not apply to the following:

(1) Age-Restricted Active Adult (55 and Older) Communities

(2) Continuing Care Retirement Communities (CCRC)

(3) Single-Family Detached homes in Minor Subdivisions (as defined in this UDC), on undivided acreage tracts, or in Major Subdivisions Phases having received a Final Plat prior to January 1, 2018.

(4) Lots with existing predeveloped grades (as shown on the Land Disturbance Permit Application) with a maximum slope grade change of 5.0% in the building envelope.

Sec. 304.02. **Landings.**

At each exterior door there must be a landing that is a minimum of 36 inches by 36 inches.

Sec. 304.03. **Exterior siding.**

Exterior siding materials shall consist of any combination of wood, brick, stucco or stone finish, shake shingle siding, custom log construction, vinyl certified by the Vinyl Siding Institute as conforming to the standards of ASTM D3679, or painted wood lap or fiber cement siding. Except for manufactured homes in the M-H zoning district, metal siding, corrugated metal and vinyl-covered metal siding are not permitted.

Sec. 304.04. **Roofs.**

a. All roof surfaces shall have a minimum pitch of 4:12 (4 inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.

b. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam metal, clay tiles, slate, baked on enamel, galvanized tin, or similar materials.

c. Minimum roof overhang shall be 12 inches, excluding gutters, along all sides of the structure.

Sec. 304.05. **Minimum width.**

The minimum width of the entire structure shall be greater than 16 feet. Structure width shall be measured between all parallel exterior walls, with the exception of extensions from the main structure for dormers, bay windows, entrance foyers and similar appurtenances, and extensions of no more than 5 feet for other architectural elements of the structure's design.

Sec. 304.06. **Deviations from standards; where allowed.**

The Planning Director may approve deviations from the standards contained in this Section for a single-family or two-family dwelling or a manufactured home as an administrative variance as outlined in the Appeals article of this Development Code.

Sec. 304.07. **Compliance with codes.**

The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by the County, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) for manufactured homes, or in accordance with State law and regulations for industrialized buildings, whichever apply.

Sec. 304.08. **Qualified manufactured homes.**

For special standards for a manufactured home to be classified as a "qualified manufactured home," see Sec. 329.06.

Sec. 305. Standards for multi-family dwellings (including townhouses).

Sec. 305.01. **Recreation amenity.**

Every townhouse or multi-family development proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of dwelling units, in accordance with this Subsection.

a. Unless otherwise established as a condition of zoning approval for the development or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table 3.1.

Table 3.1: Recreation Amenities—Multi-Family Developments
Number of Dwellings in the Development

Amenity Required	50 to 75	76 to 200	201 or more
Active Play Area[1]	Min. 1 acre	Min. 2 acres	Min. 3 acres
Athletic Court[2]	Min. 1 court	Min. 2 courts	Min. 3 courts
Swimming Pool[3]		Min. 1,800 sf, 30 x 60	Min. 2,250 sf, 30 x 75
Clubhouse			Min. 2,600 sf

[1]Children's play area including active play equipment.
[2]Any combination of tennis, basketball or volleyball courts.
[3]Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools.

b. The proposed amenity area(s) and recreation amenities to be provided shall be submitted as part of the development site plan application for project approval as required under the Procedures and Permits of this Development Code.

c. All required amenities shall be completed and available for use prior to issuance of a Certificate of Occupancy on more than 50% of the dwelling units in the development.

d. Such amenities may not be developed within a Primary Conservation Resource Area as defined in the Environmental Protection Article of this Development Code.

Sec. 305.02. **Screening of dumpsters.**

Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts.

Sec. 305.03. **Building arrangement.**

Buildings that are front face to front face or front face to back face shall not be less than 75 feet apart; buildings that are back face to back face shall not be less than 60 feet apart. No dwelling shall be situated as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation.

Sec. 305.04. **Dwelling units per building.**

a. Townhouses: No more than 10 or fewer than 3 dwelling units can comprise a building.

b. Other multi-family buildings: No more than 8 dwelling units per floor may be included within a building used exclusively as a multi-family dwelling.

c. Lofts and mixed-use buildings: Within a master planned development or a zoning district that is allowed to have lofts (dwelling units over retail or office space) or mixed-use arrangements of commercial and residential within the same building, the minimum floor area required for the dwelling units and the building heights will control the maximum number of units allowed.

Sec. 305.05. **Townhouse developments.**

a. Townhouse development is to be designed, proposed and intended such that each dwelling unit therein is to be sold in fee simple as a condominium or with the land upon which the unit is located as an individual lot subdivided from all other lots.

b. No more than three contiguous dwellings that form a part of a single building shall have the same setback or roof line. Said setback and roof line shall be varied by a minimum of two feet.

c. Sidewalks shall be provided for each townhouse residential development to promote safe pedestrian access throughout the entire development.

d. Driveways serving more than six units shall be paved to a minimum width of 20 feet, curbed and guttered. All driveways within the development shall be paved, curbed and guttered according to county specifications for public streets.

e. Private, usable open space, such as balconies, sundecks, patios, etc., shall be provided contiguous to each dwelling unit. The area of such open space provided for each unit shall not be less than ten percent of the floor area of the unit served. The location and number of square feet shall be clearly indicated on the site plan.

Sec. 306. Standards for nonresidential uses.

The following standards apply to all office, retail, industrial, institutional and other nonresidential uses except farm structures in the agricultural zoning districts:

Sec. 306.01. Screening of dumpsters.

Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts. Evergreen vegetative screening shall also be provided with a minimum height of 3 feet at time of planting. Plant materials used for such screening must be in compliance with Table 8.2 of this Development Code.

Sec. 306.02. Posting of street address.

All improved buildings or properties shall be posted with a street address number assigned by Oconee County. The street address number must be clearly visible from the street or road.

Sec. 306.03. Building exterior guidelines.

All non-residential principal buildings not exempt under this Section are required to adhere to the following building exterior finish guidelines unless greater restrictions in this Code apply.

a. Building facades facing towards and visible from a street (other than an alley) shall have an exterior material consisting of the following: brick or brick face, natural or manufactured stone or aggregate stone panels, architecturally treated decorative block, stucco, EFIS (e.g., dryvit™), non-corrugated metal panels with a baked artificial stone finish, wood siding, vinyl siding conforming to the standards of ASTM D3679, or fiber cement lap siding. Plain concrete block and corrugated metal panels are prohibited.

b. Building facades not facing towards and visible from a street (other than an alley) shall contain a minimum of 20% of the materials listed in Sec. 306.03.a. Except when abutting an existing residential structure, rear-facing walls are permitted to have plain painted, baked or acrylic finish metal panels or painted plain concrete block in addition to the above materials.

c. For the purpose of this Section, "facing towards a street" means that the façade is parallel or within 45 degrees of being parallel to a street right-of-way line.

d. Refer to Sec. 355 for location and screening requirements of heating and air conditioning units, incidental storage, and other customary accessory uses for commercial and industrial uses.

Sec. 306.04. Exterior lighting requirements.

All non-residential buildings, sites, and developments are required to direct all exterior lighting away from residential areas and street rights-of-way. Light structures greater than 30 feet in height shall be reviewed by the Planning Director. Illumination of any exterior area of a non-residential development, including parking lots, areas under a canopy or roof, walkways and building entrances, shall be achieved using only full cutoff fixtures as defined in this Development Code. Lighting templates shall show 1.0 foot-candle or less at the property line, except where the adjoining property is commercial or industrial.

Sec. 307. Sexually oriented adult uses.

Sec. 307.01. Purpose

a. Based on the experiences of other counties and municipalities, including, but not limited to, Austin, Texas and Garden Grove, California, which experiences are found to be relevant to the problems faced by Oconee County, Georgia; and based on the documentary evidence and oral testimony presented by a law enforcement professional and an expert

in economic development, both of whom are familiar with conditions resulting in other localities, at the Board of Commissioners' hearing on January 28, 2003, and based on the evidence and testimony of persons who have appeared before members of the Oconee County Board of Commissioners on other occasions and on documentary evidence submitted to the Board of Commissioners, the Oconee County Board of Commissioners takes note of the well-known and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, which do not vary greatly among the various communities within our country.

b. It is the finding of the Board of Commissioners of Oconee County that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in establishments offering live nude entertainment or "adult entertainment," (whether such alcoholic beverages are sold on the premises or not) begets criminal behavior and tends to create undesirable community conditions. In the same manner, establishments offering cinematographic or videographic adult entertainment have the same deleterious effects on the community.

c. Among the acts of criminal behavior found to be associated with the commercial combination of live nudity and alcohol, live commercial nudity in general, and cinematographic or videographic adult entertainment are disorderly conduct, prostitution, public solicitation, public indecency, drug use and drug trafficking. Among the undesirable community conditions identified in other communities with the commercial combination of live nudity and alcohol, commercial nudity in general, and cinematographic or videographic adult entertainment are depression of property values and acceleration of community blight in the surrounding neighborhood, increased allocation of and expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior herein above described. The Board of Commissioners finds it is reasonable to believe that some or all of these undesirable community conditions will result in Oconee County, as well.

d. Furthermore, it is the finding of the Oconee County Board of Commissioners that other forms of adult entertainment including, but not limited to, adult book stores, adult novelty shops, adult video stores, peep shows, adult theaters, and massage parlors have an adverse effect upon the quality of life in surrounding communities.

e. The Board of Commissioners finds that the negative secondary effects of adult entertainment establishments upon Oconee County are similar whether the adult entertainment establishment features live nude dancing or sells video tapes depicting sexual activities. In addition, the Board of Commissioners has been made aware of Gwinnett County's experience with the adult bookstore located within the County on Jimmy Carter Boulevard which has shown that a substantial amount of activity at that bookstore involves booths which an individual may enter, view videos depicting sexual activity, and sexually interact with a bookstore patron in an adjoining booth through a hole strategically placed in the wall of adjoining booths.

f. The Board of Commissioners of Oconee County, Georgia, therefore finds that it is in the best interests of the health, welfare, safety and morals of the community and the preservation of its businesses, neighborhoods, and of churches, schools, residential areas, public parks and children's daycare facilities to prevent or reduce the adverse impacts of adult entertainment establishments. Therefore, the Board of Commissioners of Oconee County finds that licensing and regulations are necessary for any adult entertainment establishment. The Board finds that these regulations promote the public welfare by furthering legitimate public and governmental interests, including but not limited to, reducing criminal activity and protecting against or eliminating undesirable community conditions and further finds that such will not infringe upon the protected Constitutional rights of freedom of speech or expression. To that end, this Ordinance is hereby adopted.

Sec. 307.02. **Definitions related to adult uses.**

Except as specifically defined herein, all words used in this Ordinance shall be as defined in the most recent edition of the New Illustrated Book of Development Definitions (Rutgers). Words not defined herein or in the above book shall be construed to have the meaning given

by common and ordinary use, and shall be interpreted within the context of the sentence and Section in which they occur.

***Adult Bookstore**:* Any commercial establishment in which more than ten square feet of floor space is used for the display or offer for sale of any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Entertainer: Any person employed by an adult entertainment establishment who exposes his or her "specified anatomical areas," as defined herein. For purposes of this section, adult entertainers include employees as well as independent contractors.

Adult Entertainment: Entertainment that is characterized by an emphasis on the depiction, display or the featuring of "specified anatomical areas."

Adult Entertainment Establishment shall be defined to include the following types of business:

1. Any commercial establishment that employs or uses any person live, in any capacity in the sale or service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his or her "specified anatomical areas," as defined herein.

2. Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her "specified anatomical areas" as defined herein or where such performances are distinguished or characterized by an emphasis on "specified sexual activities," as defined herein.

3. Any commercial establishment which holds, promotes, sponsors or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in paragraphs 1 and 2 of this definition.

4. Any commercial establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" as defined herein or "specified anatomical areas" as defined herein or having a segment or section comprising more than ten square feet of its total floor space, devoted to the sale or display of such material or which derives more than 5% of its net sales from the sale or rental of such material.

5. Any commercial establishment utilizing an enclosed building with a capacity of fifty (50) or more persons used for cinematographic or videographic presentation of material distinguished by or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein.

6. Any adult motion picture theater, adult motion picture arcade, adult mini-motion picture theater, adult bookstore, adult video store, adult hotel, or adult motel, as defined herein.

7. The definition of “adult entertainment establishment” shall not include traditional or live theater (mainstream theater) which means a theater, concert hall, museum, educational institution or similar establishment which regularly features live performances which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of “specified anatomical areas” or “specified sexual activities” in that the depiction, display, description or featuring is incidental to the primary purpose Of any performance.

Adult Hotel or Motel: A hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motion Picture Arcade: Any place to which the public is permitted to be invited wherein paper currency, coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Video Store: Any establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are characterized or distinguished or relating to specified sexual activities or specified anatomical areas.

Operator: The manager or other person principally in charge of an adult entertainment establishment.

Owner *(of an Adult Entertainment Establishment):* Any individual or entity holding more than a 30 percent interest in an adult entertainment establishment.

Premises, Adult Entertainment: The defined, closed or partitioned establishment, whether room, shop or building wherein adult entertainment is performed.

Specified Sexual Activities shall be defined to mean and include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
3. Fondling or other erotic touching of nude human genitals, pubic region, buttocks or female breast; or
4. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
5. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being.

Specified Anatomical Areas shall include the following:

1. Less than completely and opaquely covered human genitals or pubic region, cleft of the buttocks, or female breast below a point immediately above the top of the areola; or

2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Sec. 307.03. **Use limitations.**

a. An adult entertainment establishment may be open only between the hours of 10:00 a.m. and 11:00 p.m.

b. An adult entertainment establishment licensee shall conspicuously display the license required by this ordinance.

c. All dancing by adult entertainers at adult entertainment establishments shall occur on a platform intended for that purpose which is raised at least 18 inches from the level of the floor.

d. All areas of an adult entertainment establishment licensed hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5 foot candles per square foot.

e. All adult entertainment which is licensed and permitted by this ordinance shall be carried on inside a closed building with all windows and doors covered so that the activities carried on inside cannot be viewed from the immediate areas surrounding the outside of the building.

f. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the establishment, and shall be unobstructed by any curtain, door, lock, or other control-type or view-obstructing devices or materials.

g. Every booth, room or cubicle shall meet the following construction requirements:

(1) Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any nonpublic areas by a wall.

(2) Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

(3) All walls shall be solid and without openings, extended from the floor to a height of not less than six feet and be light colored, nonabsorbent, smooth-textured and easily cleanable.

(4) The floor must be light colored, nonabsorbent, smooth-textured and easily cleanable.

(5) The lighting level of each booth, room or cubicle when not in use shall be a minimum of 10 candles at all times, as measured from the floor.

h. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room or cubicle. No individual shall damage or deface any portion of the booth, room or cubicle.

i. All adult entertainment establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the County and the State.

j. The Oconee County Fire Marshal shall have the authority to regularly inspect adult entertainment establishments, to determine compliance with and enforce all applicable fire, health and other codes of the County.

k. The Oconee County Sheriff's Office shall have the authority to periodically inspect adult entertainment establishments to determine compliance with and enforce all provisions of this ordinance and other applicable ordinances, regulations and laws.

Sec. 307.04. **Certain activities prohibited.**

a. No person, partnership, corporation or other entity shall advertise or cause to be advertised an adult entertainment establishment without a valid adult entertainment establishment license issued pursuant to this ordinance.

b. No adult entertainment establishment licensee shall employ or contract with a person under the age of 18 years or an adult entertainer who has not obtained a permit pursuant to this ordinance.

c. No adult entertainment establishment licensee shall serve, sell, distribute or suffer the consumption or possession of any alcoholic beverages, malt beverages or wine or controlled substance upon the premises of the licensee.

d. No dancing or other performance by an adult entertainer at an adult entertainment establishment shall occur closer than 4 feet to any patron. No patron, customer or guest shall be permitted to touch, caress or fondle any specified anatomical area of or any part of the body or clothing of any adult entertainer. No patron shall directly pay or give any gratuity to any adult entertainer. No adult entertainer shall solicit any pay or gratuity from any patron.

e. No adult entertainer, other employee, patron or other person at an adult entertainment establishment shall be allowed to engage in any specified sexual activity as defined herein on the premises of any adult entertainment establishment.

f. No adult entertainer, other employee, patron or other person at an adult entertainment establishment shall, while on the premises of an adult entertainment establishment, commit the offense of public indecency as defined in Official Code of Georgia Annotated § 16-6-8.

Sec. 307.05. **Distance requirements for location.**

For purposes of this section, distance shall be by airline measurement from property line, using the closest points on the property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

No adult entertainment establishment shall be located:

a. Within 1,000 feet of any parcel of land which is used for residential uses or purposes ("residential area");

b. Within 1,000 feet of any parcel of land on which a church, school, college campus, public park or children's daycare facility is located;

c. Within 500 feet of any parcel of land upon which any establishment authorized to sell alcoholic beverages or malt beverages and wine for consumption on the premises is located;

d. In any zoning district other than a B-1 or B-2 commercial district; or

e. Within 1,000 feet of any parcel of land upon which another adult entertainment establishment regulated or defined hereunder is located.

Sec. 307.06. **Sexually oriented establishment employees.**

a. An adult entertainment establishment shall have a designated person(s) to serve as an on-premises operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours.

b. Employees of an adult entertainment establishment shall be not less than 18 years of age.

c. No employee employed as an adult entertainer shall have been convicted of an offense involving keeping a place of prostitution, pandering, pimping, public indecency, prostitution, sodomy, solicitation of sodomy, masturbation for hire, sexual battery, rape, child

molestation, enticing a child for indecent purposes, or any offense included in the definition of a "criminal offense against a victim who is a minor" as defined in Official Code of Georgia Annotated Section 42-1-12 within the five years immediately preceding the proposed employment at or by an adult entertainment establishment. Any adult entertainer who is convicted of any such crimes while employed as an adult entertainer shall not thereafter work on any licensed premises for a period of 5 years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "licensed premises" shall mean the premises where an adult entertainment establishment for which a license is obtained pursuant to this ordinance operates, conducts or carries on its business. The term "convicted" shall include an adjudication of guilt or a plea of guilty or *nolo contendere* or the forfeiture of a bond when charged with a crime in a court of competent jurisdiction.

d. Before any person may work as an adult entertainer on a licensed premises, as defined in Sec. 307.02, he or she shall file a notice with the Oconee County Sheriff's Office of his or her intended employment on forms supplied by the Oconee County Sheriff's Office and shall receive a permit for such employment from the Oconee County Sheriff's Office.

e. The prospective employee shall supply a signed and notarized consent, on forms prescribed by the Georgia Crime Information Center, authorizing the release of his or her criminal records to the Oconee County Sheriff's Office. The prospective employee shall also provide a list of all of his or her convictions of offenses described in Sec. 307.06.c (including pleas of *nolo contendere*) within the past 5 years. The Oconee County Sheriff's Office shall approve or deny the permit within 15 days of the application. If the prospective employee is found to meet the requirements of this Section, then upon payment of the permit fee, the Oconee County Sheriff's Office shall issue a permit approving such employment within 48 hours.

f. If such permit is not issued within 48 hours of such finding, the employee seeking the permit may commence work at the adult entertainment establishment which is the subject of the permit application without such a permit. Upon receipt of a permit, the employee may begin working on the licensed premises.

g. If approval is denied, the Oconee County Sheriff's Office shall provide the prospective employee the reasons for the denial and the prospective employee may, within 10 days of said denial, appeal to the Board of Commissioners, which shall uphold or reverse the decision within 30 days of such appeal.

h. The annual permit fee shall be $25.00.

Sec. 307.07. **Procedure for suspension or revocation of permit:**

a. Violation by an adult entertainer of the provisions of this ordinance and/or conviction of an offense described in Sec. 307.06.c shall subject an adult entertainer to suspension or revocation of the permit for employment. Whenever the Code Enforcement Director finds that reasonable grounds exist to suspend or revoke a permit for employment issued hereunder, the Code Enforcement Director shall schedule a hearing before the Board of Commissioners to consider such action and shall notify the employee at least 20 days prior to the hearing of the time and place of the hearing and the proposed action and grounds therefor.

b. The employee shall be entitled to present evidence and cross-examine witnesses with or without legal counsel. The Board of Commissioners shall make its decision within 10 days of the hearing and shall notify the employee promptly in writing. In the event that a permit for employment is suspended or revoked by the Board of Commissioners, a $50.00 appeal cost shall be assessed against the permit holder.

c. For the purpose of this ordinance, independent contractors working as adult entertainers shall be considered as employees and shall be required to satisfy the provisions of this ordinance relating to employees of adult entertainment establishments, regardless of the business relationship with the owner or licensee of any adult entertainment establishment.

Sec. 307.08. **License required.**

It shall be unlawful for any person, association, partnership, or corporation to operate, engage in, conduct, or carry on, in or upon any premises within the unincorporated area of Oconee County an adult entertainment establishment as defined in this ordinance without first procuring an annual license in accordance with the provisions this Development Code. See the Procedures and Permits Article for details.

Sec. 307.09. **Unlawful operation declared nuisance.**

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance. The County may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinment thereof in the manner provided by law. It may take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, engaging in, conducting or carrying on an adult entertainment establishment contrary to the provisions of this ordinance.

DIVISION II. RESTRICTIONS ON CERTAIN PRINCIPAL USES.

Sec. 308. Airstrips and heliports, private

Private airstrips and heliports as defined in this Development Code must meet the following requirements:

Sec. 308.01. Application requirements.

a. Complete site plans must be submitted to the Planning Department with the application for approval of the airstrip or heliport;

b. Said plans shall identify the approach and takeoff zones, surrounding land uses and zoning districts, houses, poultry houses, livestock facilities, roads, utility lines and other sensitive uses within 1000 feet of the proposed facility (2000 feet with regard to approach and takeoff zones associated with the proposed airstrip or heliport).

c. Said plans shall also indicate any proposed fuel storage facilities, enclosed hangers and other accessory uses.

d. Also provided that the airstrip, taxiway and other ground areas upon which aircraft are to be operated shall not be closer than 1000 feet from any residential structure excepting that of the subject property owner or any new residence proposed in conjunction with the airstrip, as in a "fly-in" subdivision.

e. The runway for fixed-wing aircraft shall be at least 2,500 feet long with a cleared area extending 200 feet on each side for the full length of the runway and 400 feet on both ends for a total cleared area of 400 by 3,300 feet.

f. Notice of Landing Area Proposal.

Also provided that the applicant shall file with the Federal Aviation Administration (FAA) a form 7480-1, "Notice of Landing Area Proposal" and subsequently receive a "Non objectionable Determination Letter" from FAA, prior to use of the facility by any aircraft. A currently approved "Non-objectionable Determination Letter" from the FAA shall be maintained on file with the Code Enforcement Department.

Sec. 308.02. Operational restrictions:

Except as otherwise allowed with Special Use approval by the Board of Commissioners, the following shall apply:

a. No more than a maximum of 3 aircraft are stationed, located, parked or operated at, to or from the location at any given time.

b. No fixed-wing aircraft using the facility shall have more than two engines. Helicopters shall be limited to one main rotor system.

c. No airplane using the facility shall have more than six seats nor be designed to carry more than 6 persons. This shall include the pilot(s).

d. No helicopter using the facility shall have more than 4 seats nor be designed to carry more than 4 persons. This shall include the pilot(s).

e. No fixed-wing jet engine aircraft shall use the facility.

f. The facility shall be used only for private, non-commercial aircraft and shall not be used for organized aviation events such as skydiving, air shows or similar functions.

g. The facility shall be located on a parcel of land at least 50 acres in size.

h. The facility shall be used for daytime take off and landing only.

i. All heliports shall be maintained in accordance with the established criteria from the Georgia Fire Marshal's Office.

Sec. 309. Asphalt plants and concrete plants.

Asphalt plants, temporary batch plants and concrete plants must comply with the following requirements:

Sec. 309.01. Use restrictions.

In addition to all requirements and restrictions imposed by the State of Georgia on an asphalt or concrete plant, the following shall apply to any such operation in Oconee County:

a. No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, New Year's Day, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the approval of the Board of Commissioners.

b. Asphalt mixing shall be a sealed process.

c. All necessary state and federal permits must be obtained prior to application.

d. Fire prevention, evacuation, and safety plan to be approved by the fire safety inspector.

e. Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system or stormwater system nor shall it runoff into adjoining properties.

Sec. 309.02. Site requirements.

a. Minimum site to be 5 acres.

b. No asphalt plant, temporary batch plant or concrete plant shall be located closer than 1,000 feet from any residential zoning district land or school property line, or closer than 1,000 feet from a residential dwelling in an agricultural district.

c. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off an arterial or a major collector road, and truck traffic routes and entrances to the facility shall be approved by the county engineer.

Sec. 309.03. State permits.

A copy of any applicable State permit approval shall be maintained on file with the Code Enforcement Department.

Sec. 310. Automobile, boat and recreational vehicle sales and service.

An establishment for sales of new or used automobiles and small trucks less than one ton, boats, motorcycles and recreational vehicles shall meet the requirements of this Section.

a. Where such an establishment is an authorized dealer of new cars, small trucks less than one ton, boats, motorcycles and recreational vehicles, a service facility may also be permitted provided such service facility meets the requirements applicable to an automotive repair establishment under Sec. 312, and all surfaces where vehicles are stored or displayed for sale and all parking areas shall be paved.

b. Such establishments that deal in used vehicles only shall not have any service facility on the premises unless approved as a Special Use.

Sec. 311. Automobile storage yards and wrecker services.

Automobile storage yards and wrecker yards for damaged or confiscated vehicles must meet the following requirements:

a. Any such use must be located no closer than 500 feet to any free-flowing creek, stream, or river classified as a "protected river or stream" under the Environmental Protection Article of this Code.

b. Such automobiles shall not be held longer than provided by State law or 120 days, whichever is more stringent.

c. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off an arterial or a major collector road, and truck traffic routes and entrances to the facility shall be approved by the county engineer.

d. Such use shall be surrounded by a solid masonry wall or imitation-wood vinyl fence at least eight feet tall.

e. No dismantling, repair, sale of parts, or any other such activity shall be conducted unless allowed as a salvage, junk or wrecking yard and complies with the requirements of Sec. 327.

Sec. 312. Automotive repair or maintenance.

The provisions of this Section apply to any establishment that performs general automotive and small truck (under 1 ton) repairs; or specializes in automotive repairs or maintenance of exhaust systems, transmissions, glass, brakes, etc.; or provides oil change or lubrication services; any of which may also include auto inspections or maintenance and repair of belts, hoses, fluids, and similar maintenance (including tune-ups).

a. Automotive repair or maintenance uses shall not be established on a lot that is either adjacent to, or directly across the street from, any residential zoning district.

b. The use shall comply with the requirements of Sec. 324 if gasoline or diesel fuel is dispensed on the property.

c. If located within a commercial zoning district, the following shall apply:

(1) Outside storage of parts or non-operable vehicles must be entirely screened from view from any street or adjacent property.

(2) The building shall not exceed 8,000 square feet in floor area.

(3) An emission or auto inspection station may be an accessory use to an automotive repair facility, provided that it is contained within a fully enclosed structure.

Sec. 313. Bed and breakfast inns.

A private residence operated as a bed and breakfast inn must meet the following requirements:

Sec. 313.01. Use restrictions.

a. In an agricultural or residential zoning district, a bed and breakfast inn may contain no more than 6 guest rooms.

b. A bed and breakfast inn in an agricultural or residential zoning district shall not contain restaurant facilities but may provide food service for transient guests only. A bed and breakfast inn in a commercial zoning district may contain full-service restaurant facilities that provide meal services to guests and the general public.

c. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. Individual rooms that are rented shall not contain cooking facilities.

d. Catering, parties, weddings, or special events are not permitted in a bed and breakfast inn in an agricultural or residential zoning district.

e. The exterior appearance of the structure shall not be altered from its single-family character unless the changes are approved by the Board of Commissioners as a Special Use.

f. In an agricultural or residential zoning district, the owner of the bed and breakfast inn must reside on the property.

g. Maximum length of stay shall not exceed 14 days.

Sec. 313.02. **Site Restrictions.**

a. No bed and breakfast inn may be established in an approved residential major subdivision.

b. No parking area for guests is to be located closer than 25 feet to any residential property line.

Sec. 314. Boarding, raising and breeding of animals.

Where any form of "animal production" is an allowed agricultural use, boarding and/or breeding kennels, animal shelters and the raising of non-domestic animals (such as horses, cattle, poultry, goats and sheep) or wild and exotic animals must comply with the following requirements:

a. Stockyards, poultry houses and hog parlors shall be located on tracts of land not less than 20 acres in area.

b. Except for horse riding stables, and except for stockyards, poultry houses and hog parlors on tracts of 20 acres or more, the following shall apply:

(1) The total number of cattle, horses, sheep, poultry and other non-domestic, wild or exotic animals that can be located on a property is 5 animal units per acre for the portion of a property devoted exclusively to such use. The portion of a property devoted exclusively to such use shall be the area where the animals are housed, kept, pastured or confined.

(2) An "animal unit" is a common animal denominator based on feed consumption and on the assumption that one mature cow represents an animal unit. Then, the comparative (to a mature cow) feed consumption of other age groups or classes of animals determines the proportion of an animal unit that they represent. For the purposes of this Development Code, the animal unit equivalents shown on Table 3.2 apply.

Table 3.2: Animal Unit Equivalents

Type of Livestock*		Animal Units
Cattle:		
	Cow, with or without unweaned calf at side, or heifer 2 years old or older	1.0
	Bull, 2 years old or older	1.3
	Young cattle, 1 to 2 years	0.8
	Weaned calves to yearling	0.6
Horses:		
	Horse, mature	1.3
	Horse, yearling	1.0
	Weanling colt or filly	0.75
Sheep:		
	5 mature ewes, with or without unweaned lambs at side	1.0
	5 rams, 2 years old or over	1.3
	5 yearlings	0.8
	5 weaned lambs to yearlings	0.6
Swine:		
	Sow	0.4
	Boar	0.5
	Pigs to 200 pounds	0.2
Chickens:		
	75 layers or breeders	1.0

Table 3.2: Animal Unit Equivalents

Type of Livestock*		Animal Units
	325 replacement pullets to 6 months of age	1.0
	650 8-week-old broilers	1.0
Turkeys:		
	35 breeders	1.0
	40 turkeys raised to maturity	1.0
	75 turkeys to 6 months of age	1.0
Other:		
	Llama	0.7
	17 Emus	1.0
	8 Ostrich	1.0

*For other exotic or domestic animals not listed above, the Animal Unit values shall be assigned on a similar basis using factors such as feed consumption, waste production, and body weight.

c. For a kennel, the minimum lot size shall be 2 acres and the number of animals maintained as breeding stock shall not exceed 4.

d. Spacing requirements. See Sec. 302 regarding spacing between certain agricultural structures or operations and residences.

Sec. 315. Agritourism

The agritourism use is allowed in order to provide for the development and permit the operation of agritourism enterprises that promote the agricultural heritage of local farms, maintain the rural character of Oconee County, expand economic opportunities for existing farms, provide education and social benefits to residents and visitors, and preserve agricultural lands in Oconee County.

Agritourism uses shall be subject to the following restrictions**:**

a. Agritourism activities are permitted only when associated with an agritourism use as defined in this Development Code.

b. Off-street parking shall be required for all agritourism operations as stipulated in Article 6 of this Development Code.

c. In lieu of the incompatible-use buffering requirements of Article 8 of this Development Code, structures and/or areas designated for an agritourism use must maintain a minimum distance of one hundred feet from all property lines adjoining a residential use. If such distance cannot be maintained, then the buffering requirements for commercial uses adjoining incompatible uses as outlined in Article 8 of this Development Code must be met prior to commencement of the agritourism use.

d. Agritourism uses shall only be allowed on parcels of five or more acres. Contiguous parcels under common ownership that together constitute the same farm may be counted toward this requirement.

e. Agritourism uses shall not be permitted on parcels in a major subdivision.

f. Any competition utilizing motorized vehicles shall not be permitted as an agritourism activity.

g. At the time of the application, approval, and in perpetuity thereafter, in order to qualify for the issuance of a business license, a working farm must exist and be operational on

the parcel and all agritourism enterprises must be operated in conformance with and only as depicted on an approved site plan, as outlined in Sec. 315.j.

h. All structures associated with an agritourism use, including tents and temporary structures, must comply with all currently adopted building and life safety codes, including but not limited to the Oconee County Unified Development Code and the International Fire Code (IFC).

i. Tents and temporary structures associated with an agritourism use may be permitted on a property for a maximum of sixty days, no more than four times each calendar year, and shall be permitted through the Planning and Code Enforcement Department.

j. Prior to commencement of any agritourism use, written application must be made to the Director of the Planning and Code Enforcement Department in a manner approved by the same. Such application must contain a site plan showing the general delineation of the area to be designated for the agritourism use, depict all structures associated therewith, and must effectively demonstrate compliance with all applicable restrictions and development standards contained in this Development Code.

k. An agritourism enterprise shall have no significant impacts on the agricultural viability or rural character of neighboring properties.

l. Individual uses allowed by right or by special use approval in the underlying zoning district shall not be subject to these restrictions.

m. All outdoor lighting shall be in compliance with Sec. 306.04 of this Development Code.

n. All outdoor sound amplification shall cease between the hours of 10:00pm and 8:00am.

o. Restrictions on Specific Agritourism Activities:

(1) Farm Restaurants: A farm restaurant requires special use approval by the Board of Commissioners and must comply with the following standards:

(a) The restaurant must be a sit-down eating establishment meeting the definition of a custom-service restaurant contained in this Code;

(b) All meals served at the restaurant must be substantially prepared with agriculture products produced on the farm; and

(c) The restaurant shall not contain seating for more than thirty customers, excluding special events held at the restaurant, which shall be permitted through the Planning and Code Enforcement Department.

Sec. 316. Personal Backyard Hen Flocks

a. For the purpose of this section, a chicken (Gallus domesticus) refers only to a female chicken. Chickens, also referred to herein as "Backyard hens," are allowed in conjunction with a single family dwelling as defined in Article 2 of this Development Code, by permit and subject to the performance standards and development criteria set forth herein.

b. A permit is required to ensure compliance with performance standards and development criteria. The application for permit must be submitted to the Planning and Code Enforcement Department prior to placement of any chickens on the property. A one-time non-refundable permit fee shall be required at the time of application. Upon satisfactory completion and submission of an application as determined by the Planning and Code Enforcement Department and payment of a permit fee as determined by the Board of Commissioners, the Planning and Code Enforcement Department shall issue the permit. Up to three chickens may be permitted on each residential lot less than one acre in size. If the lot is larger than one acre, one additional chicken may be permitted per each additional 21,780 square feet over one acre. The aforementioned land requirements are the gross area of the premises harboring such chickens and include areas used by the resident for residential or other purposes, in addition to the keeping of the chickens, subject to the following performance standards and development criteria:

(1) Chickens shall be kept within an enclosed coop or other enclosure at all times. A coop is herein defined as a covered house, structure, or room that will provide chickens with shelter from weather and with a roosting area protected from predators. A fenced or wired-in area or run is required in conjunction with a coop to provide an outside exercise area for chickens.

(2) The coop shall be adequately screened from the neighbors' view, using an opaque fence and/or continuous landscape screen.

(3) Any chicken coop and fenced enclosure shall be located in the rear yard of the property. No coop, enclosure or chickens shall be allowed in any front or side yard (lots with no rear yard shall be excluded from side setback restriction).

(4) A building permit obtained through the Planning and Code Enforcement Department shall be required for a chicken coop or other enclosure exceeding one hundred square feet in area.

(5) The coop or enclosure shall be covered and ventilated. Any areas designated for containing chickens shall be completely secured from predators, including openings, ventilation holes, doors and gates.

(6) The coop shall provide a minimum of three square feet per chicken and be of sufficient size to afford free movement of the chickens. The coop may not be taller than five feet measured from the natural grade, and must be easily accessible for cleaning and maintenance.

(7) All stored feed shall be kept in a rodent and predator proof container.

(8) Chickens may not be kept on duplex, triplex or in multifamily properties.

(9) No ducks, geese, turkeys, peafowl, pheasants, quail, male chickens/roosters, or any other poultry or fowl are allowed under these provisions.

(10) The slaughtering of chickens on the premises is strictly prohibited.

(11) Chickens shall be kept for personal use only. The selling of chickens or chicken manure the breeding of chickens for commercial purposes is prohibited.

(12) Chickens shall not be permitted to trespass on neighboring properties, be released or set free and shall be kept within a coop and enclosure at all times.

(13) Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

(14) All chicken coops or enclosures shall meet the setbacks for principal buildings pursuant to Article 4 of this Development Code.

c. No animal, including a dog or cat, that kills a chicken shall, for that reason alone, be considered a dangerous and/or aggressive animal.

d. Chickens that are no longer wanted by their owners shall not be taken to Animal Control, nor shall they be released.

e. As a condition of the issuance of a permit, a permit holder consents to inspection of his or her property upon complaint to the Planning and Code Enforcement Department as related to backyard hens.

f. This section shall not change the rights granted to properties in the AG (Agricultural) zoning district.

h. This section does not supersede any legally adopted, recorded restriction within any platted neighborhood.

Sec. 317. Cemeteries, mausoleums and crematories.

Sec. 317.01. New cemeteries.

A cemetery for human or animal interment allowed as a principal use on a property must meet the requirements of this Section. A cemetery that is allowed as an accessory use to a church or other place of worship must comply with the provisions of Sec. 354.e.

a. The cemetery must front on an arterial or major collector street, and the entrance and exit to such cemetery shall be only from said arterial or major collector street.

b. A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

c. Minimum lot size of 10 acres, or such area as required by the State of Georgia, whichever is greater.

d. All graves or burial lots shall be set back not less than 200 feet from any property line or street right-of-way line.

e. Minimum public road frontage of 100 feet.

f. Permanent public ingress/egress shall be provided.

g. Compliance must be maintained with all requirements of the State of Georgia and the County Tax Commissioner.

h. Except for the ingress/egress requirement listed in Sec. 317.01.f, family plots for interment of family members are exempt from the foregoing restrictions unless required by other applicable statutes.

Sec. 317.02. Mausoleums.

Mausoleums are permitted in conjunction with a cemetery provided that all requirements for the cemetery have been satisfied.

Sec. 317.03. Crematories.

A crematory, whether included within a cemetery or developed as a stand-alone principal use, shall meet the following requirements:

a. If located within a cemetery, the cemetery must meet the minimum requirements of Sec. 317.01.

b. All buildings shall be set back not less than 200 feet from all property lines.

c. All buildings shall be not less than 500 feet from any residential zoning district.

Sec. 317.04. Existing cemeteries.

Any cemetery or place of burial recognized by the Oconee County Tax Commissioner as tax exempt (under O.C.G.A. 48-5-41), and any "family plot" or other burial ground discovered on the site, must be protected under the requirements of State law (O.C.G.A. 36-72-1 *et seq*.). State law currently defines "burial ground" and "cemetery" as follows:

a. "Burial ground" means an area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

b. "Cemetery" or "cemeteries" means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

Sec. 318. Churches and other places of worship.

Sec. 318.01. Community and neighborhood churches; defined.

a. A COMMUNITY-SCALE CHURCH is a place of worship, such as a church, chapel, synagogue, temple, mosque or other such facility that contains any of the following:

(1) A seating capacity in its primary area of assembly of greater than 350 persons (Calculation of maximum seating capacity shall include the rostrum, choir seats, fixed seating and overflow seating area(s). Seating capacity assumes one person per chair or other type of seat, one person per 18 lineal inches of pew space, or one person per 6 square feet of overflow seating area, not containing fixed seating);

(2) Use of the facility includes operations other than or in addition to regular worship services and ceremonies, Sunday school, incidental offices relating to operation of the church and other regular incidental uses normally associated with places of worship;

(3) The facility is rented or leased to members of the general public for events not directly associated with religious services or ceremonies;

(4) There are regular weekday school, childcare or daycare, or religious exempt non-public postsecondary programs that occur on the site (other than occasional programs such as "Mother's Morning Out", "Vacation Bible School" or other similar programs);

(5) The institution has designated athletic fields, such as areas for baseball, softball, football, soccer, etc. as opposed to an open lawn area;

(6) The total building square footage of all buildings on the property combined exceeds 30,000 square feet;

b. A NEIGHBORHOOD-SCALE CHURCH is a place of worship, such as a church, chapel, synagogue, temple, mosque or other such facility that meets all of the following::

(1) A seating capacity in its primary area of assembly of 350 persons or less (Calculation of maximum seating capacity shall include the rostrum, choir seats, fixed seating and overflow seating area(s). Seating capacity assumes one person per chair or other type of seat, one person per 18 lineal inches of pew space, or one person per 6 square feet of overflow seating area, not containing fixed seating);

(2) Use of the facility is limited to regular worship services and ceremonies, Sunday school, incidental offices relating to operation of the church and other regular incidental uses normally associated with places of worship;

(3) The facility is not rented or leased to members of the general public for events not directly associated with religious services or ceremonies;

(4) No regular weekday school, childcare or daycare programs occur (other than occasional programs such as "Mother's Morning Out", "Vacation Bible School" or other similar programs);

(5) The church has no designated athletic fields, such as areas for baseball, softball, football, soccer, etc. as opposed to an open lawn area;

(6) Total building square footage of all buildings combined does not exceed 30,000 square feet;

Sec. 318.02. Restrictions; agricultural or residential zoning districts.

Churches, chapels, temples, synagogues, mosques and other such places of worship must meet the following minimum requirements if located in any agricultural or residential zoning district:

a. The site must contain at least 5 acres.

b. The site must have frontage of at least 200 feet on an arterial or major collector street, from which all access to the property shall be derived.

c. A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

Sec. 318.03. **Restrictions; all zoning districts.**

Churches, chapels, temples, synagogues, mosques and other such places of worship, where otherwise allowed in a zoning district, must obtain approval as a Special Use under any of the following conditions:

a. The church is located on property with access occurring from a local street or minor collector as defined by this Development Code;

b. The church is located on property that is part of a residential subdivision containing 6 or more lots.

Sec. 319. Clubs and fraternal organizations not operating for profit.

Nonprofit clubs and fraternal organizations must meet the following minimum requirements if located in any agricultural or residential zoning district:

a. The site must contain at least 5 acres.

b. The site must have frontage of at least 200 feet on an arterial or major collector street, from which all access to the property shall be derived.

c. A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

Sec. 320. Community and neighborhood recreation centers.

Sec. 320.01. **Community recreation centers.**

Noncommercial or nonprofit community centers such as YMCA, YWCA, Girls or Boys Clubs and senior centers must meet the following requirements:

a. Minimum site area of 5 acres; and

b. A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

Sec. 320.02. **Neighborhood recreation centers.**

Neighborhood recreation centers and amenities serving a residential development but to be located on an individual lot as a principal use are subject to the following:

a. The development amenities shall be for the exclusive use of the occupants of the residential subdivision, townhouse or multi-family development or manufactured home park.

b. Buildings and structures established in connection with such use shall be set back not less than 50 feet from any property line. The set back may be reduced to 20 feet from an interior property line within the development if a structural landscape buffer is provided along said property line that effectively provides a visual and noise screen for adjacent property to a height of 8 feet

c. Public swimming pools. Before any public, semi-public, community, or neighborhood swimming pool is opened for use it shall be required to meet the state regulations for public swimming pools.

d. Outdoor activity shall cease by 11:00 p.m. and not begin prior to 8:00 a.m.

e. Lighting shall be established in such a way that quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, it shall be shown on the landscaping plan for the project.

f. No residence or structure shall be issued a Certificate of Occupancy upon any adjacent lot within the development within which the facility is located until construction of the recreation area is completed, including landscaping and buffers, unless the purchaser of the home provides a signed and notarized letter stating that said buyer is fully aware of the proposed adjacent recreation area including all design details relating thereto.

g. Recreation amenities to be located on the same lot as the residential development shall comply with the requirements of Sec. 352 in lieu of the provisions of this Sec. 320.02.

Sec. 321. Community food banks and housing shelters.

Charitable, non-profit, short-term housing and/or room and board accommodations for poor, transient, or needy individuals shall meet the following minimum criteria:

a. Adequate showers and restroom facilities must be provided at the location to meet the needs of overnight guests.

b. Beds must be provided for all overnight guests excluding staff and volunteer workers.

c. Guests of the shelter accommodated on a daily or overnight basis (such as a homeless shelter) shall be required to leave the shelter premises no later than 7:00 A.M. Guests of the shelter normally accommodated on a longer-term basis (such as a shelter for battered women) may remain on-premises on a 24-hour basis.

d. All premises shall be maintained in a clean, safe, and sanitary fashion.

e. Within the commercial zoning districts, a community food bank or housing shelter may be located in a church or other place of worship as an accessory use, provided it meets the above minimum standards of this Section.

f. No shelter shall be located closer than 500 feet to a residential zoning district, measured from the closest corner or wall of the shelter.

g. Housing shelters must meet the requirements in the Life Safety Code (NFPA 101) and the international building codes as adopted and amended from time to time.

Sec. 322. Construction contractor office.

Construction contractors, including such activities as building contractors, plumbing contractors, site development contractors, and the like, are allowed in the AG zoning district, provided that:

a. Off-street automobile parking and loading space is provided as required in this Development Code;

b. All motor vehicle and construction equipment necessary to the operation of the service shall be located in designated parking areas and screened from view from any street;

c. All materials necessary for the service shall be located within enclosed buildings unless outdoor storage is allowed by Special Use approval;

d. The activity shall not be closer than 500 feet to an existing residence;

e. A landscape buffer meeting the requirements for landscape buffers for a commercial use in the Landscaping and Buffers Article of this Code shall be provided; and

f. Wholesale and/or retail sales of building supplies and storage of materials unnecessary in the performance of the service are prohibited.

Sec. 323. Day care facilities.

The provisions of this Section apply to group day care homes and day care centers when operated as a principal use on a property, or as an accessory use to a principal use such as a day care center at a church or a day care center operated for the use of employees within an office or industrial plant. Documentation must be provided to the Code Enforcement office that the state governing authority has approved the facility for childcare or care of the elderly. For family day care homes, see Sec 350 (home occupations).

Sec. 323.01. **Group day care facility.**

Day care for up to 18 adults or children is subject to the following conditions:

a. A maximum of 18 adults or children for whom compensation is received.

b. Outdoor play areas shall be provided in the rear or side yards for all group day care facilities and shall be enclosed by a solid hedge, wall or imitation-wood vinyl fence 6 feet high. All outdoor play areas shall be separated from driveways, streets and parking areas.

c. Group day care facilities shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.

d. When within or adjacent to a residential district, the facility may operate for a 14 hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.

e. All group day care facilities shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.

f. When operated as an accessory use, the group day care facility shall be located within a nonresidential building and otherwise comply with all requirements of this Subsection, above.

g. A group day care facility operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of another group day care facility or day care center.

Sec. 323.02. **Day care center.**

Day care for nineteen or more adults or children is subject to the following:

a. Outdoor play areas shall be provided in the rear or side yards shall be enclosed by a solid hedge, wall or imitation-wood vinyl fence 6 feet high. All outdoor play areas shall be separated from driveways, streets and parking areas.

b. Day care centers shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.

c. When within or adjacent to a residential zoning district, the day care center may operate for a 14 hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.

d. All day care centers shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.

e. When operated as an accessory use, the day care center shall be located within a nonresidential building and otherwise comply with all requirements of this Subsection, above.

f. A day care center operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of any other day care center or group day care facility.

Sec. 324. Gasoline stations, truck stops and convenience stores with fuel pumps.

Any use that dispenses gasoline or diesel fuel, whether as a principal or accessory use, shall comply with requirements of this section, the International Fire Code (IFC), and National Fire Prevention Association (NFPA). In the case of a conflict, the most restrictive shall apply."

Sec. 324.01. **General requirements.**

a. Facilities shall not be within 200 feet of any residential property or properties containing a school, public playground, church, hospital, public library or institution for children or dependents.

b. The site shall front on a major collector or arterial street and have a minimum lot area of 1 acre.

c. A vehicle access drive shall be not more than 40 feet wide as measured at its narrowest point parallel to the street, and shall not be located closer than 10 feet to an adjoining property or 50 feet from a street intersection, or meet GDOT requirements if greater.

d. There shall not be more than 2 driveways along a single street, which must be separated by at least 100 feet.

e. All operations except for the sale of gasoline or diesel fuel shall be conducted in an enclosed building.

f. No gasoline pump or edge of canopy shall be located closer than 20 feet to any right-of-way line, or the following distance from the centerline of the following streets, whichever is greater:

(1) U.S. or State numbered highway: as required by the Georgia Department of Transportation.

(2) Arterial street: 80 feet from the centerline.

(3) Major collector street: 70 feet from the centerline.

(4) Minor collector street: 60 feet from the centerline.

(5) Local commercial or industrial street: 50 feet from the centerline.

(6) Local residential street: a distance equal to the front setback required by the zoning district for a principal building.

g. There shall be no rental of trailers, hand tools, garden tools, power tools or other similar equipment as an incidental part of the operation except in the B-1, B-2 and I zoning districts.

h. Accessory car or truck washes on the property shall comply with the requirements of Sec. 355.f.

i. Vehicle repairs and maintenance activities shall conform to the provisions of Sec. 312.

j. Lighting fixtures on the underside of a canopy shall be installed in such a manner that the lighting fixture is recessed or flush with the canopy surface and the source of the light is not directly visible from any abutting street or residential use.

Sec. 324.02. **Truck stops.**

Establishments that cater to the fueling needs of the trucking industry are subject to the following in addition to the general requirements of this Section:

a. All uses other than the dispensing of fuel must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, TV viewing and recreation lounges, rest room facilities, showers and dormitory space, but cannot be larger than 10,000 square feet in gross floor area.

b. No major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.

c. No outside storage of parts or non-operable vehicles is permitted.

d. Truck parking areas must be at least 300 feet from any residential property and separated from adjoining residential property by a 200-foot wide landscape buffer.

Sec. 324.03. **Convenience stores with fuel pumps.**

A convenience store with fuel pumps is subject to the following in addition to the general requirements of this Section:

a. The convenience store shall not exceed 3,000 square feet in gross floor area unless located on a State or U.S. numbered highway or other arterial road.

b. There shall be no automotive repairs done on site.

c. No video games shall be located on site.

Sec. 325. Golf courses.

Golf courses are subject to the following requirements:

Sec. 325.01. Minimum course standards.

New golf courses shall meet United States Golf Association requirements for regulation play and must provide at least 18 holes covering a minimum course distance of 5,500 yards, except as follows:

a. A golf course incorporated into a residential development or master planned development may be a regulation 9-hole course with a minimum course distance of 3,000 yards.

b. A course meeting the United States Golf Association requirements for an executive golf course (minimum course distance of 4,000 yards) may be incorporated into an office park development or master planned development.

Sec. 325.02. Lighting restrictions.

Lighting shall not adversely affect adjacent properties or roadways. No direct light shall be cast upon adjacent or nearby properties.

Sec. 325.03. Accessory uses to a golf course.

The following accessory uses are permitted in association with a golf course:

a. Country club or clubhouse, which may include:

(1) Tennis courts and other recreational courts.

(2) Swimming pools.

(3) Food service with an 18-hole regulation or executive golf course only.

b. Pro shop with an 18-hole regulation or executive golf course only.

c. Putting green.

d. Cart rental and staging area.

e. Buildings used to house equipment solely for the maintenance and operation of the golf course, not to exceed 3,000 square feet.

Sec. 325.04. Use limitations.

a. Two thousand square feet of gross floor area for pro shop.

b. Forty thousand square feet for a clubhouse or country club with an 18-hole regulation or executive golf course.

c. Ten thousand square feet for a clubhouse with a 9-hole regulation golf course.

d. Any building, structure or automobile parking area established in connection with this use shall be set back not less than 100 feet from any property line. All automobile drives and parking areas shall be paved.

e. Loud speakers are not allowed if adjacent to a residential zoning district or master planned development.

Sec. 326. Grocery stores

Individual grocery stores in the AG zoning district shall comply with the following:

a. Such uses are limited to convenience stores (without fuel pumps) and specialty food stores.

b. Off-street automobile parking and loading space must be provided as required in the Parking and Loading Article of this Development Code.

c. There shall be a minimum of 200 feet from retail structure to the nearest residential structure other than that which belongs to the owner of the retail structure.

d. A landscape buffer meeting the requirements for landscape buffers for a commercial use in the Landscaping and Buffers Article of this Code shall be provided.

Sec. 327. Junk yards and scrap yards.

Junk yards and scrap yards must comply with the following:

a. The yard is located not closer than 500 feet to an existing residence other than that of the owner.

b. The yard is completely enclosed with a solid fence not projecting into the required front yard, not less than 6 feet high and in no case less than such height as will effectively screen all storage and operations from view.

c. Adequate measures are provided to prevent contamination of ground water, surface water and soil from gas, oil, battery acid, hydraulic fluid, and other substances.

Sec. 328. Landscaping Services

Landscaping Services located in AG (Agricultural District) must comply with the following:

a. Any outdoor storage associated with a landscaping service, including equipment and vehicle storage, shall not be located closer than 100 feet to an existing residence other than that of the owner.

b. Any outdoor storage associated with a landscaping service, including equipment and vehicle storage, must be located in a side or rear yard and must be screened from public streets and residential districts by an opaque fence or freestanding wall no less than 8 feet in height or a landscape buffer meeting the standards of the Landscaping and Buffers Article of this Development Code.

c. Adequate parking must be provided for any employees of the landscaping service, compliant with vehicle use area screening requirements of Article 8 of this Development Code.

Sec. 329. Manufactured homes and recreational vehicles.

Sec. 329.01. **Purpose.**

a. The purpose of this Section is to ensure that manufactured homes are installed on a site according to applicable federal and manufacturer's requirements. The provisions of this Section are also intended to ensure architectural compatibility of manufactured homes with nearby single-family residences and other land uses through the application of architectural compatibility standards.

b. This Section regulates mobile home parks, manufactured home parks, and recreational vehicle and travel trailer parks, which provide for affordable permanent and temporary housing or seasonal recreational developments. Manufactured home parks are intended to provide for the leasing of spaces for the placement of manufactured homes, owned or rented by tenants, as well as spaces for recreational vehicles

Sec. 329.02. **Authority.**

a. State law.

These regulations, in addition to the authority conferred to counties by the Constitution of the State of Georgia, are adopted in furtherance of the Georgia Uniform Standards Code for Manufactured Homes Act (O.C.G.A. 8-2-130 *et seq*.) and in coordination with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

b. Permit required.

It shall be unlawful for any person to install a manufactured home, park trailer, recreational vehicle awning, recreational vehicle patio enclosure, manufactured home room addition, or any electrical, plumbing or mechanical connection to a manufactured home or park trailer without first obtaining a permit or permits from the Oconee County Code Enforcement Director or his or her designee.

(1) The property owner of land where manufactured homes are located shall be responsible for compliance with the manufactured home requirements of this Development Code.

c. Tax decal.

The tax decal, as may be applicable under State law and required by the Oconee County Tax Commissioner, shall be properly affixed to the manufactured home and kept current at all times.

Sec. 329.03. **Definitions relating to manufactured homes and recreation vehicles.**

Accessory Structure to a Manufactured Home: **A** structure incidental to occupancy of the property by a manufactured home, such as one-story non-habitable room, storage building, garage or carport; or a patio, deck or similar structure that may include window screens, knee walls, and other partial enclosures.

Accessory Structure to a Recreational Vehicle: A storage building, deck, awning, carport, patio, patio enclosure and similar structures incidental to occupancy of the property by a recreational vehicle.

Active Recreational Facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or all-purpose fields; community picnic pavilion (including covered facilities with grills and/or fire pits); and community buildings for recreational events. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Architectural Features: Ornamental or decorative features attached to or protruding from an exterior wall, including cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Bay Window: A window assembly whose maximum horizontal projection is not more than two feet from the vertical plane of an exterior wall and is elevated above the floor level of the home.

Compatibility: With regard to buildings, compatibility means achieving harmony in appearance of architectural features in the same vicinity.

Dormer: A window projecting from a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Manufactured Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq*.

Manufactured Home Installation: The construction of a foundation system and the placement or erection of a manufactured home or a mobile home on the foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such home and connecting multiple or expandable sections of such home.

Manufactured Home Installer: A person responsible for performing an installation and who has obtained a license pursuant to the provisions of Georgia Law.

Manufactured Home Park: A single, unsubdivided property on which two or more manufactured homes are located or intended to be located for purposes of residential rental occupancy as permanent places of residence.

Manufactured Home Space: A designated area within a manufactured home park, distinguished from a lot in a subdivision under fee-simple ownership, upon which a single manufactured home is or may be placed, along with its accessory structures and uses.

Manufactured Home Subdivision*:* A residential subdivision, designed and approved in accordance with the subdivision regulations, in which individual ownership of a lot is permitted, for the placement of a manufactured home for dwelling unit purposes.

Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976 or otherwise does not comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq*.

Modular Home: A dwelling manufactured in accordance with the Georgia Industrialized Building Act (see "Industrialized Building").

Motor Vehicle Safety Commissioner: The Georgia Commissioner of Motor Vehicle Safety or the Oconee County Tax Commissioner when so authorized by the Georgia Commissioner of Motor Vehicle Safety to act on his or her behalf in carrying out the responsibilities of O.C.G.A. 8-2-180 *et seq*.

Recreational Vehicle: A vehicle type unit that is one of the following:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.
2. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis, or on a chassis cab or van that is an integral part of the completed vehicle.
3. A park trailer built on a single chassis, mounted on wheels, and designed to be connected to utilities necessary for operation of installed fixtures and appliances, and has a gross trailer area of less than 320 square feet when it is set up, except that it does not include fifth wheel trailers. For units 320 square feet or larger, see the definition of "mobile home."
4. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than 320 square feet. This type includes fifth wheel trailers. Should a unit require a size or weight permit, it shall be manufactured to the standards for park trailers A119.5 of the American National Standards Institute Code.

Recreational Vehicle Lot: A parcel of land within an approved recreational vehicle subdivision, which was designed and intended for the accommodation of one recreational vehicle and its accessory structures and uses.

Recreational Vehicle Park: A residential development in which individual spaces are provided for the parking of recreational vehicles for temporary housing purposes for persons traveling away from their permanent places of residence. A campground designed to serve recreational vehicles is also included in this definition.

Recreational Vehicle Space: A site within a recreational vehicle park, which is designed and intended for the accommodation of one recreational vehicle.

Recreational Vehicle Subdivision: A residential subdivision, designed and approved in accordance with the subdivision regulations, in which individual ownership of a lot is permitted for the placement of a recreational vehicle for temporary housing purposes for persons traveling away from their permanent places of residence.

Safety Fire Commissioner: The Safety Fire Commissioner of Georgia.

Site-Built Single-Family Detached Dwelling: A single-family detached dwelling constructed on the building site from basic materials delivered to the site (in contrast to assembly of pre-constructed modules), and which is constructed in accordance with all requirements of the Building Code as adopted by the County.

Sec. 329.04. **Installation of manufactured homes.**

a. Installation instructions.

Any installation of a manufactured home shall be performed in strict compliance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Safety Fire Commissioner.

b. Approved Septic System.

Each manufactured home shall be connected to a public sanitary sewer system or on-site septic system with capacity available as approved by the Health Department.

Sec. 329.05. **Zoning requirements.**

a. Principal and accessory uses; where allowed.

Notwithstanding the provisions of any other code or regulation of Oconee County, manufactured homes, manufactured home subdivisions and parks, and recreational vehicle subdivisions and parks are allowed under the conditions noted in the following Table 3.3 for the zoning districts indicated, subject further to the provisions of these regulations. Mobile homes, as defined herein, are expressly prohibited in all districts.

Table 3.3: Manufactured Homes and Recreation Vehicles—Where Allowed

		Zoning District*			
	See:	**AG**	**AR-3**	**AR**	**M-H**
Principal Use					
Manufactured home on an unsubdivided lot	Sec. 329.07	A-Q			A
Manufactured home subdivision	Sec. 329.08				A
Manufactured home park	Sec. 329.09				A
Recreational vehicle subdivision	Sec. 329.10				SU
Recreational vehicle park	Sec. 329.10	SU			SU
Accessory Use					
Accessory manufactured home	Sec. 329.12	SU	SU	SU	

*Use is prohibited unless shown as:

A – Allowed by right meeting all of the provisions of this Development Code.

A-Q – Allowed by right for Qualified Manufactured Homes only (see Sec. 329.06).

SU – Allowed only if approved as a Special Use by the Board of Commissioners.

SU-Q – Allowed with Special Use approval for Qualified Manufactured Homes only (see Sec. 329.06).

See also: Restrictions on pre-owned manufactured homes under Sec. 329.11.

b. Zoning requirements apply.

(1) Floor area and height. Every manufactured home shall have a minimum floor area and a maximum building height allowed for one-family residential structures by the zoning district in which it is located.

(2) The minimum lot size, lot width and building setbacks required by the zoning district in which any manufactured home, subdivision or park, and any recreational vehicle park or subdivision is located shall apply to each such use.

(3) All other requirements and provisions of this Development Code shall apply to every manufactured home, subdivision or park, and any recreational vehicle park or subdivision except as expressly provided in this Section.

Sec. 329.06. **Qualified manufactured home.**

A manufactured home shall be considered a "qualified manufactured home" under the following conditions and provisions:

a. Ownership.

(1) The manufactured home must be permanently affixed on real property and one or more persons with an ownership interest in the manufactured home also must have an ownership interest in such real property.

(2) The owner of the manufactured home and the holders of all security interests therein must execute and file a Certificate of Permanent Location in accordance with State Law (O.C.G.A. 8-2-180 *et seq*.):

(a) With the Clerk of Superior Court for recordation in the real estate records of the County;

(b) A certified copy with the commissioner of motor vehicle safety; and

(c) A certified copy with the Oconee County Code Enforcement Director upon application for a permit to place the manufactured home on the property.

(3) The Certificate of Permanent Location shall be in a form prescribed by the commissioner of motor vehicle safety (or the Oconee County Tax Commissioner if so authorized) and shall include:

(a) The name and address of the owner of the home;

(b) The names and addresses of the holders of any security interest in and of any lien upon the home;

(c) The title number assigned to the home;

(d) A description of the real estate on which the home is or is to be located, including the name of the owner and a reference by deed book and page number to the chain of title of such real property; and

(e) Any other data the commissioner of motor vehicle safety prescribes.

(4) Upon filing a Certificate of Permanent Location, the certificate of title to the manufactured home issued under the Georgia Motor Vehicle Certificate of Title Act shall be surrendered by the owner to the commissioner of motor vehicle safety.

b. Compatibility standards.

(1) Orientation. If the manufactured home is located within 200 feet of a public street or road, it shall be oriented on the lot so that its main entrance door faces the street or road and the unit is approximately parallel to the street or road (within 10 degrees). "Parallel" shall be determined in relation to the street right-of-way line along a straight street section and in relation to a line tangent to the street right-of-way line along a curved street section.

(2) Moving apparatus. The running lights, moving hitch, wheels and axle shall be removed upon installation.

(3) Foundation. The manufactured home shall be properly installed on a poured concrete or permanent foundation.

(4) Exterior finish. The exterior siding of the manufactured home shall consist of horizontal wood or hardboard lap siding material, painted aluminum lap siding, or vinyl lap siding meeting the standards of the Vinyl Siding Institute.

(5) Skirting. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned with acceptable materials, installed on a concrete footing, that completely encloses the perimeter of the undercarriage (except for proper ventilation and access openings). The skirting must be non-load bearing curtain walls and have no contact with the manufactured home for the purpose of structural support. Acceptable skirting materials must harmonize with the architectural style of the home, but are limited to the following:

(a) Brick or stone, or brick or stone veneer covering concrete block;

(b) Stucco finished concrete poured in place or concrete block; or

(c) Siding material that is the same as the exterior finish of the manufactured home.

(6) Roof pitch and materials. The manufactured home shall have a pitched roof with a slope of at least four feet in height for each 12 feet in width (4:12). Roof materials shall be wood shake, tile, or asphalt shingle material.

(7) Steps and landings. Permanent steps and landings shall be constructed at all exterior doors as necessary. A permanent, covered porch or landing measuring at least three feet in width and five feet in length shall be constructed at the front or main entrance to the manufactured home. A permanent porch or landing measuring at least three feet in width and three feet in length shall be constructed at all other entrances to the manufactured home.

(8) Additional architectural features. The manufactured home shall contain eaves with a minimum projection of six inches and at least two additional architectural features (as specified below) that will provide equal compatibility with surrounding residences and land uses, as approved by the Planning Director. Specified additional architectural features are:

(a) Recessed main entry or covered porch;

(b) Bay windows;

(c) Dormers;

(d) Window shutters;

(e) Attached garage;

(f) Gables; and

(g) Offsets on building face or roof (minimum 12 inches);

Sec. 329.07. **Manufactured homes on unsubdivided lots.**

Outside of manufactured home subdivisions and parks, a manufactured home may only be placed on a legal lot of record.

a. Allowed uses, unsubdivided lots.

(1) One manufactured home as a principal use on each approved lot.

(2) Manufactured home accessory structures as defined in Sec. 329.03, and other customary accessory buildings and uses normally incidental to the principal use and allowed under the zoning district provisions applicable to the property.

(3) Accessory manufactured homes are not allowed on a lot occupied by a manufactured home as a principal use.

b. Development requirements, unsubdivided lots.

Except as otherwise required under Sec. 329.06 for a qualified manufactured home when applicable, a manufactured home on an unsubdivided lot must meet the following development requirements:

(1) Foundation. The manufactured home shall be installed on and anchored to a properly prepared stand. The site shall have a grade that will allow water to drain away from the home stand, and all organic matter, debris, grass, grass sod and other foreign matter shall be removed where footings or pier foundations are to be installed.

(2) Anchoring. Each manufactured home used for dwelling purposes, and room additions attached thereto, shall be anchored in conformance with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

(3) Room additions. All room additions shall be structurally independent of the manufactured home itself, but may be attached to the manufactured home by weather stripping.

c. Approval of individual manufactured homes.

(1) A location permit must be issued by the Oconee County Code Enforcement Director or his or her designee prior to placement of the manufactured home on a property, as well as building permits for the construction of the manufactured home stand or foundation and connection to utilities.

(2) See Sec. 329.11 for additional requirements relating to pre-owned manufactured homes.

Sec. 329.08. **Manufactured home subdivisions.**

a. Allowed uses, manufactured home subdivisions.

(1) One manufactured home on each approved lot. No recreational vehicles or dwelling units of conventional construction shall be permitted on a manufactured home subdivision lot for living purposes.

(2) Manufactured home accessory structures as defined in Sec. 329.03.

(3) Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, moving viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.

(4) Outdoor recreation facilities, such as parks, swimming pools, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the subdivision.

(5) Common use laundry facilities, maintenance buildings, and security guard houses which may be of conventional construction.

(6) Designated areas for boat and recreational vehicle storage, which are used solely by the residents of the subdivision.

(7) Recreation center parking lots and guest parking areas.

b. Development requirements, manufactured home subdivisions.

Except as otherwise required under Sec. 329.06 for a qualified manufactured home when applicable, a manufactured home on a subdivision lot must meet the following development requirements:

(1) Foundation. Each manufactured home shall be installed on a properly prepared stand. The site shall have a grade that will allow water to drain away from the home stand, and all organic matter, debris, grass, grass sod and other foreign matter shall be removed where footings or pier foundations are to be installed.

(2) Anchoring. Each manufactured home used for dwelling purposes, and room additions attached thereto, shall be anchored in conformance with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

(3) Room additions. All room additions shall be structurally independent of the manufactured home itself, but may be attached to the manufactured home by weather stripping.

(4) Floor area and height. The manufactured home shall have a floor area at least equal to the minimum floor area required for one-family residential structures by the zoning district in which it is located, and a height no greater than the maximum building height allowed by the zoning district in which it is located.

(5) Access to lots shall be only from the interior streets of the subdivision.

c. Approval of manufactured home subdivisions.

(1) Manufactured home subdivisions shall be reviewed and approved following the procedures, standards and requirements of the Procedures and Permits Article of this Development Code.

(2) See Sec. 329.11 for additional requirements relating to pre-owned manufactured homes.

Sec. 329.09. **Manufactured home parks.**

a. Allowed uses, manufactured home parks.

(1) One manufactured home on each approved space. No dwelling units of conventional construction shall be permitted on any space for living purposes, except as specified below.

(2) Manufactured home accessory structures as defined in Sec. 329.03.

(3) Storage buildings, attached or detached, subject to:

(a) A maximum area of 144 square feet;

(b) A maximum height of ten feet above grade when detached or ten feet above finished floor when attached; and

(c) Located to the side or rear of the manufactured home, at least five feet from any property line and separated from the manufactured home by at least six feet.

(4) Manager's office and residence, which may be of conventional construction.

(5) Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.

(6) Outdoor recreation facilities, such as parks, swimming pools, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park.

(7) Common use laundry facilities, maintenance buildings, and security guard houses that may be of conventional construction.

(8) Convenience establishments. Commercial establishments, including convenience stores, pick-up laundry and dry cleaning services, beauty shops and barber shops may be permitted in manufactured home parks provided that such establishments

and the parking areas primarily related to their operations shall be adequate and subject to the following:

(a) Shall not occupy more than 10% of the land area of the park;

(b) Shall be subordinated to the residential use and character of the park;

(c) Shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park; and

(d) Shall present no visible evidence of its commercial character to any portion of any residential district outside the park.

(9) Designated areas for boat and recreational vehicle storage, which are used solely by the residents of the park.

(10) Recreation center parking lots and guest parking areas.

b. Site development requirements, manufactured home parks.

Manufactured home parks shall meet the following requirements:

(1) Minimum site area. The minimum manufactured home park size shall be 10 acres.

(2) Site frontage, access and minimum width. Properties containing manufactured home parks shall have a minimum of 200 feet of property frontage on a public street. The manufactured home park shall have a minimum lot width of 200 feet throughout the entire depth of the developed portion of the property.

(3) Perimeter buffer or landscape screen.

(a) A landscape buffer meeting the requirements for landscape buffers for a multi-family use in the Landscaping and Buffers Article of this Code shall be provided.

(b) A minimum 10-foot wide landscape strip shall be provided and maintained along any side or rear property line comprising the perimeter of the development wherever no buffer is required, except for approved access and utility crossings.

(c) A minimum 10-foot wide landscape strip shall be provided and maintained along any street right-of-way line abutting the property, which shall contain a six-foot high decorative masonry wall, except for approved access and utility crossings.

(4) Open space and recreational areas. A minimum of 20 percent of the site area shall be open space and recreational area, excluding any required buffer or perimeter landscape strip. A minimum of eight percent of the total site area, counted as part of the required 20 percent site area that is open space and recreation area, shall be devoted to one or more active recreation facilities.

(5) Interior access roads, addresses and signing. The road system within the manufactured home park shall be designed as follows:

(a) All interior roads shall be private but constructed and paved to public road standards as to the thickness of the base and paving courses. Roads shall be located within 50-foot wide access and utility easements.

(b) Two-way interior roads shall be constructed with a minimum surface width of 20 feet, and shall be designated "no parking," or 24 feet if on-street parking is to be allowed.

(c) Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road.

(d) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

(6) Guest parking. In addition to on-site parking, guest parking spaces shall be provided as part of the development, at a ratio of one parking space per each six manufactured home spaces. Guest parking spaces shall be grouped and distributed evenly throughout the manufactured home park.

(7) Drainage. Stormwater drainage facilities shall be designed and installed in accordance with all County regulations.

(8) Walkways. Sidewalks shall be required along one side of all interior streets and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and community services areas.

c. Utility requirements, manufactured home parks.

The approval and installation of all utility improvements in a manufactured home park, including but not limited to water, sewer, electricity, and solid waste collection, shall be in accordance with this Section.

(1) Water supply. Each and every manufactured home located in a manufactured home park shall be supplied water from either an approved public system or an approved community water system. Before a final approval may be issued to a manufactured home park, the proposed water system must be certified by the health department as being installed to meet all state and local regulations. Individual water wells shall not be allowed in manufactured home parks.

(2) Fire hydrants. Fire hydrants shall be provided throughout the park such that no fire hydrant is more than 600 feet from any other fire hydrant, and not more than 300 feet from any manufactured home space.

(3) Sewer. Each and every manufactured home in a manufactured home park shall be supplied with either a hookup to a public sewer system or an approved septic tank system. Before final approval may be issued to a manufactured home park, the proposed method of sewage disposal must be certified as being installed to meet all state and local regulations by the health department. If septic tank systems are intended to be used, there shall be a separate tank for each manufactured home space.

(4) Electrical hookups. Each and every manufactured home space in a manufactured home park shall be provided with its own separate metered electrical service. Installation of this electrical service shall be in accordance with the state building code and all other state and local regulations that may apply. Before a final approval may be issued to a manufactured home park, the building inspector shall certify that the proposed electrical service has been installed to meet all applicable codes.

(5) Streetlights. Streetlights shall be provided in manufactured home parks in sufficient numbers and spaced accordingly so as to provide a continuous and uninterrupted lighting pattern on all streets in the manufactured home park. At a minimum, there shall be one streetlight at each intersection and additional lights no more than 600 feet apart.

(6) Solid waste collection. Solid waste and refuse collection shall be provided in manufactured home parks in accordance with county regulations. One refuse collection station shall be conveniently located to serve each 20 manufactured home spaces or fraction thereof.

d. Manufactured home spaces.

(1) Foundation. The manufactured home shall be installed on a properly prepared stand. The site shall have a grade that will allow water to drain away from the home stand, and all organic matter, debris, grass, grass sod and other foreign matter shall be removed where footings or pier foundations are to be installed. In accordance with the Rules and Regulations of the Office of Safety Fire Commissioner (Chapter 120-3-7, Appendix A), poured concrete or permanent foundations are not

required in manufactured home rental communities unless otherwise required by the manufacturer's installation instructions.

(2) Anchoring. Each manufactured home used for dwelling purposes, and room additions attached thereto, shall be anchored in conformance with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

(3) Design. Each manufactured home space shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of the manufactured homes. Each manufactured home space shall be designed with no more than a five percent gradient and compacted with appropriate material to support maximum anticipated loads during all seasons.

(4) Width, depth and size of spaces and markings. Each manufactured home space shall be at least 100 feet wide. The minimum area for a manufactured home space shall be 17,000 square feet. The corners of each manufactured home space shall be clearly marked on the ground by permanent flush stakes, makers, or by other similar means.

(5) Patios. Each manufactured home space shall be provided with a patio of properly seated stone, brick or 4-inch thick concrete with minimum dimensions of 10 feet by 15 feet.

(6) Space identification numbers. Manufactured home space numbers at least four inches in height shall identify each space and shall remain readily identifiable while in use.

(7) Parking. Two paved parking spaces shall be provided on each manufactured home space.

(8) Walkways. A walkway at least two feet wide must be provided from each individual space to connect the manufactured home with the common walk or street.

(9) Setbacks. The manufactured home shall be located no closer than 10 feet from a side line of a manufactured home space, 40 feet from a rear line, and 30 feet from the access street easement.

(10) Additions and accessory structures. Decks, porches, outdoor storage, or other exterior additions may be constructed or erected on a manufactured home space, subject to the approval of the manufactured home park management. No such accessory structure shall be located closer than five feet to a manufactured home space boundary.

e. Manufactured home park operations.

(1) Park Rules. The property owner or manager shall submit operating rules and regulations governing the park to the Director of Planning prior to occupancy.

(2) No manufactured home space or the manufactured home placed thereon shall be rented for periods of less than 30 days.

f. Approval of manufactured home parks.

(1) Site plan review.

No manufactured home park shall be developed until and unless a site plan shall have been approved by the Planning Director, and construction plans and stormwater drainage plans approved by the Development Review Committee.

(2) Site conditions. Manufactured home parks shall be sited on land that is not subject to hazards such as flooding, erosion or land subsidence. The condition of the soil, ground water level, drainage, rock formations, and topography shall be appropriate for the use to ensure that no hazards to the property or to the health and safety of the occupants occurs.

(3) Site planning. Planning for the manufacturing home park should be adapted to individual site conditions and the type of use or uses served, reflect advances in site planning techniques, and be adapted to the trends in the design of the manufactured home itself. Site planning and improvements shall provide for facilities and amenities appropriate to the needs of the occupants; safe, comfortable, and sanitary use by the occupants under all weather conditions; and practical and efficient operation and maintenance of all facilities at reasonable costs. The street and block pattern for the park shall be designed to attain proper sizes and shapes of manufactured home spaces so as to provide desirable areas and to reduce excessive length of street construction without impairing convenient circulation and access.

(4) See Sec. 329.11 for additional requirements relating to pre-owned manufactured homes.

Sec. 329.10. **Recreational vehicle parks and subdivisions.**

A travel trailer or recreational vehicle shall not under any circumstances be considered as a dwelling unit and shall not be allowed as a principal or accessory residential structure in any zoning district. When set up for use, a travel trailer or recreational vehicle shall not be installed on any type of permanent foundation such as a masonry foundation nor have the running lights, moving hitch, wheels or axle removed. Continuous occupancy extending beyond three continuous months (90 days) shall be presumed to be permanent occupancy and is prohibited by this Section.

a. Permitted uses, recreational vehicle parks and subdivisions.

(1) One recreational vehicle on each approved lot or space. No manufactured homes or dwelling units of conventional construction shall be permitted on a lot or space for living purposes, except as specified below.

(2) Recreational vehicle accessory structures as defined in Sec. 329.03 with the following additional requirements applying to storage buildings:

(a) Storage buildings shall be detached structures;

(b) A maximum area of 144 square feet;

(c) A maximum height of ten feet above grade when detached or ten feet above finished floor when attached;

(d) Located to the side or rear of the manufactured home, at least five feet from any property line and separated from the manufactured home by at least six feet.

(3) Manager's office and residence, which may be of conventional construction.

(4) Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.

(5) Outdoor recreation facilities, such as parks, swimming pools, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park or subdivision.

(6) Common use laundry facilities, maintenance buildings, and security guard houses that may be of conventional construction.

(7) Designated areas for boat and recreational vehicle storage, which are used solely by the residents of the park or subdivision.

(8) Recreation center parking lots and guest parking areas.

b. Development requirements, recreational vehicle parks and subdivisions.

Recreational vehicle parks and subdivisions shall meet the following requirements:

(1) Minimum site area. The minimum site shall be 10 acres.

(2) Site frontage, access and minimum width. Properties containing recreation vehicle parks shall have a minimum of 200 feet of property frontage on a public street. The recreation vehicle park shall have a minimum lot width of 200 feet throughout the entire depth of the developed portion of the property.

(3) Perimeter buffer or landscape screen.

(a) A landscape buffer meeting the requirements for landscape buffers for a multi-family use in the Landscaping and Buffers Article of this Code shall be provided.

(b) A minimum 10-foot wide landscape strip shall be provided and maintained along any side or rear property line comprising the perimeter of the development wherever no buffer is required, except for approved access and utility crossings.

(c) A minimum 10-foot wide landscape strip shall be provided and maintained along any street right-of-way line abutting the property, which shall contain a six-foot high decorative masonry wall, except for approved access and utility crossings.

(4) Open space and recreational areas. A minimum of 20 percent of the site area shall be open space and recreational area, excluding any required buffer or perimeter landscape strip. A minimum of eight percent of the total site area, counted as part of the required 20 percent site area that is open space and recreation area, shall be devoted to one or more active recreation facilities.

(5) Interior access roads, addresses and signing. The road system within the recreational vehicle park or subdivision shall be designed as follows:

(a) All interior roads shall be private but constructed and paved to public road standards as to the thickness of the base and paving courses. Roads shall be located within 50-foot wide access and utility easements.

(b) Two-way interior roads shall be constructed with a minimum surface width of 20 feet, and shall be designated "no parking," or 24 feet if on-street parking is to be allowed.

(c) Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road.

(d) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

(6) Drainage. Stormwater drainage facilities shall be designed and installed in accordance with all County regulations.

(7) Walkways. Sidewalks shall be required along one side of all interior streets and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and community services areas.

c. Approval of recreational vehicle parks and subdivisions.

Recreational vehicle parks shall be reviewed and approved in the same manner as proscribed for manufactured home parks, under Sec. 329.09.f. Recreational vehicle subdivisions shall be reviewed and approved following the procedures, standards and requirements of the Oconee County Subdivision Regulations.

Sec. 329.11. **Standards for pre-owned manufactured homes.**

These standards are applicable to any pre-owned manufactured home that is proposed to be moved into or relocated within the county. Mobile homes, which are defined as manufactured homes that do not conform to the Federal Manufactured Housing Construction and Safety

Standards Act (the HUD Code), are not allowed to be moved into or relocated within the county.

a. Definitions.

The following words, terms, or phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

Applicant: means any person seeking to install a pre-owned manufactured home in the unincorporated area of Oconee County.

Code Enforcement Officer: means the person appointed, employed, or otherwise designated as the director of planning, permits and inspections; the county building official or any of his or her assistants.

Certificate of Occupancy: means a document issued by the Code Enforcement Officer certifying that a pre-owned manufactured home is in compliance with applicable requirements set forth by this Ordinance, and indicating it to be in a condition suitable for residential occupancy.

Guarantee of Condition Bond: means a surety bond to guarantee that the affidavit and photographs required by Sec. 329.11.c(1)a and Sec. 329.11.c(1)b of this ordinance reasonably portray or represents the existing condition of the pre-owned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the County.

Install: means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.

Jurisdiction: the unincorporated areas of Oconee County, Georgia.

Manufactured Home*:* means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

Pre-Owned Manufactured Home: means any manufactured home that has been previously used as a residential dwelling and has been titled.

b. Conditions.

All pre-owned manufactured homes located in the jurisdiction shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, et seq.

c. Permitting, Inspection, Certificate of Occupancy and Fees.

A permit shall be required to locate a pre-owned manufactured home in the jurisdiction.

(1) Permit.

To obtain a permit, Applicants shall provide to the Code Enforcement Officer:

(a) An affidavit, in an approved form, signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Act;

(b) A reasonably complete set of photographs of the interior and exterior of the pre-owned manufactured home providing evidence that home meets the minimum health and safety standards of Sec. 329.11.d of this ordinance;

(c) A $250.00 refundable guarantee of condition bond or $250.00 refundable cash deposit; and

(d) The permit and inspection fee required by subsection (4) of this Section.

(2) Inspection.

Upon receipt of a permit, Applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicants shall arrange for all required inspections.

(3) Certificate of Occupancy.

A certificate of occupancy shall be issued to the Applicant at such time that the Code Enforcement Officer certifies that the requirements of this ordinance have been met.

(4) Fee.

A permit and inspection fee of fourteen cents per square foot shall be charged to the applicant to cover the cost to the County to process the permit application and inspect the pre-owned manufactured home. The applicant may also be charged a like fee for each follow-up inspection that may be necessary.

(5) Alternative Inspection.

At the request of the Applicant, the Code Enforcement Officer may, at his or her discretion, inspect a pre-owned manufactured home prior to its being relocated if the home is then located at another site within the county.

(6) Permit Issuance and Appeals.

Upon submission of the matters required herein and compliance with the provisions of this ordinance, the Code Enforcement Officer shall issue the permit allowing the location of a pre-owned manufactured home within the unincorporated portion of the County. Failure of the Code Enforcement Officer to act to either grant or deny the permit within 30 days of the completed submission shall constitute a denial of the permit. Any denial of a permit may be appealed by the applicant under the provisions of Article 13 of the Unified Development Code of Oconee County.

d. Minimum Health and Safety Standards.

All pre-owned manufactured homes shall comply with the following before being issued a certificate of occupancy by the Code Enforcement Officer:

(1) HUD Code.

Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.

(2) Interior Condition.

Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.

(3) Exterior Condition.

The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be

free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.

(4) Sanitary Facilities.

Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

(5) Heating Systems.

Heating shall be safe and in working condition. Un-vented gas heaters shall be prohibited.

(6) Electrical Systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded.

(7) Hot Water Supply.

Each home shall contain a water heater in safe and working condition.

(8) Egress Windows.

Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.

(9) Ventilation.

The kitchen in the home shall have at least one operating window or other ventilation device.

(10) Smoke Detectors.

Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

e. Enforcement and Violations.

(1) Owners of pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense.

(2) The guarantee of condition bond or cash deposit will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the Code Enforcement Officer.

(3) Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense according to law. Each day such violation continues shall constitute a separate offense.

Sec. 329.12. **Accessory manufactured homes.**

a. Permitted as an accessory residence.

If allowed by the applicable zoning district on a property in accordance with Table 2.2 and Table 3.3, a non-qualified manufactured home may be placed on a property as an accessory residence under the following circumstances:

(1) The principal residence on the property is not a manufactured home.

(2) The principal residence or accessory manufactured home on the property is occupied by the owner of the property.

(3) The accessory manufactured home is or will be occupied by either:

(a) A relative by blood, marriage or adoption to the owner of the property, such relationship not extending beyond grandparent, parent, child, grandchild, brother or sister, niece or nephew; or

(b) The owner of the property, in which case the principal residence must be occupied by a relative meeting the standards of Sec. 329.12.a(3)(a), above.

(c) An employee whose duty is watchful oversight or personal care of the other occupant; or

(d) A farm worker and his or her family employed by the owner of the property, for the period of time that the property is in active agricultural use and the Oconee County Tax Commissioner has approved the property for a Preferential Agricultural Assessment.

(4) The manufactured home cannot be used for commercial or for-profit activities.

b. Development requirements, accessory manufactured homes.

(1) In addition to the land needed to meet the minimum lot area required for the principal residence on the property, the number of manufactured homes that may be placed on a property as accessory residences shall be no more than 1 for each 5 acres of additional land.

(2) Foundation. The manufactured home shall be installed on a properly prepared stand. The site shall have a grade that will allow water to drain away from the home stand, and all organic matter, debris, grass, grass sod and other foreign matter shall be removed where footings or pier foundations are to be installed.

(3) Anchoring. The manufactured home shall be anchored in conformance with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

(4) Room additions. Room additions shall not be allowed.

c. Compatibility standards, accessory manufactured homes.

(1) Skirting. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned with brick, masonry, finished concrete or siding (of like or similar character to the manufactured home) that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.

(2) Exterior Finish. The exterior siding of the manufactured home shall consist of wood, hardboard, vinyl, or plastic siding material.

(3) Roof Pitch and Materials. The manufactured home shall have a pitched roof with a slope of at least two feet in height for each 12 feet in width (2:12). Roof materials shall be wood shake, tile, asphalt shingle, coated metal, or similar material.

(4) Steps and landings. Permanent steps and landings shall be constructed at all exterior doors as necessary. A permanent porch or landing measuring at least three feet in width and three feet in length shall be constructed at each entrance to the manufactured home.

d. Use is treated as temporary.

(1) The use of a manufactured home as an accessory residence shall be considered temporary in nature and shall vest no right in perpetuity to the use of the property

for such accessory residence beyond the period during which the circumstances of Sec. 329.12.a are met.

(2) An accessory manufactured home that no longer complies with the circumstances of Sec. 329.12.a shall not be considered a nonconforming use under the Oconee County Zoning Regulations, and shall be removed from the property within 60 days of becoming noncompliant.

(3) A manufactured home used as an accessory residence may not be converted to any nonresidential use, including use as a storage building, utility structure or shop.

e. Approval of an accessory manufactured home.

(1) Special use approval.

In addition to meeting the requirements of Sec. 329.12.a, accessory manufactured homes located on properties in the AG and AR zoning districts must also obtain Special Use Approval from the Board of Commissioners.

(a) In addition to the standards governing consideration of a Special Use approval contained in the Procedures and Permits Article of this development Code, the need for such temporary housing and the lack of availability of alternate housing may be considered, including a medical necessity documented by an attending physician.

(b) Time limits may be placed on the temporary location of an accessory manufactured home as a condition of Special Use approval.

(c) Upon Special Use approval for renewal of a "hardship" manufactured home that was originally approved prior to adoption of this Development Code, the Board of Commissioners may waive the requirements of Sec. 329.12.a or Sec. 329.12.b as appropriate to protection of the public health, safety and welfare, but not Sec. 329.11.

(2) A location permit must be issued by the Oconee County Planning and Code Enforcement Director or his or her designee prior to placement of the manufactured home on a property, as well as building permits for the construction of the manufactured home stand or foundation and connection to utilities.

(3) See Sec. 329.11 for additional requirements relating to pre-owned manufactured homes.

f. No manufactured home shall be used as a storage building.

Sec. 330. Mini-warehouses and self service storage.

Mini-warehouses and other self-storage facilities must meet the following requirements:

Sec. 330.01. General regulations.

a. No wholesale or retail sales shall be permitted within a storage bay. A self-service storage facility included within a commercial or industrial development, where otherwise allowed in a commercial or industrial zoning district or within a commercial or industrial portion of a master planned development or planned unit development, shall have a minimum of 1 acre and a maximum of 5 acres devoted exclusively for such use.

b. As a principal use, a self-storage facility shall not occupy a site larger than 3 acres.

c. The only commercial activities permitted exclusively on the site of the self-service storage facility shall be rental of storage bays, pick-up and delivery of goods or property in dead storage, and the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks.

d. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair

activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing musical instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.

e. Residential quarters for security purposes may be established on the site (see Sec. 360).

f. An eight-foot high privacy fence or chain link fence with visual blocking is required on all rear property lines, and side property lines behind the front edge of warehouse buildings. Property lines adjacent to an industrial zoning district are exempt from this requirement.

g. Individual storage bays within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.

h. Except as provided under Sec. 330.03, all property stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

Sec. 330.02. **Access.**

A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.

Sec. 330.03. **Outside storage.**

Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility provided the following conditions are met.

a. Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the County.

b. The storage area shall not exceed 20 percent of the total area of the site.

c. The outside storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of an 8-foot high opaque wall or imitation-wood vinyl fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.

d. Vehicles shall not be stored within the area set aside for minimum building setbacks.

e. No vehicle maintenance, washing, or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

Sec. 330.04. **Development regulations.**

a. Separation between storage buildings.

(1) If separate buildings are constructed, there shall be a minimum of 20 feet separating the individual buildings.

(2) Buildings shall be situated or screened so that overhead access doors do not face or are not visible from public roads or residentially zoned property.

b. Maximum bay size.

The maximum size of a storage bay shall be 450 square feet.

c. Maximum building height.

(1) With the exception of the structure used for security quarters, the maximum height of a self-service storage facility shall be 1 story unless the Board of Commissioners approves additional stories.

(2) All self-service storage facilities shall utilize gable roofs with not less than a 4:12 slope (4 inches of rise for every 12 inches of horizontal run).

d. Parking requirements.

(1) Designated customer parking is not required; however, a minimum of 5 parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.

(2) Interior parking. Interior parking shall be provided in the form of aisleways adjacent to the storage bays. These aisleways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aisleways shall be as follows.

(a) If aisleways permit two-way traffic, minimum width shall be 24 feet.

(b) If aisleways permit only one-way traffic, minimum width shall be 20 feet.

(3) Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aisleways shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the Fire Department shall approve the turning radii of the aisleways.

e. All exterior lighting shall be directed toward the interior of the site and away from adjoining residential property.

Sec. 330.05. **Landscape requirements.**

A detailed landscape plan shall be submitted with the development plans at the time of plan review for approval. In addition to the requirements of the Landscaping and Buffer Plans required for a development permit, the following shall apply:

a. Security fencing along the road frontage and on side property lines in front of warehouse buildings shall be ornamental and constructed with masonry posts and decorative ironwork. Chain link fencing is not allowed in these areas.

b. There shall be a 20-foot landscape strip along the frontage of the site that shall comply with the requirements of the Landscaping and Buffers Article of this Code.

c. There are no aisleways or other vehicular access ways located in the area between the building and an adjacent agricultural or residential zoning district.

Sec. 330.06. **Dumpsters and trash receptacles.**

Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially-zoned properties and shall be adequately screened from view from all other adjacent properties and streets. Dumpster pads must drain into a drainage pit and not into a stormwater system, septic system or sanitary sewer.

Sec. 330.07. **Indoor Mini-Warehouses and Self Storage.**

The following provisions shall apply to all indoor and enclosed mini-warehouses and self storage facilities:

a. Indoor mini-warehouse and self storage facilities shall not exceed the maximum building and structure heights provided in Table 4.8 of this Development Code.

b. Indoor mini-warehouse and self storage buildings and structures taller than 3 stories in height shall be setback a minimum distance of 200 feet from any property zoned for residential purposes.

c. Facilities containing both indoor and outdoor storage compartments, shall adhere to the regulations governing mini-warehouses and self-storage facilities providing access to storage compartments on the outside of the building, as outlined throughout Sec. 330.

Sec. 331. Outdoor commercial recreation and entertainment.

Outdoor commercial recreation and entertainment includes uses such as drive-in theaters, amusement parks, miniature golf, tennis courts, etc. Restrictions that apply to such uses in general, and restrictions that have application to specific types of operations, are as follows:

Sec. 331.01. **Exemptions.**

The following outdoor recreation uses are exempt from the requirements of this Section:

a. Stadiums, coliseums, arenas and amphitheaters regulated under Sec. 339 of this Development Code.

b. Golf courses and golf course related uses regulated under Sec. 325 of this Development Code.

Sec. 331.02. **General restrictions.**

The following provisions apply to all outdoor commercial recreation and entertainment uses:

a. Central loudspeakers shall be prohibited.

b. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.

c. No outdoor commercial recreation or entertainment operation shall be allowed between the hours of 11:00 p.m. and 8:00 a.m. unless specifically authorized as a condition of Special Use approval by the Board of Commissioners.

d. Sound levels at the boundaries of the property shall not exceed the following limits when adjacent to the following zoning districts existing at the time of establishment of the outdoor commercial recreation or entertainment operation:

(1) Long duration sound.

For any sound lasting continuously for 1 second or more, maximum limits are: 60 dba for projects adjacent to an agricultural or residential zoning district; 65 dba for projects adjacent to a commercial zoning district; and 75 dba for projects adjacent to an industrial zoning district.

(2) Short duration sound.

For any sound having a duration of less than one second, including impulsive sound (i.e., sound having an abrupt onset and rapid decay), the limit shall be 80 dba at a property line adjacent to any zoning district.

(3) Method of sound measurement.

These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.

Sec. 331.03. **Drive-in theater.**

a. The theater screen, projection booth or other buildings shall be set back not less than 500 feet from any residential zoning district or existing residence. A minimum 100-foot landscape buffer shall be provided adjacent to any residential zoning district. If not adjacent to a residential zoning district, a landscape buffer meeting the requirements for a commercial use in the Landscaping and Buffers Article of this Code shall be provided.

b. Driving and parking areas shall be paved.

c. Ingress and egress from a public street shall be so designed and constructed as to provide for safe traffic movement and shall include 200-foot acceleration and deceleration lanes on the street from which the theater is accessed.

d. This use shall be accessed only from an arterial or major collector road.

e. The theater screen shall not be visible from any street located within 2,000 feet of the screen.

f. The theater shall be enclosed by a wall or fence of adequate height to screen the parking area from view of adjacent property.

Sec. 331.04. **Fairgrounds and amusement parks.**

a. All buildings and structures associated with this use shall be set back not less than 200 feet from any property line.

b. All buildings and structures associated with this use shall not be permitted within 500 feet of a residential zoning district.

c. A minimum 100-foot landscape buffer shall be provided adjacent to any residential zoning district. If not adjacent to a residential district, a landscape buffer meeting the requirements for a commercial use in the Landscaping and Buffers Article of this Code shall be provided.

d. Vehicular access shall be derived only from an arterial street.

e. The facility shall be enclosed by a security wall or fence not less than 6 feet in height.

Sec. 331.05. **Tennis centers, clubs and facilities.**

All buildings and structures associated with such use shall be set back not less than 50 feet from a residential zoning district.

Sec. 331.06. **Horse riding stables.**

Commercial riding stables and academies are subject to the following:

a. Commercial riding stables must provide a minimum site area of at least 2 acres for the first horse, and an additional 1 full acre for each additional horse kept on the property.

b. No structure or corral housing horses can be established closer than 200 feet to any property line.

Sec. 331.07. **Go-cart concessions.**

a. All buildings and structures associated with this use shall be set back not less than 200 feet from any property line.

b. This use shall not be permitted within 500 feet of the boundary of a residential zoning district, or within 500 feet of a residence in any zoning district.

c. This facility shall be enclosed by a wall or solid fence of not less than 6 feet in height.

d. The maximum area occupied by the facility shall not exceed 40,000 square feet.

Sec. 331.08. **Outdoor commercial racing.**

Outdoor commercial racing of motorcycles, automobiles, trucks, tractors or any other motorized vehicles is subject to the following additional minimum requirements:

a. Permits required.

(1) Special use approval as provided in the Procedures and Permits Article of this Development Code.

(2) All necessary federal and state permits, if any.

(3) Traffic impact study must be submitted with the application.

b. Operational limitations.

(1) All buildings and structures associated with this use shall be set back not less than 200 feet from any property line.

(2) All buildings and structures associated with this use shall not be permitted within 500 feet of a residential zoning district.

(3) A minimum 100-foot landscape buffer shall be provided adjacent to any residential zoning district. If not adjacent to a residential zoning district, a landscape buffer meeting the requirements for a commercial use in the Landscaping and Buffers Article of this Code shall be provided.

(4) A noise and air pollution abatement plan must be approved by the Board of Commissioners as part of the special use approval.

(5) No damaged vehicles shall be stored on the site for more than 7 days.

(6) Hours of operation are 8:00 a.m. to 11:00 p.m., unless otherwise approved by the Board of Commissioners.

Sec. 331.09. **Zoos and nature parks.**

A zoo or nature park, including but not limited to a zoological garden, aviary, wild animal park or wildlife sanctuary, shall provide a minimum setback for any barn, pen, corral or other structure housing animals of 200 feet from all property lines.

Sec. 332. Personal care homes.

Sec. 332.01. **General restrictions.**

a. A personal care home of any type (family, group or congregate) in a residential zoning district shall be at least 1,000 feet from any other personal care home (of any type) in the same or any other zoning district.

b. Personal care homes must be constructed in compliance with the Life Safety Code and other codes adopted by the state of Georgia and Oconee County

Sec. 332.02. **Categories of personal care homes.**

a. Family personal care home.

A family personal care home is limited to no more than 6 persons under care.

b. Group personal care home.

A group personal care home is limited no more than 15 persons under care.

c. Congregate personal care home.

A congregate personal care home may provide care to more than 15 persons.

Sec. 332.03. **Resident managers.**

a. The managing caregiver of a family personal care home must be the owner of the property and a full-time resident of the facility.

b. The managing caregiver of a group personal care home must be a full-time resident of the facility.

Sec. 333. Petroleum or bulk storage facilities.

Petroleum and other bulk storage facilities for flammable liquids or gas are subject to the following requirements:

a. Compliance with all applicable state and federal laws including but not limited to International Fire Code (IFC) O.C.G.A. Sections 12-8-20 through 12-8-42 inclusive and 12-8-60 through 12-8-82 inclusive and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Chapter 391-3-11 inclusive.

b. All necessary state and federal permits must be obtained prior to application.

c. Spill containment plan to be approved by appropriate county staff and comply with O.C.G.A. Section 12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division regarding spill containment.

d. Minimum acreage to be 15 acres.

e. No use shall be located closer than 1,000 feet from any agricultural or residential zoning district or school property line.

f. Noise abatement and air pollution abatement plans to be approved by County staff.

g. Fire prevention, evacuation, and safety plan to be approved by the fire safety inspector.

h. Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.

i. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility .The entrance or entrances shall be directly off an arterial or major collector road. Truck traffic routes and entrances to the facility shall be approved by the County Engineer.

Sec. 334. Quarries or mining operations.

Quarries or mining operations, including the removal or extraction of dirt, sand and soil, are subject to the requirements of this Section. Nothing in this Section shall be interpreted to prohibit or regulate the removal of earth and rock and filling and grading in any zoning district done for land development purposes under authorization of a valid land development permit issued by Oconee County.

Sec. 334.01. Application requirements.

An application for approval of a quarry or mining operation shall include the following in addition to any applicable requirements under the Procedures and Permits Article of this Code:

a. An operation plan containing the following must be a part of such application:

(1) Date of commencement of the operation and its expected duration.

(2) Proposed hours and days of operation.

(3) The description of the method of operation, including the disposition of topsoil, overburden and by-products.

(4) A description of the equipment to be used in the extraction process. The applicant shall provide an estimate of the potential noise and dust levels produced by the use and the placement of such equipment.

b. The applicant shall submit a copy of the operations plan and all documents submitted to the State of Georgia for the purpose of obtaining a State Mining Permit including the reclamation plan which shall include a description of how the excavated land will be restored, statement of intended future use of the land, and phasing and timing estimates of reclamation and rehabilitation activities. Operations and reclamation plans, if approved, shall be considered conditions of development approval.

c. A study prepared by the applicant that shall identify any state or county maintained road within or adjacent to the property, and shall state any repaving, alterations, turning lanes or other additions necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.

d. The applicant shall provide a statement regarding the intended use of explosives or other hazardous materials and the methods and procedures proposed for handling, use, storage and disposal of the materials.

e. The applicant shall provide a copy of the well and soil study to be completed by applicant in connection with the application submitted to the State of Georgia for a surface mining permit, which shall include all properties within 1,000 feet of the property.

f. In the event the applicant is not required to obtain a bond in connection with the surface mining permit issued by the State of Georgia, the Board of Commissioners may at its discretion require a bond calculated on a specific amount per acre for the purposes of insuring proper reclamation. The Board of Commissioners shall not require a bond if the applicant is required to obtain a bond in connection with its surface mining permit.

g. The applicant shall provide documentation that it has obtained a surface mining permit from the State of Georgia and the bond required in conjunction with the surface mining permit.

Sec. 334.02. **Restrictions.**

In addition to all requirements and restrictions imposed by the State of Georgia on a quarrying or surface mining operation, the following shall apply to any such operation in Oconee County:

a. No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, New Year's Day, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the approval of the Board of Commissioners.

b. The area being excavated for stone mining and quarrying shall be entirely enclosed within a barrier fence of at least 6 feet high located at least 10 feet back from the edge of any excavation and such construction and height as to be demonstrably able to exclude children and animals from the quarry area. For other mining operations covered by this section, the excavation area shall be surrounded by earthen berms of at least 4 feet in height covered with thorny shrubs.

c. Gates must be provided at all points of vehicular and pedestrian ingress and egress and shall be locked when not in regular use.

d. All work areas shall be sufficiently illuminated, naturally or artificially, in accordance with the form of the operation and the stated hours of operation. No direct artificial illumination resulting from the operation shall fall on any land not covered by the application.

e. All gravel and pit access roads shall be maintained in accordance with state issued air quality permits.

f. For quarries and open pit mines, the maximum depth of excavation shall not be below existing groundwater, except in cases where the reclamation plan indicates that a lake or lakes will be a part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation. No excavation shall be allowed to lower the water table of the surrounding inhabited properties to the extent there are wells with potable water within 1000 feet of the excavation area.

g. Notices shall be posed at regular intervals along the outer limits of the property, which shall warn against trespassing and shall contain a statement pertaining to the use of explosives, if applicable.

Sec. 334.03. **Distance requirements.**

a. Soil or sand removal or extraction operations.

   Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.

b. Quarries and open pit mines.

   The operational and removal area of such uses shall not be established within 4,000 feet of a residential use and within 2,000 feet of any other use.

Sec. 334.04. **Modification of restrictions.**

The restrictions under Sec. 334.02 and the distance requirements under Sec. 334.03 may be modified by the Board of Commissioners as a condition of approval of a Special Use for the quarry or mining operation based on competent and acceptable studies or other evidence submitted by the applicant of noise, vibration or other impacts as appropriate to the operation proposed and modification requested. In no case shall such action by the Board of Commissioners have the effect of reducing standards or restrictions imposed by the State of Georgia.

Sec. 334.05. **State permits.**

A copy of the State permit approval shall be maintained on file with the Code Enforcement Department.

Sec. 335. Radio, television and telecommunications.

Sec. 335.01. **Purposes.**

a. Provide for the appropriate location and development of communications towers and antennae to serve the residents and businesses of Oconee County, Georgia.

b. Minimize adverse visual impacts of towers and antennae through careful design, siting, landscaping, screening, and innovative camouflaging techniques.

c. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

d. Lessen traffic impacts on surrounding residential areas.

e. Maximize use of any new and existing communications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the County provided however that the use of shorter towers of a height which does not require lighting under FAA Regulations will normally be given preference over the use of taller structures even when the use of unlighted structures may require a larger number of towers to serve the county.

f. Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers.

g. Encourage and promote the location of new communications towers in areas which are not zoned for residential use.

Sec. 335.02. **Definitions related to telecommunications.**

Alternative Tower and Antenna Structure: man-made "trees", clock towers, bell steeples, church steeples, light poles, flag poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers so as not to be readily discernible as an antenna or tower. In order to establish quantitative and qualitative standards for determining that an alternative tower structure is “not readily discernible,” examples (photographs) of such "non-readily discernible" structures are included in the appendix to this Development Code.

Antenna: any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Height of Telecommunications Tower: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Tower Owner*:* The owner, permittee or lessee of the tower, antennae or associated equipment as well as any parent or subsidiary companies of the foregoing entities.

Sec. 335.03. **Exemptions.**

Towers and antennae that are exempted from local regulation by the Federal Communications Commission are exempt from the requirements of this Sec. 335. These include the following:

a. Antennae and towers owned and operated by the holder of an Amateur Radio License issued by the Federal Communications Commission that are less than 70 feet in height are exempt from the requirements of this Section.

b. Personal over-the-air devices for broadcast, cable or satellite television reception, radio broadcast reception, and wireless internet services, are not subject to the requirements of this Section.

c. Satellite ground relay station facilities are not subject to the requirements of this Section.

Sec. 335.04. **Where communications towers and antennae may be located.**

a. Upon receipt of an appropriate building permit, free-standing communications towers may be located as a special use within the AG, B-2 and I Zoning Districts provided that the property owner first obtains special use approval from the Board of Commissioners in accordance with the procedures set forth for special use approval in this Development Code.

b. Unlighted alternative tower structures, additional antennae mounted on existing communications towers, and antennae located on any nonresidential buildings and alternative tower structures are allowed within the AG, B-1, B-2, I, OBP and OIP Zoning Districts, provided that:

(1) The property owner first obtains a building permit in accordance with the procedures established for commercial building permit applications and plan review;

(2) Such alternative tower or antenna is set back from any existing or planned off-site residence and separated from any residentially zoned property at least a distance equal to the greater of the required setback for primary uses within the zoning district in which such alternative tower and antenna structure is located or 25 feet;

(3) The height of the existing free-standing nonresidential structure (other than a tower) on which such tower or antenna is placed will not be increased by more than the lesser of two fifths its existing height or 20 feet. Any structure erected after September 4, 2001 for the purpose of use as an alternative tower or antennae structure shall not exceed 100 feet in height above the existing ground elevation. New structures exceeding 100 feet shall be considered as "towers" as defined herein and shall therefore be subject to the zoning district limitations and Special Use Approval requirements of this Development Code;

(4) No advertising is permitted on an antenna or tower;

(5) No signs or lights are permitted on the alternative tower and antenna structures unless such signs or lights lawfully existed prior to erection of the alternative tower structure and will not be modified as a result of same; and

(6) The number and location of antennae, communications towers or other receiving or transmitting devices located on a single structure is not excessive and does not adversely affect adjacent properties and views.

c. Prohibitions. No new tower may be established if there is a technically suitable space available on an existing tower within the search area that the new tower is to serve. For the purpose of this Section, the search area is defined as the grid for the placement of the antenna.

Sec. 335.05. **General requirements.**

The requirements set forth in this Section shall govern the location and construction of all towers, and the installation of all antennae, governed by this Section including alternative tower structures.

a. Building Codes - Safety Standards.

To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards

for towers that are published by the Electronic Industries Association, as amended from time to time. Such inspection shall be conducted periodically and at least once every 3 years. Inspection shall be conducted by a trained and certified tower inspector and reviewed by a professional engineer licensed to practice in the State of Georgia. The tower inspector shall be either a Georgia licensed engineer or a person or firm whose business includes the erections and/or inspections of communications towers. The results of such inspections shall be provided to the Board of Commissioners or its designee. If, upon inspection, the Board of Commissioners or its designee concludes that a tower fails to comply with all applicable codes and standards, then upon receipt of written notice by the owner, permittee or lessee of the tower, said party shall have 30 days to bring the tower into compliance with such standards. If the deficiency constitutes an immediate danger to persons or property, then the tower owner shall immediately correct said deficiencies with or without notice from Oconee County. If the owner, permittee or lessee fails to bring the tower into compliance within the 30 days, the governing authority may remove the tower at the owner, permittee or lessee=s expense. Prior to the removal of any tower, the Board of Commissioners or its designee may consider detailed plans submitted by the owner, permittee or subsequent lessee for repairs of substandard towers, and may grant a reasonable extension of the above referenced compliance period if no immediate danger exists.

b. Regulatory Compliance.

(1) All towers and antennae must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate communications towers and antennae. If such standards and regulations are changed, then the owners of the communications towers and antennae governed by this Section shall bring such communications towers and antennae into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

(2) Tower owners shall provide documentation showing that each communications tower is in compliance with all federal requirements. Evidence of compliance must be submitted every 12 months.

c. Security.

Communications towers shall be enclosed by decay resistant security fencing not less than 6 feet in height and shall be equipped with an appropriate anti-climbing device; provided however, Oconee County may waive such requirements for alternative tower structures.

d. Lighting.

No illumination is permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case Oconee County may review lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

e. Advertising.

No advertising is permitted on an antenna or tower.

f. Visual Impact.

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) To the extent possible, towers clustered at the same site shall be of similar height and design.

(5) Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding unlighted monopole structures where the negative visual effect is less than would be created by use of a guyed tower, self-supported lattice tower or taller structure requiring lighting under FAA regulations.

g. Landscaping.

For towers 150 feet tall or less, a landscape buffer area no less than 10 feet wide shall be provided. The landscape buffer shall be installed around the perimeter of the leased land or around the property solely involving the tower:

(1) For towers 150 feet tall or less, a landscape buffer area no less than 10 feet wide shall commence at the property line.

(2) For towers more than 150 feet tall, a landscape buffer area of not less than 20 feet wide shall be provided. The landscape buffer shall be installed around the perimeter of the leased land or around the property solely involving the tower.

(3) The landscape buffer is to consist of evergreen plant materials of a variety which can be expected to grow to form a continuous buffer at least 15 feet in height within 5 years of planting and a mature height of at least 25 to 30 feet or more. All landscaping shall be xeriscaped (*drought tolerant*) or irrigated and properly maintained to ensure good health and viability. Recommended species include, but are not necessarily limited to, Foster Holly, N.R. Stevens' Holly, Carolina Cherry Laurel, Deodar Cedar, Leyland Cypress, Southern Magnolia. A mix of several species is encouraged over mono-culture plantings for visual quality and disease resistance. Buffer planting designs are subject to review and approval by Oconee County.

(4) Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff/maintenance.

(5) Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that vegetation loss.

(6) In lieu of these standards, Oconee County may, at its sole discretion, allow use of any alternative detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by Oconee County.

h. Maintenance impacts.

Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street unless approved otherwise for safety reasons.

i. Principal, accessory and joint uses.

(1) Accessory structures used in direct support of a tower shall be allowed but not for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.

(2) Towers may be located on sites containing another principal use in the same buildable area. As long as all of the other siting, setback, separation and general requirements of this Development Code are met, towers may occupy a parcel meeting the minimum lot size requirements for the zoning district in which it is located. Unless approved otherwise, the minimum distance between a tower and other principal use located on the same lot shall be for a monopole or lattice tower the greater of 20 percent of the tower height or 25 feet and for a guy tower, the greater of 100 percent of tower breakpoint or 25 feet. This separation is required to assure compatibility of land uses and to provide for the health, safety and welfare of individuals and structures occupying the same site.

(3) Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals. The Board of Commissioners or its designee may grant an exception to the foregoing prohibition if the following conditions are met or exist:

(a) Farm use where the storage of such fuels or chemicals is solely for the purpose of on-site farm activities and is directly related to an ongoing bona fide farming operation for which the owner files a "Schedule F" with the related Federal Income Tax Return; or

(b) Non-farm uses which meet all of the following conditions:

i. At least one-hour fire resistant interior surfaces are used in the construction of all buildings.

ii. Fire extinguishers are on the property.

iii. Telecommunication facilities are not designed and operated in such a manner so as to minimize the risk of igniting a wildfire or intensifying one that otherwise occurs.

iv. Graveled areas at least 10 feet wide shall be installed completely around all new structures including the telecommunication towers. Fuels are kept in substantial compliance of the Rules and Regulations of the Georgia Safety Fire Commissioner and the Georgia Environmental Protection Division (EPD).

v. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever occurs first.

vi. Demonstration of compliance with requirements of this Sec. 335.05.i(3)(b) shall be signed off by a certified fire/safety inspector or engineer in the State of Georgia on the building plans submitted.

j. Tower lot size, setbacks and separations.

(1) The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting a residential district, public property, or public street. Such setback shall be sufficient to:

(a) Provide for an adequate vegetative, topographic or other buffer as specified herein;

(b) Preserve the privacy of surrounding residential property; and

(c) Protect adjoining property from the potential impact of tower failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in Sec. 335.08.

(2) A site is presumed to be of sufficient size when it:

(a) Meets the requirements of the above Sec. 335.05.j(1);

(b) Provides a setback equal to two times the height of the tower to any property line abutting a residential district, public property, or public street; and

(c) Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in a residential district nor a public property or a public street.

(3) Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

(4) For a guyed structure, the site shall be of a size and shape sufficient to provide a setback equal to at least the height of the tower from a guy anchor to any property line abutting a residential district, public property or public street in addition to the size required to comply with Sec. 335.05.j(2) above. Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view to the anchor from such adjoining properties.

(5) All structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in the zoning district where the tower is to be located. To encourage and accommodate shared use of a tower, Oconee County may (but shall not be required to) waive or reduce setback requirements by up to 50 percent to accommodate the placement of additional buildings or other supporting equipment at a tower site.

(6) All free-standing towers constructed after the effective date of this Development Code shall conform to the following minimum tower separation requirements:

Table 3.4: Tower Separation Requirements

Tower Height	Separation
Less than 50 feet	300 feet
50 to 100 feet	500 feet
101 to 150 feet	750 feet
More than 150 feet	1000 feet

Towers and antennae mounted on rooftops or alternative tower structures may be exempted from these minimum separation distances if so approved by Oconee County.

(7) No towers shall be located on any properties zoned for residential purposes, or any public properties, or any public or private roadways or rights-of-way.

Sec. 335.06. **Shared use.**

a. All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable.

b. Once a new tower is approved, additional antennae and accompanying accessory uses may be permitted administratively in the same manner established for commercial building permits and in accordance with the approved share plan, if Oconee County finds that the standards of this Section are met.

Sec. 335.07. **Special approval of the board of commissioners.**

An application for approval of the Board of Commissioners for a Special Use under this Development Code shall include a site plan and other information in accordance with the Procedures and Permits Article of this Development Code.

Sec. 335.08. **Application procedures.**

Application for a Special Use approval or a building permit for any communications tower or use of an alternative tower structure shall be made to the Planning Department in accordance with this Development Code and established procedures for commercial building permits. An application will not be considered until it is complete. A complete application must contain the following:

a. Inventory of existing sites. An inventory of the applicant's existing towers that are either within Oconee County, within one mile of the border thereof or provide direct service thereto, including specific information about the location, height, and design of each tower. Oconee County may share such information with other applicants applying for administrative approvals or special use permits under this Development Code or other organizations seeking to locate antennae within the jurisdiction of Oconee County; provided, however, that Oconee County is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

b. Site plan or plans to scale specifying the location of tower(s), guy anchors (if any), transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses.

c. Landscape plan to scale indicating location, size, spacing and species of plantings.

d. Utilities inventory showing the locations of all water, sewerage, power lines and drainage facilities impacting the proposed tower site.

e. An environmental impact statement fully describing the effects that the proposed tower and/or antenna will have on the environment and surrounding area including the radiological impact on human health, impacts on adjacent residential structures and districts, impacts on structures and sites of historic significance and impacts on streetscapes.

f. A certified statement prepared by an engineer licensed to practice in the State of Georgia that the construction of the tower, including reception and transmission functions, will not interfere with the usual and customary transmission or reception of radio, television, etc., service enjoyed by adjacent properties.

g. A description of anticipated maintenance needs, including frequency of services, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.

h. Report from a professional structural engineer licensed in the State of Georgia documenting the following:

(1) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included.

(2) Total anticipated capacity of the structure, including number and types of antennae which can be accommodated.

(3) Evidence of structural integrity of the tower structure.

(4) Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.

i. Satisfactory evidence that FAA, FCC and any appropriate state review authority requirements for the proposed tower are met or that the tower is exempt from those regulations.

j. Letter of intent to lease excess space on the tower structure and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.

k. A reasonable pro rata charge may be made for shared use, consistent with an appropriate sharing of construction, financing and maintenance costs. Fees may also be charged for any structural or RF changes necessitated by such shared use. Such sharing shall be a condition of approval, if approval is granted.

(1) The applicant shall describe what range of charges are reasonably expected to be assessed against shared users.

(2) The applicant shall base charges on generally accepted accounting principles and shall explain the elements included in the charge.

l. The applicant shall quantify the additional tower capacity anticipated, including the approximate number of types of antennae. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. Oconee County shall approve those limitations if they cannot be overcome by reasonable technical means.

m. Evidence of the lack of space on all suitable existing towers to locate the proposed antenna and the lack of space on existing tower sites to construct a tower for the proposed antenna.

n. Each applicant must make a good faith effort to substantially demonstrate that no existing or planned towers can accommodate the applicant's proposed antenna/transmitter as described below:

(1) The applicant shall contact the owners of all existing or planned towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.

(2) Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application for a building or special use permit to include a response into the application when filed.

(a) Failure of a listed owner to respond shall not be relevant to the current application if a timely, good faith effort was made to obtain one. However, owners of other such existing or proposed towers to which this Section applies shall be required to respond and failure to do so shall constitute a violation of this Development Code and shall void all current and future applications from the tower owner so failing to respond until satisfactory remedy has been made.

(b) Oconee County shall maintain and provide, on request, records of responses from each owner.

(c) Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on that owner's tower as described below, that owner need not be contacted by future applicants for antennae of the sort proposed.

(3) The applicant shall request the following information from each owner contacted:

(a) Identification of the site by location, tax lot number, existing uses, and tower height.

(b) Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring that structural changes be made to

the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna.

(c) Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the responding owner shall specify in general terms what structural changes would be required.

(d) If structurally able, would shared use by such existing tower be precluded for reasons related to RF interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all technically possible.

(e) If shared use is possible, the fee an owner of an existing tower would charge for such shared use.

(4) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. Oconee County may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable. Oconee County may engage the services of an independent Radio Frequency Engineer or other qualified individual or firm for the purpose of reviewing, evaluating and verifying the radio frequency propagation maps and other information submitted by the applicant. The cost of such services shall be added to the application fees otherwise provided for by this Development Code and other applicable code sections and shall be paid by applicant.

o. Any other information which may be requested by Oconee County to fully evaluate and review the application and potential impact of a proposed tower and/or antenna.

Sec. 335.09. **Removal of antennae and towers.**

All towers and antennae shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If, upon inspection by Oconee County, such tower is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the tower and the owner of the property, if such owner is different, such owners shall have 30 days to bring such tower into compliance. In the event such tower or antenna is not brought into compliance within 30 days, the County may provide notice to the owners requiring the tower or antenna to be removed. In the event such tower or antenna is not removed within 30 days of receipt of such notice, the County may remove such tower or antenna and place a lien upon the property for the costs of removal. Delay by the County in taking action shall not in any way waive the County's right to take action. The County may pursue all legal remedies available to it to ensure that communications towers and antennae not in compliance with the Development Code or which constitute a danger to persons or property are brought into compliance or removed. The County may seek to have the tower or antenna removed regardless of the owner's or operators' intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

Sec. 335.10. **Abandoned towers.**

a. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, whether or not the owner or operator intends to make use of the tower. The owner of an abandoned tower and the owner of the property where the tower is located shall be under a duty to remove such a tower or antenna. If such antenna and/or tower is not removed within 60 days of receipt of notice from the County notifying the owner(s) of such abandonment, the County may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The County may pursue all legal remedies available to it to ensure that abandoned communications towers and antennae are removed. Delay by the County in taking action shall not in any way waive the County's right to take action. The County may seek to have the communications tower or

antenna removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

b. If the owner of an abandoned tower wishes to use such abandoned tower or antenna, the owner must first apply for, receive all applicable permits, and meet all of the conditions of this Section as if such tower or antenna were a new tower or antenna.

Sec. 335.11. **Pre-existing towers/non-conforming uses.**

a. All communications towers lawfully operative on the effective date of this Development Code shall be allowed to continue their present usage as a non-conforming use and shall be treated as a non-conforming use in accordance with Article 1 of this Development Code. Routine maintenance shall be permitted on such existing towers. New construction, other than routine maintenance on an existing communications tower, shall comply with the requirements of this Section.

b. A communications tower that has received County approval in the form of conditional use and a building permit prior to adoption of this Development Code, but has not yet been constructed or placed in operation, shall be considered an existing tower so long as such approval is current and not expired.

Sec. 335.12. **Public property.**

Antennae or towers located on property owned, leased or otherwise controlled by Oconee County shall be exempt from the requirements of this Section, provided a license or lease authorizing such antenna or tower has been approved by Oconee County, Georgia.

Sec. 336. Religious Retreat.

A religious retreat is a lodging facility operated by a religious or non-secular organization for their members and is not open to the general public. Religious retreats are classified under one of the following provisions of this section:

a. New or existing location requiring construction or alteration for additional habitable units.

New locations for religious retreats or religious retreats located in an existing residential structure to be expanded, altered, or modified to increase the existing floor area of the structure to allow for additional habitable units must comply with the provisions of this section:

(1) Shall receive special use approval from the Board of Commissioners when located on a property in the AG zoning district.

(2) Shall not be located on property containing an area greater than 10 acres.

(3) Shall not have a density greater than 1 dwelling unit or habitable room per acre.

(4) One of the dwelling units or habitable rooms may be occupied by a full-time staff member or caretaker of the religious retreat.

(5) Occupants lodging at the religious retreat shall not stay for a period greater than 30 consecutive days.

(6) The retreat must be owned and operated by a non-profit agency registered in the State of Georgia.

(7) All applicable Environmental Health Department requirements are met, such as, but not limited to, septic tanks, well or water service and food service.

(8) All necessary permits for renovations and remodeling must be obtained prior to commencing construction.

(9) A passing inspection by the Fire Marshal, building inspector and Planning Director for compliance to current adopted building codes, life safety codes, Americans With Disabilities Act, and other related codes for such habitable structure.

b. Existing location in a residential structure that does not require an addition or alteration.

Religious retreats located inside an existing residential structure and do not require construction of additional habitable units or an addition to the existing residential structure shall be allowed by right in the AG zoning district provided the following requirements are met:

(1) The retreat must be owned and operated by a non-profit agency registered in the State of Georgia.

(2) All applicable Environmental Health Department requirements are met, such as, but not limited to, septic tanks, well or water service and food service.

(3) No new permits for additional residential dwellings will be required.

(4) No new permits for additions to residential dwellings will be required.

(5) Accessory structures shall not be converted into a dwelling.

(6) All necessary permits for renovations and remodeling must be obtained prior to commencing construction.

(7) A passing inspection by the Fire Marshal, building inspector and Planning Director for compliance to current adopted building codes, life safety codes, Americans With Disabilities Act, and other related codes for such habitable structure.

(8) Remodeling and renovations of the dwelling must be complete and a certificate of occupancy must be issued prior to occupancy of the dwelling.

(9) Site and dwelling must maintain the character of a single-family residence.

Sec. 337. Schools, private.

Private elementary and secondary schools, colleges and technical schools are subject to the minimum requirements of this Section.

Sec. 337.01. Private elementary and secondary schools.

Private, parochial, or other elementary, middle, junior high, or high schools not part of the public school system must meet the following standards:

a. The private school must provide a curriculum recognized by the State Board of Education as being equivalent to that offered in the public school system under state standards.

b. Minimum lot size of 5 acres.

c. Minimum public road frontage of 100 feet on a minor or major collector or arterial road.

d. When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

e. Temporary mobile classrooms require Special Use approval.

Sec. 337.02. Private colleges, universities and technical schools.

Private colleges, junior colleges, universities, and technical schools not part of the public school system must meet the following standards:

a. The private school must be eligible for accreditation by a national educational organization recognized by the State of Georgia.

b. The private school must offer a curriculum and degrees equivalent to those offered in similar but public schools operated by the State Board of Regents.

c. Minimum lot size of 20 acres.

d. Minimum public road frontage of 400 feet on a minor or major collector or arterial road.

e. When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

f. Temporary mobile classrooms require Special Use approval.

Sec. 337.03. **Religious Exempt Nonpublic Postsecondary Institutions.**

These educational institutions are not fully authorized institutions in the State of Georgia and therefore may not use the word College or University as part of the name. A site containing this type of educational institution as a principal use must meet the following standards:

a. Must meet all applicable State requirements and have approval to operate from the Non-public Postsecondary Education Commission for the State of Georgia.

b. Minimum lot size of 20 acres.

c. Minimum public road frontage of 400 feet on a minor or major collector or arterial road.

d. When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

e. Temporary mobile classrooms require Special Use approval.

Sec. 338. Self-storage of recreational vehicles, campers and boats.

This land use is defined as the renting or leasing of secured space or storage bays in an enclosed or covered building, or outdoor storage space for the purposes of self-storage of recreational vehicles, campers and boats.

a. Self-storage of recreational vehicles, campers, and boats may be allowed in the AG (Agricultural) zoning district by Special Use approval only.

b. As a principal and stand-alone use the facility must meet the requirements in the following section.

Sec. 338.01. **General regulations.**

a. As a principal use, a storage facility shall not occupy a site larger than 6 acres.

b. No wholesale or retail sales shall be permitted within the facility.

c. The only commercial activities permitted exclusively on the site of the self-service storage facility shall be rental of storage bays.

d. Storage bays or spaces shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing musical instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.

e. Residential quarters for security purposes may be established on the site (see Accessory Uses and Structures uses for a Night Watchman Residence in Article 3).

f. An eight-foot high privacy fence or chain link fence with visual blocking is required on all rear property lines, and side property lines behind the front edge of buildings. Property lines adjacent to an industrial zoning district are exempt from this requirement.

g. No vehicle maintenance, washing, or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

h. Individual storage bays within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.

i. All property stored on site shall be stored in a location that cannot be viewed from public right of ways or neighboring properties. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

Sec. 338.02. **Access.**

A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.

Sec. 338.03. **Development regulations.**

a. Separation between storage buildings.

(1) If separate buildings are constructed, there shall be a minimum of 20 feet separating the individual buildings.

(2) Buildings shall be situated or screened so that overhead access doors do not face or are not visible from public roads or residentially zoned property.

(3) The maximum height of a self-service storage facility shall be approved by the Board of Commissioners.

(4) All self-service storage facilities shall utilize gable roofs with not less than a 4:12 slope (4 inches of rise for every 12 inches of horizontal run).

b. Parking requirements.

(1) Designated customer parking is not required; however, a minimum of 5 parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.

(2) Interior parking. Interior parking shall be provided in the form of aisles adjacent to the storage bays. These aisles may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aisles shall be as follows.

(3) If aisles permit two-way traffic, minimum width shall be 24 feet.

(4) If aisles permit only one-way traffic, minimum width shall be 20 feet.

(5) Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aisles shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the Fire Department shall approve the turning radii of the aisles.

(6) All exterior lighting shall be directed toward the interior of the site and away from adjoining residential property.

Sec. 338.04. **Landscape, buffering and screening requirements.**

A detailed landscape plan shall be submitted with the development plans at the time of plan review for approval. In addition to the requirements of the Landscaping and Buffer Plans required for a development permit, the following shall apply:

a. There shall be a 20-foot landscape strip along the frontage of the site that shall comply with the requirements of the Landscaping and Buffers Article of this Code.

b. There shall be no aisles or other vehicular access ways located in the area between the building and an adjacent agricultural or residential use or zoning districts.

c. The storage facility area shall be entirely screened from view from adjacent properties and public streets by a building or by the installation of an 8-foot high opaque wall or imitation-wood vinyl fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.

Sec. 338.05. **Dumpsters and trash receptacles.**

Dumpsters and trash receptacles shall be located where they are not visible from adjacent properties and shall be adequately screened from view from all streets. Dumpster pads must not drain into a septic system or sanitary sewer.

Sec. 339. Stadiums, coliseums, arenas and amphitheaters.

Stadiums, coliseums, arenas and amphitheaters are subject to the following minimum requirements:

Sec. 339.01. Site requirements for a stadium, coliseum or arena.

a. Minimum site area of 10 acres.

b. A minimum 1,000-foot setback from any residential zoning district.

Sec. 339.02. Site requirements for an amphitheater.

Minimum site area of 5 acres.

Sec. 340. Temporary events.

Sec. 340.01. Permit or special use approval required.

Temporary, incidental uses, such as fairs or carnivals and civic or charitable events, which are not normal accessory uses under the applicable zoning district, may be allowed by the Board of Commissioners, provided that the owner of the property upon which said temporary use takes place first obtains a Permit from the Planning and Code Enforcement Department or approval as a Special Use by the Board of Commissioners as may be required under this Development Code. In addition to the requirements of the Procedures and Permits Article of this Development Code, an application for such temporary event use shall include as a minimum the following:

a. A location map showing the relationship of the property to surrounding uses, including residential property.

b. A sketch plan of the area to be used for off street parking, including total parking capacity and safe access to public street(s).

c. A statement of estimated number of attendees/participants and estimated number of required automobile parking associated therewith.

d. A statement of the dates and hours of operation of the event or use, including the first and last days of the event.

e. A statement of the number and qualifications of security personnel to be retained by the applicant for traffic safety and security purposes, or a statement that none are planned.

f. A statement of the dollar amount of surety bond, proposed to be provided by the applicant, to secure the cost of security personnel and clean up associated with the use, or a statement that none is intended.

g. When Special Use approval is required, the Board of Commissioners may impose certain conditions related to said Special Use approval, in accordance with the Procedures and Permits Article of this Development Code and the above requirements, including the requirement that security personnel and surety bond be provided by the applicant.

h. The requirement for a Permit under this Section shall not apply to temporary events that meet all of the following conditions:

(1) An event that takes place at an established church, school, or other public or semi-public facility where such occasional and temporary land uses are normal accessory uses to the established facility;

(2) Where existing off-street parking and facilities are adequate to accommodate the accessory use;

(3) The event is conducted wholly on the property of said existing facility;

(4) New or substantially altered driveways are not required;

(5) The use complies with applicable laws and ordinances.

This exemption shall apply to temporary, incidental uses only and not to permanent or extended uses, buildings, structures or site improvements which would otherwise require rezoning, permits or other government action.

Sec. 340.02. **Circus or carnival.**

Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure may be permitted on a property for a maximum of 60 days, no more often than twice each calendar year. This classification excludes events conducted in a permanent entertainment facility. Tents and other temporary structures shall be permitted through the Code Enforcement Office and comply with all currently adopted building and life safety codes, including, but not limited to, the Unified Development Code and the International Fire Code (IFC).

Sec. 340.03. **Religious assemblies.**

Religious services conducted on a site that is not permanently occupied by a religious assembly use may be permitted on a property for a maximum of 60 days, no more often than twice each calendar year.

Sec. 340.04. **Retail sales of seasonal items.**

a. Retail sales of Christmas trees permitted between Thanksgiving and the 26th day of December.

b. Retail sales of pumpkins, gourds and other Halloween or fall items permitted from October 1st to October 31st.

Sec. 340.05. **Special business promotion.**

A special business promotion involving additional signage or the outdoor display of merchandise or goods may be permitted on a property for a maximum of 60 days, no more often than twice each calendar year. See also Sec. 361 for restrictions on outdoor displays during temporary sales events.

Sec. 340.06. **Swap meets, flea markets, craft shows and farmers' markets.**

a. Outdoor swap meets, flea markets and craft shows may be permitted on a property for the retail sale or exchange of new, handcrafted, or second-hand merchandise for a maximum period of 48 hours, conducted by a single sponsor no more often than twice in any year.

b. Outdoor farmers' markets may be permitted for the retail sale of produce, breads, meat and poultry, specialty foods and small cooking items and crafts for a maximum period of 48 hours, conducted no more often than once a week.

c. Indoor swap meets and farmers' markets are allowed within a fully enclosed building where otherwise allowed as a commercial use, without restriction as to hours or frequency.

Sec. 340.07. **Yard and garage sales.**

Yard and garage sales shall be allowed within any agricultural or residential zoning district as an accessory use. It shall not be the intention of this Development Code to prohibit the occasional sale of personal belongings on one's property, subject to the following:

a. Each yard sale shall be limited to a 3-day period.

b. Yard sales shall not occur on a property more often than 4 times each calendar year.

c. It shall be a violation to sell merchandise in a yard sale or offer merchandise for sale or to display merchandise in any yard, carport, garage or house that is not the personal property of the occupants of the property.

d. This Section shall not regulate the private sale of major possessions such as homes and personal autos.

Sec. 341. Temporary offices for a development.

A temporary construction office or sales office serving a subdivision or other development project, where otherwise allowed, shall meet the following criteria:

Sec. 341.01. Temporary construction buildings.

a. Temporary buildings used in construction work may be permitted in any zoning district and shall be removed immediately upon completion of final construction, and before a certificate of occupancy is issued for the lot.

b. The temporary construction office may be a manufactured home or industrialized building.

Sec. 341.02. Temporary sales office

a. Temporary sales office; location.

(1) In all major subdivisions, a permit may be granted for the temporary use of one of the homes to be used as a real estate sales office for sale of the lots or new homes to be built and developed within the boundaries of the development.

(2) The temporary sales office shall be located on a lot within an area that has received Final Plat approval and has been recorded with the Clerk to the Superior Court.

b. Temporary sales office; restrictions.

(1) Sales shall be limited to the lots and buildings within the subdivision where the temporary sales office is located, as defined by the recorded Final Plat.

(2) The temporary sales office shall not be a manufactured home except in an approved manufactured home subdivision.

c. Temporary sales office; removal.

The temporary sales office shall be removed within 30 days after Certificates of Occupancy or connections to permanent power have been approved on 90 percent of the lots in the subdivision.

Sec. 342. Timbering and forestry.

Timbering and forestry operations are allowed if the tree removal represents tree harvesting undertaken as a bona fide agricultural activity.

Sec. 342.01. Bona fide agricultural activity.

The following shall be required in order to qualify tree harvesting as a bona fide agricultural activity:

a. Oconee County Tax Commissioner has approved the property for a Preferential Agricultural Assessment or a Conservation Use Assessment;

b. A tree-harvesting notification has been submitted to the Tax Commissioner, as required by State law;

c. There is a contract for delivery of the trees between the tree harvesting company and an end user, such as to a mill or wood pulp company;

d. Best Management Practices required by the Georgia Forestry Commission shall be followed. This can be evidenced by a contract between the tree harvesting company and the property owner (the seller) that is consistent with the form and content recommended by the Georgia Forestry Commission; and

e. The tree harvester is currently qualified as a Master Timber Harvester by the Georgia Forestry Commission at the time of the tree harvesting.

Sec. 342.02. **Restriction on clearance along streams.**

River and stream buffers required under the Environmental Protection Article of this Development Code shall be protected from all on-site activity and remain in their undisturbed natural state.

Sec. 342.03. **Restriction on development approval of recently cleared land.**

A preliminary plat for any type of subdivision or a site plan for any type of multi-family or nonresidential development shall not be approved if any portion of the property has been cleared of trees within 3 years prior to such approval request. This restriction may be waived by the Board of Commissioners upon a finding that:

a. The tree removal occurred as a bona fide agricultural activity; and,

b. A minimum basal area of at least 50 square feet per acre, distributed evenly throughout the property, was retained on the property at the time of tree removal, as certified by a qualified arborist or forester.

Sec. 343. Utility substations and solar energy systems.

Sec. 343.01. Static electric transformers and gas regulator stations.

Static electric transformers and gas regulator stations are subject to the following restrictions:

a. In the R-1 zoning district, the structures are placed not less than 50 feet from any property line (25 feet in the R-2 zoning district).

b. The structures are enclosed by a chain link security fence at least 8 feet high.

c. No vehicles or equipment are stored on the premises.

d. The lot is landscaped between the security fence and all property lines as follows:

(1) The front yard shall be heavily landscaped as defined in the Landscaping and Buffers Article of this Code; and either

(2) For any electrical power substation connected directly to a 115 kv transmission line (or greater), a landscape buffer meeting the requirements for an industrial use in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines; or

(3) For all other utility substations, a buffer at least 10 feet wide meeting the requirements for a landscape buffer in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines.

Sec. 343.02. **Definitions related to solar energy systems.**

Photovoltaic (PV) System: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever sunlight strikes them. Included in a PV system are the solar energy generation mechanisms (e.g., panels or other assemblies of solar electric cells), inverters (devices that convert Direct Current electricity produced by the system to usable Alternating Current), batteries and battery systems that store electrical energy from the PV system for future use, meters, and electric transmission wires and conduits that facilitate connections with users and/or the local power grid.

Solar Array: A number of photovoltaic modules or panels that generate solar electricity, assembled or connected together to provide a single electrical output.

Solar Array, Tracking: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device. A tracking solar array may be ground mounted or building mounted.

Solar Access Easement: A recorded easement, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector or solar energy system.

Solar Energy Facility: The area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture. Includes the term "solar farm."

Solar Energy System: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

Solar Energy System, Building Mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

Solar Energy System, Ground Mounted: A solar energy system that is directly installed on (mounted to) the ground and is not attached or affixed to any structure.

Solar Energy System, Thermal: A solar energy system that directly heats water or other liquid using sunlight, including the use of heated liquid for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Solar Farm: A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

Sec. 343.03. **Solar energy systems.**

It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy development and operation. The installation and construction of solar systems shall be subject to the following development and design standards:

a. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers' or installers' identification and appropriate warning signage shall be posted at the site in a clearly visible manner.

b. No solar energy system shall be mounted to a wall or fence.

c. No solar energy system or its components shall be located over a septic system leach field area or identified reserve area unless written approval is granted by the Environmental Health Department.

d. The solar energy system components shall be designed with an antireflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads.

e. No solar energy system shall be installed until evidence has been presented to the Planning Department that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

f. Any solar energy system installed to be used by someone other than the owner of the property shall provide an affidavit or evidence of agreement between the lot owner and facility's owner or operator confirming the facility owner or operator has permission of the property owner to install and utilize solar panels.

Sec. 343.04. **Solar energy farms.**

The installation and construction of solar energy farms shall be subject to the following:

a. A solar farm installation shall be permitted as a Special Use in the Agricultural (AG) zoning district, and allowed by right in the Industrial (I) zoning district.

b. A solar farm installation shall be located on 10 or more acres.

Sec. 343.05. **Solar energy farm installation and construction.**

a. Mounting.

(1) Solar panels or solar arrays shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials which are able to fully support the system components and are approved by the manufacturer, in accordance with applicable building permit requirements. Electrical components of the facility shall meet applicable electrical code requirements, and all electrical wires and lines less than 100kV that are used in conjunction with the solar energy facility shall be installed underground.

(2) Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

b. Setbacks.

A solar energy farm and its accessories and structures shall be set back a minimum of 50 feet from all property lines and 100 feet from any residence.

c. Placement.

No structure may be installed within a state or local state waters buffer or within conservation corridors. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located 3 feet above the base flood elevation. All wiring or transmission points within the floodplain shall be NEMA 3R or watertight.

d. Screening.

The facility shall be fully screened from adjoining properties and adjacent roads using the natural topography or by installation of an evergreen buffer capable of reaching a height of 6 feet within three years of planting, with at least 75% opacity at the time of planting.

e. Height.

(1) Freestanding solar panels or solar arrays shall not exceed 25 feet in height as measured from the grade at the base of the structure to the highest point.

(2) Mounted solar panels or solar arrays shall not exceed eight feet above the apex of the structure on which it is mounted.

f. Security.

(1) Unless 24-hour security guards or video surveillance is provided at the installation, the solar energy facility shall be enclosed by a security fence no less than 6 feet and not greater than 8 feet in height.

(2) Access gates and equipment cabinets must be locked when not in use.

(3) Signs shall be installed on all gates, and every 50 feet of the security fencing stating, "**DO NOT ENTER – SOLAR POWER GENERATING FARM**."

g. Noise.

Inverter noise shall not exceed 40dBA, measured at the property line. Mitigation noise barriers may be approved on an individual basis by the Development Review Committee.

h. Lighting.

If lighting is required, it shall be activated by motion sensors. Lighting shall be fully shielded and downcast so that light does not spill onto any adjacent property or into the night sky.

i. Maintenance and upkeep.

Systems shall be maintained in accordance with manufacturer's specifications. The operator of the facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from weeds, dust, trash and debris.

j. Site Plan Review and Development Permit.

A site plan reviewed and approved by the Development Review Committee shall be required prior to issuance of a development permit. In addition to requirements for site plans generally, the site plan submission shall include the following information: The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, parking, access driveways and turnout locations, ancillary equipment, transmission lines, vegetation, the location of any residences on site and within 100 feet of the perimeter of the facility, the location of any proposed solar access easements, and standard drawings of solar energy system components, including engineered drawings and documentations for footings and array structural supports.

k. Additional submission requirements.

In addition to requirements for information to be provided during the site plan review and development permitting process, the facility shall not be approved for operation until the following are submitted:

(1) Copy of all lease agreements and solar access easements.

(2) Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of the customer's intent to connect with the local electric utility grid. A copy of the approval from the utility company providing connection to the grid must also be provided before operation of an interconnected facility will be authorized.

(3) A decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy.

(4) The County may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this section.

l. Removal of obsolete or unused systems.

(1) All obsolete or unused systems shall be removed. Any structure or equipment associated with the solar farm that is not operated for a continuous period of one year shall be considered an obsolete or unused system and decommissioned per the approved decommission plan.

(2) The site shall be restored to as natural a condition as possible within six (6) months of the removal.

Sec. 343.06. **Solar energy system, building mounted.**

A building-mounted solar energy system shall be subject to the following regulations:

a. Placement.

(1) Panels and building mounts shall be installed per manufacturer's specifications.

(2) Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within three feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.

(3) In residential zoning districts, a solar energy system for aesthetic reasons shall not be located on the front slope of a pitched roof of a principal residential structure unless no other location for the solar energy equipment is feasible. The county may require sun and shadow diagrams specific to the installation to ensure compliance with this provision.

b. Height.

Building-mounted solar panels or systems shall not exceed the apex of the roof line or parapet on the building on which the system is mounted.

c. Permits and code compliance.

A building permit shall be required for installation of all building-mounted solar energy systems.

d. Signage.

All entry ways onto a roof on which a building mounted system is to be placed shall provide a notice that the roof contains solar panels.

Sec. 343.07. **Solar energy system, ground mounted.**

a. Placement.

(1) A ground-mounted solar energy system shall not be located within the required front yard of a lot but shall be located in the side or rear yards only. Side and rear setbacks shall meet the setbacks for principal buildings for the district in which they are located.

(2) If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

(3) Panels and ground mounts shall be installed per manufacturer's specifications.

b. Maximum area coverage.

For residential properties, a ground-mounted solar energy system shall not exceed 25% of the footprint of the principal building served. For non-residential properties, a solar energy system shall not exceed 50% of the footprint of the principal building served.

c. Height.

The maximum height of a ground-mounted solar energy system shall not exceed 20 feet in height above the ground.

d. Permitting.

A building permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

Sec. 344. Veterinary offices, clinics and animal hospitals.

a. All kennels, pens, cages, runs and other facilities for containment of animals shall be located within fully enclosed buildings with adequate provisions to insure that noise, insects and odors are completely contained within said buildings.

b. No commercial boarding of animals which are not under active medical care will be conducted on the premises. All animals shall remain on the premises no longer than medically necessary.

c. Prior to issuance of occupational tax certificate, certificate of occupancy, or occupancy for veterinary clinic use, owners shall provide separate parking facilities dedicated to the vet clinic clients for pick up and drop off of animals. Such parking areas shall be segregated from parking for other uses and shall include adequate grassed areas and sanitary drainage facilities so that waste products from animals entering and leaving the facility shall

not constitute a health hazard or nuisance. Satisfactory evidence of compliance with these provisions shall be verified by Oconee County prior to said permits or occupancy.

Sec. 345. Waste handling or disposal.

Sec. 345.01. Definitions related to waste handling or disposal.

Biomedical Waste: Any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated in accordance with the rules of the Georgia Environmental Protection Division.

Biomedical Waste Disposal or Transfer Facility: A facility engineered and designed for the collection and/or transfer of biomedical waste products such as used gauze, syringes, needles, bandages, test tubes and surgical wastes from a collector vehicle to a transport vehicle for conveyance to another destination for incineration or disposal.

Composting: The controlled biological decomposition of organic matter into a stable, odor free humus.

Composting Center: A site or facility in which composting activities take place under controlled conditions.

Construction/Demolition Waste: Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

Construction/Demolition Waste Landfill: A discrete area of land that receives construction/demolition waste as defined above.

Earthen Fill Landfill: An inert waste landfill, as defined in this Code, limited to earth, yard trimmings, stumps, limbs and leaves.

Garbage: Food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous Waste: Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material that may be a hazard to the public health, safety or environment, except radioactive waste materials as defined by the State of Georgia.

Hazardous or Toxic Waste Transfer Station*:* A facility in which toxic or hazardous wastes are brought in to the site exclusively for transferal to another vehicle that will transport the wastes to another facility for disposal.

Household Waste: Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

Inert Waste Landfill: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to

earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

Lateral Expansion: A horizontal expansion of the waste boundaries of an existing MSWLF unit or landfill unit.

Materials Recovery Facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Municipal Solid Waste Landfill (MSWLF) Unit*:* A discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impounding, injection well, or waste pile, as those terms are defined under 40 CFR Part 257.2. A MSWLF unit also may receive other types of solid waste, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or private owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

New MSWLF Unit: Any municipal solid waste landfill unit that has not received waste prior to October 9, 1993.

Putrescible Wastes: Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

Recovered Materials: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered Materials Processing Facility\Materials Recovery Facility (MRF): A facility engaged in the storage, processing, and resale or reuse of recovered materials regardless of whether such facility is principal or accessory use. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recycling: Any process by which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recycling Center: Any facility that involves any process by which materials which would otherwise become solid waste are collected, separated, and reused or shipped off site to be used in the form of raw materials or products.

Recycling Collection Locations: Metal or heavy-duty plastic containers designed for short term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled, minimum monthly pickup with no on-premise sorting.

Sludge: Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Solid Waste: Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Solid Waste Disposal Facility: Any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

Solid Waste Handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

Solid Waste Handling Facility: Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

Solid Waste Transfer Station: A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Subtitle D Landfill: Any municipal solid waste landfill unit that meets the minimum requirements of (part II), 40 CFR parts 257 & 258, as amended, for Solid Waste Disposal Facility Criteria, Final Rule, and that has not received waste prior to October 9, 1993.

Transfer Station: A combination of structures, machinery, or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another solid waste management facility or processing operation.

Trash: All worthless or discarded material, objects, or refuse derived from residential, commercial, industrial, or other generators. This includes waste building materials and rubble resulting from construction, remodeling, repair, and demolition activities on pavement, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing wastes, hazardous wastes, paper and paper products, plastic bags and plastic products, waste tires, wood, bricks, metal, concrete, asphalt, wallpaper, wallboard, inert waste material, white goods, furnishings, yard clippings and trimmings, and other putrescible and nonputrescible wastes.

Toxic Waste: Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

Yard Trimmings: Leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvacultural operations.

Sec. 345.02. **Recycling collection location.**

The following requirements apply to any recycling collection location:

a. There shall be no perishable or food items allowed.

b. The location must be maintained in a safe, clean, neat and sanitary fashion.

c. Such location shall be within the buildable area of the lot.

d. Such location shall be visually screened and maintained as follows:

(1) The front yard shall be heavily landscaped as defined in the Landscaping and Buffers Article of this Code; and

(2) A landscape buffer meeting the requirements for an industrial use in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines.

(3) The landscaping and buffer requirements of this Subsection do not apply to recycling bins or storage areas in church, school or shopping center parking lots or the like where such bins or storage areas are accessory uses.

Sec. 345.03. **Recycling center.**

Recycling centers must meet the following requirements:

a. The operating portion of these facilities shall not be permitted within 200 feet of a residence in existence when the permit is approved.

b. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off an arterial or major collector road, and truck traffic routes and entrances to the facility shall be approved by the County Engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.

c. All facilities shall have an operator in attendance at all times when the recycling facility is in use, whose qualifications meet any applicable state law requirements, and the entrance to the facility must be barricaded when closed to the public.

d. All facilities hereafter established or operated shall be constructed to prevent road vehicles access except when the facility is in use.

e. All facilities hereafter established or operated shall be enclosed with a security fence at least 8 feet high with blinders installed or some other similar fencing materials or device. Litter control fencing shall be adequate to prevent paper and similar or related refuse from blowing from the facility onto neighboring property.

f. Any change in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers or equivalent measures approved by the County Engineer, as necessary to properly care for drainage; these storm sewers or equivalent measures shall be installed or constructed at the expense of the owner or applicant.

g. A recycling center shall be visually screened as follows:

(1) The front yard shall be heavily landscaped as defined in the Landscaping and Buffers Article of this Code; and

(2) A landscape buffer meeting the requirements for an industrial use in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines.

h. Recycling centers shall comply with, as applicable, the rules of the Georgia Department of Natural Resources Environmental Protection Division; all applicable provisions of O.C.G.A. Section 12-8-230; and all regulations of the federal government.

Sec. 345.04. **Wood chipping/shredding and yard trimming composting facilities.**

a. Composting materials shall be limited to tree stumps, branches, leaves and grass clippings or similar vegetative materials, and not include animal products, inorganic materials such as bottles, cans, plastics or metals, or similar materials.

b. A 3 foot high landscape earthen berm with a maximum slope of three to one and/or a minimum 6 foot high, 100 percent opaque, solid wood or vinyl fence or masonry wall shall be constructed around the entire perimeter of the facility.

c. The fence/wall or berm must be located outside of a public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

Sec. 345.05. **Landfills, subtitle D and construction-demolition materials.**

Subtitle D landfills and landfills approved for construction and demolition materials are subject to the following requirements:

a. No person may locate or operate a subtitle D or construction-demolition landfill that will likely create a nuisance; be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; or likely create other hazards to the public health of safety as may be determined by the County Health Department.

b. Special use approval required. A special use permit application shall be submitted with design plans, specifications, maintenance and operation information, including the following:

(1) Proposed location;

(2) Fire protection;

(3) Drainage courses passing through or adjacent to site;

(4) Location of access roads;

(5) Special drainage devices.

(6) Number and type of equipment;

(7) Maintenance and operation procedures;

(8) Certificate of acceptance from Oconee County Health Department;

(9) A copy of the completed application to be submitted for State permit approval; and

(10) Other pertinent information necessary to indicate the development, operation, and appearance of the completed sanitary landfill disposal area.

c. Site and design requirements.

(1) All landfills shall have a minimum lot area of 25 acres.

(2) A minimum 200-foot landscape buffer is required adjacent to and across the street from any AR zoning district or residential zoning district. Otherwise, such landfills shall be visually screened as follows:

(a) The minimum required front yard setback shall be heavily landscaped as defined in the Landscaping and Buffers Article of this Code; and

(b) A landscape buffer meeting the requirements for an industrial use in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines.

(3) All facilities shall be enclosed with a security fence at least six feet high with openings not more than those in 2 inch mesh wire or similar fencing material or device. Such fencing shall be adequate to prevent paper or related refuse from blowing from the landfill onto neighboring property.

(4) Any changes in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers as necessary to properly care for drainage: such storm sewers shall be installed at the expense of the user.

d. Access.

Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off an arterial or major collector road, and truck traffic routes and entrances to the facility shall be approved by the County Engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.

e. Restrictions on operations.

(1) Compliance with all applicable federal and state laws and permit requirements is required on a continuing basis. Violations of state or federal requirements shall be grounds for revocation of special use approval as deemed necessary to protect the public health, safety and general welfare. A copy of all State permits shall be filed and kept current with the Code Enforcement Department.

(2) Business hours shall be as set by the Georgia Environmental Protection Division but may be enforced by the Code Enforcement Director.

(3) All subtitle D or construction-demolition landfills shall have and keep on their premises, in good working order, adequate equipment to comply with the requirements established for the use.

(4) No bio-medical or hazardous wastes as defined by federal and state laws shall be disposed or discharged into the landfill site.

(5) No waste shall be disposed of within 500 feet of a public street or highway or a property line adjoining a residential zoning district.

(6) All subtitle D or construction-demolition landfills shall have an operator in attendance at all times when the landfill is in use, and such landfill must be barricaded when closed to the public.

Sec. 345.06. **Landfills, inert waste.**

Inert waste landfills intended for the disposal of non-putrescible materials are subject to the following:

a. Such facility shall not qualify as a subtitle D or construction-demolition materials landfill.

b. Such fill shall not include garbage or trash, or industrial or demolition waste not otherwise allowed by definition.

Sec. 345.07. **Landfills, earthen fill.**

A development permit issued for filling of a specific natural land depression with earth, or for other applications, shall be subject to the following:

a. An earthen fill landfill shall be limited to earth, yard trimmings, stumps, limbs, and leaves.

b. By definition, such fill shall not include garbage or trash, industrial or demolition waste, or any materials that contain internal voids such as concrete block.

c. Such facilities shall be allowed only in areas incapable of development without landfill operations, or for soil revitalization related to agricultural operations.

Sec. 345.08. **Bury pits.**

The disposal by burial of dry waste building materials on a lot or within a development that is generated while a structure is under construction is prohibited. Such waste shall be removed from the property prior to issuance of a Certificate of Occupancy for the structure.

Sec. 346. Wholesaling and warehousing.

In the OBP zoning district, wholesaling and warehousing establishments must contain at least 10 percent of their floor area in office use related to the business, and outdoor storage is not allowed. In the OIP zoning district, wholesaling activities must be limited to office and administrative activities only; no warehousing or storage of trade goods associated with a wholesale establishment is allowed in the OIP district.

DIVISION III. ACCESSORY USES AND STRUCTURES.

The following provisions apply to accessory uses or structures in all zoning districts where the principal use is otherwise allowed, whether by right or through Special Use approval.

Sec. 347. Provisions relating to all accessory uses.

Sec. 347.01. Relationship to a principal use.

Accessory uses or structures shall be permitted only in rear yards and side yards, and between the minimum front setback for a principal building and the principal building itself, except as otherwise provided in this Development Code. Exceptions will be granted to well houses which are constructed over wells located in the minimum front yard, satellite TV antenna less than 1 meter in diameter, and other uses and structures as specified in this Section.

a. Where an accessory building is attached to a principal building by a common wall, the accessory building shall be considered an integral part of the principal building and must comply with setbacks and other requirements as applicable to the principal building.

b. When an accessory building is attached to a principal building by breezeway, passageway, or similar means, it shall comply independently with the setback, separation and other requirements applicable to the principal building to which it is accessory.

c. No accessory use or structure shall be allowed on any lot except in relation to an existing principal use on the lot. If the lot is vacant, no accessory building, structure, or use shall be built upon a lot until construction of the principal building has commenced.

Sec. 347.02. Size limitations.

a. Any accessory building to a residence in a residential zoning district that exceeds 1,000 square feet of gross floor area must have Special Exception Variance approval by the Board of Commissioners as to the location, architectural design, and size prior to commencing construction. Residential properties larger than three acres shall be exempt from this requirement.

b. An accessory use shall not occupy more than 30% of a side or rear yard.

Sec. 347.03. Setback and height restrictions for accessory uses and structures.

Except as specifically regulated under this Section, see the setback and height restrictions for accessory buildings and structures in the Lot and Building Standards Article of this Code.

Sec. 348. Customary accessory uses to a dwelling.

Each of the following is considered to be a customary accessory use to a dwelling and may be situated on the same lot with the principal use that it serves, subject to more restrictive standards that may apply under this Section.

a. Private garage or carport.

A private freestanding (detached) garage or carport is allowed, and must be at least 200 feet from the nearest street right-of-way or it must be in the rear or side yard.

b. Outdoor parking area, except that no automobiles not in operating condition shall be parked between the residence and the street or streets it adjoins. All cars not in operating condition shall be parked in the rear yard or in a garage or carport. All automobile parts shall be stored within a garage or storage building.

c. Utility or storage buildings.

(1) In the R-3 and M-H zoning districts, a shed or tool room for the storage of supplies and equipment used in grounds or building maintenance shall not exceed 1,000 square feet. Metal buildings over 500 square feet require a Special Use approval.

d. Radio, television and telecommunications devices, as follows:

(1) Any device designed for over-the-air reception of radio or television broadcast signals, or direct broadcast satellite service.

(2) Any tower and antenna under 70 feet in total height that is owned and operated by an amateur radio operator licensed by the Federal Communications Commission.

(3) Radio, television and telecommunications devices shall meet the same setbacks as for principal buildings for the zoning district.

e. Children's playhouse, playground and play equipment.

f. Quarters for the keeping of domestic pets (such as a doghouse) owned by the occupants of the dwelling for non-commercial purposes. Pens housing dogs shall be a minimum of 25 feet from all property lines. For kennels, see Sec. 314.

g. When allowed, a barn, shed, pen, corral, other structure to house, shelter, or confine farm animals such as horses, mules, ponies, sheep, goats, rabbits, or poultry provided said structure to be placed in the rear yard and be at least 100 feet from every property line. Additional distance may be required by Sec. 302.

h. When allowed, a barn used only to store farm equipment, supplies or crops must be behind the dwelling and at least 50 feet from any property line. Additional distance may be required by Sec. 302.

i. Home swimming pools.

Home swimming pools may be installed in the AG, AR-3, AR R-1, R-2, R-3, and M-H Residential Districts. No swimming pool shall be installed or maintained unless:

(1) Private residential pools as accessory uses on individual residential lots are defined as follows: Private residential swimming pools include all constructed pools which are used or intended to be used as a swimming pool in connection with one single-family residence and available only to the residents of the single-family home and private guests.

(2) There shall be erected and maintained a good quality fence not less than 4 feet in height, enclosing the entire portion of the premises upon which such pool shall be installed and entirely surrounding the area in which such pool is located.

(3) Every gate or other opening in the fence enclosing such pool, except an opening through the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool. Gates or other openings except through the dwelling shall be self closing and self latching.

(4) Such pool shall not be erected closer than 10 feet from the rear and side property lines of the premises, or within the minimum front setback for a principal building along an abutting street.

(5) If the water for such pool is supplied from a private well, there shall be no cross-connection with a public water supply system.

(6) If the water for such pool is supplied from a public water supply system, the inlet shall be above the overflow level of the pool.

(7) No permit shall be issued for the installation of any swimming pool, unless the drainage of such pool is adequate and will not interfere with any public water supply system, with existing sanitary facilities or with the public highways.

(8) A pool bathhouse or cabana not more than 12 feet high and not more than 400 square feet in area may be built next to the swimming pool provided that it be connected to the required fence or enclosed by said fence and provided that it be at least 100 feet from any street right-of-way. A pool house may contain bathroom facilities including a shower, a kitchenette, but no sleeping arrangements.

j. Personal recreational facility accompanying a residence on a lot, such as a Jacuzzi™, tennis court, deck or patio.

k. Noncommercial greenhouse not more than one story tall and 180 square feet in size, located in the side or rear yard.

l. Fences (but no fence shall contain any barbed wire unless used to confine one or more horses or similar animals) and freestanding walls, subject to the setback and height restrictions in the Lot and Building Standards Article of this Code.

m. Garbage pad, heating and air conditioning units.

n. Incidental storage is permitted provided that the material stored is incidental to the permitted use and is stored completely within a portion of the enclosed, principal structure permitted within the district or within permitted accessory structures. Adherence to the National Fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage and NFPA Code 101 (*Life Safety Code*).

o. Personal art studio or workshop.

p. Personal horse stable, subject to Sec. 349.

q. Home occupations, subject to Sec. 350.

r. Guest house, in compliance with Sec. 351.

Sec. 349. Personal horse stable.

A building for the housing, shelter, maintenance or feeding of horses as an accessory use to a residence is subject to the following:

a. A personal horse stable on a residential lot shall not contain more than 4 stalls.

b. Such stable shall be established on a lot having an area of not less than 2 acres for 1 horse, and an additional 1 full acre for each additional horse kept on the property.

c. The horse stable and any corral or designated riding area shall be located at least 100 feet from any property line.

d. All animals shall be maintained within a fully fenced area.

e. Horse stables with 5 or more stalls are allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision as a development amenity. See Sec. 320.02 for provisions relating to development amenities.

Sec. 350. Home occupations.

A home occupation is permitted as an accessory use of any dwelling provided it meets the restrictions of this Section.

Sec. 350.01. Home occupations; defined.

A home occupation is any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit. A home occupation is further defined as one of the following:

a. *Home Office:* A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.

b. *Home Business:* A home occupation that is limited to the use of a practicing professional or artist, or to the office use of the operator of a business, and may involve very limited visits or access by clients or customers and the maintenance, repair, storage or transfer of merchandise received at the home. Operation of a for-profit agricultural activity or a farm is not considered a home business.

c. *Family day care home:* A home occupation in which the occupant of the dwelling provides supervision and non-medical care for up to 6 children or elderly adults with no overnight stays.

Sec. 350.02. **Home office.**

a. Permitted activities.

(1) A home office shall be limited to the personal conduct of a business within one's place of residence, subject to the provisions of this Subsection.

(2) A home office is allowed by right as an accessory use to a residential dwelling.

b. Limitations on size and location.

(1) The floor area devoted to the home office must not exceed 25 percent of the gross floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.

(2) There shall be no activity or display associated with the home office outside of any building or structure, other than one wall sign having a sign face of no more than 1 square foot.

(3) The home office shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.

(4) The building in which the home office is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home office. No exterior alteration of the residence or accessory buildings shall be made for the home office.

c. Activity controls.

(1) Sales.

There shall be no exchange of merchandise between seller and buyer on the premises.

(2) Transfer of goods.

There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service.

(3) Personal services.

There shall be no activities on the premises that provide personal services such as a barber shop, beauty shop, hairdresser or similar activities.

(4) Manufacturing.

There shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.

(5) Employees.

(a) There shall be no associates or employees on the premises other than other members of the family who reside on the premises.

(b) Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.

(6) Outsiders and nonresidents on the premises.

There shall be no nonresident persons on the premises in conjunction with the home office.

(7) Parking and storage.

(a) No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flatbed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.

(b) There shall be no parking spaces provided or designated specifically for the home office.

(8) Lights and nuisances.

There shall be no exterior lighting of the building or property or noise audible from the exterior of the building through use of the home office that is not in character with a residential neighborhood.

Sec. 350.03. **Home business.**

The provisions of this Sec. 350.03 shall apply to home businesses in all zoning districts where otherwise allowed (with the exception of any for-profit agricultural activity or a farm), and by Special Use approval within the R-1, R-2, R-3 and M-H zoning districts:

a. Permitted activities.

(1) A home business shall be limited to the personal conduct of a business within one's place of residence, subject to the provisions of this Subsection.

(2) A home business is allowed as an accessory use to a residential dwelling located within the R-1, R-2, R-3, and M-H zoning districts upon approval as a Special Use.

(3) The home business must be operated by the owner of the property on which the home business is to be located, or must have written approval of the owner of the property if the operator is a tenant.

b. Limitations on size and location.

(1) The floor area devoted to the home business must not exceed 25 percent of the gross floor area of the dwelling unit or 700 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.

(2) There shall be no activity or display associated with the home business outside of any building or structure, other than one wall sign having a sign face of no more than 1 square foot.

(3) The home business shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.

(4) The building in which the home business is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home business. No exterior alteration of the residence or accessory buildings shall be made.

c. Activity controls.

(1) Sales.

There shall be no exchange of merchandise between seller and buyer on the premises except for items produced in the home.

(2) Transfer of goods.

There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service.

(3) Personal services.

Personal service occupations shall be limited to the practice of a profession, artistic production or instruction, educational or personal tutoring, personal grooming such as a barber shop, beauty shop or hairdresser, and pet grooming. Specific services to be provided may be limited or otherwise allowed as a condition of Special Use approval.

(4) Manufacturing.

(a) There shall be no manufacturing, assembly or fabrication of products on the premises other than items of artistic value or items normally produced in a home, such as baked goods or woodworking products.

(b) No mechanical equipment shall be used for the home business except such equipment as is customary for household, artistic and hobby purposes.

(5) Employees.

(a) Only persons living in the dwelling unit plus one nonresident employee shall be located on the premises.

(b) Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.

(6) Outsiders and nonresidents on the premises.

Outsiders and nonresidents on the premises in conjunction with the home business shall be limited to those receiving personal services in the home (as specified above), purchasers of items produced in the home, and one employee.

(7) Parking and storage.

(a) No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flatbed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.

(b) No more than one vehicle of any business customer or client may park at the location of the home occupation at any time.

(8) Lights and nuisances.

(a) There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.

(b) No home business shall create noise, dust, vibration, smell, smoke, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.

d. Expiration of Special Use approval.

Special Use approval for a home business shall expire under the following conditions:

(1) Whenever the applicant ceases to occupy the premises for which the home occupation was approved, no subsequent occupant of such premises shall engage in any home business until he shall have been issued a new Special Use approval.

(2) Whenever the holder of such permit fails to exercise the same for a period of 6 consecutive months.

Sec. 350.04. **Family day care home.**

Day care for up to 6 children as an accessory use to a residence is subject to the following requirements:

a. Care shall be limited to fewer than 24 hours per day.

b. A maximum of 5 children or elderly adults for whom compensation is received, or no more than 6 children or elderly adults if the structure meets the Building Code requirements for institutional uses.

c. For purposes of this section only, children who are related by blood, marriage or adoption to the childcare provider shall not be included in the calculation of the 6 children limitation, with the total maximum of no greater than 8 children at any one time.

d. The family day care home must be registered with the day care licensing division of the Georgia Department of Human Resources and proof of such registration must be submitted to, and maintained current with, the Code Enforcement Department.

e. The registered family day care home operator must be a full-time resident of the premises where the family day care home is located.

f. The family day care home shall comply with all provisions relating to a home business under Sec. 350.03, except that there shall be no employees.

g. No off-street parking other than that required for the residential use under the Parking and Loading Article of this Code may be provided.

h. All outward appearance of the day care use shall be prohibited other than normal play equipment associated with a residence.

Sec. 351. Guest houses and garage apartments.

A detached dwelling unit that is used primarily for sleeping purposes by relatives, domestic employees or temporary guests of the family occupying the principal home on the lot must meet the following minimum requirements:

Sec. 351.01. Standards for guest houses.

a. The guest house must be an accessory use to a dwelling already existing on the lot.

b. Minimum standards:

(1) The placement of a guest house on a lot shall not result in the violation of the lot coverage maximums applicable to the zoning district in which it is located.

(2) The water supply and sanitary sewage disposal system for the lot must be certified as adequate to support the guest house in combination with the main house.

(3) Adequate parking as outlined within this code must be provided specifically for the guest house. Access shall be provided through the principal dwelling unit's existing driveway.

Sec. 351.02. Guest house restrictions.

a. Guest houses shall be architecturally compatible with the main unit.

b. No more than one guest house may be located on any lot.

c. For lots less than ten acres in size, the guest house must be placed to the rear of the main house. For lots greater than ten acres in size, guest houses may be placed in any yard.

d. The floor area of the guest house shall not exceed 50 percent of the existing heated floor area of the principal residence.

Sec. 351.03. Standards for garage apartments

a. The garage apartment must be located inside a detached garage for a dwelling already existing on the lot.

b. Minimum standards:

(1) The placement of a garage apartment on a lot shall not result in the violation of the lot coverage maximums applicable to the zoning district in which it is located.

(2) The water supply and sanitary sewage disposal system for the lot must be certified as adequate to support the garage apartment in combination with the main house.

(3) Adequate parking as outlined within this code must be provided specifically for the garage apartment. Access shall be provided through the principal dwelling unit's existing driveway.

Sec. 351.04. **Garage apartment restrictions.**

a. Garage apartments must be located within a structure architecturally compatible with the main unit.

b. Detached garages containing garage apartments shall only be located in the side or rear yard of the lot.

c. The floor area of the garage apartment shall not exceed 50 percent of the heated floor area of the principal residence.

Sec. 352. Short Term Rentals

a. Location Allowed/Prohibited

Short Term Rentals are prohibited in all zoning districts, except where specifically allowed in Article 2 of this Development Code.

Nothing contained in this section shall be construed to prohibit motels, hotels, inns and other commercial lodging uses from being located in commercial zoning districts or where otherwise specifically allowed.

b. Tenancy

The maximum time period a Short Term Rental may be rented is 30 days. With the exception of AG-zoned properties, no Short Term Rental may be rented more than once during the same 30-day period.

c. Regulations Applicable to Short Term Rentals

In addition to the licensing requirements and other requirements set forth herein, the following regulations apply to Short Term Rentals:

(1) Annual Inspection: The property must be inspected each year by the Oconee County Fire Marshal prior to the issuance of a license for a Short Term Rental;

(2) Parking: Off street parking is required for every Short Term Rental. One (1) paved off-street parking space is required per room qualifying as a bedroom for Short Term Rentals. To qualify as a parking space, the minimum dimensional requirements must include a useable rectangular area of 9 feet wide by 19 feet long, exclusive of any other area counted as a parking space. The number of vehicles allowed during a Short Term Rental tenancy shall not exceed the number of parking spaces available on the property. For the purposes of this ordinance, any type of trailer, boat and/or recreational vehicle shall also be counted as one vehicle, separate from the vehicle used to transport the trailer, boat and/or recreational vehicle;

(3) Trash: All trash must be disposed of properly. No trash may be disposed of on the property. If curbside trash pickup is available, a limit of 3 rolling trash cans not to exceed 65 gallons each may be utilized for property with a Short Term Rental. Use of commercial or roll-off dumpsters on a property with a Short Term Rental is prohibited;

(4) Fire Extinguishers: At least one (1) 10 lb. ABC fire extinguisher must be located on each level of the structure and must be clearly visible or marked with appropriate signage. Fire extinguishers must be certified annually by a licensed fire extinguisher company;

(5) Smoke Detectors: A smoke detector must be installed in each bedroom and on each level of the structure. All smoke detectors must be interconnected;

(6) Short Term Rentals shall be operated by the owner of record of the subject property who shall also be a Resident of the subject property and who shall be residing overnight on the property while Short Term Rental guests are present. The name, address and telephone number(s) of the owner shall be submitted to the Oconee County Planning and Code Enforcement Department, the Oconee County Sheriff's Office, the Oconee County Fire Department, as well as the closest volunteer Fire Station, and to the property owners located within a 300 foot radius of the property. The name, address and telephone numbers shall be permanently posted in the rental unit in a prominent location(s). Any change in the owner's address or telephone number shall be promptly furnished to each of these agencies and neighboring property owners as specified in this Section. If the owner is unavailable or fails to respond, the complaining or questioning party may contact the Oconee County Sheriff's Office. In cases where the Oconee County Planning and Code Enforcement Department is unable to reach the owner, the penalties as set forth in this Section shall apply.

(7) The property shall not contain signs advertising the Short Term Rental;

(8) If meals are served by the resident owner, no meals other than breakfast may be served to the paying guest;

(9) The resident owner of the subject property must keep a current guest register including names, addresses, telephone numbers and dates of occupancy of all guests;

(10) The resident owner shall provide a rental packet containing applicable County rules and restrictions specified in the Short Term Rental License, as well as pertinent unit safety information and contact information to guests when they book the Short Term Rental Unit and shall prominently display the license, rules, safety and contact information inside the unit;

d. License Required

All Short Term Rentals require an annual Short Term Rental License which shall be issued at the same time as the Occupational Tax Certificate and shall be noted on such Certificate. Short Term Rental Licenses are good for one calendar year. An applicant must apply each year and pay the license fee set by the Board of Commissioners. The license fee may not be pro-rated. Short Term Rental Licenses shall not renew, and an applicant must reapply each year to continue operating as a Short Term Rental. Short Term Rental Licenses are non-transferable, and such licenses automatically terminate upon a change of ownership of the property on which a Short Term Rental is located.

e. Standards for Granting a License

The following standards shall be used to determine whether an application for Short Term Rental will be granted or denied:

(1) Applicant must prove ownership of the property;

(2) Short Term Rentals must be allowed in the zoning district in which the property is located;

(3) Applicant must show compliance with requirements contained in this Section through inspection of books and records;

(4) Applicant must not have been convicted of a crime of moral turpitude within the 10 years prior to the application;

(5) Applicant must not have been convicted of violating any provisions of this Section or this Development Code within 18 months of the application.

f. The Short Term Rental shall not be expanded beyond the specific rooms which are designated as part of the Short Term Rental plans relied upon by the Planning and Code Enforcement Department in approving the Short term Rental license.

g. Application procedure

New applications shall include all items required on the Short Term Rental License Application including the following:

(1) The location and name of the owner of record;

(2) An application fee;

(3) Floor plans drawn to scale of the habitable structures on the property that clearly designate all rooms to be used by Short Term Rental guests, and the specific room or rooms to be used by guests for sleeping;

(4) A site plan of the lot showing the location of the proposed residential Short Term Rental unit and the required off-street parking spaces and driveways;

(5) A photograph or photographs of the current principal view or views of the structure where the residential Short Term Rental unit is to be located; and

(6) A statement which the resident owner must sign acknowledging that he or she has reviewed and understands the requirements of this Section and the associated violations.

The use of property in violation of the provisions of this Section shall constitute a violation of this Development Code, and the penalties shall be in accordance with Article 14 of this Development Code. Additionally, any violation of this Section may result in the revocation of any Short Term Rental License issued hereunder.

If the property manager or local contact person is not able to be reached by the Planning and Code Enforcement Department more than three times in any consecutive six month period, this shall be grounds for revocation of the Short Term Rental License.

h. Taxes

Short term rental unit owners are subject to state sales tax, county taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and this Development Code. Oconee County may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

Sec. 353. Accessory, recreation and other amenities to a residential development.

Sec. 353.01. Development amenities.

Development amenities such as a clubhouse, exercise equipment, recreational facilities such as a swimming pool or tennis courts, common laundry facility, rental or management office, central mail box pavilion, dumpster or designated recycling collection location incidental to and located on the same property as a townhouse or multi-family development or manufactured home park, are allowed subject to the following provisions. (See also Sec. 320.02 for amenity areas in a development, such as a residential subdivision, located on a separate lot.)

a. The development amenities shall be for the exclusive use of the occupants of the residential subdivision, townhouse or multi-family development or a manufactured home park.

b. Before any public, semi-public, community, or neighborhood swimming pool is opened for use it shall be required to meet the state regulations for public swimming pools.

c. Development amenities must be located within the principal building setbacks, except for mail box pavilions.

d. Outdoor recreation activities shall cease by 11:00 P.M.

e. Signage and advertisement for any commercial purposes shall not be visible outside the development or intended to attract off-site customers.

f. Recreation amenities to be located on a separate lot in the development shall comply with the requirements of Sec. 320.02 in lieu of the provisions of this Sec. 352.

Sec. 353.02. **Standards for cluster mail box units (CBUs).**

a. Location.

CBU's must be located on a lot within an easement or on a lot dedicated to the home-owner's association or area dedicated for open space or public access easement obtained by the developer. CBU's may not be placed in the Right of Way (ROW) of any road. The location of the CBU within the subdivision shall be determined by the Planning Director, the Public Works Director, local Post Master, and developer or builder.

b. Parking/Access.

In addition to any requirements for parking specified in Article 6 Parking and Loading, or any accessibility guidelines pertaining to the Americans with Disabilities Act (ADA), the following ratio table must be met:

Number of Mailboxes	Number of Spaces Provided
50 or less	2
51-80	3*
81-110	4*
111 or more	4*

*At least one parking space must be handicap accessible

c. Maintenance.

CBU's are to be maintained by the Homeowners Association (HOA) or managing entity. The developer shall be responsible for confirming the logistics of regular mail delivery to CBU's with the USPS. As such, CBU design shall be subject to final approval by the USPS.

d. Landscaping/Screening.

CBU's must meet the requirements set forth in Article 8, Landscaping and Buffers.

e. Signs.

Signs shall be permitted on CBU's for the sole purpose of official mail delivery to a subdivision. Signs must meet standards set forth in Article 7 Sign Regulations.

f. Lighting.

Adequate lighting shall be provided by the HOA or managing entity. Lighting shall be such that it is not directed onto any adjacent properties or ROW.

Sec. 354. Customary accessory uses to a church or other place of worship.

a. Meeting facilities.

b. Administrative offices for on-site staff.

c. A rectory or parsonage for the housing of the pastor, priest, minister, rabbi, etc.

(1) Minimum building separation of 15 feet from primary structure required.

(2) Customary accessory uses associated with a dwelling are allowed.

d. Religious classrooms, church schools and related facilities.

A church or other place of worship may have an accessory school or religious exempt nonpublic postsecondary institution with the following minimum requirements:

(1) Minimum lot size of 3 acres for the school in addition to the minimum lot size requirement for the church or other place of worship.

(2) When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

(3) Religious exempt nonpublic postsecondary institution shall only be allowed as an accessory use to community scale church.

e. Cemeteries and mausoleums.

A church or other place of worship may have an accessory cemetery with the following minimum requirements:

(1) Minimum lot size of 5 acres for the cemetery in addition to the minimum lot size requirement for the church.

(2) When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

f. Accessory day care.

An accessory group day care facility or day care center shall comply with the applicable requirements of Sec. 321, as well as the following minimum requirements:

(1) Minimum lot size of 3 acres for the day care use in addition to the minimum lot size requirement for the church or other place of worship.

(2) When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

g. Within the B-1 and B-2 zoning districts, a community food or housing shelter may be located in a church or other place of worship as an accessory use, provided it meets the applicable minimum standards of the Community Food and Housing Section of this Article.

Sec. 355. Customary accessory uses to commercial and industrial uses.

The following accessory uses are permitted in the commercial and industrial zoning districts:

a. Heating and air conditioning units subject to the following conditions:

(1) When abutting any residential property line, heating and air conditioning units shall not be located in any required setback for principal buildings.

(2) When abutting any other non-residential district, heating and air conditioning units shall not be closer than 10 feet to a side or rear lot line.

(3) Heating and air conditioning units may be installed on a roof of any structure in the commercial and industrial zoning districts so long as the heating and air conditioning units do not exceed the height restrictions of the zoning district in which the building is located, and they are screened from a side or front view.

(4) Ground based air conditioning and heating units shall not exceed 35 feet in height.

b. Incidental storage.

Incidental storage, provided that the material stored is incidental to the permitted use, and is stored completely within a portion of the enclosed, principal structure permitted in the district or within the permitted accessory structure. Adherence to the National fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage, and NFPA Code 101 *(Life Safety Code*)

c. Free standing parking garages, subject to the following conditions:

(1) When abutting any residential property line, free standing parking garages shall not be located within any required building setback for a principal building.

(2) When abutting other nonresidential districts, freestanding parking garages shall not be closer than 10 feet to any rear or side property line.

d. Manufacturing and fabrication as an accessory use

If undertaken as an accessory use to a retail use allowed by right in a commercial zoning district, such as a jewelry store or pottery, the manufacturing or fabrication activity may occupy no more than 25% of the gross floor area or 1,000 square feet (whichever is less). All such products manufactured or fabricated on the premises must be sold on the premises as a retail activity.

e. Ancillary Retail Sales.

The retail sale of goods and services as an accessory use to a primary industrial use on a property is allowed, insofar as the goods for sale have been produced on site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a free-standing business

f. Accessory car washes.

Car washes accessory to gasoline stations and convenience food stores with fuel pumps, provided the car wash is located within an enclosed building that complies with the building setbacks for a principal building.

Sec. 356. Accessory retail uses within an office, hospital, hotel or multi-family building.

Within the R-3 zoning district and the commercial zoning districts, except where mixed-use buildings are otherwise allowed, retail sales and services accessory to the operation of an office building or institutional use, hospital, motel, hotel, or multi-family building, must be conducted wholly within the building housing the use to which such activities are accessory, and are further subject to the following conditions:

a. The floor space used or to be used for such accessory uses shall be limited to a total of 25 square feet per dwelling unit in a multi-family building.

b. The floor space used or to be used for such accessory uses shall be limited to a total of 25 square feet per room in a hotel or motel.

c. The floor space used or to be used for such accessory uses shall be limited to a total of 10% of the gross floor area in an office building or institutional use.

d. Every public entrance to such a use shall be from a lobby, hallway, or other interior portion of the primary use structure, except for restaurants located within an office building, hotel or motel.

e. No show window, advertising, or display shall be visible from the exterior of the primary use structure except for a restaurant located within an office building, hotel or motel.

f. No merchandise shall be stored or displayed outside of the primary use structure.

g. The following accessory uses are permitted: barber shops, beauty shops, laundry and dry cleaning pick up and distribution stations, and other similar personal service establishments; drugstores, book stores, florists, convenience food stores, gift shops, cafeterias and restaurants, private clubs, laundry facilities for the convenience of residents, and news stands.

Sec. 357. Agricultural produce stand.

Agricultural produce stands are allowed for the sale of agricultural products and commodities produced on the premises as an accessory use to a farm in the AG District with the following requirements:

a. The sale of products and commodities raised on the premises is permitted, provided that no structure for such sales shall be closer than 35 feet to any property line.

b. No such structure for the sale of such commodities may exceed five hundred square feet in floor area.

c. There shall be a minimum of 100 feet from the retail structure to the nearest residential structure other than that which belongs to the owner of the retail structure.

d. Off-street automobile parking and loading space must be provided as required in the Parking and Loading Article of this Development Code.

Sec. 358. Farm tenant dwelling.

Accessory dwellings for the occupancy of tenants on a farm must comply with the following:

a. The principal residence on the property, to which the farm tenant dwelling is accessory, must be occupied by the owner or the operator of the farm.

b. The accessory farm tenant dwelling must be located on the property of an active agricultural activity, as defined by the State of Georgia, which shall have been granted a Preferential Agricultural Assessment or Conservation Use Assessment of Agricultural Land by the Oconee County Board of Assessors, which assessment shall be continued and active.

c. At least one adult occupant of each dwelling unit must be employed to work on the farm where the dwelling is located. Such employment must be for compensation or profit, or such employee must be a relative of the owner or a co-owner of the farm; in any case, one occupant must devote at least 20 hours a week on average in the farming operation.

d. A farm tenant dwelling may be either a single-family detached or two-family site-built or modular building, or a manufactured home where accessory manufactured homes are otherwise allowed by right or special use approval under Sec. 329.

e. No more than one dwelling unit for each five acres of land devoted to active agricultural use is allowed.

f. The heated floor area of the farm tenant dwelling shall not exceed 1,500 square feet.

Sec. 359. Helipads, private use.

A private use helipad, as defined in this Development Code, when allowed as an accessory use shall meet the following minimum standards:

Sec. 359.01. Compliance with FAA guidelines.

a. The development of a private use helipad shall be in accordance with the guidelines specified by the Federal Aviation Administration.

b. The applicant shall file with the Federal Aviation Administration (FAA) a form 7480-1, "Notice of Landing Area Proposal" and subsequently receive a “Non objectionable Determination Letter” from FAA, prior to use of the facility by any aircraft. A currently approved “Non objectionable Determination Letter” from the FAA shall be maintained on file with the Code Enforcement Department.

Sec. 359.02. Takeoff and landing area.

a. Private use helipads shall, as a minimum, have a takeoff and landing area 1½ times the overall length of the largest helicopter allowed to use the facility.

b. The surface of the area shall be grassed, paved or treated as may be required to minimize dust or blowing debris.

c. The owner of a private use helipad shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence, wall or hedge no less than three feet in height and fully enclosed with a self-locking gate.

Sec. 359.03. Operational restrictions.

a. The facility shall be used for daytime take off and landing only unless:

(1) The helipad is located in a commercial or industrial zoning district; and

(2) The helipad is approved for night use by the FAA.

b. Accessory use to a residence.

A private non-commercial helipad for the personal use of the occupant of a single-family residence may be approved as a Special Use by the Board of Commissioners in accordance with the provisions of the Permits and Procedures Article of this Code, subject to the following restrictions at a minimum:

(1) Compliance with all requirements of this Sec. 359.

(2) No more than 1 helicopter shall be stationed, located, parked or operated at, to or from the location at any given time.

(3) No helicopter using the facility shall have more than 4 seats nor be designed to carry more than 4 persons. This shall include the pilot(s).

(4) No helicopter using the facility shall have more than one main rotor system.

(5) The facility shall be used only for private, non-commercial aircraft and shall not be used for organized aviation events such as skydiving, air shows or similar functions.

(6) No fueling or maintenance facilities shall be located on the property.

(7) The facility shall be located on a parcel of land at least 5 acres in size.

Sec. 360. Night watchman residence.

A permanent night watchman residence may be developed as an accessory use to a nonresidential use for the exclusive occupancy of personnel employed for the security of the principal use subject to the following standards:

Sec. 360.01. Need.

The principal use must be deemed by the Planning Director as one requiring full-time security or 24-hour on-site management. Such uses include but are not limited to mini-warehouses, high-value warehousing or on-site storage, or outdoor storage of valuable materials or equipment.

Sec. 360.02. Development restrictions.

a. The night watchman residence may consist of only one dwelling unit.

b. The occupant of the residence must be an employee of the enterprise on the premises, hired for the purpose of security.

c. The residence shall be a minimum of 1,000 square feet in floor area, and may be a manufactured home but must comply with all other standards of Sec. 304 relating to single-family and two-family residences.

d. The residence may be a portion of a building primarily devoted to non-residential uses or may be a separate residential building. If it is a separate building, the location, design, and materials of the residence shall be consistent and integral with the site plan and building design for the principal use.

e. Two off-street parking spaces shall be provided in addition to the parking required for the principal uses(s).

Sec. 361. Outdoor display areas.

Merchandise or goods may be on display outdoors for the purpose of customer selection or direct sale or lease to customers only as follows:

Sec. 361.01. Outdoor display areas; permanent.

The following merchandise or goods may be located in outdoor display areas on a permanent basis (where the use is otherwise permitted):

a. Motorized vehicles that are in good running condition free from exterior damage or substantial wear.

b. Manufactured homes, industrialized buildings.

c. Utility sheds, gazebos and play equipment.

d. Plant nursery items.

e. Light building materials such as lumber, patio pavers and decorative stone; yard furniture such as benches, swings and bird baths; and yard maintenance materials such as fertilizer, mulch, straw and seed.

Sec. 361.02. **Temporary sales promotions.**

All other outdoor display of merchandise or goods shall be conducted on a temporary basis associated with special business promotions. See Sec. 340 for restrictions on temporary events. Signage for such temporary events is restricted in accordance with the Sign Regulations Article of this Code.

Sec. 361.03. **Outdoor display areas; restrictions.**

a. Merchandise or goods on display outdoors must be located at least 20 feet from any property line.

b. Any area outside of a building where merchandise or goods are displayed for customer selection or direct sale but which is permanently screened by an opaque imitation-wood vinyl fence or free-standing wall at least 6 feet in height or a landscape buffer meeting the standards of the Landscaping and Buffers Article of this Code shall not be considered an outdoor display area.

Sec. 362. Outdoor storage.

The outdoor storage of goods, material or merchandise not otherwise on display for customer selection or direct sale or lease to customers, where the use is otherwise permitted, is limited as follows:

Sec. 362.01. **Outdoor storage in commercial zoning districts.**

a. Outdoor storage is not permitted in the OIP Districts.

b. Outdoor storage is permitted in the OBP district by right and in the B-1 and B-2 Districts with Special Use approval only. All outdoor storage must be located in a side or rear yard and must be screened from public streets and residential districts by an opaque imitation-wood vinyl fence or free-standing wall no less than 8 feet in height or a landscape buffer meeting the standards of the Landscaping and Buffers Article of this Code.

c. No required parking spaces, required landscaped area, or any other required site element shall be used for outdoor storage.

Sec. 362.02. **Outdoor storage in the industrial zoning districts.**

Building material or other outdoor storage yards, except junkyards, are allowed in the I Industrial zoning district if they meet the following requirements:

a. They shall not be located within a required front yard.

b. They shall be setback at least 25 feet from any side or rear property lines and shall be screened by a solid fence at least 6 feet high which is setback a similar distance from any side or rear property lines, appropriately landscaped and maintained per an approved site plan.

c. If an outdoor storage yard is established in connection with a permitted building, it shall meet the above requirements.

d. Additional restrictions apply to salvage, junk and wrecking yards (see Sec. 327).

DIVISION IV. PROHIBITED USES.

Sec. 363. Designated uses not allowed.

The following specific uses are not allowed in any zoning district in Oconee County:

a. Bars, taverns and other drinking places (alcoholic beverages).

b. Chemical manufacturing, except pharmaceutical and medicine manufacturing.

c. Leather and hide tanning and finishing.

d. Liquor store.

e. Paper manufacturing other than finished stationery products.

f. Petroleum and coal products manufacturing other than asphalt plants.

g. Solid waste combustors and incinerators.

h. Wood preservation establishments.

Sec. 364. Noxious manufacturing or industrial activities not allowed.

Sec. 364.01. Prohibited noxious or hazardous products.

A manufacturing or industrial activity that produces any of the following as products or by-products of the manufacturing process is prohibited:

a. Caustic or corrosive acids.

b. Chlorine or other noxious gasses.

c. Explosives.

d. Fertilizer or glue.

e. Products involving hair or fur.

Sec. 364.02. Prohibited noxious or hazardous processes.

A manufacturing or industrial use that involves any of the following is prohibited:

a. Hazardous waste treatment of disposal.

b. Land or water based disposal of hazardous or toxic wastes.

c. Petroleum refining.

d. Processing of sauerkraut, vinegar or yeast.

e. Rendering or refining of fats and oils.

f. Tanning or finishing of leather or other hides, except taxidermy.

g. Wood preservation.

Article 4. Lot and Building Standards

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Article 4. Lot and Building Standards

Sec. 401. Purpose of Article 4.

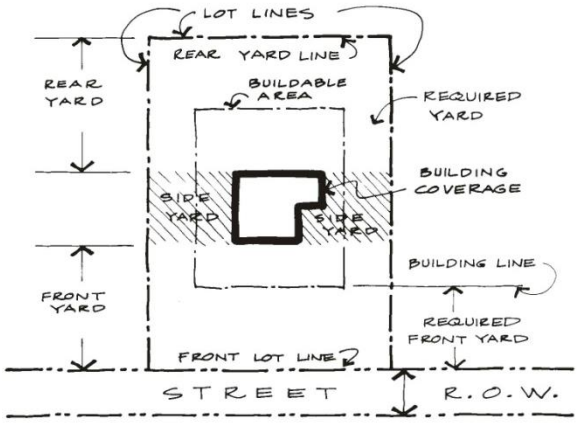
This Article sets out the standards that control the size of lots, the placement and size of buildings and structures on a lot, and the intensity of development on a lot.

Sec. 402. Definitions related to lot and building standards.

Alteration of a Building: Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams or girders, any change that results in an addition to the enclosed floor area of a building, or the movement of the building from one location to another.

Block: A piece or parcel of land entirely surrounded by public highways or streets (other than alleys), railroads or other rights-of-way, or boundaries of the development within which the block is located.

Buildable Area of Lot: That portion of a lot bounded by and interior to the minimum required rear, side and front yards as established by the minimum building setback lines for a principal building.



Building: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or chattels.

Building, Alterations of: See "Alteration of a Building."

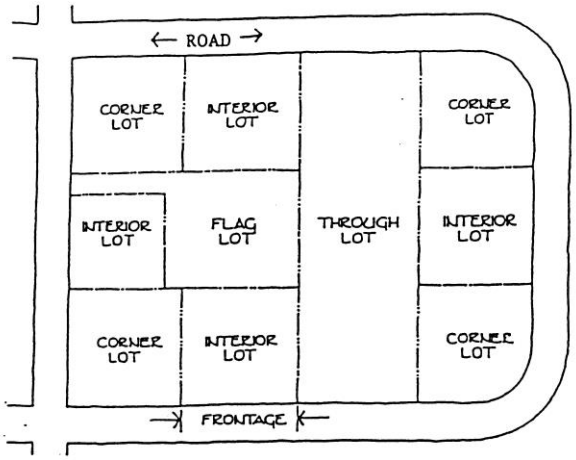
Building, Main: A building in which is conducted the principal use of the lot on which it is situated. Also referred to as a "Principal Building.".

Floor Area, Heated: The gross floor area of all spaces within a building that are heated by mechanical means, known also in dwelling units as "living area." Heated floor area does not include garages, unheated basements or cellars, attic storage areas, partially unenclosed decks or lanais, and areas open to the sky.

Frontage, Lot: The distance over which the boundary line of the lot and the street line are coincident.

Heated Floor Area: See "Floor Area, Heated."

Lot: A parcel or tract of land held in single or undivided ownership devoted to a common use or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.



1. *Corner Lot:* A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 120 degrees.

2. *Double-Frontage Lot (i.e., a "Through Lot"):* A lot bounding on 2 or more streets, but not at their intersection, so that it is not a corner lot unless said corner lot has frontage on 3 or more sides.

3. *Interior Lot:* A lot having frontage on only one street.

4. *Flag Lot:* A lot having a street frontage and initial lot width notably less wide than the body of the lot (usually where the principal building is intended to be located), such that the lot appears to be a "flag" on a "pole" extending to the street frontage.

Lot Area: The computed ground area inside the lot lines.

Lot Coverage: The computed ground area occupied by all impervious surface within a lot.

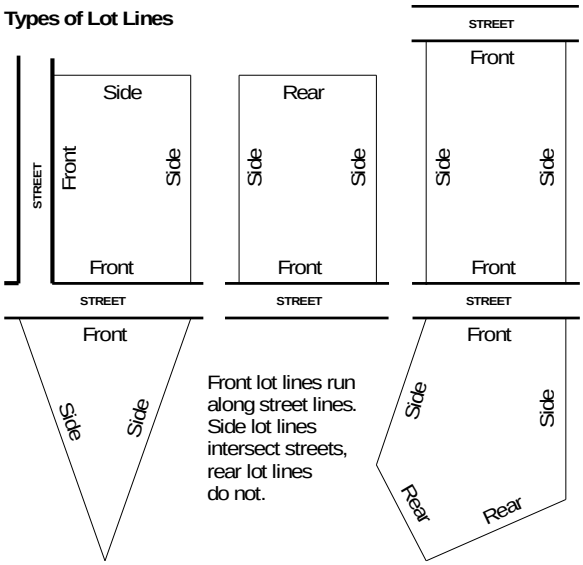
Lot, Depth Of: The distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.

Lot Line: The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.

1. *Front Lot Line:* Any boundary line of a lot that abuts a street. A lot adjacent to more than one street will have more than one front lot line.

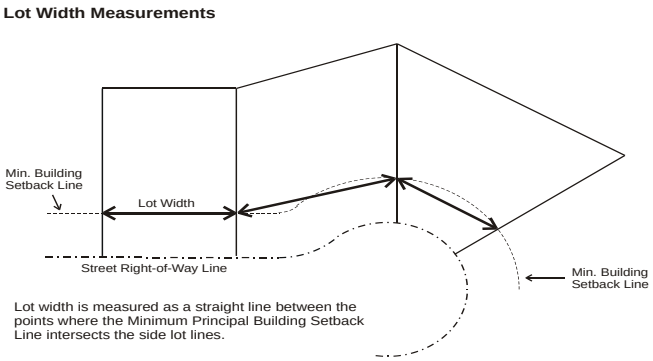
2. *Rear Lot Line:* Any boundary line of a lot that does not intersect with a street right-of-way line and is not a front lot line.

3. *Side Lot Line:* Any boundary line of a lot that intersects with a street right-of-way line and is not a front lot line.



Lot of Record: A lot or parcel of land whose existence, location and dimensions have been recorded in the Office of the Clerk of the Superior Court of Oconee County.

Lot Width: The distance measured along the minimum principal building setback line between intersecting lot lines. The lot width shall be measured along a straight line between such points of intersection.



Principal Building: A building in which is conducted a principal use, such as a house, an office building, a store or a factory.

Principal Building Setback Line: A line delineating the minimum allowable distance between a property line (or the right-of-way line) of an abutting street and a principal building on a lot.

1. *Front Building Setback:* The minimum allowable distance between the right-of-way line of any abutting street and any part of a principal building on a lot. The front setback distance is applied along the full length of the right-of-way line and is parallel to it.

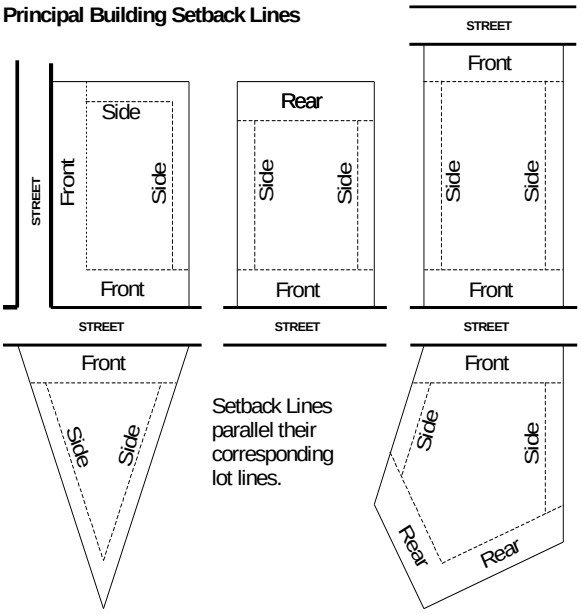
2. *Rear Building Setback:* The minimum allowable distance between a rear lot line and any part of a principal building on a lot. The rear building setback extends along and is parallel to the full length of the rear lot line.

3. *Side Building Setback:* The minimum allowable distance between a side lot line and any part of a principal building on a lot. The side building setback extends along and is parallel to the side lot line between the front building setback and a rear building setback (if any).

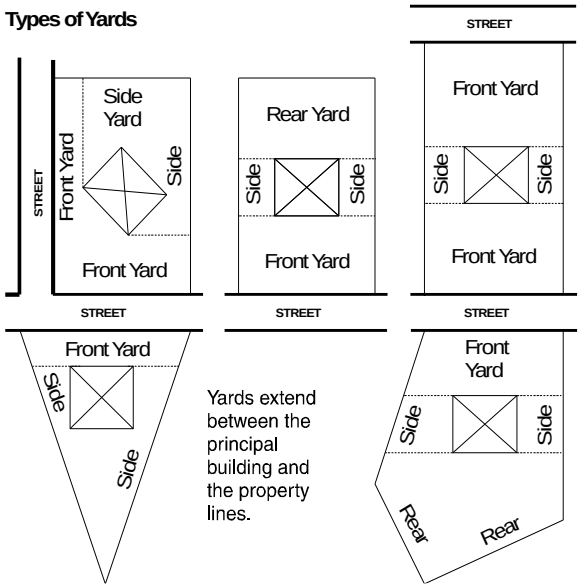
Principal Use: The specific, primary purpose for which land or a building is used, such as residential living, professional services, retail sales or manufacturing.

Setback: The shortest straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom, measured at 90 degrees to the street or lot line. The "nearest point of a building" includes such projections as sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps and roof overhangs of 18 inches or less.

Setback, Minimum: The shortest distance allowed between a street right-of-way line or any other lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.



Subdivision, Conservation: A form of subdivision design which concentrates lots, houses, streets, utilities and related development activities on the more suitable, and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. The net density of the development is equal to or less than that of traditional subdivision design but the lot sizes are smaller in order to preserve the environmentally sensitive areas in dedicated, perpetual open space.



Yard: An area that lies between the principal building on a lot and the nearest lot line.

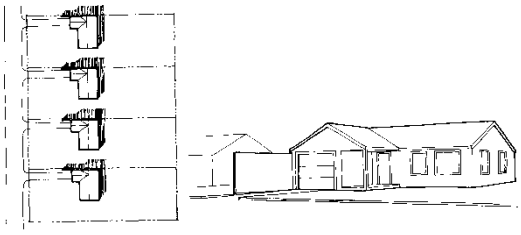
1. *Front Yard:* a yard extending the full width of the lot, located between the street line and the front line of a principal building, projected to the side lines of the lot.

2. *Rear Yard:* a yard extending the full width of the lot and situated between the rear lot line of the lot and the rear of a principal building projected to the side lines of the lot.

3. *Side Yard:* a yard located between the side of a principal building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

4. *Court Yard:* A yard that is semi-enclosed on two or more sides by the walls of a building or structure or the extension of such walls.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line, such as "patio homes" or "townhouses."



DWELLING, PATIO HOME

Sec. 403. Height and Density.

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

a. Exceed the height limits.

b. House a greater number of families per acre or occupy a smaller lot area per family than are herein required.

c. Have narrower or smaller front, rear or side yards than are herein required.

Sec. 404. Residential lot area.

Sec. 404.01. Minimum requirements.

a. Every property upon which a residential use will be located shall meet or exceed the requirements shown on Table 4.1. for the zoning district in which the lot is situated. The minimum lot area must be met by each lot in a conventional subdivision. See Article 5 for minimum lot area reductions in conservation subdivisions and master planned developments.

b. For lots served by a private street easement, the minimum lot sizes shown on Table 4.1. shall be exclusive of any area within said street easement.

Sec. 404.02. Lots containing flood plain.

Lots all or partially within the 100 year flood plain shall not be platted as residential lots for which a building permit can be granted unless:

a. Such lot contains at least the minimum lot area required for the applicable zoning district; and

b. Such lot contains a minimum lot area outside the flood level as specified on Table 4.1; and

c. The public road or private street providing access is above the flood level.

d. All such lots with individual wells and individual septic systems must contain at least 51,000 square feet of land lying above the flood level or the minimum required by County Health Department.

Sec. 404.03. **Minimum buildable area.**

a. Every single-family, duplex or manufactured home lot shall provide a single, contiguous buildable area for each dwelling unit that meets or exceeds the requirement shown on Table 4.1.

b. The minimum required buildable area shall exclude any area classified as a primary conservation area as defined in the Environmental Protection Article of this Development Code.

c. The buildable area of a lot shall be of a size and shape that will accommodate a residence meeting the minimum floor area required by its zoning district with no variances.

Sec. 405. Nonresidential lot area.

Every property upon which a commercial, industrial or institutional use will be located shall meet or exceed the requirements shown on Table 4.1 for the zoning district in which the lot is situated.

Sec. 406. Minimum lot size on septic tank.

Sec. 406.01. **Minimum lot size established.**

The minimum lot area required per dwelling unit on an on-site sewage management system (septic tank) with public water supply is 30,000 square feet, and on a lot with a well water supply is 51,000 square feet. Larger lots may be required as shown on Table 4.1.

Sec. 406.02. **Lot size increases.**

If an on-site sewage management system is proposed to serve a lot or building, the County Health Department may require larger lot sizes in individual cases based on a variety of factors,[1] such as:

a. The following land areas are not considered as a part of a lot when calculating the required minimum lot size for an on-site sewage management system under State requirements: easements (such as power line or pipe line) that exclude installation of an on-site sewage management system, and land within 50 feet of a lake, river, stream, wetland or other bodies of water.

b. Such lots located in groundwater recharge areas are subject to increase. See the Aquifer Recharge Area Section of the Environmental Protection Article of this Development Code.

c. The minimum lot area per dwelling shown on Table 4.1**.** may be increased for a home larger than a "typical size home," which is defined as follows: a 3- or 4-bedroom home with basic appur-tenances such as: driveway, minimum number of trees, and water supply line. If larger homes, swimming pools, tennis courts or outbuildings, etc. are pro-posed to be constructed or if trees would interfere with installation of an on-site sewage management system, the County Health Department may require larger lots to assure useable soil area.

d. The County Health Department may also require larger lot sizes when physical factors indicate the need to do so. These factors include, but are not limited to, the availability of sufficient unobstructed land areas for an approved on-site sewage management system and approved replacement system, slope greater

[1] Refer particularly to "Section M" of the *Manual for On-Site Sewage Management Systems*, Public Health Division, Georgia Department of Human Resources, latest edition.

than 5 percent, percolation rates higher than 45 minutes per inch, need for subsurface drainage or adverse topographic features.

e. Lots shall be a minimum width of 100 feet or 150 feet measured within the area where an approved on-site sewage management system and replacement system are to be located when served by a public water supply system or non-public water supply system (private well), respectively.

f. There must be an unobstructed area on each lot for installation of an approved on-site sewage management system and an area equal in size for a conventional system or larger area, as appropriate, for an approved replacement system; this will include sufficient area for necessary site modifications for installation of both the initial system and a replacement system. All pertinent zoning setbacks and other space requirements must also be met.

g. The maximum daily sewage flow for each lot or parcel of land shall not exceed 600 gallons per acre per day (gpad) when served by non-public or individual water supply system or 1,200 gpad when served by public water supply system. When sewage flows exceed these quantities (600 or 1,200 gpad as indicated) for a given dwelling structure, the minimum lot size or parcel of land shall be increased proportionally following Health Department guidelines.

Sec. 407. Minimum lot frontage.

Sec. 407.01. Street frontage required.

No building or structure shall hereafter be erected on a lot that does not abut for at least 40 feet upon an open street which shall be either a public street, a publicly maintained street, a private street easement, or an approved easement to a public street, unless such lot was properly platted and approved prior to July 2, 2019 and abuts for at least 25 feet on such an open street. The point of measurement for this requirement shall be at the street right-of-way or easement line, as applicable.

Sec. 408. Minimum lot width.

Sec. 408.01. Minimum lot width established.

Minimum lot widths are shown on Table 4.1 based on the lot's zoning district.

Sec. 408.02. Lot width increases.

The lot width required on an individual lot shall be wider than the minimum lot width when one of the following situations occurs:

a. A corner lot or other lot with multiple frontages shall require an additional width in order to provide an adequate buildable area on the lot.

b. A greater lot width at the front minimum building setback line shall be required in order to provide adequate lot width where an on-site sewage management system is to be installed, per Section Sec. 406.02.e.

c. A greater lot width may result from provision of the minimum lot frontage, depending on lotting pattern, or to accommodate topographic or other physical conditions.

Sec. 408.03. Minimum Lot Depth.

The minimum lot depth shall be calculated as the distance between the front lot line and the rear lot line. For the entire distance of the required minimum lot depth, the lot width shall measure the minimum length required in Table 4.1. In no case shall the minimum lot depth be smaller than the minimum lot widths required in Table 4.1.

Sec. 409. Minimum setbacks; principal buildings.

Sec. 409.01. Setback requirements.

All principal buildings on a lot shall be set back from the street right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Table 4.1 See definition of "principal building setback line" for applica-tion of the setback requirements.

Sec. 409.02. Exceptions to front yard requirements.

The front yard requirements of this Development Code shall not apply on any lot where the average depth of the front yards of existing buildings on adjoining lots located wholly or in part within 100 feet on each side of such lot within the same block and Zoning District and fronting on the same side of the street is either greater or less than the minimum required front yard depth.

a. If the average depth of the front yards is greater than the required minimum front yard depth, the depth of the front yard of such lot shall be the average of the front yards of the above-mentioned buildings.

b. If the average depth of the front yards is less than the required minimum front yard depth, the depth of the front yard of such lot may be less than the required front yard depth but shall not be less than the average of the front yards of the existing buildings.

Sec. 409.03. Side yard setback reduction.

The side yard setback may be eliminated along interior lot lines of commercial subdivisions to permit the centerline of a joint access easement (private access drive) to straddle the interior lot line(s) provided that the following conditions are met:

a. The private access drive shall comply with all other applicable provisions of this Development Code, including easement width, pavement width, pavement cross section, landscaping and provisions for drainage and utility easements.

b. The centerline of the private access drive shall be generally parallel to the af-fected lot line(s).

c. The side yard setback (green space) lost to said placement of private access drive shall be replaced by an equal size area of landscaped green space else-where on the affected lot(s). Said green space shall be placed on said lot(s) per an approved preliminary plat and/or site development plan and shall be in ad-dition to all other green space & tree planting otherwise required on said lot(s).The green space area relocated under the provisions of this section shall be designed and located in accordance with one or more of the following:

(1) Where the commercial subdivision abuts property zoned to allow residen-tial use, the green space may be added to the required side yard and planted buffers between the residential and commercial areas.

(2) Where off-street parking lots are visible from public rights-of-way, the relocated green space may be placed in such a manner as to increase the required buffers and street tree areas between such parking lots and rights-of-way.

(3) To increase shade tree plantings on the southern and western exposures of parking areas and buildings beyond the tree requirements otherwise required by this Development Code.

(4) In areas to provide additional filtering of storm water runoff and to allow for increased absorption thereof.

(5) Other similar locations as approved by Oconee County.

d. Nothing contained herein shall be construed to allow the trees and planting islands required in off-street parking lots and the landscaping required between parking lots and public rights-of-way to be relocated elsewhere on the property. This section shall only be applied to side yard setbacks displaced by the aforementioned placement of private access drives.

Sec. 410. Minimum setbacks; accessory buildings and structures.

Accessory uses or structures shall be permitted only in rear yards and side yards except as otherwise provided in this Code. For additional provisions for specific accessory buildings and structures, refer to the Restrictions on Particular Uses Article of this Development Code.

Sec. 410.01. **Accessory buildings.**

Minimum setbacks for accessory buildings shall be as follows:

a. Animals and Livestock

Housing for animals and poultry shall be located in accordance with the agricultural and residential use separation requirements of Article 3 and applicable landscape buffer requirements of this Development Code.

b. Night watchman residence.

Night watchman residences shall conform to the minimum setback requirements for principal buildings in each zoning district.

c. All other accessory buildings not specifically regulated by Article 3 of this Development Code.

(1) Accessory buildings having a floor area of 144 square feet or less must be at least 5 feet from any side or rear property line and must not be located within any front yard (i.e., between the principal building and a street). Exceptions will be granted only to well houses which are constructed over wells located in the front yard.

(2) Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district; provided that no such accessory building may be located in the front yard of a lot unless the lot itself is 3 acres or more in size. In no case shall the building be within the minimum principal building front setback).

(3) When an accessory building is attached to the principal building it shall comply with the minimum setback requirements of the principal building to which it is accessory. This shall not apply to unenclosed decks.

Sec. 410.02. **Accessory structures.**

Minimum setbacks for accessory structures (excluding buildings but including parking lots) shall be as follows:

a. Fences and free-standing walls.

(1) In all residential zoning districts, and for single-family detached developments within a planned unit development, a fence or free-standing wall[2] in any front yard area must be set back from the right-of-way line by at least 3 feet. No setback is required along side or rear lot lines.

(2) For all agricultural, office/commercial and industrial districts, there shall be no minimum setback for fences or freestanding walls; provided that any fence or freestanding wall shall not obstruct visibility at street intersections.

[2]Other than a retaining wall.

b. Private recreational facilities.

(1) An unenclosed recreational facility accompanying a residence on a lot, such as a tennis court, must comply with the same setbacks as required for principal buildings in each zoning district. Such setbacks apply to the facility itself, but not to any surrounding ground-level patio or deck.

c. Gasoline pumps and canopies.

For special setback provisions for gasoline pumps and canopies, see the Gasoline Stations, Truck Stops and Convenience Stores with Fuel Pumps Section in the Restrictions on Particular Uses Article of this Code.

d. Signs.

See the Sign Regulations Article of this Development Code for all setback requirements for the various types of signs.

e. Parking and loading areas.

See the Setback Requirements Section of the Parking and Loading Article of this Development Code for setbacks relating to parking lots and truck loading areas.

f. All other accessory structures.

Accessory structures not listed above and not specifically regulated by Article 3 of this Development Code must be at least 10 feet from any street right-of-way and at least 5 feet from any other property line (except driveways that connect to a street or adjoining property

g. Accessory structures shall not encroach upon any easement unless such encroachment is allowed by the terms of the easement.

Sec. 411. Minimum floor area requirements.

Sec. 411.01. Minimum floor area within a dwelling unit: principal buildings.

To promote public health, safety, and general welfare, all dwelling units in principal buildings, in each zoning district of Oconee County, shall have a minimum heated floor area as shown on Table 4.1.

Sec. 412. Building and structure heights.

Sec. 412.01. Building and structure heights; how measured.

a. Building height.

The height of a building is the vertical distance measured from the mean elevation of the finished lot grade at the front of the building to the highest point on the deck line of a mansard roof, the highest edge on a shed roof, and the ridge of a hip, gambrel or gable roof. For flat roofs, the height shall be measured to the top of the roof or parapet along the exterior building wall, whichever is higher.

b. Structure height.

The height of a structure other than a building is the vertical distance to the highest point of the structure, as measured from the average grade at the base of the structure or from the average grade directly below a projecting structure.

Sec. 412.02. Maximum building and structure heights.

The maximum height of all buildings and structures in each zoning district, except as otherwise provided in this Section or as restricted in the Sign Regulations Article of this Development Code, shall be as shown on Table 4.1.

a. If the building height exceeds 40 feet and/or is above the capability of normal firefighting equipment, local fire officials shall certify that such building, as pro-

posed to be located, constructed and equipped and particularly the upper stories, has adequate sprinkler equipment or other built-in equipment to provide fire protection.

b. Exemptions.

(1) The height limitations shown on Table 4.1 do not apply to church spires, belfries, flag poles, monuments, cupolas, domes, ornamental towers, nor to observation towers not in-tended for human occupancy, water towers, transmission towers, radio or television towers or aerials,[3] chimneys, smoke stacks, conveyors, der-ricks, elevator shafts or stairwell enclosures, nor to the necessary me-chanical roof appurtenances nor to barns and silos when located on a farm.

(2) The above exclusions from height limitations shall not apply in the vicinity of airports, private airstrips and heliports in accordance with FAA Regulations.

c. Height limitations for fences and freestanding walls.

The setback requirements of these Regulations shall not prohibit any necessary retaining wall nor prohibit any wall or fence except that in an R District:

(1) No wall or fence shall exceed 8 feet in height within a side yard or rear yard; and

(2) No wall or fence shall exceed 4 feet in a required front yard.

[3] Height limitations for radio, television and telecommunication antennae and towers are contained in the Radio, television and Telecommunications Section of Article 3.

Table 4.1: Dimensional Requirements by Zoning District

MINIMUM LOT AREA[1 2]	**AG**	**AR-3[3]**	**AR[3]**	**R-1**	**R-2**	**R-3**	**M-H[4]**	**OIP**	**B-1**	**B-2**	**OBP**	**I**
With Sewer	5 acres	3 acres	2 acres	1 acre	30,000 sf (single family) 30,000 sf (two family on one lot) 15,000 sf (two family on two lots/zero internal lot line)	30,000 sf (min. project size)[6]	30,000 sf	10,000 sf	10,000 sf	20,000 sf	40,000 sf	40,000 sf
Without Sewer	5 acres	3 acres	2 acres	65,340 sf	51,000 sf (single family) 51,000 sf (two family on one lot) 25,500 sf (two family on two lots/zero internal lot line)	N/A	51,000 sf	1 acre	1 acre	1 acre	1 acre	1 acre
MINIMUM LOT AREA PER DU[5]	**AG**	**AR-3**	**AR**	**R-1**	**R-2**	**R-3**	**M-H**	**OIP**	**B-1**	**B-2**	**OBP**	**I**
With Sewer	5 acres	3 acres	2 acres	1 acre	30,000 sf (single family) 15,000 sf (two-family on one lot) 15,000 sf (two family on two lots/zero internal lot line)	30,000 sf (single family) 15,000 sf (two-family) 8,000 sf (multi-family)	30,000 sf	-	-	-	-	-
Without Sewer	5 acres	3 acres	2 acres	65,340 sf	51,000 sf (single family) 25,5000 (two-family on one lot) 25,500 sf (two family on two lots/zero internal lot line)	-	51,000 sf	-	-	-	-	-
MINIMUM BUILDABLE AREA (SF)	**AG**	**AR-3**	**AR**	**R-1**	**R-2**	**R-3**	**M-H**	**OIP**	**B-1**	**B-2**	**OBP**	**I**
	24,892	24,892	24,892	24,892	17,325 (single family) 17,325 (two-family on one lot) 8,662 (two family dwelling on two lots/zero internal lot line)	20,400	17,600					
MINIMUM AREA LYING ABOVE FLOODPLAIN[6] (SF)	**AG**	**AR-3**	**AR**	**R-1**	**R-2**	**R-3**	**M-H**	**OIP**	**B-1**	**B-2**	**OBP**	**I**

With Sewer		17,000[6]	17,000[6]	17,000[6]	17,000[6]	30,000[6]	30,000[6]	17,000[6]	-	-	-	-	-
Without Sewer		51,000[6]	51,000[6]	51,000[6]	51,000[6]	-	-	-	-	-	-	-	-
MINIMUM LOT WIDTH (FT)		**AG**	**AR-3**	**AR**	**R-1**	**R-2[7]**	**R-3**	**M-H**	**OIP**	**B-1**	**B-2**	**OBP**	**I**
With Sewer		100	100	100	100	125	100	100	100	100	100	100	100
Without Sewer		150	150	150	150	150	150	150	150	150	150	150	150
MAXIMUM PRINCIPAL BUILDING OR STRUCTURE HEIGHT [8] (FT)		**AG**	**AR-3**	**AR**	**R-1**	**R-2**	**R-3**	**M-H**	**OIP**	**B-1**	**B-2**	**OBP**	**I**
		40	40	40	40	40	40	40	40	35	55	55[9]	80
MINIMUM PRINCIPAL BUILDING SETBACK (FT)[10]		**AG**	**AR-3**	**AR**	**R-1**	**R-2[11]**	**R-3[12]**	**M-H**	**OIP**	**B-1**	**B-2**	**OBP**	**I**
Front (measured from ROW)	From major thoroughfare	40	40	40	40	35	30	40	20	20	20	35	20
	From minor street	30	30	30	30	25	25	30	15	20	15	20	15
Side		25	15	15	10	10	-	10	10	10	10	25	10
Rear		25	40	40	40	40	15	40	10	10	10	40	10
REQUIRED INCOMPATIBLE USE BUFFER (FT) (ALONG A SIDE OR REAR LOT LINE NEXT TO LESS INTENSE USE OR ZONING SHOWN BELOW)		**AG**	**AR-3**	**AR**	**R-1**	**R-2**	**R-3**	**M-H**	**OIP**	**B-1**	**B-2**	**OBP**	**I**
Agricultural[13]		-		-	-	-	15	15	15	15	15	15	25
1- or 2-Family Residential		-		-	-	-	25	25	25	50	50	50	100
Multi-Family		-		-	-	-	-	-	25	25	25	25	50
Office, Institutional, Commercial, or Industrial		-		-	-	-	-	-	-	-	-	-	-
MAXIMUM % LOT [14]COVERAGE		**AG**	**AR-3**	**AR**	**R-1**	**R-2**	**R-3**	**M-H**	**OIP**	**B-1**	**B-2**	**OBP**	**I**
		-		-	-	-	-	-	70	70	80	80	90

MINIMUM FLOOR AREA PER DU: PRINCIPAL BUILDINGS[15] (SF)	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I
	1000	1600 (1 story)	1600 (1 story)	1600 (1 story)	1600 (single family, 1 story)	1600 (single family, 1 story)	1000 (manufac-tured home subdivision or manufac-tured home park)	-	-	-	-	-
		1850 (2 story)	1850 (2 stories)	1850 (2 stories)	1850 (single family, 2 stories)	1850 (single family, 2 stories)						
					1500 (two family, per DU)	1500 (two family, per DU)						
						Multi Family: 800 (efficiency or one-bed-room) 900 (2 bedroom) 1000 (3 bedroom)						

[1] Minimum lot size varies depending on the number of lots in a minor subdivision, refer to UDC Sec. 503.

[2] Properties (a) which were rezoned for a major subdivision prior to July 2, 2019, shall be permitted to be developed pursuant to the approved concept plan, specifically including, without limitation, the use of the minimum lot sizes allowed under the provisions of this ordinance as of July 1, 2019, and (b) those which were subject to an enforceable legal obligation to be purchased as of July 2, 2019, and which receive preliminary plat approval on or before December 29, 2019, shall be permitted to be developed using the minimum lot sizes allowed under the provisions of this ordinance as of July 1, 2019.

[3] The minimum lot size in the AR and AR-3 zoning districts may be reduced only in accordance with the provisions for "conservations subdivisions" and only in accordance with a conservation subdivision plan which has been approved by the Board of Commissioners.

[4] Figures shown are for lots in a manufactured home subdivision. For a manufactured home park (sewer required), maximum density is 2.5 units per acre and the minimum area for each manufactured home space or stand is 17,000 sf per home; minimum site size is 10 acres.

[5] Lot Area per dwelling unit.

[6] Or minimum required by County Health Department, whichever is greater.

[7] Figures shown are for a two-family dwelling on one lot. Minimum lot widths for a two-family dwelling on two lots shall be ½ the figures shown.

[8] If the building height exceeds 40 feet and/or is above the capability of normal firefighting equipment, local fire officials shall certify that such building, as proposed to be located, constructed, and equipped, and particularly the upper stories, has adequate sprinkler equipment or other built-in equipment to provide fire protection.

[9] Maximum building height for principal buildings may be increased up 85 feet by Special Use Approval.

[10] See Sec. 410 for accessory structure setbacks.

[11] Zero side yard setbacks can be permitted on individual lots with no more than two connected units.

[12] No side yard setbacks required between attached units; 10 foot side yard or 20 feet of separation between buildings.

[13] See separation requirements for certain uses in Article 3.

[14] For commercial developments with shared stormwater detention facilities, the average lot coverage for all parcels in the development may be used to determine compliance with maximum percent lot coverage.

[15] See definition of "floor area, heated."

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Article 5. Subdivisions and Planned Developments

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Article 5. Subdivisions and Planned Developments

Sec. 501. Purpose of Article 5.

This Article presents the different ways that land can be subdivided and developed, ranging from traditional subdivisions, to open space subdivisions where green space and natural features are preserved by reducing lot sizes, to master planned developments that allow a wider variety of housing types in a well-planned mixed-use environment while also preserving green space and natural features.

Sec. 502. Definitions related to subdivisions.

***Alley**:* See under "street."

Building Line: The line established by law beyond which a building shall not extend as determined by front, side, and rear yards herein.

Building Permit: A written permit that allows construction issued by the Planning Director.

Condominium: A form of ownership distinguished by the absence of individual lots or lot lines and utilizing instead a system of ownership whereby dwelling or other units are individually owned but where land outside of the building walls is held in common and maintained by a condominium association in accordance with OCGA Section 44-3-70, known and cited as the "Georgia Condominium Act."

Conservation Subdivision: See "Subdivision, Conservation."

Design Professional of Record: The licensed professional whose seal appears on plats or plans subject to these regulations.

Development Review Committee (DRC): An internal review group to provide technical review of zoning applications, construction plans and other related items, and consisting of representatives of the Planning and Code Enforcement, Public Works/Engineering, Water Resources, Health, EMA and/or other County Departments.

Double Frontage Lot: A lot having frontage on two (2) streets as distinguished from a corner lot.

Engineer: A registered, practicing engineer, licensed by the State of Georgia.

GIS: Geographic Information System.

GPS: Global Positioning System.

Interchange: A grade separated intersection, usually on a controlled access or limited access roadway, where access to such roadway is provided by means of bridges and ramps so that traffic entering and exiting the highway can merge into and exit from the highway at the posted speed limit. This definition shall not include at-grade intersections.

Landscape Architect: A registered, practicing landscape architect licensed by the State of Georgia.

Land Disturbance Permit: Authorization from the local or state regulatory agency to perform construction activities or land disturbance activities in conformance with an approved soil erosion and sediment control plan and/or minimum standards as provided by law.

Master Planned Development: An area of land for which an overall development plan has been prepared that meets the requirements of Article 5 and which allows for design flexibility from traditional land use development requirements (such as setbacks, prohibitions against mixing land uses within a development, street design and ownership) and which allows for greater design flexibility in locating buildings and in combining residential and commercial land uses and dwelling and structure types making it possible to achieve certain economics in construction as well as the preservation of green space and the inclusion of amenities. MPDs are designed to be located where adequate infrastructure (such as utilities and transportation) is available or can be easily obtained and on or near major

road corridors near major transportation areas, shopping, schools and employment centers.

Net Density: For the purposes of conservation subdivisions, net density shall be the total contiguous acreage within the boundaries of the subdivision divided by the total number of building lots and shall be expressed in "lots per acre" (e.g., 50 total acres divided by 43 building lots = one lot per 1.1628 acres net density).

Parcel: A general term including all plots of land shown with separate identification on the Official Tax Appraisal Maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.

Parkway: A road or street in which the travelways are separated by a vegetated median; and, within the context of its use, the vegetated median itself within such a road or street.

Paved Roadway Width: The shortest distance as measured from curb face to curb face or, if without curbing, as measured from edge of pavement to edge of pavement.

Planned Unit Development: Any planned concentration, which provides for innovative concepts in large scale residential, commercial, or industrial development, which enables economy in capital expenditures or utilities and streets and in subsequent maintenance.

Plat: A map, plan or layout of a county, town section, subdivision, parcel or lot indicating the location and boundaries of properties.

Plat, Final: A plat of a subdivision of property that is intended to be recorded with the Clerk of the Superior Court of Oconee County.

Plat, Preliminary: A plat showing the layout of a proposed subdivision, submitted for approval prior to submission of the final plat.

Private Access Drive: A driveway that provides access to a public road for not more than 5 parcels of residential, commercial, or industrial property.

Public Utilities: Water, gas, sanitary sewer, storm sewer, electrical, and communications lines and facilities, and natural or improved drainage facilities.

Right-Of-Way: Access over or across particularly described property for a specific purpose or purposes.

Right-Of-Way Line: The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

Shoulder: That portion of a street or road from the outer edge of the paved surface or the back of curb to the inside edge of the ditch or gutter or original ground surface.

Sidewalk: That portion of a street or road available exclusively for pedestrian traffic.

Site Development Plans: A set of plans, details and technical specifications for the construction of site improvements to a commercial, office, industrial or multi-family lot that includes but is not limited to building footprints, drives, parking, drainage systems, utilities, buffers, landscaping, parking lot lighting, embankments, signage, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

Site Plan, Preliminary: A plan showing the layout of a proposed nonresidential or multi-family development project.

Street: A public right-of-way or private easement for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, drive, expressway, freeway, boulevard, lane, place, circle, alley, or otherwise. Various types of streets may be defined as follows:

1. ***Arterial:*** A public way which is used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery for intercommunication among large areas. (ADT greater than or equal to 10,000 vehicles per day)

2. ***Major Collector:*** A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of high classification. (ADT between 2,501 and 9,999 vehicles per day)
3. ***Minor Collector:*** Principal entrance streets to subdivisions and the main streets for circulation within a subdivision, which serve a network of 4 or more local streets. Minor collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets. (ADT between 251 and 2500 vehicles per day)
4. ***Local:*** A street used primarily in residential subdivisions or within nonresidential developments for access to abutting properties as opposed to the collection and dispersion of traffic. (ADT less than or equal to 250 vehicles per day)
5. ***Cul-De-*Sac:** A local street with only one outlet, closed and terminated by a vehicular turnaround.
6. **Alley*:*** A platted service way providing a secondary means of access to abutting properties.

Street Grade: The grade of the curb or centerline of a street measured at any point along the street.

Street, Half: A street which does not meet the minimum right-of-way widths as set forth in these Regulations.

Subdivider: Any person who undertakes the subdivision of land as herein defined for himself or for another within the confines of Oconee County.

Subdivision: Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and including any division of land involving a new street, public or private, or a change in existing streets, and including resubdivision or recombination of previously platted lots, and where appropriate to the context, relating to the process of subdividing or to the land or areas subdivided.

Subdivision, Conservation: A form of subdivision design which concentrates lots, houses, streets, utilities and related development activities on the more suitable, and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. The net density of the development is equal to or less than that of traditional subdivision design but the lot sizes are smaller in order to preserve the environmentally sensitive areas in dedicated, perpetual open space.

Subdivision Construction Plans: A set of plans, details and technical specifications for the construction of roads, drainage systems, utilities, embankments, signage, traffic control devices, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

Subdivision, Traditional: A form of subdivision design where all land areas within the development are divided into building lots and rights-of-way and where there is little or no open space land set aside outside of said building lots and rights-of-way for preservation in its natural or undeveloped condition.

Surveyor: A registered, practicing surveyor, licensed by the State of Georgia.

Traditional Subdivision: See "Subdivision, Traditional."

Travelway: The paved or otherwise improved portion of a street or road specifically provided and set aside to carry vehicular traffic. Travelways are commonly identified as the pavement between the curbs or between the shoulders of a road if no curbs are provided.

Yield Plan: A subdivision plan, similar to a preliminary plat, showing the maximum number of lots which would be permitted if the subject property was developed as a traditional subdivision under the provisions of the Oconee County Zoning Regulations, Land Subdivision Regulations and other applicable ordinances, specifications and policies. A yield

plan shall be based upon accurate topography, boundary survey, Level Two Soil Scientist Report (or greater) and other information necessary to accurately determine the maximum net density for the subject property under the Oconee County regulations for traditional subdivisions, which may not be exceeded by the conservation subdivision.

Sec. 503. Minor and major subdivisions; defined.

Sec. 503.01. Minor subdivision.

A "minor subdivision" by its very nature is one in which no public improvements (such as new streets, stormwater drainage facilities or public utilities) are to be made. Minor subdivisions are defined as any one of the following:

a. Recombination.

The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with this Development Code and with all ordinances and resolutions of Oconee County.

b. Lot splits.

(1) Two-lot split.

The division of land into two lots, tracts or parcels with each resultant lot, tract or parcel:

(a) Containing at least the minimum lot area required for the zoning district as set forth in the Lot and Building Standards Article of this Development Code, or more as may be required by this Development Code;

(b) Fronting on a public street improved to County standards, or on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 40 feet on a paved public street; and

(c) Conforming to this Development Code.

(2) Five-lot split.

The division of land into five or fewer lots, tracts or parcels with each resultant lot, tract or parcel:

(a) Containing five or more acres;

(b) Fronting on a public street improved to County standards, provided however that up to five lots may front on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 40 feet on a paved public street; and

(c) Conforming to this Development Code.

(3) Large lot split.

The division of land into lots, tracts or parcels with each resultant lot, tract or parcel:

(a) Containing 25 or more acres;

(b) Fronting on a public street improved to County standards, provided however that up to five lots may front on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 40 feet on a paved public street; and

(c) Conforming to this Development Code.

(4) Restriction on resubdividing.

Land subdivided under the provisions of this Sec. 503.01.b may not be re-subdivided under the provisions of this Sec. 503.01.b. Any further subdivision of a lot or tract created by approval of a minor subdivision plat under this Sec. 503.01.b must be accomplished following the procedures for a major subdivision in the Permits and Procedures Article of this Development Code.

c. Unpaved road lot splits.

The division of land into two lots, or parcels with each resultant lot, tract or parcel:

(1) Containing at least one acre, or more as may be required by this Development Code;

(2) Fronting on an unpaved County road for a minimum of width of 40 feet; and

(3) Conforming to this Development Code.

d. Non-development land sales.

The sale of a parcel or tract of land for which no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any plat for such sale that is filed for recordation by the Clerk of the Superior Court must contain a certification signed and sealed by a licensed surveyor that approval of the plat is not required under the provisions of O.C.G.A. 15-6-67(d), and the plat shall be clearly captioned "The tract or tracts depicted on this plat are not eligible for connection to a sanitary sewer system or for septic tank approval."

e. Eligibility

The minor subdivision requirements defined in this section are effective as of November 1, 2006. All minor subdivisions considered for approval after this date must adhere to the restrictions of this section.

Sec. 503.02. **Major subdivision.**

a. A "major subdivision" is any subdivision that does not qualify as a "minor subdivision." A major subdivision commonly involves the construction of a new street or widening or other improvement of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or building sites or other divisions.

b. Major subdivisions fall into the following categories for the purpose of development regulation:

(1) Traditional subdivisions, in which the minimum lot size allowed for the zoning district determines the maximum number of lots in the subdivision, and all of the lots meet the minimum lot size for the zoning district as shown on Table 4.1 of Article 4. Open space outside of the lots may be created, but is not required.

(2) Conservation subdivisions, in which the maximum number of lots that would be allowed in a traditional subdivision under the property's zoning determines the maximum number of lots in the subdivision, but the minimum lot size is reduced to a certain extent in response to a higher level of development standards and in order to create open space and recreational amenities for the residents.

(3) Master planned developments (MPDs), in which the zoning district density limitation controls, but the minimum lot size is further reduced in response to a higher level of development standards and in order to create open space and recreational amenities for the residents. Depending on the zoning district in which a master planned development is located, flexibility in housing types, mixed-use projects and certain commercial uses are allowed.

(4) Planned unit developments (PUDs). A new planned unit development may no longer be approved under this Development Code. Provisions related to PUDs are included in this Article to regulate the build-out of existing PUDs.

c. Conservation easement required.

(1) All primary conservation areas in a traditional subdivision, conservation subdivision or master planned development that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use, by a conservation easement in an conservation subdivision or master planned development, or a natural resources easement for traditional subdivisions.

(2) Land within natural resource easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.

(3) See the Environmental Protection Article of this Code regarding conservation and natural resource easements.

Sec. 504. Traditional subdivisions.

Sec. 504.01. Maximum number of lots.

The maximum number of lots (or dwelling units) in a traditional subdivision shall be determined by the minimum lot size required for the zoning district where the subdivision is located.

Sec. 504.02. Minimum lot size.

In a traditional subdivision, the minimum total lot area and the minimum lot area per dwelling unit required by Table 4.1 of Article 4 establishes the minimum lot sizes for each lot.

Sec. 504.03. Minimum lot width, setbacks.

The lot width and setback requirements of Article 4 apply to each lot in a traditional subdivision.

Sec. 504.04. Traditional subdivisions in the Agricultural (AG) Zoning District

Traditional subdivisions in the AG zoning district shall be limited to the Suburban Neighborhood, Country Estates, and Rural Places Character Areas as shown on the most recently adopted Oconee County Future Land Use Map.

Sec. 505. Conservation subdivisions.

Conservation Subdivisions, as defined herein, are permitted within the AR-3 and AR Zoning Districts provided that a conservation subdivision concept plan has been approved by the Board of Commissioners at the time of rezoning of the property.

Sec. 505.01. Purpose.

The purposes of a Conservation Subdivision include:

a. To provide residential subdivisions which permit flexibility of design in order to preserve environmentally sensitive areas and create efficient uses of the land.

b. To preserve open space and unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitats, historic features and unique topography.

c. To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces, utilities, earthwork and other land disturbing activities.

d. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential developments.

e. To conserve a portion of the otherwise developable property as open space in perpetuity. This option is not necessarily intended to allow applicant to conserve only the portion of the tract that is already unbuildable due to factors such as steep slopes, wetlands, or land adjacent to undesirable areas such as landfills or livestock farming.

f. To promote interconnected greenways and corridors throughout Oconee County.

g. To promote linking of greenways and corridors between Oconee County and neighboring jurisdictions.

h. To encourage interaction of persons living in the resulting residential community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.

i. To encourage street designs that reduce traffic speeds and reliance on main arteries.

j. To incorporate aesthetic design standards that will increase the value of the neighborhood and create a sense of place.

k. To conserve scenic views and reduce perceived density by promoting views to open space from roads and houses, and reducing views to housing clusters from roadways.

l. To promote other purposes of this Development Code.

Sec. 505.02. **Minimum lot sizes and buffer widths, conservation subdivisions.**

a. The following Table 5.1 shows the minimum lot sizes required in the AR zoning districts in traditional subdivisions, and the minimums allowed in a conservation subdivision in the same zoning districts.

Table 5.1: Conservation Subdivisions—Minimum Lot Size*

	AR-3	**AR**
Traditional Subdivision	3 acres	2 acre
Conservation Subdivision	2 acres with public sewer 2.5 acres without public sewer	1 acre with public sewer 1.5 acres without public sewer
*See the Lot and Building Standards Article for minimum lot area required above the flood level.		

b. The following Table 5.2 shows the minimum landscape buffer area width required in a conservation subdivision between the lots within the subdivision and an adjoining existing public road right-of-way.

Table 5.2: Conservation Subdivisions—Minimum Buffer Width along Public Road

	AR-3	**AR**
Traditional Subdivision	None	None
Conservation Subdivision	200 feet	100 feet unless approved otherwise by Oconee County

Sec. 505.03. **Yield plan.**

No later than the time of rezone (or preliminary plat submittal, in the case of property which was rezoned prior to the date of adoption of these requirements), the applicant for a Conservation Subdivision shall submit a yield plan at the same size as the conservation concept plan, prepared by a Georgia registered Landscape Architect, Engineer or Land Surveyor for the purpose of determining the maximum allowable net density for the development. Said plan shall contain the following information with respect to the tract:

a. A topographic map prepared from aerial or field data of a contour interval of two feet or less;

b. Exact boundary lines of the tract with bearings and distances

c. The location, width and names of all existing or platted streets, easements or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, wetlands, utilities and other significant natural and man-made features;

d. Proposed street rights-of-way and pavement locations and widths;

e. Proposed lot locations with preliminary lot dimensions noted and designed to the requirements of the Oconee County Zoning Ordinance;

f. Designation on each proposed lot of a minimum of 25,500 square feet (not including house and pavement footprints) of soil areas suitable for residential septic systems based on a Level II Soil Scientist Report or higher, prepared by a Georgia licensed Soil Scientist or other professional licensed by the State of Georgia to perform soil analysis;

g. Proposed location of storm water detention or retention facilities;

h. Graphic scale and north arrow;

i. Notation as to the number of lots on the Yield Plan, the total acreage of the property, minimum lot size, average lot size;

j. Any additional information as maybe reasonably required to permit an adequate evaluation of the proposed Yield Plan to accurately determine the maximum number of lots.

Sec. 505.04. **Site analysis map.**

No later than the time of rezone (or preliminary plat submittal, in the case of property which was rezoned prior to the date of adoption of this amendment) applicant shall submit a site analysis map which demonstrates that the tract is suitable for development in terms of size, environmental conditions and configuration. Said map shall contain the following information with respect to the tract:

a. Topographic contours at 5-foot intervals. Rock outcrops and slopes of more than 15% shall be emphasized;

b. Soil types, locations and characteristics (Level III Report) such as depth to bedrock, seasonal high water table and suitability for waste water disposal systems;

c. Hydrologic characteristics including surface water bodies, floodplains, wetlands (including those considered buildable by federal, state and local standards), aquifers and their recharge areas, and natural swales and drainage tributaries;

d. Wildlife habitats and corridors;

e. Vegetation in terms of general cover type (woodlands, pasture, etc.), boundaries of woodland areas and any stand-alone trees with a diameter breast height, (DBH) of more than 36 inches;

f. Current land use and land cover, such as cultivated areas and paved areas, all building and structures, and all encumbrances;

g. Scenic views onto the tract and from within the tract;

h. Known cultural resources including a brief description of historical and archeological features and structures;

i. Existing streets and utility easements; and

j. Existing storm drainage facilities and public and private water and sewer lines.

Sec. 505.05. **Preliminary plat; conservation subdivision.**

Based on the density determined by the yield plan, and based on open space areas from the site analysis plan, applicant shall submit a conservation subdivision preliminary plat in accordance with the Procedures and Permits Article of this Development Code, showing the lots, streets, open space, recreation areas and other requirements for preliminary plats.

Sec. 505.06. **Open space standards.**

a. Minimum area.

The minimum area of open space preserved shall be determined by the net density from the yield plan and the actual lot size. For example: if the net density for a 50-acre AR property computes to be one lot per 2.38 acres (21 lots) and the average lot size is one acre, then 21 acres will be in lots, about 2.5 acres in right-of-way and the remaining 26.5 acres will be in perpetual open space. This will vary from one subdivision to the next but open space shall be at least 50% or more of the total site.

b. Physiographic characteristics:

The types of land area included in the open space shall include all primary conservation areas and such secondary conservation areas as appropriate. See the Environmental Protection Article of this Development Code for descriptions of conservation areas.

c. The open space shall be an integrated part of the project rather than an isolated element and fragmentation of the open space shall be minimized. Individual open space parcels generally shall be larger than three acres, have a length to width ratio of no less than 4:1 and a width of at least 75 feet. Exceptions may be made for entrances to trails and other particular uses as deemed appropriate by the county.

d. The open space shall be directly accessible to the largest practical number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

e. Where practical, open space areas shall also be configured to provide a landscape buffer between adjoining property outside the conservation subdivision and the house sites within the subdivision. With the exception of approved fences and signs, a 50 foot landscape buffer shall be maintained between structures and the exterior boundaries of the subdivision. The intent is to decrease potential conflicts between various land uses (e.g., residential vs. agricultural uses).

f. See also the open space ownership and management requirements of Sec. 508.

Sec. 505.07. **Permitted uses of open space.**

a. Uses of open space may include the following:

(1) Conservation of natural, archeological or historical resources;

(2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

(3) Walking or bicycle trails;

(4) Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests;

(5) Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;

(6) Easements for drainage, access, and sewer or water lines, or other public purposes;

(7) Underground utility rights-of-way; and

(8) Other conservation-oriented uses if approved by the Board of Commissioners.

b. Non-permitted uses of open space include the following:

(1) Roads and non-permeable paved surfaces unless approved otherwise by Oconee County;

(2) Above-ground utility rights-of-way unless approved otherwise by Oconee County; and

(3) Other uses inconsistent with the purposes of these regulations and the Zoning Ordinance.

Sec. 506. Master planned developments.

Sec. 506.01. General requirements.

a. The provisions contained in this Article shall apply to all properties approved as Master Planned Developments (MPD) prior to July 2, 2019. **As of July 2, 2019, no applications will be accepted for approval of a new Master Planned Development.** Applications may be accepted for modification of a Master Planned Development created prior to July 2, 2019, provided that no increase in land area shall be approved. No property rezoned to a Master Planned Development classification prior to July 2, 2019, shall be expanded, amended, or modified so as to allow an increase in the total number of building units, lots, density, nor to reduce the amount of greenspace or open space required by this Section. All such property shall otherwise be subject to the provisions of and in compliance with the MPD regulations of this Development Code.

b. All master planned developments require Concept Plan approval by the Board of Commissioners as a zoning change.

c. A Concept Plan for a master planned development shall be reviewed by the Development Review Committee for recommendations, and shall follow the procedures for concept plan review under the Procedures and Permits Article of this Development Code for approval or modification.

d. The provisions of this Section apply to all master planned developments in lieu of the requirements of the zoning district in which the MPD is located. Where no provisions to the contrary are included in this Article, the requirements of the applicable zoning district shall apply.

Sec. 506.02. Criteria for approval.

a. A master planned development must comply with the open space, residential development standards and nonresidential development standards of Sec. 506.14 as a prerequisite for approval.

b. The provisions of this Article are intended to encourage the development of master planned developments in appropriate locations that allow the use of innovative techniques, such as traditional neighborhood design, open space subdivisions, village concepts and mixed use development. Such master planned developments should be brought together as a compatible and unified development by allowing flexibility within the current zoning regulations.

c. Benefits of master planned developments include innovative design, the protection and accommodation of important natural resources and open space within the county, and the cost savings of less infrastructure. MPDs are reviewed individually to determine compatibility, suitability, and health, safety and welfare issues. Individual requirements relating to such developments become part of the site through conditions of Concept Plan approval.

d. Review criteria.

The following is a list of criteria that will be used by the County to determine the suitability of a proposed master planned development:

(1) The uses proposed will not be detrimental to present surrounding uses and potential surrounding development as shown on the Future Land Use Map;

(2) Exceptions from the lot area, setback and other development standards of the zoning district applicable to the subject property are warranted by the design and amenities incorporated in the development plan;

(3) Land surrounding the proposed development can be planned in coordination with the proposed development and will be compatible in use;

(4) Water and sewer system extensions and improvements must be proposed in a manner consistent with the County's strategies for water & sewer and the development must be compatible with the transportation master plans at the time of application; and

(5) The master planned development must be in conformance with the general intent of this Development Code and the Comprehensive Plan. Proposed MPDs must have a portion of their gross land area within the Comprehensive Plan Future Land Use Map land use categories as shown on Table 5.3, and have its primary entrance located within ¾ road miles of the Future Land Use Map land use categories shown on the same table.

Table 5.3: Comprehensive Plan Consistency

Proposed Underlying Zoning District of Proposed MPD	Future Land Use Map Land Use Categories	
	Portion of MPD must be located within:	**MPD property must be located within ¾ road miles of:**
R-1	Residential	Government or Public/Institutional or Office Professional or Retail/General
R-2	Residential or Office Professional	Office Professional or Retail/General
R-3	Residential or Office Professional or Retail/General	Office Professional or Retail/General
B-1	Office Professional or Retail/General	Office Professional or Retail/General
B-2	Retail/General	Retail/General

Note: "Residential" does not include the "Low Density Residential" category.

(6) Every master planned development must be deemed by the Board of Commissioners to incorporate features of exceptional architectural, landscaping or site design prior to master planned development approval. Such plans upon which this determination is made shall be incorporated into the master planned development approval of the project.

Sec. 506.03. **Development parameters.**

The following general conditions apply to master planned developments according to the zoning district of the property:

a. General requirements.

(1) A master planned development must contain at least 50 contiguous acres provided however that nothing herein shall preclude the expansion of an MPD which has been approved after the date of adoption of this amendment by the addition of contiguous properties which are smaller than 50 acres provided the rezoning of said contiguous properties and the original MPD is approved in accordance with applicable regulations.

(2) The primary access (i.e., main entrance) to the master planned development must be from an arterial or major collector road as defined in this Development Code.

(3) The master planned development must be served by public water and a sanitary sewerage and treatment system approved by the Board of Commissioners.

b. The proportion and distribution of nonresidential to residential uses in a master planned development is determined by the zoning category of the property and the maximum density proposed. The underlying zoning district also determines the maximum number of dwelling units and the type of commercial development that can be allowed in the master planned development. These limitations and the distribution of housing types are shown on Table 5.4.

Table 5.4: Land Use Distribution in a Master Planned Development

Zoning District	Maximum Density and Minimum FAR[1]	Use Distribution (Percent of Total Site Area)	Percent of Total Units by Housing Type
R-1	Up to 1.24 du/a	No less than 20% open space No more than 70% residential	Min. 80% Single-family detached units Max. 20% Townhouse units
	Min. 0.15 FAR	No less than 10% general commercial Max. 15% general commercial	
R-2	Up to 2.40 du/ac	No less than 20% open space No more than 65% residential	Min. 20%, Single-family detached units Max. 80% Duplex dwelling units Max. 30% Townhouse units
	Min. 0.15 FAR	No less than 15% general commercial Max. 20% general commercial	
R-3	Up to 4.40 du/ac	No less than 20% open space No more than 60% residential	Min. 20% Single-family detached or Duplex units Max. 80% Townhouse or Apartment units
	Min. 0.15 FAR	No less than 20% general commercial Max. 30% general commercial	
B-1	Up to 3.70 du/ac	No less than 20% open space No less than 30% residential	Min. 40% Single-family detached, Duplex units or Townhouses Max. 60% Apartments[2]
	Min. 0.15 FAR	No less than 30% general commercial Max. 50% general commercial	
B-2	Up to 4.20 du/ac	No less than 20% open space No less than 20% residential	Min. 25% Single-family detached, Duplex units or Townhouses Max. 75% Apartments[2]
	Min. 0.15 FAR	No less than 50% highway commercial Max. 60% highway commercial	

[1] Du/ac: Dwelling units per gross residential acre. The gross residential acreage is the total acreage of the property excluding any acreage to be used for commercial development.

FAR (Floor Area Ratio): The gross floor area of the commercial buildings divided by the net area of the commercial site. The net area of the commercial site excludes public and private rights-of-way and buffers.

[2] "Apartments" include Loft Apartments over ground floor office or commercial space.

c. Commercial uses.

(1) When "general commercial" is allowed, development of the commercial area shall be controlled by the B-1 zoning district provisions, except as modified by this Article and restricted by Table 5.5.

(2) When "highway commercial" is allowed, development of the commercial area shall be controlled by the B-2 zoning district provisions, except as modified by this Article and restricted by Table 5.5.

(3) Accessory commercial uses, such as a sales office, maintenance office or resident manager, are allowed within any individual development to which they are normally incidental.

(4) Commercial structures and uses that are incorporated into a master planned development must be located and designed as an integral part of the unified development. As an addition to the B-1 and B-2 district provisions, residential and commercial uses may either be located in freestanding buildings within a site, or combined together within the same building.

(5) Development of the commercial floor area shall precede or occur in conjunction with residential development of the MPD in direct proportion to the number of dwelling units approved for each development phase as follows:

(a) No more than one half of the total number of residential lots, houses or units may be final platted or permitted (building permits issued) until at least one

half of the commercial lots or commercial buildings (floor space) have been final platted and constructed (including the completion of all infrastructure, exterior walls, roofs, exterior building finish, parking areas, sidewalks, landscaping, lighting and buffers associated with said one half of the commercial use).

(b) Upon final platting and construction of a least one half of the commercial lots and buildings (floor space) (including the completion of all infrastructure, exterior walls, roofs, exterior building finish, parking areas, sidewalks, landscaping, lighting and buffers associated with said one half of the commercial use), the remainder of the residential component of the MPD may be final platted and building permits issued.

Table 5.5: Restrictions on Commercial Uses

Underlying Zoning District of the MPD	Minimum % Retail*
R-1	30%
R-2	40%
R-3	50%
B-1	60%
B-2	70%

*Establishments primarily engaged in the selling of goods or merchandise.

d. Development is to be carefully planned to ensure that the benefits of master planned developments are fully realized and potential negative impacts of one use on another are minimized, both within the development and along its periphery. Factors include separation of mixed-use areas from single-use areas, pedestrian access linkages, placement of open space and community amenities to define neighborhoods and provide community focus, peripheral buffers and transitions in use or intensity approaching the MPD boundary. The denser portions of the residential component and the active amenity areas such as pools, tennis, basketball and other recreational uses should be located internally and the less dense residential areas should be on the periphery of the developed areas.

e. All master planned developments must provide internal pedestrian access, including connections to external access points. The type of access such as sidewalks, bike paths, lanes, and trails will be established during the review period to determine the best way to serve a particular development.

Sec. 506.04. **Maximum number of dwelling units.**

The total number of dwelling units for all types of housing allowed in a master planned development is determined by multiplying the maximum density shown on Table 5.4 for the underlying zoning district times the gross residential acreage of the property (excluding any acreage to be used for commercial development). Individual portions may exceed this density in accordance with the approved Concept Plan for the MPD, provided that the maximum density of the entire project is not exceeded.

Sec. 506.05. **Minimum lot size.**

The following establishes the amount of land to be set aside for each dwelling unit, whether in individual lots or within a property containing condominium or multi-family units. Street rights-of-way, private street easements, landscape buffers and stream buffers, and utility easements are not to be included in lot areas when calculating minimum lot sizes.

a. For a single-family detached or duplex dwelling average 15,000 (minimum 5,000) square feet per dwelling unit in the R-1 zoning district, average 7,500 (minimum 5,000) square feet per dwelling unit in the R-2 zoning district, and minimum 5,000 square feet per dwelling unit in the R-3, B-1 and B-2 zoning districts.

b. For multi-family dwellings (including townhouses) the average lot area shall be 4,000 square feet. For a townhouse condominium or apartment development intended to occupy a single property, the property shall contain a minimum total area equal to the number of dwelling units times 4,000 square feet.

Sec. 506.06. **Minimum lot widths.**

The minimum lot widths for lots in any master planned development shall be as established on the Concept Plan approved for the MPD.

Sec. 506.07. **Minimum setbacks.**

The minimum setbacks for principal buildings in any master planned development shall be as established on the Concept Plan approved for the MPD.

Sec. 506.08. **Minimum dwelling unit floor area.**

The minimum floor area for dwelling units in any master planned development shall be as established on the Concept Plan approved for the MPD.

Sec. 506.09. **Internal orientation required.**

All single-family residential lots within a master planned development must front upon and gain their access from a proposed street within the development, provided that any lot fronting upon and gaining its access from an existing County street or road shall comply with the dimensional standards of the zoning district within which the master planned development is located.

Sec. 506.10. **Minimum separation from adjoining streets.**

The single-family residential lots within an R-1 master planned development meeting the reduced dimensional standards for a master planned development must be separated from every existing County road or street right-of-way that adjoins the development by a buffer described in Sec. 506.11. All townhouse projects within an R-1 or R-2 master planned development must be separated from every existing County road or street right-of-way that adjoins the development by a 100-foot wide landscape buffer if no single family detached residential or commercial uses are located between the townhouses and the existing County road or street.

Sec. 506.11. **Buffer requirements.**

a. A permanent landscape buffer area shall be established along the perimeter of any master planned development where it adjoins an agricultural or residential zoning district. Except for a fence, wall or earthen berm along the property line, and necessary utility crossings generally perpendicular, the buffers shall remain undisturbed and no structure of any type shall be permitted in the buffer area. Buffers shall conform to the buffer design standards (except for width) of the Landscaping and Buffers Article of this Development Code. Buffer widths along the perimeter of the MPD shall be no less than the dimensions shown on Table 5.6. Where supplemental planting, berms, walls, fences or other installations are provided in order to meet the buffer performance standards, then said improvements shall be installed at the same time as the infrastructure, (roads, water & wastewater facilities, earthwork and storm water improvements) in each phase of the development.

Table 5.6: MPD Minimum Buffer Requirements (in feet)

Underlying Zoning District of Proposed MPD	Underlying Zoning District of Adjoining Property					
	AG	AR Zoning Districts[1]	R-1 +	R-2 +	R-3 +	Other Zoning Districts
R-1[2]	50	50	50	50[3]	50[3]	N/A
R-2[2]	75	75	75	50[3]	50[3]	N/A
R-3[2]	100	100	100	100	50[3]	N/A
B-1	100	100	100	100	100	See Sec. 806
B-2	100	100	100	100	100	See Sec. 806

[1] AR-3 and AR.
[2] Or as required by the Landscaping and Buffers Article if greater than the buffer shown on this table.
[3] Buffer required only between commercial component of MPD and adjacent property.
+ includes districts with overlays such as R-1 PUD and R-2 MPD etc.

b. Internal landscape buffers as would otherwise be required by this Development Code between land use areas within a master planned development may be waived, subject to conditions of approval for the master planned development Concept Plan. However, conservation corridors shown on the Future Land Use Plan shall be protected by a 100-foot wide natural undisturbed buffer except that necessary crossings for roads and utility lines shall be permitted if approved by the Board of Commissioners on rezone concept plans. Storm water detention areas shall not be constructed within said undisturbed buffers.

Sec. 506.12. **Ownership control.**

a. All of the land in a master planned development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.

b. See the open space ownership and management requirements of Sec. 508.

Sec. 506.13. **Concept plan.**

Development of a master planned development shall be guided by an approved Concept Plan for the overall project. See the Procedural Requirements for MPDs in the Procedures and Permits Article of this Development Code for details.

Sec. 506.14. **Quality development standards.**

In order for a master planned development to be approved, the development must meet or exceed the standards of this Section.

a. Common open space.

Acreage not utilized for residential lots, roadway access and utilities shall be placed in common open space or devoted to recreation amenities.

(1) A minimum percent of the gross project site area shall be reserved for common open space, as follows: no less than 20% of the total site must be set aside as open space for conservation, preservation or passive recreational use, such as walking trails and picnicking. Valuable natural resources and required stream buffers are to be given preference for inclusion in the minimum required open space. Land devoted to stormwater detention facilities may not be counted toward the 20% minimum unless the facility is a permanent lake or pond and is designed and intended for recreational access and use by the occupants of the development.

(2) Additional common open space may be provided and may include active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, basketball, field sports etc. However, these areas shall not be counted towards the 20% open space required above.

(3) Required buffers on the perimeter of the property may be included in the minimum open space requirement.

(4) While common open space shall not be required to be contiguous, no individual portion of the open space that counts toward the 20% minimum shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows: the open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.

(5) No portion of the residential lots shall be credited toward the minimum open space requirement unless the portion is included within a conservation easement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum open space requirement.

(6) The required common open space shall be platted at the same time that adjacent residential lots are platted, in whole or in phases, in accordance with the phasing approved as part of the Concept Plan for the MPD.

(7) Jurisdictional wetlands shall be included in the protected open space areas but the area of said wetlands shall not be counted toward the percentage of required open space area for the MPD.

b. Residential development standards.

(1) The subdivision must be served by a sanitary sewerage collection and treatment system approved by the County Water Resources and Public Works Departments.

(2) Recreation amenity.

In addition to the minimum required common open space, every subdivision must contain a community recreation amenity of adequate size or variety to serve the development, such as a community pool, picnic pavilion, tennis courts, children's playground or basketball courts, as deemed appropriate by the developer and Board of Commissioners and approved as part of the MPD Concept Plan. Such amenities should be substantial in nature and should include a major component such as a swimming pool and accessory uses such as parking, children’s play areas, tennis or other similar improvements and landscaping.

(3) Private open space required.

Every single-family or two-family dwelling unit on a lot of less than 10,000 square feet shall have a minimum 400 square foot private yard or patio. Every townhouse unit shall have a minimum 200 square foot private yard or patio.

(a) The private yard or patio shall be arranged for use by the occupants of the dwelling and located in the side or rear yard.

(b) The private yard or patio must be enclosed by any combination of the following: a masonry wall, wood fence, trellis or lattice with a minimum height of 6 feet; or an evergreen hedge, shrubs or trees that will achieve a height of 6 feet within 3 years of planting under normal growing conditions.

(4) Lots within the development shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.).

(5) The developer shall provide architectural renderings of proposed structures to be reviewed and approved by the Board of Commissioners as part of the Concept Plan or prior to each preliminary subdivision plat or preliminary site plan approval.

(6) All dwelling units shall have facades that consist primarily of brick, stucco or stone finish, with minimal lap siding consisting of premium vinyl (subject to the standards of Sec. 506.14.d), painted wood lap or fiber cement board siding; or as otherwise approved as part of the MPD approval by the Board of Commissioners.

(7) Each single-family detached and duplex dwelling unit shall include at least a 2-car garage. Unless waived by the Board of Commissioners as part of the MPD approval, each townhouse unit must also include a minimum two car garage. Wider streets with on-street parking may be considered on private streets in lieu of on-site parking.

c. Nonresidential development standards.

Restrictions within through-road corridors apply to all commercial and institutional uses within a master planned development.

(1) Through-road corridor defined.

Land lying along and within 200 feet of the right-of-way of a public street or highway that adjoins or traverses a MPD and that provides for movement of through traffic (in contrast to internal local streets) shall constitute a through-road corridor.

(2) Any commercial, office or institutional property or portion of a property within the MPD that is located within a through-road corridor shall comply with the following special design standards:

(a) Building setbacks.

No principal or accessory building shall be located less than 50 feet from the right-of-way of a through road unless a reduced setback is approved by the Board of Commissioners as part of the MPD Concept Plan. This entire setback area shall be landscaped and may not include any parking or other accessory uses other than access driveways.

(b) Signage. Canopy signs are prohibited.

(c) Landscaping.

Any property or portion of a property that is located within a through-road corridor shall provide at least 20 percent of its gross land area in landscaping. Landscape areas and treatments shall be identified on the site plan for the development, subject to approval by the County.

(d) Building materials and architectural standards.

i. The exterior walls of any building that is located within a through-road corridor and/or is visible from a through road corridor shall be of masonry, stucco, or lap siding consisting of premium vinyl (subject to the standards of Sec. 506.14.d), painted wood lap or fiber cement board siding; or shall otherwise be consistent with and complementary to existing architecture in the general area. These finish building materials shall be applied to all sides of the building visible from the through road. Colors and materials shall be harmonious and compatible with colors of other buildings within and immediately adjacent to the district. Material colors shall be natural, muted earth tones, gray or muted red color brick, stone, and/or neutral shades of concrete. Bright or accent colors may be used with discretion where appropriate on ornamental locations on the building's exterior, but shall not be used as the primary building material color.

ii. No buildings with metal exterior facades will be permitted within the corridor nor shall any metal facade buildings be visible from the corridor. Metal roofs, including mansard roofs, are not considered part of a facade.

iii. Quality architectural standards and site design elements shall be given high priority in the design of the commercial portions of the MPD. Emphasis on brick exteriors is encouraged. Architectural accents utilizing brick, premium vinyl (subject to the standards of Sec. 506.14.d), wood and cement board siding details, bay windows, sloped roofs, dormers, columns, covered porches, vertical accent details, variations in the plane of the front building walls and other similar amenities are examples of such desirable architectural features. Quality site design features include but are not necessarily limited to textured and colored paving accents, sidewalk planters in front of the buildings, outdoor seating areas, decorative site furnishings and lighting fixtures, fountains, arbors, numerous large shade trees and substantial shrub, ground cover and flowering plants.

d. Standards for vinyl siding.

Vinyl siding used for any application in an MPD must meet or exceed the following requirements and standards:

(1) Materials.

Vinyl siding shall consist of PVC (rigid poly(vinyl chloride)) or polypropylene material that is no less than 0.044 inches thick (whether or not foam backed) and shall be certified by the manufacturer as otherwise meeting or exceeding the standard specifications of ASTM D3679 for rigid poly(vinyl chloride) (PVC) siding, as most currently adopted or revised by the American Society for Testing and Materials (ASTM).

(2) Vinyl siding products.

Vinyl siding products shall have the following specifications:

(a) 5/8-inch or greater panel projection;

(b) enhanced panel locking system with features to help straighten the wall appearance;

(c) reinforced nail hem curl or double nail hem designed to increase panel wind load resistance;

(d) polypropylene sidings; and

(e) product and color retention certification approvals by the Vinyl Siding Institute.

(3) Installation.

Vinyl siding shall be installed in accordance with the manufacturer's instructions applicable to the specific product and in accordance with ASTM D4756, Standard Practice for Installation of Rigid Poly (Vinyl Chloride) (PVC) Siding and Soffit. If any provision of the installation instructions of the ASTM or the manufactured conflict with the Building Codes of Oconee County, the Oconee County Codes shall control.

Sec. 506.15. **Master Planned Developments Existing Prior to April 2005.**

No property rezoned to a Master Planned Development classification prior to April 5, 2005 shall be expanded, amended, or modified so as to allow an increase in the total number of building units, lots, density, nor to reduce the amount of greenspace or open space required by this Section. All such property shall otherwise be subject to the provisions of and in compliance with the MPD regulations in effect on April 4, 2005, which are provided in this Section.

a. General Requirements.

(1) A master planned development (MPD) may be approved in any of the zoning districts shown on Table 5.7.

(2) All master planned developments require Concept Plan approval by the Board of Commissioners as a zoning change.

(3) A Concept Plan for a master planned development shall be reviewed by the Development Review Committee for recommendations, and shall follow the procedures for concept plan review as outlined in Division I of the Procedures and Permits Article of this development code for Planning Commission recommendation and Board of Commissioners approval.

(4) The provisions of this Section apply to all master planned developments in lieu of the requirements of the zoning district in which the MPD is located. Where no provisions to the contrary are included in this Section, the requirements of the applicable zoning district shall apply.

b. Criteria for approval.

(1) A master planned development must comply with the open space, residential development standards and nonresidential development standards of this Section as a prerequisite for approval.

(2) The provisions of this Article are intended to encourage the development of master planned developments in appropriate locations that allow the use of innovative techniques, such as traditional neighborhood design, open space subdivisions, village concepts and mixed use development. Such master planned developments should be brought together as a compatible and unified development by allowing flexibility within the current zoning regulations.

(3) Benefits of master planned developments include innovative design, the protection and accommodation of important natural resources and open space within the county, and the cost savings of less infrastructure. MPDs are reviewed individually to determine compatibility, suitability, and health, safety and welfare issues. Individual requirements relating to such developments become part of the site through conditions of Concept Plan approval.

(4) Review criteria.

The following is a list of criteria that will be used by the County to determine the suitability of a proposed master planned development:

(a) The uses proposed will not be detrimental to present surrounding uses and potential surrounding development as shown on the Future Land Use Map;

(b) Exceptions from the lot area, setback and other development standards of the zoning district applicable to the subject property in this development code are warranted by the design and amenities incorporated in the development plan;

(c) Land surrounding the proposed development can be planned in coordination with the proposed development and will be compatible in use; and

(d) The master planned development is in conformance with the general intent of this development code and the Comprehensive Plan.

(e) Every master planned development must be deemed by the Board of Commissioners to incorporate features of exceptional architectural, landscaping or site design prior to master planned development approval. Such plans upon which this determination is made shall be incorporated into the master planned development approval of the project.

c. Development Parameters.

The following general conditions apply to master planned developments according to the zoning district of the property:

(1) The proportion and distribution of nonresidential to residential uses in a master planned development is determined by the zoning category of the property and the maximum density proposed. The underlying zoning district also determines the maximum number of dwelling units and the type of commercial development that can be allowed in the master planned development. These limitations and the distribution of housing types are shown on Table 5.7.

(2) When "general commercial" is allowed, development of the commercial area shall be controlled by the B-1 zoning district provisions, except as modified by this Section.

(3) When "highway commercial" is allowed, development of the commercial area shall be controlled by the B-2 zoning district provisions, except as modified by this Section.

(4) Accessory commercial uses, such as a sales office, maintenance office or resident manager, are allowed within any individual development to which they are normally incidental.

(5) Commercial structures and uses that are incorporated into a master planned development must be located and designed as an integral part of the unified development. As an addition to the B-1 and B-2 district provisions, residential and commercial uses may either be located in freestanding buildings within a site, or combined together within the same building.

(6) Development is to be carefully planned to ensure that the benefits of master planned developments are fully realized and potential negative impacts of one use on another are minimized, both within the development and along its periphery. Factors include separation of mixed-use areas from single-use areas, pedestrian access linkages, placement of open space and community amenities to define neighborhoods and provide community focus, peripheral buffers and transitions in use or intensity approaching the MPD boundary.

(7) All master planned developments must provide internal pedestrian access, including connections to external access points. The type of access such as sidewalks, bike paths, lanes, and trails will be established during the review period to determine the best way to serve a particular development.

Table 5.7: Land Use Distribution in a Master Planned Development✧

Zoning District	Maximum Density (du/acre ★)	Use Distribution: Percent of Total Site Area	Use Distribution: Percent of Total Units by Housing Type
R-1	Up to 1.5	No less than 20% open space No more than 80% residential No more than 5% general commercial	Min. 80% Single-family detached Max. 20% Townhouses
	Over 1.5 to 1.9	No less than 20% open space No more than 78% residential Min. 2% to max. 5% general commercial	Min. 60% Single-family detached Max. 40% Townhouses
R-2	Up to 2.9	No less than 20% open space No more than 80% residential No more than 10% general commercial	Min. 20% Single-family detached Max. 80% Duplex Dwelling Units Max. 30% Townhouses
	Over 2.9 to 3.6	No less than 20% open space No more than 75% residential Min. 5% to max. 10% general commercial	Min. 20% Single-family detached Max. 80% Duplex Dwelling Units Max. 30% Townhouses
R-3	Up to 5.6	No less than 20% open space No more than 80% residential No more than 20% general commercial	Min. 20% Single-family detached or Duplex Units Max. 80% Townhouses or Apartments★★
	Over 5.6 to 5.8	No less than 20% open space No more than 70% residential Min. 10% to max. 20% general commercial	Min. 20% Single-family detached or Duplex Units Max. 80% Townhouses or Apartments★★
B-1	Up to 3.0	No less than 20% open space No more than 30% residential No more than 50% general commercial	Min. 40% Single-family detached, Duplex units, or Townhouses Max. 60% Apartments★★
B-2	Up to 3.5	No less than 20% open space No more than 30% residential No more than 50% general commercial	Min. 25% Single-family detached, Duplex units, or Townhouses Max. 75% Apartments★★

✧ Applicable to Master Planned Developments existing prior to April 5, 2005
★ Dwelling Units Per Gross Acre
★★ "Apartments" include Loft Apartments over ground floor office or commercial space

d. Maximum number of dwelling units.

The total number of dwelling units for all types of housing allowed in a master planned development is determined by multiplying the maximum density shown on Table 5.7 for the underlying zoning district times the gross acreage of the entire property. Individual portions may exceed this density in accordance with the approved Concept Plan for the MPD, provided that the maximum density of the entire project is not exceeded.

e. Minimum lot size.

The following establishes the amount of land to be set aside for each dwelling unit, whether in individual lots or within a property containing condominium or multi-family units:

(1) A single-family detached or duplex dwelling on an individual well and septic tank or on public water and septic tank must provide the lot area per dwelling unit required by Article 4, or a larger area per dwelling unit if required to meet Health Department standards.

(2) For a single-family detached or duplex dwelling on public water and a sanitary sewer collection and treatment system – average 15,000 (minimum 5,000) square feet per dwelling unit in the R-1 zoning district, average 7,500 (minimum 5,000) square feet per dwelling unit in the R-2 zoning district, and average 5,000 square feet per dwelling unit in the R-3, B-1 and B-2 zoning districts.

(3) For multi-family dwellings (including townhouses) the average lot area shall be 4,000 square feet. For a townhouse condominium or apartment development intended to occupy a single property, the property shall contain a minimum total area equal to the number of dwelling units times 4,000 square feet. A sanitary sewer collection and treatment system is required for any such project.

f. Minimum lot widths.

The minimum lot widths for lots in any master planned development shall be as established on the Concept Plan approved for the MPD.

g. Minimum setbacks.

The minimum setbacks for principal buildings for any master planned development shall be as established on the Concept Plan approved for the MPD.

h. Internal orientation required.

All single-family residential lots within a master planned development must front upon and gain their access from a proposed street within the development, provided that any lot fronting upon and gaining its access from an existing County street or road shall comply with the dimensional standards of the zoning district within which the master planned development is located.

i. Minimum separation from adjoining streets.

The single-family residential lots within an R-1 master planned development meeting the reduced dimensional standards for a master planned development must be separated from every existing County road or street right-of way that adjoins the development by a 50-foot wide buffer or 200-foot wide building setback. All townhouse projects within an R-1 or R-2 master planned development must be separated from every existing County road or street right-of-way that adjoins the development by a 100-foot wide buffer if no residential or commercial uses are located between the townhouses and the existing County road or street.

j. Buffer requirements.

(1) A permanent 50-foot buffer area shall be established around the perimeter of any master planned development where it adjoins an agricultural, agricultural/residential or residential zoning district. Except for a fence, wall or earthen berm along the property line, no structure of any type shall be permitted in the buffer area.

(2) Internal buffers as would otherwise be required by this development code between land use areas within a master planned development may be waived, subject to conditions of approval for the master planned development Concept Plan.

k. Ownership Control.

(1) All of the land in a master planned development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.

(2) The use of common open space and other common areas shall be governed by an owner's association meeting the requirements of Sec. 506.15.n(3)(b)iv.2.

l. Concept plan.

(1) Concept plan; administration.

(a) Development of a master planned development shall be guided by an approved Concept Plan for the overall project. Prior to any land development activity or the issuance of a building permit, the Concept Plan shall have been approved by the Board of Commissioners, and subsequent development must substantially conform to the approved Concept Plan.

(b) The level of detail to be shown on a master planned development Concept Plan shall reflect the scale of the proposed project. For a mixed-use master planned development, the various areas by housing type and land use category are to be identified and the parameters of development identified for each area. A master planned development involving only one type of housing would present more detail regarding the layout of the development.

i. The Concept Plan for a master planned development involving only one type of housing shall conform to the requirements for a "concept plan" set forth under Division I of the Procedures and Permits Article of this development code.

ii. The Concept Plan for a mixed-use master planned development must designate the type of development planned for each area. The Concept Plan shall illustrate the individual lot lines within each subdivision and the building outlines in each condominium, multi-family or nonresidential project, and must conform to the requirements for a "concept plan" set forth under Division I of the Procedures and Permits Article of this development code.

m. Impact analyses.

(1) Zoning impact analysis.

Every initially proposed master planned development Concept Plan shall be accompanied by a narrative specifically addressing each of the standards set forth under Division I of the Procedures and Permits Article of this development code.

(2) Traffic impact analysis.

(a) Every initially proposed master planned development Concept Plan that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic analysis prepared under guidelines available from the County Engineer. Anticipated vehicle trips may be based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers.

(b) A traffic analysis shall also be required for a proposed modification to a previously approved Concept Plan if the average daily vehicle trips will increase by 10% or more than calculated for the original Concept Plan, or average daily vehicle trips will exceed 1,000 for the first time.

(c) For MPDs with less than 1,000 average daily vehicle trips or increases of less than 10%, the County Engineer may require a traffic analysis when conditions on the public street system warrant.

(3) Site plans and subdivision plats.

(a) Approvals of individual projects within a master planned development are to follow the County's normal development approval process, based on preliminary site plans or preliminary subdivision plats as normally required. Each preliminary site plan or preliminary subdivision plat is to be consistent with the approved Concept Plan for the master planned development.

(b) Approval for construction of individual projects within a master planned development are to follow the County's normal approval process of engineering drawings through the development review committee.

(4) Modifications to the concept plan.

Development of each portion of a master planned development must substantially conform to the Concept Plan approved by the Board of Commissioners. If any preliminary site plan or preliminary subdivision plat is proposed that does not substantially conform, the Concept Plan must first be modified before the preliminary site plan or preliminary subdivision plat can be approved. Modifications of the Concept Plan can only be approved by the Board of Commissioners, following the same procedure as the initial approval of the original Concept Plan as outlined in Division I of the Procedures and Permits Article of this development code.

(5) Concept plan updates required.

The master planned development Concept Plan is to be updated as individual site plans are approved for construction or final subdivision plats are recorded. Updating is an administrative process for submission to the Planning Department, and is intended to provide a record of the master planned development as build-out progresses. No update will be allowed that does not substantially conform to the approved Concept Plan, or that has not been approved as a modification to the Concept Plan by the Board of Commissioners.

n. Quality development standards.

In order for a master planned development to be approved, the development must meet or exceed the standards of this Section.

(1) Common open space.

Acreage not utilized for residential lots, roadway access and utilities shall be placed in common open space or devoted to recreation amenities.

(a) A minimum percent of the gross project site area shall be reserved for common open space, as follows: no less than 20% of the total site must be set aside as open space for conservation, preservation or passive recreational use, such as walking trails and picnicking. Valuable natural resources and required stream buffers are to be given preference for inclusion in the minimum required open space. Land devoted to stormwater detention facilities may not be counted toward the 20% minimum unless the facility is a permanent lake or pond and is designed and intended for recreational access and use by the occupants of the development.

(b) Additional common open space may be provided and may include active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.

(c) Required buffers on the perimeter of the property may be included in the minimum open space requirement.

(d) While common open space shall not be required to be contiguous, no individual portion of the open space that counts toward the 20% minimum shall be less than 1 acre in size, nor less that 50 feet wide in its narrowest dimension, except as follows:

i. The open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.

ii. Parkways between road travelways, which must be at least 26 feet in width to be counted as part of the minimum 20% common open space.

(e) No portion of the residential lots shall be credited toward the minimum open space requirement unless the portion is included within a conservation easement. No portion of any street right-of-way (other than a parkway between road travelways) or public or private utility easement shall be credited toward the minimum open space requirement.

(f) The required common open space shall be platted at the same time that adjacent residential lots are platted, in whole or in phases, in accordance with the phasing approved as part of the Concept Plan for the MPD.

(2) Residential development standards.

(a) The subdivision may be served by a sanitary sewerage collection and treatment system approved by the County Water Resources and Public Works Departments, or a community sanitary septic system approved by the Health Department. Public sewer must be approved by the County Water Resources and Public Works Departments, and private sewer must be approved by the Board of Commissioners.

(b) Recreation amenity.

In addition to the minimum required common open space, every subdivision must contain a community recreation amenity of adequate size or variety to serve the development, such as a community pool, picnic pavilion, tennis courts, children's playground or basketball courts, as deemed appropriate by the developer and approved as part of the MPD Concept Plan.

(c) Private open space required.

Every single-family or two-family dwelling unit on a lot of less than 10,000 square feet shall have a minimum 400 square foot private yard or patio. Every townhouse unit shall have a minimum 200 square foot private yard or patio.

i. The private yard or patio shall be arranged for use by the occupants of the dwelling and located in the side or rear yard.

ii. The private yard or patio must be enclosed by any combination of the following: a masonry wall, wood fence, trellis or lattice with a minimum height of 6 feet; or an evergreen hedge, shrubs or trees that will achieve a height of 6 feet within 3 years of planting under normal growing conditions.

(d) Lots within the development shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.).

(e) The developer shall provide architectural renderings of proposed structures to be reviewed and approved by the Board of Commissioners as part of the Concept Plan or prior to each preliminary subdivision plat or preliminary site plan approval.

(f) All dwelling units shall have façades that consist primarily of brick, stucco or stone finish, with minimal painted wood lap or fiber cement board siding; or as otherwise approved as part of the MPD approval by the Board of Commissioners.

(g) Each single-family detached or duplex dwelling unit must include at least a 2-car garage, unless waived by the Board of Commissioners as part of the MPD approval. Wider streets with on-street parking may be considered on private streets in lieu of on-site parking.

(3) Nonresidential development standards.

Restrictions within through-road corridors apply to all commercial and institutional uses within a master planned development.

(a) Through-road corridor defined.

Land lying along and within 200 feet of the right-of-way of a public street or highway that adjoins or traverses a MPD and that provides for movement of through traffic (in contrast to internal local streets) shall constitute a through-road corridor.

(b) Any commercial, office or institutional property or portion of a property within the MPD that is located within a through-road corridor shall comply with the following special design standards:

i. Building setbacks.

No principal or accessory building shall be located less than 50 feet from the right-of-way of a through road unless a reduced setback is approved by the Board of Commissioners as part of the MPD Concept Plan. This entire setback area shall be landscaped and may not include any parking or other accessory uses other than access driveways.

ii. Signage. Canopy signs are prohibited.

iii. Landscaping.

Any property or portion of a property that is located within a through-road corridor shall provide at least 20 percent of its gross land area in landscaping. Landscape areas and treatments shall be identified on the site plan for the development, subject to approval by the County.

iv. Building materials.

1. The exterior walls of any building that is located within a through-road corridor and/or is visible from a through road corridor shall be of masonry and/or stucco-type-construction, or shall otherwise be consistent with and complementary to existing architecture in the general area. These finish building materials shall be applied to all sides of the building visible from the through road. Colors and materials shall be harmonious and compatible with colors of other buildings within and immediately adjacent to the district. Material colors shall be natural, muted earth tones, gray or muted red color brick, stone, and/or neutral shades of concrete. Bright or accent colors may be used with discretion where appropriate on ornamental locations on the building's exterior, but shall not be used as the primary building material color.

2. No buildings with metal exterior facades will be permitted within the corridor nor shall any metal façade buildings be visible from the corridor. Metal roofs, including mansard roofs, are not considered part of a facade.

o. Owner's association.

(1) Homeowner's association; when required.

For any residential development containing common open space or other lands in common ownership, a Homeowner's Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

(a) Membership in the Homeowner's Association must be mandatory for each property in the development.

(b) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.

(c) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.

(d) The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act." ((Code 1981, § 44-3-220, et seq. enacted by Ga. L. 1994, p. 1879, § 1) and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Act, if it is to act as a holder of the conservation easement.

(e) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the Association. In lieu of a reserve fund, documents creating the

Homeowner's Association may provide for a contract committing the developer to pay for all reasonable expenses of the Association for the one year period following transfer of control.

(f) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:

i. Equal access and right of use to all shared facilities;

ii. Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;

iii. Tax liability in the case of default;

iv. The method of assessment for dues and related costs;

v. Where appropriate, party wall maintenance and restoration in the event of damage or destruction;

vi. Exterior items such as fences, lawn ornaments, and landscape areas and buffers;

vii. Building improvements;

viii. Outside storage;

ix. Overnight parking of vehicles; and

x. Trash collection containers.

(g) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with an application for final subdivision plat approval.

(2) Owners' association.

For nonresidential development projects, an association of the property owners that is consistent with the requirements for a homeowners' association will serve in lieu of the requirements of this Section.

(3) Condominium association.

For condominium projects, incorporation of a Condominium Association consistent with state law will serve in lieu of the requirements of this Section, provided that:

(a) Specific maintenance responsibilities for storm water detention facilities are included; and

(b) The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association.

p. Open space management.

(1) No later than the time of Concept Plan approval, as part of the draft covenants proposed for the MPD, the applicant shall submit a written management plan for the open space areas shown on the plan. The management plan shall include:

(a) Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the open space areas;

(b) Allocation of responsibility and establishing guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(c) Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and an outline of the means by which such funding will be obtained or provided.

(2) The common open space required herein shall be permanently protected in perpetuity by a conservation casement conveyed to the homeowners' association, or other entity approved by Oconee County prior to the sale of the first lot in such subdivision. The conservation easement shall be created subject to the provisions of Article I of Chapter 10 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Uniform Conservation Easement Act." (Code 1981, § 44-10-1, et seq.. enacted by Ga. L. 1992, p. 2227, § 1). All such conservation easements shall provide for either enforcement rights or third party enforcement rights, as the case may be, vested in the homeowners' association and in Oconee County and shall provide that the conservation easement may not be terminated or otherwise modified without the consent of all entities having either a property right or enforcement right therein.

(3) The common open space areas shall be owned and maintained in accordance with the following criteria provided that the record title to the property and the conservation easement shall be held by different entities:

(a) Record title may be held by:

i. Equal share of undivided interest by each lot owner;

ii. The homeowners' association, or

iii. Other entity approved by Oconee County

(b) Conservation easement may be held by:

i. The homeowners' association;

ii. Oconee County, or

iii. Other entity approved by Oconee County, qualified to be a holder under the Georgia Uniform Conservation Easement Act.

(c) Maintenance:

i. Homeowners' association, or

ii. Other entity approved by Oconee County

q. Special Platting and Development Requirements.

(1) All commercial sections of an MPD project must be platted separately from the parent parcel no later than the time of the recording of the final plat of the first phase of the development.

(2) On commercial sections of an MPD project, at least one establishment (building) must be built prior to recording of the final plat for the last phase of the development except in the case of single phase developments where the schedule shall be determined per the rezone documents.

Sec. 507. Planned unit developments (PUD).

Sec. 507.01. Purpose.

The provisions contained in this Article shall apply to all properties approved as Planned Unit Developments prior to December 31, 2002. **As of January 1, 2003, no applications will be accepted for approval of a new Planned Unit Development.** Applications may be accepted for modification of a Planned Unit Development created prior to December 31, 2002, provided that no increase in land area shall be approved. Such modification shall comply with the PUD regulations in effect on December 3rd, 2002.

Sec. 507.02. **Criteria for development.**

a. The purpose of Planned Unit Developments is to encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The County gains the advantages of variety in building types, compatibility of uses and optimum community development. Review of the development plan by the Oconee County Planning Commission provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located.

b. The Planned Residential Development is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning and to assure the provision of park and recreation facilities for the use of the occupants of the development.

Sec. 507.03. **Types of planned unit developments.**

The following types of Planned Unit Developments are authorized by these Regulations. They are required to have the minimum acreage indicated.

a. Planned Residential Development with shopping facilities -- 100 acres. Planned Residential Development without shopping facilities -- 20 acres.

b. Planned Shopping Centers -- 5 acres.

c. Planned Industrial Parks -- 10 acres.

d. Planned Institutional Developments -- 15 acres.

Sec. 507.04. **Ownership control.**

a. All of the land in a Planned Unit Development shall be owned initially by an individual, by a corporation or by some legal entity.

b. The owner may sell to another person a portion of the Planned Unit Development to be developed by said person, provided a preliminary plat, in accordance with the original Planned Unit Development, of said portion of property has been approved by the Oconee County Planning Commission and a performance bond, to assure construction of streets and utilities, has been posted for said property.

c. Individual lots or units in a Planned Unit Development may be sold after a Final Plat has been recorded with the lots and units subject to private deed covenants that assure the continuance of the Planned Unit Development as originally approved and planned.

d. This paragraph shall not apply to Planned Institutional Developments. Planned Institutional Developments shall be owned in perpetuity by a non-profit organization or non-profit establishment as defined under "Institution" herein.

Sec. 507.05. **Standards applying to all planned unit developments.**

All Planned Unit Developments shall meet the following standards and such other requirements as set forth with respect to each of the four permitted types of Planned Unit Developments.

a. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.

b. The development, as planned, shall not adversely affect developed or undeveloped neighboring properties.

c. The development shall utilize design and development features that would not be possible by the application of lot-by-lot Zoning District regulations.

d. Water, sewerage, highways, garbage collection, and school facilities shall be adequate as required by State regulations for the proposed development or there shall be a definite proposal for making them so.

Sec. 507.06. **Standards applying to planned residential unit developments.**

The following standards, in addition to the above-mentioned standards for all Planned Unit Developments, apply to Planned Residential Unit Developments:

a. Location. A Planned Residential Unit Development may be located within an R Zoning District if it meets all of the requirements specified for Planned Residential Unit Developments.

b. Minimum acreage required and permitted uses. The following are the minimum acreage requirements and uses permitted in Planned Residential Unit Developments:

(1) A Planned Residential Unit Development with a minimum of 100 contiguous acres may contain single-family detached dwellings (including modular homes but not mobile homes), two-family dwellings, multi-family dwellings, condominiums, or a combination of said dwellings plus customary home occupations and customary residential accessory buildings and uses.

(2) A maximum of five percent of the development's acreage which may be B-1 General Business District Uses.

(3) Permitted uses for Planned Residential Unit Developments with less than 100 acres shall be the same as those listed for Planned Residential Unit Developments with 100 or more acres, except that they shall not include any B-1 General Business District uses.

c. Common open space requirements. A minimum of 10 percent of the land area in a Planned Residential Development shall be reserved for open space, parks, other recreation or other public uses.

d. Not more than thirty percent of the land so reserved may lie in a Flood Plain.

e. The required yards and parking areas shall not be credited toward the minimum open space requirements.

f. General private deed covenants. The transfer of ownership of individual properties in the Planned Residential Development may be made only after a final plat has been approved and recorded and with the said properties subject to private deed covenants that will assure the continuance of the Planned Residential Development as originally approved and developed.

g. Minimum lot sizes. The minimum lot sizes for single-family detached houses in the Zoning District in which the Planned Residential Development is located may be waived but each single-family residential structure shall be placed on a separate lot.

h. The minimum lot sizes for condominiums, townhouses, or multi-family houses in the Zoning District in which the Planned Residential Development is located may be waived, as well as the requirements that each structure shall be placed on a separate lot.

i. Individual lot lines. The requirements that individual lot lines be delineated for condominiums, townhouses, or multi-family developments may be waived when it is obviously impossible to delineate lot lines in a reasonable manner.

j. Yards. The yard requirements of the Zoning District in which the Planned Unit Development is located may be waived except along the exterior boundaries of the development. On the exterior boundaries of the development, side yards of appropriate widths shall be provided but in no case shall a side yard be less than five (5) feet in width.

k. Height. The height limitations of the Zoning District in which the Planned Unit Development is located may be waived.

l. Off-street parking requirements. The off-street parking requirements for Planned Residential Unit Developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

m. Street frontage requirements. In a Planned Residential Development, the street frontage requirements for townhouses or multi-family houses may be waived.

n. Gross density. The maximum density of a Planned Residential Development shall not exceed 2 dwelling units per acre, based on the gross average.

o. Area requirements for retail sales and services. If a retail sales and services area is provided, a maximum of 4800 square feet of floor space for retail sales and services is permitted for each 100 dwelling units in a Planned Residential District. All Commercial areas shall be located within the confines of the Planned Unit Development for the purpose of serving primarily those people living within the development. There shall be not less than 4 square feet of business lot area for each one (1) square foot of permitted retail sales and service floor area.

p. Structures for retail sales and services. Retail sales and services shall be conducted entirely within a wholly and permanently enclosed building or buildings which shall be of an architectural design compatible with the residential structures within the Planned Residential Development.

q. Relation to residentially developed property lying outside the planned residential development. The sides, rear or front of a lot developed for retail sales and services, multi-family dwellings or condominiums shall neither abut nor lie across the street from property lying outside the Planned Residential Development that is developed or zoned for single-family houses.

r. Development in stages. The development of the entire Planned Residential Development may be divided into logical geographical sections for construction purposes, subject to the approval of the Oconee County Planning Commission. In such cases, a schedule, designating a reasonable time period in which the construction of each section of said development must be completed, shall be submitted to the Oconee County Planning Commission for approval. (The developer may submit plans of individual sections or phases of development of the entire Planned Residential Development as set forth and approved in the development schedule by the Oconee County Planning Commission.) After the plan of an individual section has been approved by the Oconee County Planning Commission, their recommendation shall go to the Oconee County Board of Commissioners for final approval. Said commission may permit deviations within a section from the number of dwelling units per acre established for the entire Planned Residential Development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire Planned Residential Development is not affected.

s. Performance guarantee for public improvements required. A performance guarantee must be provided for public infrastructure improvements as required by the Oconee County Land Subdivision Regulations.

Sec. 507.07. **Standards applying to planned shopping centers.**

Within any B Zoning District, a Planned Shopping Center may be permitted if it meets the following standards and conditions:

a. Location. A Planned Shopping Center shall have paths of access and egress only on a major or collector street or a County road or State highway. If deemed necessary by the Oconee County Planning Commission, adequate acceleration and deceleration lanes shall be provided by the developer.

b. Minimum acreage. A Planned Shopping Center development shall have a minimum area of five (5) acres.

c. Use regulations. Any use permitted in the B Zoning District in which the development is located may be included in the Planned Shopping Center.

d. Yards. The yard requirements of the Zoning District in which the Planned Shopping Center is located may be waived.

e. Height. The height limitations of the Zoning District in which the Planned Shopping Center is located may be waived.

f. Off-street parking and loading and unloading requirements. The off-street parking and unloading requirements for Planned Shopping Center developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

g. Buffer areas. A landscape buffer area is required where a commercial area adjoins a residential area zoned in accordance with the provisions of these regulations.

Sec. 507.08. **Standards applying to planned industrial parks.**

Within any I Zoning District, a Planned Industrial Park may be permitted if it meets with the following standards and conditions:

a. Location. A Planned Industrial Park shall have paths of access and egress only on a major street, County road or State highway. If deemed necessary by the Oconee County Planning Commission, adequate acceleration and deceleration lanes shall be provided by the developer.

b. Minimum acreage. A Planned Industrial Park development shall have a minimum area of 10 acres.

c. Minimum lot size. The minimum lot sizes of the Zoning District in which the Planned Industrial Park is located may be waived.

d. Use regulations. Any uses permitted in the I District in which the Planned Industrial Park is located may be included.

e. Height. The height limitations of the Zoning District in which the Planned Industrial Park is located shall be observed.

f. Yards. The yard requirement of the Zoning District in which the development is located may be waived, except along the exterior boundaries of the Planned Industrial Development.

g. Off-street parking and loading and unloading requirements. The off-street parking requirements for Planned Industrial Park developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

h. Buffer areas. A landscape buffer area is required where a commercial area adjoins a residential area zoned in accordance with the provisions of these regulations.

Sec. 507.09. **Standards applying to planned institutional developments.**

Within the OIP zoning district, a Planned Institutional Development (PID) may be permitted if it meets with the following standards and conditions:

a. Location. A Planned Institutional Development shall be located within an OIP Zoning District and shall have access and egress points only on a major collector street or arterial road which is maintained by the County or by the State D.O.T.

b. Minimum acreage. A Planned Institutional Development shall have a minimum area of at least 15 acres.

c. Use regulations. A Planned Institutional Development may contain "Institutional" uses as defined herein including but not necessarily limited to:

(1) Churches, schools, hospitals, nursing homes, clinics and personal care homes owned and operated by a for-profit entity or by non-profit organizations as defined under "Institution" herein.

(2) Planned retirement communities consisting of a mix of single family, two-family and multi-family dwellings, personal care and nursing care facilities.

(3) Customary accessory uses such as recreation facilities, food service facilities, office and administrative functions and in some cases pharmaceutical facilities.

d. Common open space requirements. Within a Planned Institutional Development, a minimum of ten percent (10%) of the total land area shall be reserved for common open space, parks or outdoor recreational facilities for use by the residents and/or clients of the development.

e. Lots. The requirement that each building or use be placed on a separate lot may be waived within a PID.

f. Yards. The yard requirements of the Zoning District in which the Planned Institutional Development is located may be waived except along the exterior boundaries of the development. On the exterior boundaries of the development, front, side and rear yards of appropriate widths shall be provided but in no case shall a yard be less than five (5) feet in width. These shall be determined at the time of rezoning or Planned Unit Development (PUD) plan approval and shall be based on the highest yard requirements for similar uses in other zoning districts (i.e., for single family dwellings, see AR-1 or R-1 zone; for hospitals, see OIP zone; etc.)

g. Gross density. For PID retirement communities, the density of the residential units shall not exceed that permitted by applicable rules for septic systems. For PID retirement communities on central sewer systems, the gross density of the residential units shall not exceed eight (8) units per acre where:

(1) Multi-family dwellings of 1, 2 or 3 bedrooms = one dwelling unit/apartment.

(2) Two-family dwellings of 1, 2 or 3 bedrooms = one dwelling unit/apartment.

(3) Single-family dwellings up to 3 bedrooms = one dwelling unit/house.

h. Nursing homes and hospitals with full-time comprehensive medical staff shall not be considered as residential units for calculation of gross density. Instead, such facilities shall be governed by the maximum height restrictions, off-street parking and loading requirements, buffer and green space requirements and any applicable yard requirements for the permitted use. The land area necessary for these requirements shall then be subtracted from the gross land area within the PID prior to calculating the gross residential density.

i. Off-street parking requirements. The off-street parking requirements for the various uses within PID developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

Sec. 508. Open space ownership and management.

The provisions of this Section apply whenever common open space is required or provided in a subdivision, a master planned development or a multi-family or nonresidential development. Refer also to the provisions of the Environmental Protection Article of this Development Code regarding natural resource conservation areas and easements.

Sec. 508.01. Owner's association; when required.

a. Homeowner’s association.

For any residential development consisting of individual lots and containing common open space or other lands in common ownership, a Homeowner's Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

(1) Membership in the Homeowner's Association must be mandatory for each property in the development.

(2) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.

(3) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.

(4) The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act." (Code 1981, ¶ 44-3-220, *et seq*. enacted by Ga. L. 1994, p. 1879, ¶ 1).

(5) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development; that no debt shall transfer to the Association; and that any facilities required under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code, the operation and maintenance of which are the legal responsibility of the Homeowners' Association, shall at the time of transfer meet the standards of and properly function under the requirements of this Development Code. The reserve fund must be equal to no less than one year's expenses reasonably expected for the association's minimum operations and maintenance as required by this Development Code. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all the association's minimum operations and maintenance as required by this Development Code for the one year period following transfer of control.

(6) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:

(a) Equal access and right of use to all shared facilities;

(b) Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;

(c) Tax liability in the case of default;

(d) The method of assessment for dues and related costs;

(e) Where appropriate, party wall maintenance and restoration in the event of damage or destruction;

(f) Exterior items such as fences, lawn ornaments, and landscape areas and landscape buffers;

(g) Building improvements;

(h) Outside storage;

(i) Overnight parking of vehicles; and

(j) Trash collection containers.

(7) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with applications for final subdivision plat approval.

b. Owners' association.

For nonresidential development projects, an association of the property owners that is consistent with the requirements for a residential homeowners' association will serve in lieu of the requirements of this Section.

c. Condominium association.

For condominium projects, incorporation of a Condominium Association consistent with state law will serve in lieu of the requirements of this Section, provided that:

(1) Specific maintenance responsibilities for storm water detention facilities are included; and

(2) The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association.

d. Transfer of responsibility.

During the period of time that majority control is retained by the developer of a homeowners', owners' or condominium association, the developer shall retain such records as tax forms, bank statements, expense records or other data relevant to establishing the minimum operations costs of the association to support compliance with the reserve fund requirements of Sec. 508.01.a(5).

e. Association contact.

Owners associations of developments that contain stormwater management facilities subject to Sec. 1116.13 and Sec. 1117.13, shall appoint a representative as a point of contact to Oconee County. The representative shall provide a report of all maintenance activities, submit copies of any maintenance records, and coordinate inspections to be performed by Oconee County personnel. The contact information and reports shall be provided to Oconee County annually, no later than July 1st.

Sec. 508.02. **Open space management.**

a. No later than the time of Concept Plan approval for an MPD, for Project Approval for a conservation or other subdivision, or for Project Approval for a Site Development, the applicant shall submit a written management plan for the common open space areas shown on the plan, if any. The management plan shall include:

(1) Identification of the entity proposed as the "holder" of the conservation or natural resources easement, as applicable (see the Environmental Protection Article of this Development Code).

(a) For an MPD, a letter of intent from the holder approved at the time of Concept Plan approval by the Board of Commissioners shall be submitted no later than the time of application for the first preliminary subdivision plat or building permit for any portion of the MPD.

(b) For a conservation or other subdivision, a letter of intent from the proposed holder shall be submitted and approved prior to approval of the Preliminary Plat.

(c) For a multi-family or nonresidential development, a letter of intent from the proposed holder shall be submitted and approved prior to approval of the Preliminary Site Plan.

(2) Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the open space areas;

(3) Allocation of responsibility and establishing guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(4) Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and an outline of the means by which such funding will be obtained or provided.

b. The common open space required in a conservation subdivision or MPD shall be permanently protected in perpetuity by a conservation casement conveyed to a nonprofit conservation land trust or other entity approved by Oconee County prior to the sale of the first lot in such subdivision. The conservation easement shall be created subject to the provisions of Article I of Chapter 10 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Uniform Conservation Easement Act." (Code 1981, ¶ 44-

10-1, *et seq*. enacted by Ga. L. 1992, p. 2227, ¶ 1). All such conservation easements shall provide for either enforcement rights or third party enforcement rights, as the case may be, vested in the holder of the easement, the homeowners' association and in Oconee County and shall provide that the conservation easement may not be terminated or otherwise modified without the consent of all entities having either a property right or enforcement right therein.

c. The common open space areas shall be owned and maintained in accordance with the provisions of the Conservation Easements Section of the Environmental Protection Article of this Development Code.

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Article 6. Parking and Loading

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Article 6. Parking and Loading

Sec. 601. Purpose of Article 6.

This Article sets out the requirements and restrictions on the provision of automobile parking spaces for each development to accommodate its residents, employees, customers and visitors, and for adequate truck parking to serve any business or industrial building, hospital, institution, or hotel. The provisions of this Article apply equally to each designated use without regard to the zoning district in which it is located.

Sec. 602. Definitions related to parking and loading.

***Axle**:* assembly of a vehicle consisting of two or more wheels whose centers are in one horizontal plane, by means of which a portion of the weight of a vehicle and its load, if any, is continually transmitted to the roadway. An axle is any such assembly whether or not it is load-bearing only part of the time. For example, a single-unit truck with a steering axle and two axles in a rear-axle assembly is a truck even though one of the rear axles is a so-called dummy, drag, tag, or pusher type axle.

***Floor Area, Gross**:* The total area of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings, but not including attic space providing headroom for less than 7 feet; unusable basement or cellar space; uncovered steps or fire escapes; open porches; accessory water or cooling towers; and accessory off-street parking spaces or accessory off-street loading berths within the building.

***Floor Area, Gross Leasable**:* The gross floor area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.

Gross Floor Area (GFA): See "Floor Area, Gross."

Gross Leasable Area (GLA): See "Floor Area, Gross Leasable."

***Heavy Truck*:** Any vehicle, except recreational vehicles, vehicles displaying restricted plates, buses used in transportation of chartered parties, and government owned vehicles, used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property and which is:

1. A power unit having a gross vehicle weight in excess of 26,000 pounds;
2. A power unit having three or more axles, regardless of weight; or
3. Used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Intermodal Container: A six-sided container used for the storage and/or transportation of goods and designed for transport or capable of being transported by a variety of transportation modes, i.e. on semi-trailer beds, rail cars or ships.

Loading Space: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

Parking Aisle: The traveled way, which is not the private street or public right-of-way, by which cars directly enter and depart parking spaces.

Parking Bay: Three or more parking spaces adjacent to one another and aligned side-by-side.

Parking Lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking Lot Island: A landscaping strip located in a parking lot. Such islands must be sized to allow the plants and trees located within it to grow to their mature size.

Parking Space: A space identified and set aside for the temporary parking of an automobile or other motor vehicle.

Pervious Pavement: A hardened surface capable of supporting automobiles and light trucks, constructed of cast-in-place concrete or precast modular concrete pavers, which contains voids that are filled with pervious materials such as sand or grass turf.

Porous Pavement: A hardened surface capable of supporting automobiles and light trucks, which is composed of specialized asphaltic or concrete materials such that the pavement will allow for infiltration of stormwater through the pavement.

Residential Subdivision: See "Subdivision, Residential."

Semi-Trailer: A trailer with a set or sets of wheels at the rear, the forward portion of which is designed to be supported by the truck tractor or towing vehicle. For the purpose of this definition, flatbeds designed to be hauled by truck tractors are included as semi-trailers.

Subdivision, Residential: An area with streets designed primarily for residential and accessory traffic that are primarily interior subdivision streets and specifically including all residential areas platted and regulated under this Development Code.

Truck Tractor: A heavy motor vehicle consisting of a truck cab designed to tow semi-trailers.

DIVISION I. OFF-STREET PARKING.

Sec. 603. Off-street parking; when required.

Permanent off-street parking spaces shall be provided in accordance with the requirements of this Article whenever any of the following occurs:

b. At the time of the establishment of any use, or erection of any building.

c. At the time of occupancy of a building by a new use.

d. At the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.

Sec. 604. Number of parking spaces required.

Sec. 604.01. **Parking for residents, employees, customers and visitors.**

b. Parking required.

Off-street automobile storage or parking spaces shall be provided to serve every property that contains a principal use with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth herein.

c. Minimum number of parking spaces required.

The minimum number of outdoor off-street parking spaces to be provided for residents, employees, customers and visitors for each type of land use shall be determined according to Table 6.1Table 6.1, rounded up to the nearest whole parking space. Additional spaces may be provided for residential and lodging uses within fully enclosed garages.

Sec. 604.02. **Parking for company-owned vehicles not included.**

Every business that stores vehicles owned by the business on site overnight (such as a company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.), shall provide for adequate parking or storage for the vehicles such that no parking occurs in a public right-of-way or in an area that has not been improved as a parking lot or storage yard. Such parking spaces shall be in addition to those required for residents, employees, customers and visitors.

Sec. 604.03. **Maneuvering lanes not considered parking.**

Areas designated for temporary occupancy of vehicles while maneuvering on a site, such as queuing lanes for a drive-in window, are not considered parking spaces.

Sec. 604.04. **Dedication to parking use.**

b. Parking spaces provided to meet the requirements of this Article, along with the aisles and driveways necessary to provide access to those spaces, shall not be used for any other purpose than the temporary parking of vehicles. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, or for the sale, display or storage of equipment, goods, materials or supplies.

c. Parking spaces provided to meet the requirements of this Article shall not be used to meet the parking requirements of any other use, except as provided for shared parking, below.

d. Parking spaces provided to meet the minimum requirements of this Article shall not be reduced in number nor otherwise lose their functional ability to serve the land use for which they were required.

Table 6.1: Minimum Off-Street Parking Spaces Required by Use

Use	Number of Off-Street Parking Spaces	Required for each:
a. RESIDENTIAL & LODGING		
1. Single-Family and Two Family Residence	2.0 3.0	Per dwelling unit of 1,000 square feet or less* Per dwelling unit over 1,000 square feet *For single-family dwelling units, all available driveway spaces may be used in meeting these requirements.
2. Multi-Family Residences	2.0 3.0	Per dwelling Unit under 1,000 square feet Per dwelling unit over 1,000 square feet
3. Manufactured Home or RV Park	1.0	Per space + 1 for resident manager or owner
4. Fraternity & Sorority Houses	1.0	Per guest room + 1 for resident manager or owner
5. Rooming/Boarding House	1.0	Per guest room + 1 for resident manager or owner
6. Nursing Care Facility	1.0	For each 4 beds + 1 space for staff or visiting doctor, + 1 space for each 2 employees
7. Retirement Community	1.0	Per dwelling unit
8. Personal Care Home	1.0	For each 2 residents or beds
9. Bed and Breakfast Inn	1.0	Per guest room + 1 for resident manager or owner
10. Hotel or Motel:		
(a) Convention Hotel	1.5	Per Guest room
(b) Hotel or Motel w/Restaurant/Lounge	1.5	Per Guest room
(c) Hotel or Motel w/out Rest/Lounge	1.2	Per Guest room
11. Short term rental	1.0	Per room qualifying as a bedroom for short-term rental
b. COMMERCIAL		
1. All Retail Sales or Commercial Services Establishments not listed below	1.0	Per 200 square feet of gross floor area
2. Adult Entertainment	1.0	Per 100 square feet of gross floor area
3. Agricultural Produce Stand	3.0	Per stand
4. Amphitheaters	1.0	For each 4 seats
5. Amusement Centers, recreational attraction, skating rinks, dance halls, pool rooms or other places of amusement or assembly without fixed seating	1.0	Per 100 square feet of gross floor area or ground area used for amusement or assembly

Table 6.1: Minimum Off-Street Parking Spaces Required by Use

Use	Number of Off-Street Parking Spaces	Required for each:
6. Automotive Repairs	3.0 1.0	Per Service Bay, **plus** Per 250 square feet of retail space
7. Auto Salvage and Wrecking	2.0	Acre
8. Auto, Truck, Manufactured Home & Utility Structure Sales	2.0 1.0 3.0	Per 1.000 square feet of sales area, **plus** Per 2,500 square feet of outdoor display, **plus** Per Service Bay
9. Banks	4.0	Per 1,000 square feet of gross floor area
10. Billiard and Pool Hall	2.0	Per pool table
11. Bio-Medical Waste	4.0	Per 1,000 square feet of gross floor area
12. Bowling Alley	4.0	Per lane
13. Bus Station	3.3	Per 1,000 square feet of gross floor area
14. Car Wash (principal use)	1.0 5.0	Per car wash bay, **plus** Per 1,000 gross square feet of retail space
15. Community Fair	1.0	Per 2,000 square feet of activity area
16. Day Care Facilities	1.0	Per employee
17. Discount Store	4.0	Per 1,000 square feet of gross floor area
18. Driving Range	1.5 5.0	For each tee, **plus** Per 1,000 square feet of gross floor area (pro shop/club house)
19. Eating & Drinking Establishments, includes restaurants, bars, cafes, taverns, nightclubs, lunch counters, etc.[1]		
(d) Quality Restaurant	16.0	Per 1,000 square feet of gross floor area
(e) Family Restaurant	9.5	Per 1,000 square feet of gross floor area
(f) Fast Food w/drive-in window	14.0	Per 1,000 square feet of gross floor area
(g) Fast Food w/out window	14.0	Per 1,000 square feet of gross floor area
(h) Drive-In (service directly to autos)	4.0	Per 1,000 square feet of gross floor area (for employees)
20. Emissions Inspections	1.0	Per Service bay
21. Exterminators	1.0	Per 700 square feet of gross floor area, **plus** 1 space per employee
22. Farm & Garden Supply incl. Farmer's Market	2.0 2.0	Per 1,000 gross square feet of gross floor area, **plus** Per acre of outside sales area
23. Flea Market	1.0	Per 2,000 of sales area
24. Fuel & Ice Dealer	2.0	Per 1,000 square feet of gross floor area
25. Full Svc Gas Station	3.0 5.0	Per Service Bay, **plus** Per 1,000 square feet of retail space

[1] See Glossary for definitions.

Table 6.1: Minimum Off-Street Parking Spaces Required by Use

Use	Number of Off-Street Parking Spaces	Required for each:
26. Funeral Home, mortuaries	15.0 1.0	Per Viewing Room **or** Per 4 seats, whichever is greater
27. Furniture Repair	1.0	Per 200 square feet of gross floor area
28. Furniture/Carpet Store	1.0	Per 500 square feet of gross floor area
29. Golf Course	5.0 5.0	For each hole, **plus** Per 1,000 square feet of gross floor area (pro shop/club house)
30. Greenhouse, Nursery	2.0 2.0	Per 1,000 gross square feet of gross floor area, **plus** Per acre of outside sales area
31. Hardware/Paint/Home Imp	1.0	Per 200 square feet of gross floor area
32. Heavy Vehicle Repair	3.0 5.0	Per Service Bay, **plus** Per 1,000 square feet of retail space
33. Horse Riding Stable or Riding Academy	1.5	For each Stable stall
34. Kennels	1.5 1.0	Per 100 square feet of waiting room area, **plus** Per each 2 employees
35. Medical/Dental offices and clinics	1.0	Per 200 square feet of gross floor area
36. Movie Theater	1.0	For each 4 Seats
37. Newspaper Publishing	4.0	Per 1,000 square feet of gross floor area
38. Nightclub	9.5	Per 1,000 square feet of gross floor area
39. Offices - General	3.5	Per 1,000 square feet of gross floor area
40. Radio/TV Station	3.0	Per 1,000 square feet of gross floor area
41. Research & Development	3.0	Per 1,000 square feet of gross floor area
42. Service Stations, Gas Stations, Auto Repair Shop or Garage	3.0 5.0	Per Service Bay, **plus** Per 1,000 square feet of retail space
43. Shopping Center (not including stand-alone "out" lots):		
(i) Less than 100,000 square feet of gross leasable area	4.0 3.0 10.0 5.0	Per 1,000 square feet of total gross leasable area, **plus** Per 100 seats in a movie theater, **plus** Per 1,000 square feet of food service area **OR** Per 1,000 square feet of total gross leasable area
(a) 100,000 to 199,999 of gross leasable area	4.0 3.0 6.0 5.0	Per 1,000 square feet of total gross leasable area, **plus** Per 100 seats above the initial 450 seats in a movie theater, **plus** Per 1,000 square feet of food service area **OR** Per 1,000 square feet of total gross leasable area
(b) 200,000 to 399,999 of gross leasable area	4.0 3.0	Per 1,000 square feet of total gross leasable area, **plus** Per **1**00 seats above the initial 750 seats in a movie theater
(c) 400,000 to 599,999 of gross leasable area	4.5 3.0	Per 1,000 square feet of total gross leasable area, **plus** Per 100 seats above the initial 750 seats in a movie theater

Table 6.1: Minimum Off-Street Parking Spaces Required by Use

Use	Number of Off-Street Parking Spaces	Required for each:
(d) 600,000 or more of gross leasable area	5.0 3.0	Per 1,000 square feet of total gross leasable area, **plus** Per 100 seats above the initial 750 seats in a movie theater
44. Sports Club/Health Spa	4.5	Per 1,000 square feet of gross floor area
45. Supermarket—Food stores	5.0	Per 1,000 square feet of gross floor area
46. Vending Machine Sales and Service	2.0	Per 1,000 square feet of gross floor area
47. Veterinary Clinic or Animal Hospital	1.5 1.0	Per 100 square feet of waiting room area, **plus** Per 2 employees
c. INDUSTRIAL - INCLUDING STORAGE, WHOLESALE AND MANUFACTURING		
1. Asphalt Plant	1.0	Per Acre of developed site
2. Brick or lumber yard or similar area	2.0 1.0	Per 1.000 square feet of sales area, **plus** Per 2,500 square feet of outdoor display
3. Chemical Plant or Storage	2.0	Per 1,000 square feet of gross floor area
4. Composting Plant	2.0	Per 1,000 square feet of gross floor area
5. Concrete Plant	1.0	Per Acre of developed site
6. Contractor with equipment or storage	3.0 1.0	Per 1,000 square feet gross floor area, **plus** Per 2,500 square feet of outdoor storage
7. Contractor's office (no equipment or storage)	3.0	Per 1,000 square feet gross floor area
8. Dairy	2.0	Per 1,000 square feet of gross floor area
9. Dry Cleaning Plant	2.0	Per 1,000 square feet of gross floor area
10. Freight Terminal	1.0	Per 1,000 square feet of gross floor area
11. Machine Shop	2.5	Per 1,000 square feet of gross floor area
12. Manufacturing and industrial establishments:		
(a) Manufacturing operations - multi-shift	3.0	Per 1,000 square feet of gross floor area
(b) Manufacturing operations - single shift	2.0	Per 1,000 square feet of gross floor area
13. Open storage of sand, gravel & petroleum	1.0	Per Acre of developed site
14. Recycling Center	1.0	1,000 square feet of developed site area
15. Tire Retreading and Recapping	2.5	1,000 square feet of gross floor area
16. Trans. Equip. Storage/Maint.	1.0	1,000 square feet of gross floor area
17. Truck Terminal	1.0	1,000 square feet of gross floor area
18. Utility Facility	0.5	1,000 square feet of gross floor area
19. Warehouse & enclosed storage	0.5	1,000 square feet of gross floor area
20. Warehouse with commercial sales	5.0 0.5	1,000 square feet sales or office, **plus** 1,000 square feet storage area
21. Wholesale establishments:		
(a) Wholesale Sales--with customers	3.0	Per 1,000 square feet of gross floor area
(b) Wholesale Trade/Dist.--without customers	2.0	Per 1,000 square feet gross floor area

Table 6.1: Minimum Off-Street Parking Spaces Required by Use

Use	Number of Off-Street Parking Spaces	Required for each:
d. INSTITUTIONAL AND OTHER		
1. Auditoriums, churches, theatres, stadiums, and other places of assembly	1.0	Per 4 Seats of assembly
2. Cemetery, crematory or mausoleum	3.0 1.0 1.0	Per 1,000 square feet of office space, **plus** Per 3 seats, **plus** Per acre of site area
3. Civic Clubs, Museums, Fraternal Lodges, libraries etc.	1.0	Per 500 square feet gross floor area
4. Private clubs, lodges and fraternal buildings not providing overnight accommodations	1.0	Each 5 active members
5. Community Center	3.0	Per 1,000 square feet of gross floor area
6. Cultural Facilities	2.5	Per 1,000 square feet of gross floor area
7. Hospitals, sanitariums, nursing homes and similar uses	1.0 1.0 1.0	Per 4 Beds Per visiting doctor or staff Per 2 employees
8. Private Park	1.0	Per 3,000 square feet of site area
9. Private Schools:		
(a) Pre-school or Kindergarten, Elementary School	1.0	Per employee
(b) Elementary & Middle Schools	2.0	Per Classroom
(c) Senior High Schools	5.0	Per Classroom
(d) General and Special Ed.	6.0	Per Classroom
(e) Technical College	20.0	Per Classroom
(f) Colleges (see above for dormitories and office buildings)	5.0	Per Classroom
10. Recreation Grounds (sports center)	6.0 1.0	Per 1,000 square feet of active sports area, **plus** Per acre of total site
11. Shelter (homeless)	1.0	For each 3 residents or beds
12. Private neighborhood recreation centers & amenity areas	1.0	For each 5 lots
13. Event venue	3.0 1.0	Per 1,000 square feet of gross floor area, **plus** Per 3,000 square feet of site area designated for event venue use

Sec. 604.05. **Handicap accessible parking spaces.**

b. Handicapped spaces are to be provided as required by the federal Americans with Disabilities Act for all multi-family and nonresidential uses. Handicap accessible spaces shall be provided in each parking lot in relation to the total number of spaces otherwise provided for the use as shown on Table 6.2.

c. Handicap accessible parking spaces shall be counted as part of the total number of parking spaces required under this Article.

d. Handicap accessible parking spaces shall have an adjacent aisle 5 feet wide, and one in every 6 handicapped spaces shall be adjacent to an aisle 8 feet wide and the space shall be signed "van accessible." Handicapped parking space aisles shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.

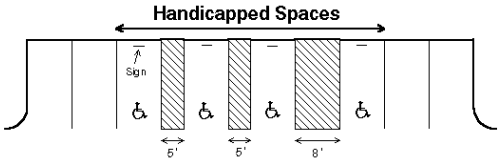

Table 6.2: Handicap Accessible Spaces Required

Total Spaces Provided for Use	Minimum Number of Handicap Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

Source: Americans with Disabilities Act Accessibility Guidelines.

e. Handicap accessible parking spaces shall be located on a surface with a slope not exceeding 1 vertical foot in 50 horizontal feet (1:50).

f. Wheelchair ramps shall be provided at locations appropriate to normal travel routes from the parking lot to the principal use.

g. In addition to the requirements of this subsection, all handicapped parking shall comply with the requirements of the federal Americans with Disabilities Act and the Georgia Accessibility Code.

Sec. 605. Shared parking.

The parking spaces provided for separate uses may be combined in one parking lot, but the required spaces assigned to each use may not be assigned to another use, except as follows:

Sec. 605.01. **Shared parking between day and night users.**

One-half of the off-street parking spaces required by a use whose peak attendance will be at night may be shared with a use that will be closed at night or on Sunday.

Sec. 605.02. **Mixed use developments.**

Parking spaces may be shared by more than one use if the Director of Planning finds that the total number of spaces will be adequate at the peak hours of the uses they serve. The ratios on Table 6.3 may be used in determining the time of day and the day of the week at which the maximum number of spaces will be needed by the uses served by the shared parking facility.

Table 6.3: Percentage of Required Parking Spaces by Time Period

	Weekdays		Weekends		Nighttime
Type of Use	**6 am to 5pm**	**5pm to 1am**	**6 am to 5pm**	**5pm to 1am**	**1am to 6am**
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreation	40%	100%	80%	100%	10%
Church	10%	25%	100%	100%	10%

By way of example, the following illustrates shared parking calculations for a particular mixed-use development:

Example:
Spaces needed for uses in a mixed-use project, calculated individually:

	Factor	for	Spaces
Office	3.5/1,000	100,000 sf	350
Retail	5/1,000	100,000 sf	500
Hotel w/Restaurant	1.5/room	100 rooms	150
Family Restaurant	9.5/1,000	20,000 sf	190
Theater	1/4 seats	200 seats	50
Church	1/4 seats	400 seats	100
TOTAL if figured separately			**1,340**

Spaces Required applying the Peak Demand Percentages to the Example:

	Weekdays		Weekends		Nighttime
	6 am--5pm	**5pm--1am**	**6 am--5pm**	**5pm--1am**	**1am--6am**
Office	350	35	35	18	18
Retail	300	450	500	350	25
Hotel w/Restaurant	113	150	113	150	113
Family Restaurant	95	190	190	190	19
Theater	20	50	40	50	5
Church	50	50	100	100	10
TOTAL	**928**	**925**	**978**	**858**	**189**

Highest demand = 978 (instead of 1,340)

Sec. 605.03. **Availability of shared spaces.**

Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

Sec. 605.04. **Recordation of shared parking agreement.**

Shared parking arrangements must be committed to writing in an instrument acceptable to the Planning Director, and approved by the owners of each of the affected properties or uses. The instrument must be approved by the Planning Director and shall be recorded with the Clerk of the Superior Court, and a copy of the recorded document must be supplied to the Planning Director. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Board of Commissioners.

Sec. 606. Proximity of off-street parking spaces to use.

Sec. 606.01. **Location of parking spaces.**

All parking spaces required to meet the minimum standards of this Article shall be located in proximity to the use that the spaces serve, as shown on Table 6.4.

Table 6.4: Location of Parking Spaces

Use	Parking Location
Single-Family or Two-Family Residence (including Manufactured Homes)	On the same lot occupied by the residence.
Townhouse Development	Each required parking space must be within 100 feet of an entrance to the dwelling unit that it serves, as measured along the most direct pedestrian route.
Other Multi-Family Developments (such as apartments) and congregate care facilities (such as a nursing homes)	Each required parking space must be within 200 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Church, Hotel or Motel, Hospital	Each required parking space must be within 300 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Retail Sales Establishment or Office Building, other than a Shopping Center	Each required parking space must be within 300 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.
Shopping Center or Industrial Use.	Each required parking space must be within 400 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.
Any other use not specified above.	Each required parking space must be within 200 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.

Sec. 606.02. **Off-site parking.**

If the required automobile off-street parking cannot be reasonably provided on the same lot with the principal use or building, such required spaces may be provided on other property subject to the following:

b. The parking spaces must be located on a property that has the same zoning classification as the property that the spaces serve, or a less restrictive zoning classification.

c. No required parking spaces may be located across any arterial, major collector, or minor collector road from the use they are intended to serve.

d. An executed easement (or other recordable instrument satisfactory to the Planning Director) dedicating the off-site parking to the property that the spaces serve shall be submitted with the application for a building permit and shall be recorded with the Clerk of the Superior Court prior to issuance of a Certificate of Occupancy. A copy of the recorded easement shall be provided to the Code Enforcement Director. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Board of Commissioners.

e. Off-site parking spaces shall be located in proximity to the use that the spaces serve, in accordance with the locational requirements of Table 6.4Table 6.4, or transportation services acceptable to the Planning Director shall be provided that adequately serve the peak hour ridership demand of the use that the spaces serve.

Sec. 607. Design requirements for parking lots and driveways.

The following specifications set forth the required plan and design standards for off-street parking in Oconee County. The provisions of this Section apply to all off-street parking spaces and parking areas, whether 1) the parking is provided to serve a particular development or 2) the parking lot is operated as a principal use on a property and not dedicated to serving a particular development.

Sec. 607.01. Off-street parking lots for automobiles.

The provisions of this Sec. 607.01 apply only to parking lots provided for residents, employees, customers and visitors under the requirements of Sec. 604.01. Parking lots for company-owned vehicles, such as car sales lots, fleet parking and rental car storage lots, may be designed to the specifications of the business or property owner.

b. Automobile parking spaces.

(1) Each automobile parking space shall not be less than 9 feet wide and 19 feet deep, except parking spaces that are designated for compact vehicles or large vehicles:

(a) A maximum of ten percent of required off-street parking spaces for commercial developments may measure 8 feet wide and 16 feet deep in order to accommodate compact vehicles.

(b) A maximum of ten percent of required off-street parking spaces for commercial developments may measure 10 feet wide and 20 feet deep in order to accommodate large vehicles.

(2) A maximum of 18 inches of the required depth may overhang a grassed or mulched area. This overhang cannot be over a sidewalk or right-of-way and must be arranged in such a way as to allow adequate front-to-front parking.

(3) Adequate interior driveways shall connect each parking space with a public right-of-way.

(4) Each parking space shall be clearly demarcated by a painted stripe no less than 3 inches wide running the length of each of the longer sides of the space or by curbing or by other acceptable method which clearly marks and delineates the parking space within the parking lot.

c. Layout and circulation.

(1) No automobile parking spaces shall be accessible directly from an access driveway within the first 30 feet of the driveway back from the street right-of-way line of an arterial or major collector street.

(2) All off-street automobile parking spaces and drives (except those on single-family dwelling lots), shall be so arranged that vehicles can easily turn around on the space and/or drives and not have to back into the street upon leaving.

d. Location of automobile parking lots.

Automobile parking areas are encouraged to be located in the side and rear yards of buildings. Required front yard setbacks may be waived or modified as a special exception variance if required parking areas are located in the side or rear yard area. See the Appeals Article of this Code for procedures.

Sec. 607.02. **Off-street truck parking areas.**

b. Parking areas for trucks and tractor-trailers should be located only to the rear or non-street side of the buildings and not adjacent to any interstate highway, arterial, or major collector road. However, if there is no other location available, the Planning Director may allow an alternate location and may impose special requirements based on the unique characteristics of the site.

c. All truck parking areas shall be effectively screened from any adjacent property and all streets or highways. Such screening shall meet the minimum standards required for vehicle use area screening in the Landscaping and Buffers Article of this Development Code, except that the landscape visual screen shall be provided to a minimum height of six feet above the elevation of the vehicle use area. The location and detail of all landscape buffers and screening shall be depicted on the required landscaping/tree protection plan. See the Landscaping and Buffers Article of this Development Code for details.

Sec. 607.03. **Parking lot aisles and access driveways.**

b. Interior parking lot aisles when used with 90-degree-angle parking shall be not less than 24 feet wide; when used with 60 degree-angle parking, not less than 12 feet wide with one-way traffic; when used with parallel parking, not less than 10 feet for one-way traffic and not less than 20 feet for two-way traffic.

c. Interior driveways that are not associated with designated automobile parking spaces shall be not less than 20 feet wide for two-way traffic, and 12 feet wide for one-way traffic, measured from edge-of-pavement to edge-of-pavement, excluding curbs and gutters.

d. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.

e. Adequate fire apparatus access and circulation within each development shall conform to the requirements of the Oconee County Fire Marshal and Public Works Department, based on applicable AASHTO standards and requirements of the NFPA and International Fire Code. Minimum turning radius for fire apparatus shall be 47 feet, or greater as determined by the Fire Marshal for ladder truck access to buildings of 3 or more stories.

f. Ingress and egress to parking areas shall be by means of driveways from the adjoining street. See also the Driveways and Development Entrances Section of the Project Design and Construction Standards Article of this Development Code.

Sec. 607.04. **Setback requirements.**

Unenclosed off-street parking for single-family and two-family dwellings shall not be located within the minimum front yard setback, nor between the minimum front yard setback and the front of the principal building except on a paved driveway.

b. Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall be set back from the front property line by at least 10 feet and from side and rear property lines by 5 feet. A 5-foot setback from any, landscape buffer required under the Landscaping and Buffers Article of this Development Code along a side or rear property line shall also be maintained.

c. The required setback area between the front property line and the parking area shall be used for landscaping as required in the Landscaping and Buffers Article of this Code.

Sec. 607.05. **Lighting of parking areas.**

If the off-street parking facilities are to be used at night, they shall be properly illuminated for the safety of pedestrians and vehicles and for policing.

b. Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring dwellings and approaching vehicles.

c. A lighting plan and details shall be submitted to the Planning Director showing light templates (lighting footprints) for the proposed fixtures for review and verification of compliance with this provision.

d. Any lights used to illuminate a parking area shall be arranged, located or screened to direct light away from any adjoining residential use and shall not cause glare on any abutting property or street. "Shoe box" recessed lighting fixtures or similar full cutoff lighting devices shall be utilized for this purpose.

e. Lighting fixtures on the underside of a canopy shall be installed in such a manner that the lighting fixture is recessed or flush with the canopy surface and the source of the light is not directly visible from any abutting street or residential use.

f. Parking areas shall not be illuminated between the hours of 12:00 midnight and 6:00 A.M. if the uses on the property are not open for business and employees are not on the premises, although temporary activation by motion detectors may be allowed to provide security lighting for periods not to exceed 15 minutes.

Sec. 607.06. **Waiver from off-street parking requirements for intermittent, occasional or temporary uses.**

An administrative special exception variance may be granted from certain requirements of this Article for buildings or uses which are only subject to incidental, occasional or temporary parking needs, such as cemeteries, recreation facilities, agritourism uses, or other buildings and uses where parking is not required on a regular or daily basis. See the Appeals Article of this Code for procedures.

b. Said variance may:

(1) Allow substitution of gravel or similar hard surface material in lieu of asphalt or concrete; and

(2) Waive the requirement for striping on the interior of the lot; and

(3) Waive the requirements for lighting.

(4) Provided, however, that the minimum area and number of parking spaces and driveways required by this Development Code shall be met and provided that said required parking area and drives shall be properly graded, surfaced and maintained so as to provide safe vehicular and pedestrian access and to prevent erosion, siltation and movement of mud, soil or debris and excessive or detrimental storm water runoff onto public or private lands.

(5) Prior to issuance of a special exception variance under this exemption, the applicant for building permit, subdivision plat or zoning amendment shall first submit for Planning Department approval, the appropriate site development plan(s) required by this Development Code. Said plan shall show the proposed layout, dimensions, grading, and access for the parking area for which exemption(s) are sought and shall indicate all requested exemptions and proposed improvements.

Sec. 608. Inter-parcel access.

Inter-parcel access shall be required as follows:

Sec. 608.01. **Internal access easements required.**

For any office or retail sales or services use, the property owner shall grant a "cross" or internal access easement as described in this Subsection to each adjoining property that is zoned or

used for an office or retail sales or services use. The purpose of the easement is to facilitate movement of customers from business to business without generating additional turning movements on the public street, thus increasing public safety.

Sec. 608.02. **Access easement provisions.**

The internal access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for employee, customer or visitor use on each property; but parking spaces may be restricted to use by each owner's employees, customers and visitors only.

b. Inter-parcel vehicle access shall be required between contiguous properties only when the parking areas are or will be in reasonable proximity to one another.

c. All internal access easements shall be no less than 28 feet in width and shall be improved to a minimum paved width of 24 feet in order to accommodate two-way vehicular traffic to and from the adjoining properties.

d. The granting of an internal access easement on a property shall be effective only upon the granting of a reciprocal easement by the adjoining property owner.

e. Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of each owner's driveways and parking areas shall be extended by each owner to the point of access on the property line.

Sec. 608.03. **Relief.**

Where the proposed land use is such that adverse impact of the required easement on use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the Planning Director may waive the requirement for the access easements, in whole or in part, as an administrative special exception variance.

Sec. 609. Improvement of parking areas.

Sec. 609.01. **Surfacing and curbing; permanent lots.**

b. In the AG and AR zoning districts, all minimum required off-street parking areas and all access drives for single-family and two-family dwellings shall be improved with an asphalt surface, triple surface treatment (TST) or concrete surface at least 8 feet wide. See also Sec. 607.06 for exemptions in the AG district.

c. Except in the AG or AR zoning districts, all minimum required off-street parking areas and all access drives for single-family and two-family dwellings shall be improved with a concrete surface at least 4 inches thick and no less than 8 feet wide.

d. All off-street parking areas and all access drives for uses other than single-family and two-family dwellings shall be improved with a permanent load-bearing surface consisting of one or more of the following:

(1) Pavement consisting of a minimum of a 4-inch graded aggregate base overlaid with a 2-inch Type E or F asphalt surface.

(2) Pavement consisting of a minimum 5-inch course of 3,500 psi concrete applied on a stabilized subgrade consisting of at least 150 pounds of stone per square yard mixed in 4 inches deep and compacted.

(3) Porous asphalt or concrete pavement installed to the manufacturer's specifications on a 95% compacted subbase.

(4) Pervious paving materials installed to the manufacturer's specifications on a 95% compacted subbase.

e. For any multi-family or nonresidential use, and for any parking lot operated as a principal use, curb and gutter meeting County specifications for public streets shall be installed around the periphery of every paved parking lot containing more than 5 spaces. The curb and gutter shall also extend along both sides of every access drive between the paved

parking lot or loading area and the street or another parking lot or loading area, as applicable.

Sec. 609.02. **Landscaping.**

See the Parking Lot and Loading Area Landscaping Division of the Landscaping and Buffers Article of this Development Code for landscaping requirements for parking areas.

Sec. 609.03. **Temporary parking lots.**

Temporary parking lots may be approved for clearly temporary purposes for up to two years. Such lots shall have paved driveway aprons from the street to the right-of-way line, but may have a rolled and compacted gravel surface and need not be landscaped. At the end of the two-year period, the temporary lot must be removed from the property or replaced with a permanent parking lot meeting the requirements of this Section.

Sec. 609.04. **Maintenance.**

Off-street parking areas shall be maintained in proper repair with a dust-free surface.

Sec. 609.05. **Permit required.**

b. Parking lot construction.

Construction of a new parking lot or loading area, or expansion of an existing parking lot or loading area, requires issuance of a development permit in accordance with the Procedures and Permits Article of this Development Code.

c. Drainage facilities.

For any use that will require a parking area of 5 spaces or more, or a loading area, to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, storm water drainage plans, including grading plans, shall be submitted to and approved by the Public Works Director, prior to the issuance of a development permit.

Sec. 609.06. **Time limit.**

All required off-street parking areas shall be ready for use, including the surfacing and striping requirements of this Article, before occupancy of the property (in the case of a new building or addition) or within 45 days after the issuance of a Certificate of Occupancy (in the case of a change of occupancy in an existing building). An extension of time may be granted by the Planning Director due to adverse weather conditions if the base course has been installed.

DIVISION II. TRUCK LOADING.

Sec. 610. Off-street truck loading; where required.

Any business or industrial building, hospital, institution, or hotel, in any zoning district, shall provide adequate off-street facilities for the loading and unloading of business merchandise, supplies, goods or freight within or adjacent to the building as deemed appropriate by the owner or occupants of the property. Such loading facilities, if provided, shall not obstruct freedom of vehicular traffic or pedestrian movement on the public streets and sidewalks.

Sec. 611. Location of truck loading areas.

In all zoning districts, the following provisions shall apply:

a. Loading and unloading areas shall be in the rear or non-street side yard. No truck loading areas may be located in any yard adjacent to any interstate highway, major arterial, or minor arterial. However, if there is no other location available, the Planning Director may permit an alternate location and may impose special requirements based on the unique characteristics of the site.

b. In any event, off-street truck loading areas shall be set back from a front property line by at least 10 feet. An additional 10-foot setback from any landscape buffer required along a side or rear property line shall also be maintained.

c. Loading shall be done into or from those doors, loading docks or other parts of the buildings that are at least eighty feet from any street or into or from approved outside storage areas.

Sec. 612. Improvement of truck loading areas.

Sec. 612.01. **Surface and curbing of truck loading areas.**

a. In areas used for loading docks, for the parking of commercial trucks and other commercial equipment, and for the storage of intermodal containers, the following surface is required:

(1) A 8-inch graded aggregate base, overlaid with a 2-inch Type B binder and a 1½-inch Type E asphaltic concrete wearing surface.; or,

(2) A 10-inch graded aggregate base, overlaid with a 12-inch course of 3,000 P.S.I. concrete.

b. Curb and gutter meeting County specifications for public streets shall be installed around the periphery of every paved loading area containing 5 or more spaces, and extend along both sides of every access drive between the paved parking lot or loading area and the street or another parking lot or loading area, as applicable.

Sec. 612.02. **Screening of truck loading areas.**

The screening of truck loading areas from any adjacent property and all streets and highways is required. Such screening shall meet the minimum standards for screening of off-street truck parking areas as set forth in Section 607.02 of this Article.

DIVISION III. TRUCK PARKING AND TRAFFIC PROHIBITIONS.

Sec. 613. Truck loading on any streets restricted.

The loading or unloading of business merchandise, supplies, goods or freight within a public or private street is prohibited in all zoning districts. Loading or unloading of furniture, equipment, or fixtures for the purpose of a home or business relocation may be allowed within a street right-of-way if:

b. The street is classified as a "local" street as defined in this Development Code; and,

c. Vehicular and pedestrian access is not completely blocked on the street; or,

d. The Public Works Director otherwise grants approval based on a determination that adequate traffic safety measures will be implemented during the period of loading or unloading.

Sec. 614. Truck traffic restrictions.

Sec. 614.01. **Prohibition on through trucks.**

b. It shall be unlawful for any heavy truck to travel certain County roads unless the vehicle trip originates or ends on such road or is made for the purpose of making a delivery to a site on such road. All such roads shall be posted with signs at each end of said road that state, "No Through Trucks". At the Board of Commissioners' discretion such signs may also be posted at the intersection of any such road with other roads.

c. This Section shall apply to roads specifically authorized by the Board of Commissioners and as later added to and deleted from by Resolution of the Board. A list of roads so designated shall be kept on file with the County Clerk.

Sec. 614.02. **Prohibition on travel in residential subdivisions.**

No heavy truck shall enter, travel or park on a street in a residential subdivision in Oconee County, except for the purpose of delivering goods to houses or points within such residential subdivision for short periods of time during daylight hours. See Sec. 613.

Sec. 614.03. **Overnight stay.**

No heavy truck or tractor trailer shall enter, travel or park on a street in a residential subdivision or park on a right-of-way in Oconee County for the purpose of an overnight stay by the driver or operator.

Sec. 615. Prohibited parking.

Sec. 615.01. **Parking prohibitions for trucks.**

The following parking prohibitions apply to heavy trucks, as defined in this Development Code:

b. In the AG and AR zoning districts, no person shall be allowed to park any heavy truck, truck tractor, truck body, or semi-trailer over 24 feet in length, except that one truck tractor cab may be parked on three acres or more of land, provided it is parked in the rear yard behind a single-family dwelling and at least one hundred feet from any property line. Farm equipment on an agricultural property is exempt from these restrictions.

c. In the R-1, R-2, R-3 and M-H zoning districts, no person shall be allowed to park any heavy truck, truck tractor, truck body, or semi-trailer over 24 feet in length except for loading purposes. No semi-trailer, truck body, or truck tractor cab shall be parked or stored unless otherwise authorized by this Development Code.

Sec. 615.02. **Parking prohibitions for boats and recreational vehicles.**

Except on a property occupied by a business offering boats or recreation vehicles for sale or lease, boats and recreation vehicles shall be located only in a side or rear yard of a property or within an enclosed garage.

Sec. 615.03. **Parking prohibition on streets.**

b. Trucks.

No heavy truck, truck tractor, truck body, semi-trailer, or roll-off container shall be parked within a public or private street except for the temporary loading or unloading of the truck (such as a moving van) subject to the provisions of Sec. 613.

c. Automobiles and other motorized vehicles.

(1) No automobile or other motorized vehicle (such as a motorcycle or boat) shall be parked within a public or private street that is offered for sale by its owner or is inoperable, for a period of 24 hours or longer.

(2) Parking on street shoulders.

No truck, automobile or other motorized vehicle shall be parked on the shoulder or other portion of a public or private street except in an emergency situation or otherwise at the direction of an authorized public safety official (such as a Georgia State Patrol officer or Sheriff's deputy).

Article 7. Sign Regulations

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Article 7. Sign Regulations

Sec. 701. Purpose and intent.

Sec. 701.01. Findings, purpose and intent.

a. **Statement of legislative purpose.**

(1) The Board of Commissioners recognizes that signs provide an important medium through which individuals, businesses, and government may convey a variety of messages; however, unregulated signs can become a threat to the public health and safety as a traffic hazard, as a detriment to property values, and as an aesthetic nuisance affecting the overall economic growth of the County. Numerous professional studies have been prepared which examine and establish the effect of signs on traffic safety, aesthetics and economic prosperity, including the following:

(a) Llauer, S.G., T.A. Dingus, V.L. Neale, J.D. Sudweeks, D.J. Ramsey. "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data". National Highway Traffic Safety Administration. DOT HS 810 594. April 2006.

(b) Snyder, Jonathan, Samuel S. Fels Fund. "Beyond Aesthetics: How Billboards Affect Economic Prosperity". December 2011.

(c) Wachtel, Jr., 2009. "Safety Impacts of the Emerging Digital Display Technologies for Outdoor Advertising Signs". Prepared for ASASHTO and the Standing Committee on Research of the National Cooperative Highway Research Program (NCHRP), April 2009. The Veridian Group, Inc., Berkeley, California

(d) Weitz, Jerry, Ph.D., AICP. "The Public Purpose of Rowell's Sign Ordinance and the Implications of Doing Without It: A Position Paper". December 7, 1999.

(2) Based on a review of the cited materials and the studies referenced therein as well as other related studies, the Board of Commissioners find that unregulated signs:

(a) Can be a safety hazard to drivers and pedestrians;

(b) Can be a detriment to the public health;

(c) Can hamper economic growth;

(d) Can lower property values;

(e) Can adversely impact public investments;

(f) Can degrade the utility of public safety signs; and

(g) Can adversely impact the aesthetic quality of the community and surrounding environment.

b. **Findings of fact.**

The Board of Commissioners finds that:

(1) Signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law; however, an improperly regulated sign environment imposes health and safety dangers to the public;

(2) The result of effective sign regulation will be to lessen hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs which compete for the attention of pedestrians and vehicular traffic;

(3) Proper regulation of signs is a necessary prerequisite to an attractive, orderly and safely designed business environment;

(4) Through proper sign regulation, the aesthetic attractiveness and economic well-being of the County will be enhanced as a place to live, work and conduct business.

(5) Concerns about aesthetic and safety issues as balanced with concerns about freedom of expression or speech are reasonably promoted in the County by the provisions of this chapter.

c. **Purpose and intent.**

The purpose and intent of these sign regulations are:

(1) To aid in the identification of businesses and other commercial establishments in the County for police, fire and other emergency responses, and to avoid confusion and delay in response to such emergencies;

(2) To protect the public health, morals and welfare from the display of obscene language, nudity and the advertisement of illegal activities as defined in state law.

(3) To promote the mental and physical health, safety and welfare of the public by providing for the orderly and harmonious display of signs within the community;

(4) To maintain and enhance the aesthetic environment by minimizing visual clutter, encouraging a positive visual environment, and avoiding the erection of displays which could produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment;

(5) To provide for the safety of the traveling public, both vehicular and pedestrian, by limiting distractions, hazards and obstructions;

(6) To maintain the County's ability to attract sources of economic development and growth and to aid in the identification of properties and enterprises for the convenience of the public; and

(7) To encourage the effective use of signs as a means for communication in the County allowing the maximum amount of expression or speech consistent with the compatibility of such expression or speech with other land uses and with the aesthetic and public health, safety and welfare concerns which the County is charged by law and the Georgia constitution to preserve and protect.

Sec. 701.02. **Regulation of signs.**

No sign shall be placed or maintained on any property, building or other structure within the unincorporated area of Oconee County except in conformity with this Article.

Sec. 701.03. **Intent of sign regulations.**

Notwithstanding any other restrictions in this Sign Article, any sign authorized under this Article can contain any commercial or non-commercial message, other than messages containing nudity or obscenity as defined herein, or other than a sign that advertises an activity that is illegal under Georgia or federal laws.

Sec. 702. Definitions related to signs.

Sec. 702.01. **Land use categories.**

Land use categories referred to in this Article have the following meanings. The use in this Article of the term "property" relative to a land use category includes both developed and undeveloped properties, while the term "use" means a property that is developed, occupied or otherwise in operation under the land use category.

***Agricultural**:* A property used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property zoned or offered for sale or lease for such purpose.

***Single- and Two-Family Residential**:* A property occupied primarily by one or more single-family dwellings or duplex dwellings, or a vacant property zoned or offered for sale or lease for such purpose.

***Multi-Family Residential**:* A property occupied primarily by one or more residential buildings containing three or more dwelling units, or a mobile home park, or a vacant property zoned or offered for sale or lease for such purposes.

***Commercial**:* A property occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel); or a vacant property zoned or offered for sale or lease for such purposes.

***Industrial**:* A property occupied by one or more business establishments that are primarily engaged in the fabrication, manufacture or production of durable or non-durable goods, or a vacant property zoned or offered for sale or lease for such purpose.

***Public or Community Use**:* A property occupied by a nonprofit religious, recreational or philanthropic organization, club or institution.

Sec. 702.02. **Definitions of words and phrases.**

The following words and phrases have specific meanings as used in this Article:

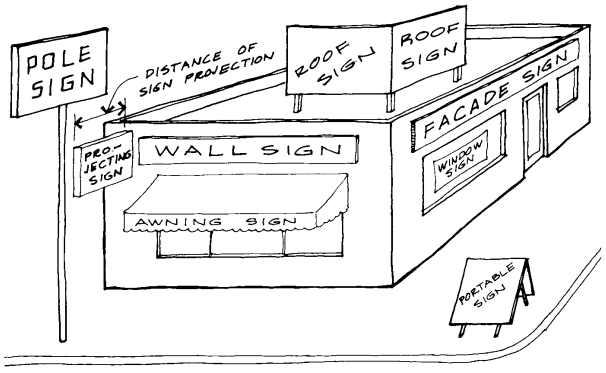
Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

***Awning Sign**:* See "Building Sign."

***Banner**:* A sign other than a flag, made of paper, cloth, thin plastic, or similar lightweight pliable material, and usually containing a message or logo.

***Building Sign**:* A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes but is not limited to the following:

1. ***Awning Sign**:* A sign imposed, mounted or painted upon an awning.
2. ***Mansard Sign**:* A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.
3. ***Marquee Sign**:* Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.
4. ***Parapet Sign**:* A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.
5. ***Projecting Sign**:* A sign affixed to a wall and extending more than 12 inches from the surface of such wall, usually perpendicular to the wall surface.
6. ***Roof Sign**:* A sign that is mounted on, applied to, painted on, or otherwise structurally supported by the roof of a building.
7. ***Under-Canopy Sign**:* A display attached to the underside of a marquee or canopy



SIGN TYPES

and protruding over public or private sidewalks.

8. ***Wall (Or Façade) Sign****:* A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 12 inches.

9. ***Window Sign****:* A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.

Canopy*:* A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

Changeable Copy Sign*:*

1. ***Automatic Changeable Copy Sign****:* A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units. Copy shall mean words and numbers.

2. ***Manual Changeable Copy Sign****:* A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters. Copy shall mean words and numbers.

Channeled Letters*:*

1. ***Internally Channeled Letters****:* Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.

2. ***Reverse Channeled Letters****:* Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.

Double-Faced Sign*:* A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

Flag*:* A sign made of paper, woven natural or synthetic fabric, thin plastic, or similar lightweight pliable material that is normally displayed by flying from a pole as a wind-activated device.

Freestanding Sign*:* A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:

1. ***Pole Sign****:* A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.

2. ***Ground Sign****:* A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign."

Illuminated Signs*:*

1. ***Internally Illuminated Sign****:* Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face.

2. ***Externally Illuminated Sign****:* Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Incidental Sign*:* A small sign, emblem, or decal no larger than one square foot. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

***Internally Channeled Letters**:* See under "Channeled Letters."

***Kiosk**:* A freestanding sign structure, usually cylindrical in shape, intended to be viewed from all sides and erected for the purpose of posting signs, notices or other public announcements. Kiosks that are composed of flat faces are treated as multi-faced signs.

***Mansard**:* A steeply sloped, roof-like façade architecturally similar to a building wall.

***Marquee**:* A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

***Marquee Sign**:* See under "Building Sign."

***Minimum Street-Side Setback**:* The minimum distance required by the zoning on a property between an adjoining street and the façade of a principal building on the property.

***Monument Sign**:* See "Ground Sign" under "Freestanding Sign."

***Multi-Faced Sign**:* A single sign structure consisting of two sign faces (see "double-faced sign) or three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

***Pennant**:* Any lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a "banner" or an "official or personal flag" as regulated in this Development Code.

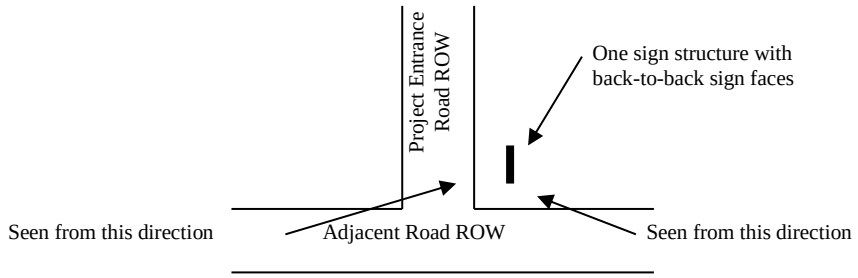
***Planned Center**:* A single office, commercial, or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately owned and have no corporate relationship.

***Principal Freestanding Sign**:* The main, most prominent, or largest freestanding sign or signs on a property.

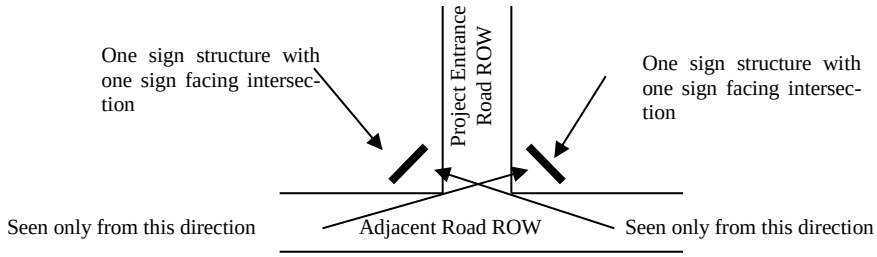
***Principal Use**:* The primary purpose for which land or a building is used.

***Project Entrance Sign**:* A permanent freestanding sign located at an entrance designed and permitted for vehicular access into a multi-family development, or into a development containing multiple lots or condominium units, or into a public or community use property, such as but not limited to a particular residential or commercial subdivision, business center, office park or industrial park. Designs for project entrance signs are classified as two types:

1. ***Single Sign**:* A project entrance sign designed as a single sign structure with two back-to-back faces, oriented to be seen from both directions on the road adjacent to the development.



2. ***Dual Sign****:* A project entrance sign designed as two separate sign structures (each up to the maximum allowed size), each with a single sign face (each up to the maximum allowed size) individually oriented toward the intersection so as to be viewed from only one direction on the road adjacent to the development, and each located on opposite sides of the project entrance. Projecting sign: See under "Building Sign."



Public announcement*:* A notice of an event or action made by a government or governmental entity that may be of interest to the general public.

Reverse Channeled Letters*:* See under "Channeled Letters."

Road, Controlled Access*:* A state or federal highway (usually median divided) that, by design, may only be accessed from:

1. Public streets where such access is provided by grade separated interchanges consisting of bridge(s) and ramps so that traffic entering and exiting said highway can safely merge into and exit from the highway at the posted speed limit, or
2. Public streets where such access is provided at grade level intersections which are designed and permitted by the Georgia DOT as part of the highway construction project, or
3. Right in/right out only private drives without median cuts and where such private drives are permitted by the Georgia DOT due to extenuating circumstances such as no other means of access.

Controlled access roads are distinguished from other state and federal roads in that the private driveway access is the exception to the rule rather than the norm. This definition does not include "limited access roads."

Road, Limited Access*:* A median divided state or federal highway which, by design, may only be accessed from public streets and where such access is provided by grade separated interchanges consisting of bridge(s) and ramps so that traffic entering and exiting said highway can safely merge into and exit from the highway at the posted speed limit, (an example would be an interstate highway). This definition does not include "controlled access roads."

Roof Sign*:* See under "Building Sign."

Sign*:* Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

Sign Face*:* That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign Module*:* Each portion or unit of a sign face that is clearly separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

***Sign Structure**:* A structure exclusively or primarily intended to support a sign face and which, in combination with the sign face, comprises a sign as defined in this Article. A sign structure comprises all elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports. A structure that incidentally supports a sign face but whose primary purpose is other than providing such support, such as, but not limited to, an exterior wall of a building, a roof, a structural retaining wall or a decorative freestanding fence or wall at a project entrance is not considered a sign structure.

***Temporary Event**:* An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time.

***Tenant**:* A natural person, business or other entity that occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

***Under-Canopy Sign**:* See under "Building Sign."

***Vehicular Sign**:* Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner as to be viewed or intended to be viewed from the public right(s)-of-way except that this definition shall not apply when:

1. Such conveyances are actively being used to transport persons, goods or services in the normal course of business;
2. When such conveyances are parked in an inconspicuous area; or
3. When such conveyances are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said conveyances are located within designated storage areas.

***Wall Sign**:* See under "Building Sign."

***Window Sign**:* See under "Building Sign."

Sec. 703. Applicability.

Sec. 703.01. Signs that are regulated.

The regulations and requirements of this Article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of public property, except as otherwise exempt under this Section.

Sec. 703.02. Signs that are exempt from regulation.

Each of the following types of signs are allowed on any property and are exempt from the restrictions imposed by this Article:

a. Official signs.

Signs placed by or at the direction of a governmental body, governmental agency or public authority, such as but not limited to traffic signs, signals, or regulatory devices or warnings; official emblems, public notices, or official instruments; signs providing directions to specific facilities or locations; signs of historical interest; signs designating special events or areas of architectural or historic significance or gateways; or other similar governmental signs or devices. Such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, or authority; and at such other locations as a governmental body, governmental agency or public authority may direct. All signs provided for in this subsection shall meet all requirements of this Article except that they shall not require a permit.

b. Property address signs.

Property addresses are not signs when displayed on a building or mailbox, provided that such property address consists of lettering no larger than 5 inches in height on a building or 3 inches on a mailbox.

c. Incidental signs.

Small signs and postings as defined in this Article of no more than 1 square foot, provided that the aggregate of all such signs on a property may not exceed 16 square feet.

Sec. 704. Prohibited signs.

The following types of signs are prohibited:

Sec. 704.01. **Animated and flashing signs.**

Signs that flash, blink, rotate, revolve, or have moving parts or visible bulbs, are not allowed. Signs containing reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark are not allowed. Animated and Flashing signs do not include automatic changeable copy signs.

Sec. 704.02. **Attached and painted signs.**

Signs that are painted on or attached to trees, fence posts, utility poles, or rocks or other natural features, are not allowed.

Sec. 704.03. **Banners.**

Banners are not allowed except as provided for temporary signage under Sec. 708.08 of this Article.

Sec. 704.04. **Dilapidated signs.**

Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code of the County are not allowed.

Sec. 704.05. **Display of nudity.**

Signs displaying nudity, as defined by the State of Georgia at O.C.G.A. Section 32-6-52, are not allowed.

Sec. 704.06. **Festoons.**

Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind, are not allowed, except as provided for temporary signage under this Article.

Sec. 704.07. **Inflatable signs.**

A sign that is intended to be expanded by air or other gas for its proper display or support is not allowed.

Sec. 704.08. **Obscene signs.**

Obscene signs, as defined by the State of Georgia at O.C.G.A. Section 32-6-52 are not allowed.

Sec. 704.09. **Obstructions.**

No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from one part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation.

Sec. 704.10. **Portable signs.**

A sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following, is not allowed, except as provided for temporary signage under this Article:

a. A sign designed to be temporarily placed upon the ground and not otherwise affixed to it.

b. A sign mounted on a trailer, with or without wheels.

c. An A-frame or sandwich board sign.

d. An umbrella used for advertising.

Sec. 704.11. **Private signs placed on public property.**

Any sign posted or erected on utility poles, governmental signs, public rights-of-way or any other public property is not allowed, except those placed by agencies of the federal, state, or local government.

Sec. 704.12. **Roof signs.**

Roof signs, including signs painted or adhered on roofs, are not allowed. This prohibition does not apply to the fascia portion of a mansard roof, or to the face of a parapet wall, provided that the sign must not extend above the top of the mansard roof or parapet wall.

Sec. 704.13. **Signs imitating public warning or traffic devices.**

Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words "stop," "danger," or other message or content in a manner that might mislead or confuse a driver, is not allowed. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.

Sec. 704.14. **Sound or smoke emitting signs.**

A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors, is not allowed.

Sec. 704.15. **Signs advertising illegal activity.**

Signs that advertise an activity illegal under Georgia or federal law are not allowed.

Sec. 704.16. **Pole signs**

A sign that is mounted on a freestanding pole, column, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.

Sec. 705. General requirements applying to all signs.

Sec. 705.01. **Conformance to Building Codes.**

a. In addition to any Sign Approval required under this Article, a building permit shall be obtained from the Planning Director prior to installation or placement of any freestanding sign having a sign structure area greater than 15 square feet or any building sign having a sign face area greater than 6 square feet. All signs for which a building permit is required shall be constructed and maintained in conformance with all Building Code and Electrical Code requirements.

b. Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a qualified structural engineer or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the Building Code.

c. All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.

d. All electrical service to a sign shall be in compliance with the Electrical Code.

e. Clearance from all electrical power lines shall be in conformance with the requirements of the Electrical Code.

Sec. 705.02. **Conformance to state law.**

The following applies to any sign located or to be located within 660 feet of the nearest edge of the right-of-way of a U.S. or State-numbered highway (or any other road designated as a "primary highway" by the State of Georgia and approved by the U.S. Department of Transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:

a. Such sign shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G.A. 32-6-70 *et seq*.

b. Such sign shall comply with all requirements of this Article. Between the Georgia and Oconee County regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.

c. Distance measurements are to be made in a horizontal straight line from the nearest edge of the right of way to the nearest point on the sign.

Sec. 705.03. **Sign maintenance.**

a. All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

b. All signs shall be maintained in accordance with all County regulations, including any regulations concerning nuisances and vegetation.

Sec. 705.04. **Minimum sign setback.**

a. No sign or sign structure of any kind is authorized to extend into or above, or be anchored or placed in any portion of a public right-of-way (except official signs). Unless provided otherwise in this Article, all signs on a property are subject to the setback requirements for accessory uses under the property's zoning classification, but in no case may any portion of a sign be located less than 5 feet from a public right-of-way or any other property line.

b. Principal freestanding signs shall be located at least 25 feet from a side lot line, or one-half the width of the lot frontage, whichever is less.

c. Distance measurements are to be made in a horizontal straight line.

Sec. 705.05. **Principal freestanding signs; distance between.**

a. Signs 100 square feet in area or less.

Each principal freestanding sign having an area of 100 square feet or less shall be located at least 50 feet, as measured in a horizontal straight line, from any other principal freestanding sign on the same side of the street. This distance may be reduced upon approval by the Planning Director if it cannot be met due to the location of existing signs on separate but adjoining lots. Such reduction shall be the minimum required in order to maintain the greatest separation possible from such existing signs.

b. Signs from 100 square feet to 240 square feet in area.

Each principal freestanding sign having an area from 100 square feet to 240 square feet shall be located at least 500 feet from any other freestanding sign, on the same side of the street, having an area from 100 square feet to 240 square feet, and at least 200 feet in any direction from a property where signs having an area of at least 100 square feet are not allowed. Distance measurements are to be made in a horizontal straight line (not along structure and ground) from the nearest edge of each sign structure.

c. Signs greater than 240 square feet in area.

Each principal freestanding sign having an area greater than 240 square feet shall be located at least 750 feet from any other freestanding sign, on the same side of the street, having an area greater than 240 square feet, and at least 200 feet from a property where signs having an area of at least 100 square feet are not allowed. Distance measurements are to be made in a horizontal straight line (not along structure and ground) from the nearest edge of each sign structure.

Sec. 705.06. **Ground clearance under signs.**

a. Projecting signs shall not project more than 3 feet beyond the face of the building**,** as measured in a horizontal straight line from the building to sign face. Projecting signs shall provide a minimum of 8 feet of clearance from ground level to the bottom of the sign,

b. Under-canopy signs of greater than 4 square feet shall be rigidly mounted, and there shall be 8 feet of clearance below the base of any rigidly mounted under-canopy sign. There shall be a minimum clearance of 7 feet below the base of any non-rigidly mounted under-canopy sign. Distances shall be measured in a vertical straight line from the ground to the nearest portion of the sign.

c. Awning, mansard and marquee signs shall be no less than 8 feet above the ground, as measured in a vertical straight line from the ground to the nearest portion of the sign, when erected over pedestrian walkways at the lowest extremity of the sign.

Sec. 705.07. **Visibility clearance area.**

a. No portion of a sign face, and no portion of a sign structure wider than 12 inches, between the heights of 3 feet and 15 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within 20 feet of the intersection of a street right-of-way and either edge of a driveway.

b. No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, shape or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal or device.

Sec. 705.08. **Illuminated signs.**

a. Where restricted.

Signs are allowed to be externally or internally illuminated, except as follows:

(1) A sign located on an agricultural property may not be internally illuminated. External illumination must be installed so that it illuminates only the sign face and does not shine onto public rights-of-way or neighboring properties. The source of the external illumination shall be shielded from view from public rights-of-way and neighboring properties.

(2) A sign located on single- or two-family residential property may not be internally illuminated. External illumination must be installed so that it illuminates only the sign face and does not shine onto public rights-of-way or neighboring properties. The source of the external illumination shall be shielded from view from public rights-of-way and neighboring properties.

(3) Temporary signs allowed under Sec. 708 shall not be illuminated.

b. Traffic Control.

No sign illumination device shall resemble an official traffic control or warning sign, nor shall it hide from view or distract from any traffic or street sign or signal.

c. Hazards.

Illumination devices shall be placed, filtered, and shielded so direct rays will not be cast into the eyes of drivers or pedestrians.

d. Light Pollution.

Sign illumination shall not cast light directly upon adjacent properties or roadways. No illuminated signs are allowed within 100 feet of any property line of a single-family or two-family residential property or multi-family property. The distance shall be measured in a horizontal straight line from the nearest portion of the sign to the nearest point of an adjacent property line.

e. Neon Tubes.

No sign that has exposed neon tubes or other exposed tubes containing luminescent gas shall be used outside a building.

f. Exposed Wires.

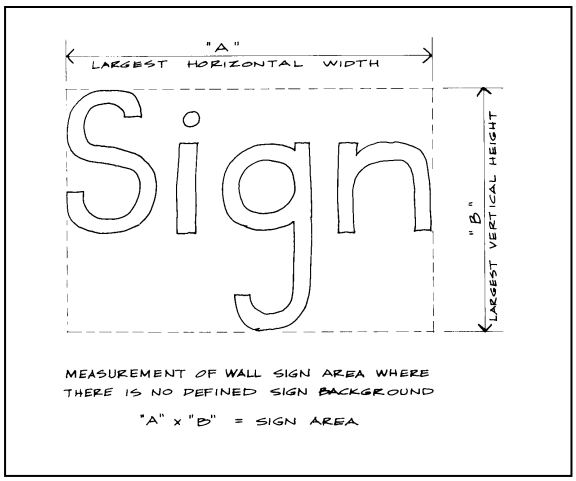
No sign may have exposed electrical wires.

g. Strings of Bulbs.

Strings of bulbs are not permitted, except as part of a holiday celebration.

h. Hours of Illumination.

No sign shall be illuminated between 11 p.m. and 6 a.m. except for those hours during which the premises on which the sign is located is open for business.



i. Types of illumination.

(1) Externally-illuminated sign. An externally-illuminated sign, when permitted, shall have concealed wiring and controls, and shall have shielded and screened external light sources.

(2) Internally-illuminated sign. Internally-illuminated signs, where permitted, must completely shield the source of light from direct view. Internally channeled or reverse-channeled letters are permitted only in instances of wall signs affixed to principal buildings.

Sec. 706. Measurement of sign area and height.

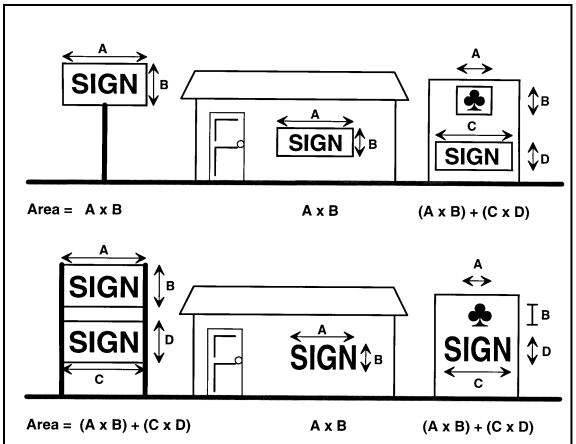
Sec. 706.01. Computation of sign area.

In order to determine compliance with the maximum allowable sign areas permitted under this Article, the following shall establish how sign areas are measured. The terms "sign area" and "sign face area" are interchangeable and have the same meaning for the purpose of regulating maximum sign sizes.

a. Sign face area.

(1) The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

(2) For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to



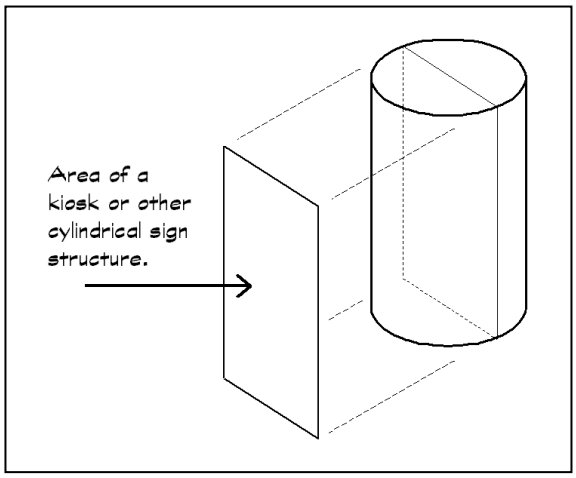
Examples of Sign Face Area Measurements

convey the sign's message shall establish the area of the sign's face.

(3) For signs applied to a kiosk or other cylindrical sign structure, the area of the sign face shall be computed as the largest rectangular area achieved from any one view of the sign. Measurements shall be made as a flat plane rectangle projected on the sign

(4) The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face or a sign module

(5) Manual changeable copy signs. For any sign on which any of the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

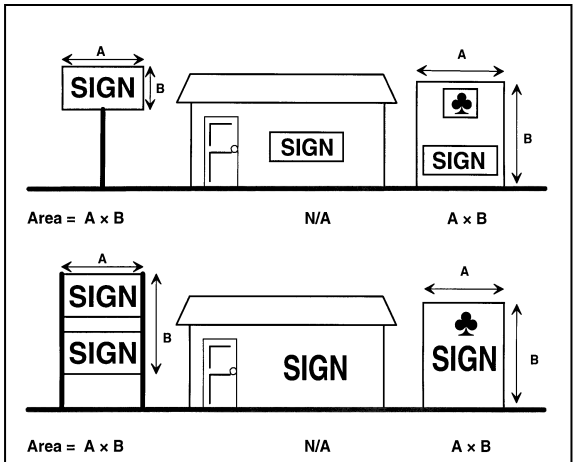


b. Sign Structure Area.

(1) The area of a sign structure shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign modules may be placed, including all portions of a sign structure that provide a background for the sign face but are not intended to contain any message or idea and are purely structural or decorative in nature.

(2) For a kiosk or other cylindrical sign structure, the area of the sign structure shall be the largest measurement achieved from any view of the sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.

(3) For project entrance signs or other signs that are imposed, mounted or painted on a wall or other decorative structure, the sign structure area shall be computed as that portion of such wall or other decorative structure that is discernibly devoted to the support of the sign or, by its design or architectural treatment, intended to provide a background or frame for the sign.



Examples of Sign Structure Area Measurements

c. Treatment of open spaces.

Any open space contained within the limits of the rectangle delimiting the sign face, sign module, or sign structure shall be included in the computation of the area of such sign face, sign module, or sign structure.

d. Multi-faced signs.

(1) Double-faced signs.

For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area on the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the area of the sign shall be the total area of all sides.

(2) Signs with three or more faces.

For sign structures having only three faces and the interior angle formed between all of the faces is 60 degrees, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs with three or more sides, the area of the sign shall be the largest total of all faces that are joined by an interior angle of more than 60 degrees that can be viewed from any one direction.

Sec. 706.02. **Measurement of sign height.**

The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 50 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, sign posts or other sign supports shall be included in the height of the sign.

Sec. 707. Sign types permitted by land use category.

The following Table 7.1 and Table 7.2 present the maximum number, size, height, and other restrictions relating to specific signage that are permitted by right in each land use category. Additional signage is permitted under this Section and under Sec. 708, Temporary Signs, of this Article.

Sec. 707.01. **Principal Freestanding Sign—One Use on Property.**

"Principal Freestanding Sign—One Use on Property" on Table 7.1 applies to a lot where there is only one use being made of the property, such as but not limited to one single-family or two-family dwelling, one multi-family development, one public or community institution, or one business occupant. A predominantly agricultural property, with or without a residence on the property, is considered a single agricultural use. Properties that are vacant but zoned or offered for sale or lease for a particular land use also fall under this category.

Sec. 707.02. **Principal Freestanding Sign—Planned Center.**

"Principal Freestanding Sign—Planned Center" on Table 7.1 applies to a single commercial or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately-owned and have no corporate relationship. A planned center may consist of several businesses in a single building or individual businesses in several buildings on the property.

Sec. 707.03. **Project entrance signs.**

Project entrance signs are signs located at an entrance into a residential subdivision, into a multi-family development, or into an office, commercial or industrial park consisting of two or more lots or condominium units, or into a public or community use property. Each project entrance sign shall not exceed the number, area or height limitations shown on Table 7.1.

Sec. 707.04. **Maximum number of principal freestanding signs.**

Only one principal freestanding sign is allowed on a property on each street frontage, whether the sign is located on a property occupied by only one use, is a planned center sign or a project entrance sign.

Sec. 707.05. **Building signs.**

For building signs permitted on Table 7.2, the following shall apply:

a. For single-occupant buildings, the maximum allowed area for a building sign on a wall shall be calculated on the basis of the percentage of the entire area of said wall, including all windows and doors.

b. For multi-tenant buildings, the maximum allowed area for each building sign for each tenant shall be calculated on the basis of the percentage of the area of the wall, including all windows and doors, of that portion of the structure occupied by the tenant.

c. In no case shall a window sign obscure more than 25% of a window.

d. Projecting and under-canopy signs shall be limited to no more than 1 per tenant on a property, and each tenant shall have no more than 1 projecting sign or under-canopy sign.

Sec. 707.06. **PUD Planned Unit Development.**

For signs in a PUD Planned Unit Development, each property or individual development within the PUD shall conform to the sign regulations established as part of the zoning approval for the PUD. If no such regulations exist, each property or individual development within a Planned Unit Development shall conform to the provisions of this Article in accordance with the land use category of said property or individual development.

Sec. 707.07. **Master Planned Developments.**

For signs in an MPD Master Planned Development, each property or individual development within the MPD shall conform to the sign regulations established as part of the zoning approval for the MPD. If no such regulations exist, each property or individual development within a Master Planned Development shall conform to the provisions of this Article in accordance with the land use category of said property or individual development.

Table 7.1: Permitted Freestanding Signs—By Land Use						
	Agricultural Property	**Single- and Two-Family Residential**	**Multi-Family Property**	**Commercial Property**	**Industrial Property**	**Public or Community Use Property**
Principal Freestanding Sign—One Use on Property:						
Max. Number	1 per lot	1 per lot	N/A	1 per street frontage	1 per street frontage	1 per street frontage
Maximum sign face or sign structure area[1]	16 sf	6 sf		100 sf	100 sf	100 sf[2]
Maximum height	6 feet	5 feet		35 feet[3]	35 feet[3]	35 feet[3]
Principal Freestanding Sign—Planned Center:						
Max. Number	N/A	N/A	N/A	1 per street frontage	1 per street frontage	N/A
Maximum sign face or sign structure area[1]				240 sf	300 sf	
Maximum height				35 feet	35 feet	
Project Entrance Sign:						
Max. Number	N/A	1 per project entrance[4]	1 per project entrance[4]	1 per street frontage[5]	1 per street frontage[5]	1 per project entrance[4]
Maximum sign face or sign structure area[1]		64 sf	64 sf	240 sf	300 sf	100 sf[2]
Maximum height		8 feet	8 feet	35 feet	35 feet	35 feet

[1] Whichever is greater.

[2] A public or community use property adjacent to a limited access or controlled access highway may have a sign next to and viewable from said highway of up to 128 square feet in area.

[3] On a lot in a commercial subdivision, office or industrial park, the maximum sign height is 16 feet adjacent to the lot frontage on a U.S. or State numbered highway, and 8 feet along all other roads.

[4] These developments may have project entrance signs at a maximum of 2 entrances per project street front. For these developments, project entrance signs may be either single sign or dual sign structures, each type counting as one sign under "Max. Number" on the table.

[5] For these developments, project entrance signs may only be single sign project entrance signs.

Table 7.2: Permitted Building Signage—By Land Use						
	Agricultural Property	**Single- and Two-Family Residential**	**Multi-Family Property**	**Commercial Property**	**Industrial Property**	**Public or Community Use Property**
Wall, awning, under-canopy, projecting & window signs on a building:						
Max. number of **all building signs**	1	1	1 per building	1 per tenant[6]	1 per tenant[6]	1 per tenant[6]
Maximum sign face area	1 square foot	1 square foot	4 square feet	25% of the area of the wall on which the sign is placed, up to a maximum of 100 square feet[7]	25% of the area of the wall on which the sign is placed, up to a maximum of 100 square feet[7]	25% of the area of the wall on which the sign is placed, up to a maximum of 100 square feet[7]
Additional Under-Canopy Sign	Not Allowed	Not Allowed	Not Allowed	1 per tenant, up to 4 square feet in area	1 per tenant, up to 4 square feet in area	N/A
Signs on a free-standing canopy:						
Max. number of **all canopy signs**	Not Allowed	Not Allowed	Not Allowed	1 per canopy face	1 per canopy face	Not Allowed
Maximum sign face area				10% of the area of each canopy face	15% of the area of each canopy face	
Maximum sign face area of **largest sign**				9 square feet	18 square feet	

[6] Up to a maximum of three additional wall signs are allowed for each tenant as follows: a) one additional sign is allowed for a second road frontage; b) one additional sign is allowed for a tenant having more than 50,000 square feet but no more than 100,000 square feet of floor area; and c) two additional signs are allowed for a tenant having more than 100,000 square feet of floor area.

[7] For a tenant occupying 50,000 to 100,000 square feet of floor area, the maximum sign area is 150 square feet, and for a tenant occupying more than 100,000 square feet of floor area, the maximum sign area is 200 square feet.

Sec. 707.08. **Miscellaneous freestanding signs.**

Freestanding signs in addition to those shown on Table 7.1 are allowed as accessory uses on a property occupied by any multi-family, commercial, industrial, public or community use if each sign complies with all of the following:

a. Within the area between a street and the minimum street-side setback required for the zoning district, additional signs may be located within 3 feet of driveways that provide access into or from the property. There shall be no more than 2 such signs per driveway and each such sign shall not exceed 4 square feet in sign area nor be more than 3 feet in height.

b. Miscellaneous signs located farther from the street than the minimum required street-side setback shall be allowed as follows:

(1) One miscellaneous sign not to exceed 32 square feet in area or more than 8 feet in height may be located on the property for each principal building on the lot.

(2) Other miscellaneous freestanding signs are allowed beyond the minimum street-side yard setback on a property developed for multi-family, commercial, industrial, public or community use, provided that such signs shall have no more than 4 square feet in sign face area nor more than 3 feet in height (except signs that are required by law to be higher than 3 feet high, such as those marking a handicapped parking space).

Sec. 707.09. **Outdoor recreational facility.**

Signs erected on walls, fences, dugouts, press boxes, stadium stands, concession stands, ticket booths, benches and locker rooms on any public or community use outdoor recreational facility (such as a baseball stadium or soccer field) are permitted with the following restrictions:

a. Each individual sign shall not exceed 8 feet in height and 32 square feet in area and must face inward to the recreational activity area.

b. There shall be no limit on the number of signs per site provided that such sign faces are not visible from neighboring residential property or public rights-of-way.

Sec. 707.10. **Flags.**

Any cloth, paper, thin plastic, or similar pliable material that is displayed by hanging or flying is allowed as an accessory use on any property that is used in any land use category if it complies with all of the following:

a. No more than 3 flags may be displayed on a lot occupied by an agricultural use, a single-family or two-family residential use, or a multi-family residential use. No single flag shall be larger than 24 square feet in size, and the total area for all flags collectively shall not exceed 45 square feet

b. No more than 3 flags may be displayed on a lot occupied by a commercial use, an industrial use, or a public or community use. No single flag shall be larger than 40 square feet in size, and the total area for all flags collectively shall not exceed 72 square feet.

Sec. 707.11. **Automatic changeable copy signs.**

Automatic changeable copy signs are only allowed on commercial and industrial properties.

Sec. 707.12. **Vehicular signs.**

Vehicular signs may only be located on a commercial or industrial property. Each such lot, tract or parcel may contain one vehicular sign as defined herein, except that double frontage lots may have two such signs, one per road front. Vehicular signs shall meet the following criteria:

a. The area of such signs, when combined with the total area of other signs shall not exceed the total area authorized for signs for that lot within the land use category.

b. The height of such signs shall not exceed the height limit for signs authorized in the land use category.

c. Such signs shall not exceed a maximum of two per lot nor a maximum of one per road front.

d. Such signs shall not be lighted.

Sec. 708. Temporary signs.

a. Signs in addition to those allowed under Sec. 707 are allowed on a property for the duration of a temporary event as defined in Sec. 702.02. Such additional signs must comply with the provisions of this Section.

b. Temporary signs must comply with all requirements of this Article, except as modified by the provisions of this Section, including the prohibitions of Sec. 704 and the general requirements applying to all signs under Sec. 704.16.

Sec. 708.02. Temporary event; defined.

See Section 702.02 for the definition of Temporary Events.

Sec. 708.03. Duration of temporary signs.

Temporary signs may be placed on any property upon initiation of a temporary event, and must be removed upon the termination of the event. Initiation and termination of particular events shall be determined by the Planning Director for each temporary event, based on considerations such as: normal beginning and ending dates for such an event, the scheduled occurrence of the event, or similarities to other temporary events having previously occurred.

Sec. 708.04. Number of temporary signs.

Only one temporary sign related to each temporary event may be located on a property at any one time.

Sec. 708.05. Size of temporary signs.

Temporary signs are restricted to the following sign face areas and sign heights, by land use category (as defined in this Development Code):

a. Agricultural property.

Temporary event signs located on an agricultural property shall not exceed 16 square feet in area and 6 feet in height.

b. Single- and two-family residential property.

Temporary event signs located on a single- or two-family residential property shall not exceed 6 square feet in area and 5 feet in height.

c. Multi-family, commercial, industrial and public or community use property.

Temporary event signs located on a multi-family, commercial, industrial or community use property shall not exceed 64 square feet in area and 11 feet in height.

d. Exceptions.

Notwithstanding the provisions of this Subsection:

(1) During the construction or remodeling of a commercial, industrial, or public or community use building containing 100,000 square feet of gross floor area or more, no more than two freestanding or wall signs shall be allowed, not exceeding a cumulative total of 64 square feet in area nor more than 15 feet in height.

(2) During the start-up period while a commercial, industrial, or public or community use building containing 100,000 square feet of gross floor area or more is initially for sale or lease, no more than two additional freestanding signs shall be allowed, not exceeding a cumulative total of 64 square feet in area nor more than 15 feet in height.

(3) Entrance signage during construction of a residential or nonresidential subdivision or condominium development shall not exceed 32 square feet in area and 10 feet in height at each entrance.

Sec. 708.06. **Location of temporary signs.**

a. All temporary signs shall be located at least 5 feet from any street right-of-way line, any side or rear property line, and the pavement edge of a driveway. The distance shall be measured in a horizontal straight line from the nearest portion of the sign to the nearest point of an adjacent property line.

b. Temporary signs are not allowed to be placed within or over a public street right-of-way or private street easement.

c. A temporary sign must be a freestanding sign or a building sign (as defined in this Article), and shall not be affixed to any tree, utility pole or official traffic sign or structure

d. A temporary sign must be located at least 10 feet from any other sign, including another temporary event sign. The distance shall be measured in a horizontal straight line from the nearest portion of the sign to the nearest portion of the adjacent sign.

e. A temporary sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.

Sec. 708.07. **Construction and lighting standards of temporary signs.**

a. Construction standards for signs requiring building permits.

Except for portable signs and banners, a temporary sign that exceeds (a) 15 square feet for a freestanding sign, or (b) 6 square feet for a building sign must be authorized by a building permit prior to placement. Construction of such signs shall meet the same engineering design and materials standards as for permanent signs as required by the Building Code.

b. Construction standards for signs not requiring building permits.

(1) Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.

(2) The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face. Automatic changeable copy signs shall not be allowed.

c. Lighting.

Temporary signs shall not be illuminated.

Sec. 708.08. **Portable signs, banners, streamers and flags.**

a. Banners.

Banners are allowed as temporary signage during a temporary event in accordance with the duration, number, size, location and lighting limitations of this Sec. 708, and in accordance with the following provisions:

(1) For banners that are no more than 16 square feet in area and will be displayed for no more than 30 days and then removed, such banners shall be placed on the site or on a building in such a manner as not to create a safety hazard as determined by the Planning Director. Such banners shall not be hung as under-canopy signs, flown as flags, or used as any other form of sign.

(2) For all other banners, such banners shall be allowed only as wall or window sign and shall be placed flush upon the wall or window to which it is attached. Such banners shall not be hung as under-canopy signs, flown as flags, or used as any other form of sign.

b. Portable signs, streamers and flags are allowed as temporary signs on a property developed for commercial, industrial, or public or community use, subject to all provisions that pertain to temporary signs and the following additional restrictions.

(1) Portable signs.

One portable sign per developed lot or business is allowed under the following conditions and requirements:

(a) Prior to the erection or placement of these signs or devices, all required permit fees and ad valorem property taxes shall be paid by the owner of the sign.

(b) The maximum size allowance for these devices and signs shall not exceed 32 square feet. The square footage of said portable sign, when combined with other signs on the same lot, shall not exceed the total square footage authorized for signs in the land use category. Said sign shall not have arrows, directional arrows, or flashing lights.

(c) No portable sign shall be placed on a lot that is used for residential purposes.

(d) The sign must be placed on the site in such a manner as to be at least 5 feet from the right-of-way and to not be an obstruction for traffic or visibility. The location of the sign is subject to approval of the Planning Director.

(e) To prevent wind damage to the sign or other property, the sign must be securely anchored to the site in a manner acceptable to the Planning Director.

(f) The maximum number of portable sign approvals to be issued to a single location or site at any given time shall be 1 sign.

(g) A site or location for the purpose of this Section shall be defined as land under common ownership.

(2) Streamers and flags.

(a) Streamers and flags shall be counted towards the total square foot sign area permitted for the lot on which they are placed, and when added to the area of all other signs on said lot shall not exceed the total sign area permitted for the lot.

(b) No part of any such sign shall be located in, on or within 5 feet of a public right-of-way.

Sec. 708.09. **Weekend signs.**

Signs erected and removed over a single weekend are allowed as temporary signs under the following provisions.

a. Location.

(1) Such signs are allowed on properties in all land use categories.

(2) Such signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.

b. Setback.

No setback from the street right-of-way line shall be required for a weekend sign, except that any such sign shall not be placed within or over the street right-of-way nor affixed to any tree, utility pole or official traffic sign or structure.

c. Size.

Such signs shall not exceed 6 square feet in area nor be more than 3 feet in height.

d. Duration.

Weekend signs shall be allowed only between Friday starting at 5:00 p.m. and Sunday ending at 8:00 p.m.

e. Permanence.

(1) Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.

(2) The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face; automatic or manual changeable copy shall not be allowed.

f. Lighting.

Such signs shall not be illuminated.

Sec. 709. Sign approvals and permitting.

Sec. 709.01. Sign approvals; when required.

In addition to a building permit as may be required under the Building Code, a Sign Approval review first shall be conducted by the Planning Director prior to installation, relocation, expansion or construction or issuance of a permit of any sign regulated under this Ordinance except for those signs specifically exempted under Sec. 709.02, below.

Sec. 709.02. Exemptions from requirement for sign approval.[8]

a. Sign Approval will not be required for legally existing signs for which a Sign Approval has previously been issued, under the following conditions:

(1) Replacing or altering the words, letters, figures, symbols, logos, fixtures, colors, or other design elements that compose a sign's message, in whole or in part, shall not require a Sign Approval unless a structural or size change is made.

(2) Painting, repairing, cleaning, or maintaining a sign shall not require a Sign Approval unless a structural change is made.

b. Sign approval will not be required for the following listed signs:

(1) Any sign that is otherwise exempt from regulation under Sec. 703 of this Article.

(2) A principal freestanding sign on a single-family or two-family residential property allowed under Sec. 707.01 of this Article does not require a Sign Approval.

(3) Miscellaneous freestanding signs that are allowed under Sec. 707.08 of this Article do not require a Sign Approval.

(4) Outdoor recreational facility signs that are allowed under Sec. 707.09 of this Article do not require a Sign Approval.

(5) Flags that are allowed under Sec. 707.10 of this Article do not require a Sign Approval.

(6) Weekend signs that are allowed under Sec. 708.09 of this Article do not require a Sign Approval.

(7) Any building sign less than 6 square feet requires no Sign Approval.

Sec. 709.03. Issuance of sign approval.

a. Sign review required.

[8] These exemptions apply only to the requirement of issuance of a Sign Approval and do not relieve the owner of the sign from compliance with all other requirements of this Article for the particular sign.

For any sign requiring Sign Approval under the provisions of this Article, sign review shall be required prior to installation, relocation, renovation, expansion, construction or reconstruction of the sign. The sign application, with the non-refundable application fee established by the Board of Commissioners, shall be submitted to the Planning Director.

b. Sign approval application.

(1) Application for signs other than temporary signs.

The application for a Sign Approval for all types of signs other than temporary signs must include the following:

(a) An itemized list and a keyed site plan at a suitable scale showing the location of all existing signs and sign structures currently on the property.

(b) An itemized list and a keyed site plan at a suitable scale showing the location of all proposed signs to be located on the property and all existing signs proposed to be removed.

(c) A scaled drawing with dimensions and specifications, specifying materials, illumination, character sizes, colors, and support systems for each proposed sign.

(d) The estimated cost of construction for each proposed sign.

(e) An agreement wherein the applicant shall indemnify the county against all damages, demands, or expenses of any kind caused by the sign or sign structure.

(2) Application for temporary signs.

The application for a Sign Approval for a temporary sign must include the following:

(a) A list of the temporary signs to be placed on the property.

(b) A description of the temporary signs to be placed on the property.

(c) For portable signs, banners, streamers and flags, written and graphic evidence of compliance with all requirements of Sec. 708.03.

c. Issuance of sign approval.

The Planning Director shall process all sign permit applications within thirty (30) business days of the actual receipt of an application and sign permits fee. The Director or his designee shall give notice to the applicant of its decision by hand delivery or by mailing a notice to the address on the sign permit application on or before the 30th business day after receipt of the application. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. All applications not meeting the requirements of failing to contain all information specified in Sec. 709.03.b above, shall be denied.

If a decision is not rendered in a timely fashion, the applicant may post the applied-for sign until such time as the Director makes a determination that the permit application should be denied. If the permit is denied for a sign that has been posted, the sign may remain until any valid appeals are extinguished.

d. Building permit required.

For any sign requiring Sign Approval under the provisions of this Article, issuance of a building permit shall be required prior to installation, relocation, renovation, expansion, construction or reconstruction of the sign, consistent with such Sign Approval. The building permit application, with the non-refundable application fee established by the Board of Commissioners, shall be submitted to the Planning Director.

e. Permit identification to be placed on the sign.

Every sign for which a permit is issued shall be plainly marked with the name of the permittee and shall have the number of the Sign Approval affixed on the framework in

the lower right hand area of the sign or on the sign face using a durable material so that it is easily seen and weatherproof.

f. Expiration of sign approval for uncompleted construction.

A Sign Approval shall expire if the sign for which the permit was issued has not been substantially completed (to the extent of at least 60% completion based on the estimated cost of construction from the application for sign approval) within six months of issuance. One 6-month extension may be approved by the Planning Director for circumstances deemed extenuating and reasonable. Expiration of a Sign Approval shall automatically void any building permit issued for the construction of the sign.

g. Fee schedule.

The Board of Commissioners may from time to time by resolution, establish and/or modify said fee schedule as necessary to include, but not necessarily be limited to, the cost of issuing permits, making inspections and other administrative matters related to this section.

Sec. 710. Nonconforming signs.

See the Nonconformities Section of Article 1 of this Development Code.

Sec. 711. Appeals

The method for appealing any decision or other action taken under this Article 7 is set out in Article 13 of the UDC.

Article 8. Landscaping and Buffers

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Article 8. Landscaping and Buffers

Sec. 801. Purpose of Article 8.

The purpose of this Article is to improve the aesthetic qualities of the County and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

a. Providing for quality and consistency in the design of landscaping and screening; and

b. Providing for the separation of incompatible types of land use.

c. Providing a landscape appearance in keeping with the existing natural and rural farmland environment of Oconee County.

Sec. 802. Definitions related to landscaping and buffers.

Buffer, Landscape: A landscape buffer is an area of natural/planted vegetation and/or man-made construction that is intended to provide a visual and dimensional separation between dissimilar land uses. In contrast, see "Buffer, Stream" in Article 11.

1. *Natural Buffer:* A visual screen created by undisturbed vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.

2. *Structural Buffer:* A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with existing or planted vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Caliper: The diameter of a tree (usually nursery stock) measured at a point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Common Open Space: See "Open Space."

Dead Tree or Plant*:* Any living plant material that has lost 33% or more of its branches or leaves, as determined by the Planning Director or other qualified designee, shall be considered dead.

Diameter Breast Height (Dbh): The diameter of an existing tree trunk measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

Drip Line: A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Heavily Landscaped Area: An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25% of its area covered in turf (seed or sod). The remaining 75% shall contain shade trees (2 inch caliper minimum), flowering trees (2 inch caliper minimum), evergreen shrubs (3 gallon minimum), deciduous shrubs (3 gallon minimum), and perennials or non-turf groundcovers (2½ inch pot minimum). All plant materials shall be mulched.

Landscape Buffer: See "Buffer, Landscape."

Landscape Materials*:* Any combination of living plant materials and nonliving materials such as rock, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools. Synthetic landscaping materials acceptable to the Development Review Committee may also be used.

Mulch: Pine straw, pine bark, pebbles, lava rock, or processed cypress trees acceptable to the Planning Director may be used. By products of unprocessed grinding operations may not be used for mulching under landscape plants or trees.

Natural Buffer: See under "Buffer, Landscape."

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Open Space: An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment. Open space can be defined as:

1. *Common Open Space:* Land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public or private rights-of-way, or yard areas or landscape areas located on private property.
2. *Public Open Space:* Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.
3. *Greenspace:* Permanently protected areas of a site that are preserved in a natural state.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Structural Buffer: See under "Buffer, Landscape."

Structural Soil: Highly porous engineered aggregate mix designed to be used under asphalt and concrete pavements as the load-bearing and leveling layer as a means to providing a soil component beneath impervious surfaces to facilitate the root growth of trees.

Tree Harvesting: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree, Large: A shade tree that has a single trunk and which will reach at least 35 feet in height and 35 feet in spread at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Tree, Medium: A medium tree has a single trunk and which will reach at least 25 feet in height at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

***Tree, Small*:** A small tree may have single or multiple trunks and which will reach at least 15 feet in height at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Vehicle Use Area: Vehicle use areas include any areas designated as automobile, truck, or van parking spaces, including access aisles and driveways. Vehicle use areas also include the driveways and access aisles associated with mini storage warehouses, truck loading and unloading spaces, and impoundment yards.

Visual Screen: Vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the Planning Director: Fencing constructed of cedar, redwood, treated

wood, vinyl replicating wood, or other suitable all-weather material; masonry walls of brick or stone; planted or natural vegetation; or earthen berms.

DIVISION I. VEHICLE USE AREA LANDSCAPING.

Sec. 803. Vehicle Use Area Plantings.

Any vehicle use area designed or intended as a parking lot to accommodate 5 cars or more for any purpose, or to accommodate the parking of any number of light trucks or vans, which is located adjacent to any residential zoning district or located adjacent to a public or private street, must provide visual screening from such street in accordance with the requirements of this Section. Landscaped planting areas are also required throughout the vehicle use area under the requirements of this Section.

Sec. 803.01. Landscape planting and maintenance plan required.

A Landscape Planting and Maintenance Plan including provisions for watering, maintenance and replacements is to be submitted to the Planning Director and approved prior to the issuance of a building permit. Installation of plant materials shall have been completed or bonded prior to the issuance of a certificate of occupancy. If bonded, such plant materials shall be installed within 30 days of the bond date.

Sec. 803.02. Vehicle use area screening.

a. Required vehicle use area screening.

(1) Any vehicle use area which is visible from a public or private street, must provide a landscaped visual screen that meets the requirements of this Section. Any vehicle use areas planned as a parking lot designed or intended to accommodate less than 5 cars for any purpose is exempt from this code section.

(2) Decorative visual screening shall be provided to a height of 3 feet above the elevation of the vehicle use area (measured at the edge or top of curb nearest the adjacent street) or the adjacent street (measured at the right-of-way line), whichever is highest.

(3) The screening may be included within any frontage landscape strip required by this Development Code, but in no case shall be less than 10 feet wide.

b. Screening alternatives.

The decorative visual screening may be provided in any of (or any combination of) the following ways that achieves a total height of 3 feet:

(1) *Planted only*. A planting consisting of shrubs spaced appropriately for their width at maturity but not exceeding six feet on center that will spread into a continuous visual screen within two growing seasons. Shrubs must be at least 24 inches tall at the time of planting, be of a species that will exceed 3 feet in height at maturity and be adapted for vehicle use area conditions. Where space allows, plants shall be planted in multiple, staggered rows. A maximum of 20% of these shrubs may be deciduous. Plantings must be set back at least 4 feet from the street right-of-way line. See chart for allowable species and varieties.

(2) *Recessed Vehicle Use Area*. If grading permits such that the proposed parking lot pavement, excluding curb and gutter, will sit 3 feet or more below the adjacent road grade, then recessed parking is allowed in lieu of planted material as a screening alternative.

(3) *Wall*. A wall of brick, stone or finished and textured concrete, landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Planning Director. The wall must be set back at least 4 feet from the street right-of-way line.

(4) *Decorative Fence*. A fence constructed of imitation-wood vinyl pickets, or of wrought iron with masonry columns, landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Planning Director. "Open design" decorative fencing of wood or imitation-wood vinyl, such as split rail or slat fencing, are allowed with supplemental plantings to achieve the required screening effect. Fences must be set back at least 4 feet from the street right-of-way line.

(5) *Combination*. Any combination of hedge, recessed parking, wall or fence that effectively provides a visual screen of the parking lot or loading area to a height of 3 feet and achieves a decorative effect through appropriate use of landscaping and plant material.

Sec. 803.03. **Vehicle use area planting requirements.**

a. Trees required.

An average of at least one large tree (as defined in this Development Code), occupying a planting area of at least 300 square feet is required per each 3600 square feet of vehicle use area. Trees located in any required buffer and/or landscape strip that is within 20' of a vehicle use area may be counted toward this requirement.

(1) Trees must be placed in or around the parking lot such that every parking space is within 50 feet of a large tree. The 50-foot distance is measured from the center of the tree to any point within the parking space. However, in no case shall any large tree be placed within 25 feet of any other large tree.

(2) New large trees shall have a caliper of no less than 2 inches and a height of no less than 10 feet upon planting, and shall be maintained in good condition. Trees that must be removed as a result of disease, damage or death, must be replaced.

b. Standards for vehicle use area plantings.

(1) Landscape islands, strips, or other planting areas shall be landscaped with any combination of such plant materials as large, medium, or small trees, shrubs, grass,ground cover. Such planting areasshall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.

(2) As a minimum, a landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall extend the length of the parking bay and shall be no less than nine feet wide from the face of curb to the face of curb for at least one-half the length of the adjacent parking space.

c. Landscape islands between side-by-side parking spaces shall be no less than nine feet in width from the face of curb to the face of curb and extend for at least one-half the length of the adjacent parking space. Landscaping strips between head-to-head parking spaces shall be no less than 8 feet in width face of curb to face of curb without wheel stops, or 5

feet in width when provided with wheel stops in the parking spaces such that no vehicular overhang is permitted.

d. Reduction to vehicle use area planting requirements.

(a) Permeable or porous pavements may be used within a parking lot or paved access in which case the required vehicle use area planting requirement may be reduced by up to 20 percent. Reduction shall be a 1:1 ratio of percentage of porous pavement in the overall lot to percentage of vehicle use area planting reduction. A plan shall be submitted demonstrating the required landscaping without the reduction and shall be the starting point for the potential 20% reduction.

(b) The required planting area may be reduced by up to 50 percent if an approved structural soil mix containing 80 percent rock aggregate, 15 percent mineral soil and a sticking agent is used. At least 700 cubic feet of total rooting volume for small and medium trees shall be required as listed in the Suggested Species List in Table 8-2.

Sec. 804. Obstructions to sight distance.

All landscaping and other screening devices placed along street rights-of-way and driveways must be designed and installed in a manner consistent with the requirements of this Development Code regarding visibility clearance.

DIVISION II. LANDSCAPE STRIPS

Sec. 805. Landscape Strips.

Landscape strips shall be required along any developed portion of the property adjacent to private or public streets or rights-of-way.

a. Plant materials shall consist of at least one large tree (as defined in this Development Code) for each 40 linear feet of landscape strip. These large trees are not required to be planted in a uniformly spaced single row, but may be clustered and/or staggered as space allows within the landscape strip as long as the total number of trees required is met and no large tree is within 25 feet of any other large tree. For purposes of this section, such tree may be any large tree which, when planted, is a minimum height of 10 feet. When approved by the Planning Director, medium or small trees may be substituted when permanent obstructions are present that prevent a large tree from growing to its natural size or where a visual hazard is created by a large tree and not by a medium or small tree. Existing trees which are preserved within the landscape strips and properly protected during construction by keeping 75% of the tree's existing dripline undisturbed may be counted toward tree planting requirements.

b. Plant materials shall not be planted any closer than 4 feet to the public right-of-way.

DIVISION III. LANDSCAPE BUFFERS BETWEEN INCOMPATIBLE LAND USES.

Sec. 806. Buffers; where required.

A buffer meeting or exceeding the following widths shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:

Table 8.1: Situations Where Buffer Required

	① Provide a buffer on the lot of this use ↓	↓	↓	↓	↓
② **Along a side or rear lot line next to this less intense use or zoning** ↓	**1- or 2-Family Residence**	**Multi-Family**	**Office or Institutional**	**Commercial**	**Industrial**
AG Agricultural land, or Active Agricultural use in any zoning district	N/A[1]	15 feet [1]	15 feet	15 feet	25 feet
1- or 2-Family Residential[2]	None	25 feet	25 feet	50 feet	100 feet
Multi-Family Residential	None	None	25 feet	25 feet	50 feet
Office, Institutional, Commercial or Industrial	None	None	None	None	None

[1] See separation requirements for certain uses in Article 3.

[2] Includes any land zoned AR-3, AR, R-1 or R-2, and any 1- or 2-Family Residential use zoned AG or R-3.

a. A buffer must be provided between any multi-family use (townhouses, apartments or mobile home park) and any agricultural zoning district or single-family or two-family use or zoning district;

b. A buffer must be provided between any office, institutional or commercial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district; and

c. A buffer must be provided between any industrial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district.

Sec. 807. Buffers; timing of installation.

Buffers are required to be created at the time of construction of any infrastructure or new development of a building or site.

Sec. 808. Buffer design standards.

Sec. 808.01. General.

a. Buffer areas shall contain no driveways, access easements, parking areas, patios, storm water detention facilities, or any other structures or accessory uses except for a fence,

wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Ordinance.

b. Underground utilities including closed storm drains are permitted to cross a buffer if the screening standards of this Ordinance will be subsequently achieved.

c. Vehicular access through a buffer may be allowed only as a condition of rezoning, Special Use or Master Planned Development approval by the Board of Commissioners.

Sec. 808.02. **Width of buffer.**

a. Buffers required along any lot line shall be no less than the minimum required width as shown on Table 8.1, or as may be reduced under 808.04.c.3.

b. When a proposed development adjoins an existing development of a higher intensity, but the full width of the required buffer does not exist on the existing development, the new development shall provide a buffer of adequate width to meet the full width required on Table 8.1 when considered in combination with any existing buffer on the property of the adjoining existing development.

Sec. 808.03. **Minimum required screening.**

a. A buffer shall be provided that creates a barrier between differing land uses or adjoining properties which substantially blocks the sight lines, noise transmission, and the transfer of artificial light and reflected light between said differing land uses or adjoining properties including all components of said differing land uses or adjoining properties.

b. A buffer, as defined herein, shall also incorporate optimal placement of the foregoing components on the property and in relationship to the adjoining property, so as to provide the most effective barrier described above. This shall include particular consideration to the vertical relationship, lines of sight and resulting view angles between differing land uses and adjoining properties and may involve the grading design, building heights, architectural styles, and placement of design elements on the property being developed.

Sec. 808.04. **Types of buffers allowed.**

a. Natural buffers

(1) An existing natural buffer may be incorporated into the required buffer area. When necessary, as determined by the Planning Director or their designee, supplemental evergreen plant materials shall be installed within the natural buffer area to create an effective barrier between incompatible land uses.

(2) Natural buffers may contain deciduous, evergreen or perennial vegetation, but shall contain shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year. To protect existing natural buffers, retaining walls will be allowed to be installed to maintain the natural grade for the health of these trees and shrubs, however, the retaining walls cannot obstruct utility elements within this barrier.

(3) Additional buffer width may be provided, if necessary, to achieve the visual screen.

b. Structural buffers

(1) Structural buffers shall meet the following criteria:

(a) Structural buffers shall be vegetated throughout the minimum area required for the buffer including around any fences, walls and upon any earthen berms. This vegetation may include ground covers, grasses, shrubs and trees.

(b) Trees shall be located or planted within all structural buffers at a density of no less than one large tree for each 40 feet of buffer length or portion thereof. Exclusions to this include areas where topographical, geotechnical, soil constraints, or utility corridors (above or below ground) exist that would prohibit material to be installed or newly planted material to become established. Examples of such locations include rocky outcrops, floodplains, wetlands/low lying areas. Newly planted deciduous large trees shall have a caliper of no less than two inches upon planting and newly planted evergreen trees grown full to the ground shall be at least six feet tall and a minimum of 1 inch caliper when planted. In no case shall any large tree be placed within 25 feet of any other large tree.

(2) A structural buffer, as defined herein, shall incorporate all of the following components:

(a) The required width as shown in Table 8.1

(b) Trees as specified in 808.04.b.1.b.

(c) At least one of the following components:

(i) Fence

(ii) Berm

(iii) Free-standing wall

(iv) Evergreen plant material

(3) Requirements as they relate to the specific structural buffer components.

(a) Fences

i. Fences shall present a finished and decorative appearance to the abutting property and shall be located no closer to the property line than three feet.

ii. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

iii. Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.

iv. Fences may not be woven wire mesh (chain link).

v. Fences shall be a minimum of 6 feet tall.

(b) Berms

i. All earthen berms shall have a maximum side slope of 50 percent [one foot of vertical rise to two feet of horizontal run].

ii. Earthen berms shall be 2-6 feet tall and varying in height, except where the berm tapers and in areas necessary for drainage purposes.

iii. Berms may be tapered and offset to create a visual aesthetic. In the gaps created, 6 foot tall evergreen shrubs are required to create a visual screen.

iv. Berms are required to be vegetated throughout. The combination of the berm and the density of the planting are to be determined by the natural growth pattern of the different species and required to be staggered to create a 6-foot tall opaque visual screen within two years of installation. All shrubs must be evergreen with the exception of a maximum of 20% flowering, deciduous plants.

(c) Free-standing walls

i. Freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than three feet.

ii. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

iii. Walls shall be a minimum of 6 feet tall

(d) Evergreen plant material

i. All large shrubs must be evergreen with the exception of a maximum of 20% flowering, deciduous plants.

ii. All large shrubs must have a minimum install height of 3.5 feet.

iii. The density of the planting is to be determined by the natural growth pattern of the different species.

iv. Large shrubs shall be staggered to create a 6 feet tall opaque visual screen within 2 years of planting.

Sec. 809. Maintenance of buffers.

Every buffer required under this Division II shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of 6 feet on a continuous, year-round basis. Dead or dying plants or trees must be replaced immediately with the same or an equivalent species.

Sec. 810. Waiver or reduction for unnecessary buffers.

a. Following a review and recommendation by the Planning Department, the Board of Commissioners may waive a landscape buffer otherwise required by this Section, or reduce its extent to an appropriate dimension, upon a finding that all of the following are met::

(1) The proposed buffers are adequate to protect the health, safety or general welfare of the public;

(2) All reasonable objections from adjoining property owners have been considered in making such waiver or reduction; and

(3) The comprehensive plan anticipates future development on the adjoining property in a land use category such that a zoning buffer would not be required by this Development Code once the adjoining property is rezoned or developed.

b. Removal of established zoning buffers between two compatible land uses may be approved by the planning department on a case-by-case basis upon the finding that all of the following are met:

(1) Such removal shall provide an adequate balance between the protection of the health, safety, and welfare of the general public and the right to unfettered use of private property; and

(2) Such removal shall foster beneficial development of the County in the public interest.

DIVISION IV. LANDSCAPING PLANS, INSTALLATION AND MAINTENANCE.

Sec. 811. Site landscaping plans.

Sec. 811.01. **Site landscaping plans; when required.**

a. Site landscaping plans are required upon application for a development permit or for a building permit for new construction of buildings in any development to which landscaping, screening or buffer requirements apply.

b. The location and detail of all zoning buffers and screening shall be depicted on the required site landscaping plan.

Sec. 811.02. **Site landscaping plans; criteria.**

The technical specifications for site landscaping plans are found under the Procedures and Permits Article of this Code.

Sec. 811.03. **Exemptions from site landscaping plan requirements.**

a. The provisions of this Section shall not apply to structures for which site landscaping plans previously have been submitted and approved.

b. Site landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.

Sec. 812. Plant materials; standards.

Sec. 812.01. **Acceptable plant materials.**

The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this Article. Acceptable plant materials for landscaping, screening and zoning buffers shall be as approved by a Georgia registered Landscape Architect.

a. New plant materials.

(1) Parking lot screening plants: must primarily be evergreen, however a maximum of 20% of these shrubs may be deciduous, minimum of 24 inches tall at the time of planting and must mature to 3 feet within 2 years of planting. 18 x 24 inch balled and burlapped or 2-gallon container plant material is acceptable.

(2) Shrubs for buffers between incompatible uses: minimum of 3½ feet tall at the time of planting and must mature to 6 feet within two years of planting. 24 x 30 inch balled and burlapped or 3-gallon container plant material is acceptable. See chart for allowable species and varieties.

(3) Ground cover, 4 inch pot.

(4) Large Trees: minimum 2-inch caliper and 10 feet in height. Large evergreen trees grown full to the ground: minimum 6 feet tall and minimum 1inch caliper. See chart for allowable species and varieties.

(5) Small to Medium Trees: minimum one inch caliper and 6 to 8 feet in height. See chart for allowable species and varieties.

(6) No more than 40 percent of any one tree species shall be planted on a lot site.

b. The *American Standard for Nursery Stock*, published by the American Association for Nurserymen, may be referred to for the determination of plant standards.

c. Existing trees that are to be retained to satisfy the requirements of this Code shall meet the following standards:

(1) Trees shall be free from mechanical and natural injuries, insect infestations and disease.

(2) Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, or retaining walls shall be utilized where necessary to ensure tree vigor upon completion of construction.

Sec. 812.02. **Approval of plant materials.**

Approval of a proposal to use a specific landscaping or buffer material shall be subject to a determination by the Planning Director that the proposed material is the most appropriate for:

a. The specific location, given surrounding land uses and the type of screening used on nearby properties, and

b. The specific topography, soil, existing vegetation, and other factors that may influence the effectiveness of a screen material.

c. The following table includes allowable plant materials that may be appropriate for various applications. The planning department may be consulted if clarification is required.

Table 8.2 Allowable Species List for Proposed New Trees and Shrubs

Large Trees (35' in height by 35' in width):

Scientific Name	Common Name	Example Cultivars
Acer barbatum	Southern (Florida) Sugar Maple	
Acer x freemanii	Freeman Maple	Autumn Blaze
Acer leucoderme	Chalkbark Maple/Chalk Maple	
Acer rubrum	Red Maple	Brandywine, Florida Flame, Summer Red, October Glory, Red Sunset
Acer saccharum	Sugar Maple	Green Mountain, Legacy
Betula nigra	River Birch:	Dura-Heat, Heritage
Carpinus betulus	European Hornbeam	Fastigiata
Carpinus caroliniana	American Hornbeam	
Cladrastis kentukea	American Yellowwood	
Fagus grandifolia	American Beech	
Fraxinus pennsylvanica	Green Ash	Oconee
Ginkgo biloba (male only)	Gingko	Golden Globe, Princeton Sentry
Lirodendron tulipfera	Tulip Poplar	
Metasequoia glyptostroboides	Dawn Redwood	
Nyssa sylvatica	Black Gum, Water Tupelo	Wildfire
Ostyra virginiana	Iron wood, Musclewood	
Oxydendrum arboretum	Sourwood	
Pistacia chinensis	Chinese Pistache	
Quercus acutissima	Sawtooth Oak	
Quercus alba	White Oak	
Quercus bicolor	Swamp White Oak	
Quercus coccinea	Scarlet Oak	
Quercus lyrata	Overcup Oak	
Quercus michauxii	Swamp Chestnut Oak	
Quercus myrsinifolia	Chinese Evergreen Oak	
Quercus nigra	Water Oak	
Quercus nuttallii	Nuttall Oak	
Quercus palustris	Pin Oak	
Quercus phellos	Willow Oak	Hightower, Upperton
Quercus rubra	Red Oak	
Quercus shumardii	Shumard Oak	
Quercus virginiana	Live Oak	
Sophora japonica	Japanese Pagodatree	

Taxodium ascendens	Pond Cypress	
Taxodium distichum	Bald Cypress	
	American Elm	Princeton
Ulmus parvifolia	Elm:	Allee, Everclear, Bosque, Drake
Zelkova serrata	Japanese Zelkova	Green Vase

Additional Large Trees for Buffer Zones:

Scientific Name	Common Name	Example Cultivars
Magnolia macrophylla,	Big Leaf Magnolia	Ashei, Fraseri
Platanus occidentalis	Sycamore	
Salix alba	White Willow	Tristis
Salix babylonica	Weeping Willow	

Additional Large Trees (evergreen, full to the ground):

Scientific Name	Common Name	Example Cultivars
Cedrus deodara	Deodar Cedar	Bill's Blue Ice, Montana Verdea
Cryptomeria japonica	Japanese Cedar	Radicans, Yoshino
Cupressocyparis leylandii	Leyland Cypress	Murray, Good Hedges
Cupresso glabra	Cypress:	Silver Smoke
Cupressus arizonica	Arizona Cypress	Blue Ice, Carolina Sap-phire
Ilex attenuata	Foster's Holly	East Palatka, Foster No. 2, Savannah
Ilex cornuta	Chinese Holly	Burford
Ilex x Emily Brunner	Emily Brunner Holly	
Ilex x Mary Nell	Mary Nell Holly	
Ilex x Nellie R Stevens	Nellie R Stevens Holly	
Ilex koehneana	Wirt L. Winn Holly	
Ilex vomitoria	Pendula	
Juniperus chinensis	Chinese Juniper	Hetz Column, Robusta Green, Hollywood
Magnolia grandiflora	Southern Magnolia	DD Blanchard, Claudia Wannamaker, Little Gem, Bracken's Brown Beauty, Alta
Pinus thunbergil	Japanese Black Pine	
Thuja plicata	Western Red Cedar	Green Giant
Thuja x Steeplechase	Steeplechase Arbovitae	
Thuja occidentalis	Eastern Arborvitae/American Arborvitae	DeGrout Spire, Emerald, Malonyana

Small Trees to Medium Trees (15' to 25' in height):

Scientific Name	Common Name	Example Cultivars
Acer barbatum	Southern Sugar Maple	
Acer buergerianum	Trident Maple	
Acer japonica	Large Leaf Japanese Maple	
Acer palmatum	Japanese Maple	Osakazuki, Bloodgood, Coral Bark
Amelanchier grandiflora	Downy Serviceberry	Autumn Brilliance
Carpinus betulus	European Hornbeam	Fastigiata

Carpinus caroliniana	American Hornbeam Ironwood, Musclewood	
Cercis canadensis	Redbud	Forest Pansy, Hearts of Gold
Cercis reniformis	Redbud	Oklahoma
Chionanthus retusus	Chinese Fringe Tree	
Chionanthus virginicus	Fringe Tree	Grancy Gray Beard
Cornus x Rutacan	Dogwood	Constellation
Cornus florida	Dogwood	
Cornus kousa	Kousa Dogwood	
Cupressus sempervi-rens	Italian Cypress	
Ilex opaca	American Holly	
Ilex attenuata	Foster Holly	East Palatka, Savan-nah
Ilex vomitoria	Yaupon Holly	Shadow's Female
Juniperus virginiana	Eastern Red Cedar:	Brodie, Burkii, High Shoals
Koelreuteria panicula	Golden Rain Tree	
Lagerstroemia indica	Crape Myrtle	Acoma, Catawba, Tonto, Dynamite, Natchez, Muskogee
Magnolia liliiflora	Woody Orchid, Lily Magnolia, Japanese Magnolia	Little Girl Hybrids, Jane, Betty
Magnolia loebneri	Loebner Magnolia	Leonard Messel, Alex-andrina, Dr. Merrill
Magnolia soulangiana	Saucer Magnolia	
Magnolia virginiana	Sweetbay Magnolia	Moonglow
Malus – many cultivars	Crabapple	
Osmanthus fragrans – tree form	Fragrant Tea Olive	
Parrotia persica	Persian Ironwood	
Prunus campanulate	Okame Cherry	
Prunus caroliniana	Cherry Laurel:	Bright & Tight
Prunus yedoensis	Yoshino Cherry	
Stewartia koreana, monodelpha, pseudo-camellia	Koreana, Tall Stewartia, Japanese Stewardia	
Quercus georgiana	Georgia Oak	
Vitex agnus-castus	Vitex Tree	Shoal Creek

<u>Shrubs for Buffers Between Incompatible Land Uses (6' minimum height at maturity):</u>

Scientific Name	**Common Name**	**Example Cultivars**
Evergreen		
Abelia chinensis	Chinese Abelia	
Agarista populifolia	Leucothoe	
Camellia sasanqua	Sasanqua	
Chamaecyparis pisifera	False Cypress	Gold Mop, Crippsii, Well's Special, Gold Spangle
Cryptomeria japonica	Japanese Cedar	Radicans, Yoshino
Cupressocyparis leylandii	Leyland Cypress	Murray, Good Hedges
Cupressus arizonica	Arizona Cypress	Blue Ice, Carolina Sapphire

Eriobotrya japonica	Japanese Loquat	
Ilex cornuta	Chinese Holly	Dwarf Burford Holly
Ilex glabra	Inkberry Holly	
Ilex latifolia	Lusterleaf Holly	
Ilex x	Holly	Mary Nell, Nellie R. Stevens, Emily Brunner
Ilex attenuata	Foster Holly	Savannah, E. Palatka Holly
Illicium floidanum	Florida Anise	
Illicium parviflorum	Anise	
Ligustrum japonicum	Japanese Privet: Recurvifolium, Rotundifolium	
Lorapetulum chinensis	Chinese Fringe:	Zhuzhou Fuchsia [tall var.]
Magnolia grandiflora	Southern Magnolia	DD Blanchard, Claudia Wannamaker,
Myrica cerifera	Southern Wax Myrtle	
Osmanthus fortunei	Fortune's Tea Olive	
Osmanthus fragrans	Fragrant Tea Olive	
Podocarpus macrophyllus maki	Podocarpus	
Raphiolepsis minor	Indian Hawthorn – tall variety	
Rhododendron	Rhododendron, Azalea	Southern Indica cultivars
Ternstroemia gymnanthera	Japanese Cleyera	
Thuja plicata 'Green Giant'	Green Giant Arbovitae	
Thuja x Steeplechase	Steeplechase Arbovitae	
Viburnum awabuki	Awabuki Viburnum	
Viburnum pragense	Pragense Viburnum	
Viburnum rhytidophylum	Leatherleaf Viburnum	
Deciduous:		
Calycanthus floridus	Sweet Shrub	
Chimonanthus praecox	Winter Sweet	
Cotinus coggygria	Smoke Tree	Grace
Exochorda racemosa	Common Pearlbush	
Forsythia intermedia	Forsythia	Lynwood
Hamanelis virginiana	Witch Hazel	
Hydranagea paniculata	Panical Hydrangea	Limelight
Hydrangea quercifolia	Oakleaf Hydrangea: large cultivars	
Lonicera fragrantissima	Winter Honeysuckle	
Magnolia liliiflora	Woody Orchid, Lily Magnolia, Japanese Magnolia	Little Girl Hybrids: Jane, Betty
Magnolia loebneri cultivars	Loebneri Magnolia	Leonard Messel
Magnolia stellata	Star Magnolia	
Magnolia virginiana	Sweet Bay Magnolia	
Miscanthus sinensis and other grasses	Gracillimus, Variegatus, Zebrinus Strictus	
Philadelphus coronaries	Sweet Mockorange	

Punica granatum	Pomegranate – tall cultivars	
Spiraea vanhouttei	Vanhoutte Spirea	
Viburnum delatatum 'Michael Dodge'	Michael Dodge Viburnum	
Viburnum macrocephalum	Chinese Snowball Viburnum	
Viburnum plicatum var tor. Double File V	Shasta Viburnum	
Viburnum plicatum var tor. Double File V	Popcorn Viburnum	
Viburnum trilobum	American Cranberry Viburnum	

Shrubs for Vehicle Use Area Screening:

Scientific Name	Common Name	Example Cultivars
EVERGREEN		
Abelia grandiflora	Azalea	Rose Creek
Buxus microphylla		Winter Green
Buxus sempervirens	American Boxwood	
Chamaecyparis pisifera	Sawara Cypress	Golden Mop
Cryptomeria japonica	Japanese Cedar	Globosa Nana
Distylium genus	Distylium	Vintage Jade, Cinnamon Girl
Gardenia jasminoides	Cape Jasmine	August Beauty, First Frost
Ilex crenata	Japanese Holly	Helleri, Soft Touch, Compacta
Ilex cornuta	Chinese Holly	Carissa, Burford Nana Holly
Ilex glabra	Inkberry Holly	Compacta
Ilex vomitoria	Dwarf Yaupon Holly	Schillings
Juniperus chinensis [on 2' berm]	Chinese Juniper	Sargents
Juniperus conferta [on 2' berm]	Shore Juniper	Blue Pacific
Juniperus davurica		Parsonii
Juniperus virginiana	Eastern Red Cedar	Gray Owl
Lorapetalum chinense	Chinese Fringe Flower	Everred, Ruby, Crimson Fare
Pittosporum tobira	Japanese Cheesewood	Variegata
Rhaphiolepis umbellate	Indian Hawthorn	
DECIDUOUS		
Hibiscus syriacus	Althea	Blue Angel
Camellia japonica	Camellia	Endless Summer Snow
Chaenomeles speciosa	Flowering Quince	
Euonymus alatus	Burning Bush	Compactus
Forsythia	Forsythia	Lynnwood Gold
Fothergilla gardenii	Dwarf Fothergilla	Mount Airy
Hydrangea arborescens		Annabelle
Hydrangea macrophylla	Bigleaf Hydrangea	Endless Summer
Hydrangea paniculata	Panicle Hydrangea	Little Lime
Itea virginica	Virginia Sweetsspire	
Jasminum nudiflorum	Winter Jasmine	
Miscanthus sinensis	Eulalia	Adagio, Rigaletto, Gracillimus, Morning Light, Zebrinis, Strictus
Mullenbergia capillaris	Pink Muhlygrass	
Rosa 'Radrazz'	Knock Out Rose	
Rosa 'Meijocos' [on 2 foot berm]	Drift Rose	
Spiraeanipponica, spiraea thunbergii, spiraea arguta	Spirea	Snowmound, Fujino pink, Ogon

Sec. 812.03. **Prohibited Species:**

a. English Ivy, Chinese Wisteria, Bamboo, Empress Tree, Chinaberry, Chinese Privet, Eleagnus, Nandina, non-native Mimosa, Bradford Pear, Chinese Tallow Tree, Cocoyam, Leatherleaf Mahonia, Tussock paspalum.

Sec. 812.04. Alternate species may be approved by the Planning Director provided they meet the required growth criteria and the plans area stamped by a Georgia registered Landscape Architect.

Sec. 813. Installation and maintenance of plant materials.

Sec. 813.01. **Installation of plant materials.**

a. Plant materials, as required by the provisions of this Article, shall be installed prior to issuance of a Certificate of Occupancy. The Planning Director may allow one planting season in a twelve month period in which the installation of plant materials shall be completed, subject to the performance security requirements, below.

b. Performance surety.

(1) In such cases as when planting stock availability is low or weather conditions are not appropriate for planting new trees, the project owner may postpone planting for up to 6 months; provided that performance security is posted with Oconee County in accordance with the following criteria:

(a) Security shall be in cash held in escrow or an irrevocable letter of credit submitted to the Planning Department, with the appropriate documentation.

(b) Security shall be provided in an amount equal to 110 percent of the cost of materials, installation and 2-year guarantee as demonstrated by a signed contract between the owner and a qualified landscape contractor, and as approved by the Planning Director.

(2) An inspection shall be made by the Planning Department of all tree plantings to assure compliance with plan requirements prior to release of the performance security. The performance security will be drawn upon by Oconee County at the time of expiration if the planting requirements have not been fulfilled, or if the owner has not requested an extension. One 6-month extension may be permitted with documented justification acceptable to the Planning Director. Any inspections performed after the final inspection (for project release) are subject to re-inspection fee schedules.

c. Maintenance bond.

(1) Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, or prior to release of a performance surety provided under this Section (whichever last occurs), a maintenance bond, letter of credit or escrow account in a form acceptable to the Planning Director is required for all plant materials installed as a result of the requirements of this Article. The developer shall be responsible for maintenance of all such plant materials for 2 years from the date of acceptance of the maintenance bond.

(2) The value of the Maintenance Bond shall be equal to 25 percent of the actual cost of installation of the plant materials. The cost of installation shall be evidenced by copies of contractor agreements or actual invoices paid, or as otherwise determined by the Planning Director in accordance with generally established costs for the industry.

Sec. 813.02. **Maintenance of required plant materials.**

a. The owner, tenant and their agent, if any, and their successors and assigns shall be jointly and severally responsible for the maintenance in good condition of the plant materials

used to meet the minimum landscaping and buffer requirements of this Article. This responsibility is in addition to and survives the release of any maintenance bond provided for the property by the developer.

b. Plants that are diseased, unsurvivably damaged or are dead shall be removed and replaced with a plant of the same species, variety or cultivar, as acceptable to the Planning Director.

c. Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.

d. Existing buffer plantings, street tree plantings, or other landscaping installed under previous codes may be thinned or removed if any plant materials are found to be in a dangerous situation or horticulturally distressed, diseased, or dying because of the inherent site situations or incorrect spacing as long as the provisions of the applicable code sections contained herein are met and maintained.

Article 9. Environmental Protection

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Article 9. Environmental Protection

Sec. 901. Purpose of Article 9.

This Article sets out the minimum requirements and standards for the protection of the natural environment within the County, including restrictions on the use of land near certain rivers and streams, within water supply watersheds, within groundwater recharge areas susceptible to pollution, and in wetlands in order to:

a. Protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the jurisdiction and the State;

b. Protect the natural habitat of animal and plant life relative to water resources; and

c. Protect valuable water-related and other natural resources, to help control erosion and river sedimentation, for contribution to drought management, and to help absorb flood waters.

Sec. 902. Definitions related to environmental protection.

***Aquifer**:* A layer or formation of rock beneath the Earth's surface that bears significant amounts of groundwater.

***Aquifer** Recharge Area:* (synonymous with Groundwater Recharge Area) An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer.

Aquifer Recharge Area District: All lands within unincorporated Oconee County which is indicated as "most significant groundwater recharge areas..." on the Ground-Water Pollution Susceptibility Map of Georgia.

***Generalized Wetland Map**:* The most recently published Generalized Wetland Map shall include all portions of the National Wetlands Inventory Maps produced by the U.S. Department of the Interior that are pertinent to lands within the jurisdictional boundaries of Oconee County, GA.

***Hydric Soils**:* Soils that form as a result of saturated soils conditions. A list of these soils is maintained by the Soil Conservation Service.

***Hydrophytic Vegetation**:* Macrophytic plants tolerant of or dependent on saturated soil conditions.

***Jurisdictional Determination**:* An official, written statement or map signed by the U.S. Army Corps of Engineers.

***Jurisdictional Wetland**:* A wetland area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

***Perennial Stream**:* A stream that flows throughout the whole year. Perennial streams may be identified as shown as such on a United States Geologic Service Quad map.

***Pollution Susceptibility**:* The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in a groundwater recharge area.

***Pollution Susceptibility Map(s)**:* Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of aquifers to pollution. Pollution Susceptibility Maps categorize the land areas of the state into areas of high, medium, and low groundwater pollution potential.

***Recharge Area**:* Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Regulated Activity: Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States excepting

those activities exempted under provisions of this Article and exempted in Section 404 of the Federal Clean Water Act.

***Regulated Stream**:* A natural, free-flowing watercourse that meets certain criteria as established within the Environmental Protection Article of this Code.

***River**:* A natural, free-flowing watercourse that is typically of greater volume than a stream or creek. See also "State Protected River."

***River Bank**:* The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

***Significant Aquifer Recharge Areas**:* Areas mapped by DNR in Hydrologic Atlas 18 (1989 Edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type, and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves, and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

***Silviculture**:* The art of producing, reproducing and growing a forest of distinctive stands of trees.

***State Protected River**:* A "State protected river" is any perennial river or watercourse that has an average annual flow of at least 400 cubic feet per second as determined by the State.

***State Waters**:* Those waters of the State of Georgia as defined under the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. 12-7-1 *et seq*.).

***Stream**:* A natural, free-flowing watercourse with either constant or intermittent flow of moderate volume typically less than that of a river.

***Stream Bank**:* The point where vegetation has been wrested by normal stream flow or wave action.

Stream Buffer: See "Buffer, Stream" in Article 11.

***Stream, Regulated**:* *S*ee "Regulated Stream."

***Watershed**:* The total area of land that is drained by a river or stream and its tributaries.

***Water Supply Reservoir**:* A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned drinking water systems. This definition specifically excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

***Water Supply Watershed**:* The portion of a watershed upstream of a governmentally owned public drinking water supply intake.

***Wetland**:* An area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs, and similar areas.

***Wetland Delineation**:* The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps, or a wetlands delineator certified by the U.S. Army Corps of Engineers.

***Wetland Functions**:* The beneficial roles that wetlands serve, including: storage, conveyance, and attenuation of floodwater and storm water; protection of water quality and reduction of erosion; habitat for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical, and archeological value protection; and scenic, aesthetic, and recreational amenities.

***Wetland, Jurisdictional**:* An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

***Wetland Protection Area**:* All wetlands within the jurisdiction of Oconee County which are indicated on the Generalized Wetland Map as "wetlands providing significant wildlife habitat and/or which may be subject to extensive mitigation."

DIVISION I. RIVER AND STREAM CORRIDOR PROTECTION.

The provisions of this Division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources (Chapter 391-3.16), adopted by DNR under O.C.G.A. 12-2-8, the Metropolitan River Protection Act (O.C.G.A. 12-5-440 *et seq*.), and the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. 12-7-1 *et seq*.).

Sec. 903. Protected rivers and streams; defined.

The following rivers and streams are defined as State protected rivers and regulated streams and are regulated under the provisions of this Division.

Sec. 903.01. Criteria for state protected rivers.

State protected rivers are those that have an average annual flow of at least 400 cubic feet per second. The following rivers have been identified by the Georgia Department of Natural Resources as State Protected Rivers: the Oconee River, the Middle Oconee River (north of its confluence with the North Oconee River) and the Apalachee River.

Sec. 903.02. Criteria for regulated streams.

All watercourses, other than State Protected Rivers, that appear as a solid or broken line on a U.S.G.S. Quadrangle Map shall be regulated streams. Other natural watercourses may be classified as regulated streams if they possess one or more of the following characteristics, as determined by the Planning Director based on data analysis and/or field review:

a. Evidence of significant water flow along the channel or bed of the watercourse, characterized by one or more of the following: hydraulically sorted sediments; scouring of vegetation and vegetative litter; and loosely rooted vegetation caused by the action of moving water; or

b. Evidence of hydric soils, hydrophytic vegetation, or wetlands in or around the channel or bed of the watercourse.

Sec. 904. Protected rivers and streams; restrictions.

Sec. 904.01. State protected rivers.

A natural vegetative stream buffer is established along the banks of the Oconee River, the Middle Oconee River (north of its confluence with the North Oconee River) and the Apalachee River, as follows:

a. The stream buffer shall include all lands within 100 feet of the Oconee River, the Middle Oconee River (north of its confluence with the North Oconee River) and the Apalachee River, inclusive of any islands, as measured outwardly and horizontally from the uppermost part of each riverbank. The area between the top of the banks and the edge of the river shall be included within the stream buffer.

b. No land may be used, and no vegetation shall be disturbed, within the stream buffer by building construction, development activity, septic tanks or septic tank drain fields, the handling of hazardous wastes, or for any other purpose except for the following permitted uses:

(1) A land use existing prior to the adoption of this Development Code.

(2) A single-family dwelling provided that:

(a) The dwelling is located on a lot having an area of at least 5 acres, not including any area that lies between the riverbanks;

(b) Only 1 dwelling is located on the lot; and

(c) No septic tank or septic tank drain field may be located within the stream buffer.

(3) Timber production and harvesting, subject to the following conditions:

(a) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and

(b) Forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.

(4) Wildlife and fisheries management activities consistent with the purposes of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

(5) Public road and utility crossings meeting all requirements of the Georgia Soil Erosion and Sedimentation Control Act.

(6) Public wastewater treatment and natural water quality treatment or purification.

(7) Recreational usage consistent either with the maintenance of a natural vegetative stream buffer or with river-dependent recreation, such as a boat ramp.

(8) Agricultural production and management, subject to the following conditions:

(a) Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;

(b) Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act; and

(c) Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture.

(9) Utilities, other than public water or sewerage facilities, provided that:

(a) The utilities shall be located as far from the riverbank as reasonably possible;

(b) Installation and maintenance of the utilities shall be such as to protect the integrity of the stream buffer as well as is reasonably possible; and

(c) Utilities shall not impair the drinking quality of the river water.

(10) Other uses permitted by DNR under Section 404 of the Clean Water Act that are also allowed by the property's zoning classification.

c. The natural vegetative stream buffer shall be restored as quickly as possible following any land-disturbing activity within the stream buffer.

Sec. 904.02. **Regulated streams and other state waters.**

For all regulated streams and other state waters (other than the State Protected Rivers identified above), the following shall apply:

a. Watershed protection areas.

All regulated streams within watershed protection areas must comply with the stream buffer and setback requirements established for streams in each watershed. (See Division II of this Article.)

b. Other streams and waters.

For regulated streams and other state waters for which there are no stream buffer or setback restrictions otherwise established by this Article, there shall be no land disturbing activities within a 25-foot wide stream buffer extending outward from both of the stream banks, other than drainage structures and roads allowed under a development permit.

Sec. 904.03. **Recordation of restrictions.**

Restrictions shall be noted on the plats and deeds of included properties to maintain any designated natural stream buffer area, undisturbed area or construction setback required by this Article.

Sec. 905. Stream buffers.

Unless more restrictive requirements under this Code apply, all perennial streams and other state waters shall be provided with a natural vegetative stream buffer as follows:

Sec. 905.01. **Minimum width of stream buffer.**

a. The minimum stream buffer width must be provided along any State Protected River as required under Sec. 904.01;

b. The minimum stream buffer width must be provided within a conservation corridor along any protected stream within any water supply watershed, as required under Sec. 907, or within any other watershed area as required under Sec. 908, below; and

c. For all other perennial streams and state waters, the stream buffer is to be established for a distance of 25 feet along the banks of any such stream or other state waters, as measured from the point where vegetation has been wrested by normal stream flow or wave action, in accordance with the Soil Erosion and Sediment Control Section of the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 905.02. **Protection of stream buffers; general.**

a. A stream buffer is to be included within a conservation or natural resources easement that meets the requirements of this Article.

b. No land disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Land disturbing activities may only be allowed as follows:

(1) Where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment; or

(2) Where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8; or

(3) Where a drainage structure or a roadway structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, that stream buffers established pursuant to part 6 of article 5, chapter 5 of title 12, of the Official Code of Georgia, the *Georgia Water Quality Control Act*, shall remain in force unless a variance is granted by the EPD Director.

c. Once the final stabilization of the site is achieved, a stream buffer may be thinned or trimmed of vegetation, consistent with the terms of any applicable conservation or natural resources easement, as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

d. Any person constructing a single family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a stream buffer at any time, consistent with the terms of any applicable conservation or natural resources easement, as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

Sec. 905.03. **Regulatory requirements for stream buffers.**

a. All stream buffer areas shall be maintained with appropriate indigenous plant species for the maintenance of groundcover and limitation of erosion. Undisturbed natural vegetation is the preferred, optimum state of a stream buffer. In the alternate, careful reestablishment of indigenous vegetation and ground cover is required.

b. No construction, grading, clearing, grubbing, excavating, filling, or other land disturbing activity shall be permitted within the stream buffer. As an exception to this rule, the following limited uses may be established within the stream buffer provided that: land disturbance and impact in the stream buffer is minimized to the greatest extent possible;

proper soil erosion and sedimentation control is established and maintained; and the disturbed area is stabilized and appropriately revegetated as soon as possible following the completion of approved work within the stream buffer.

(1) Sanitary sewer lines may be located along and across stream buffers if it is determined by the Planning Director that no reasonable design alternative exists.

(2) Other utility lines may cross stream buffers, when it is determined by the utility provider and the Planning Director that no reasonable design alternative exists.

(3) Private driveways and public roads may cross stream buffers as near as possible to 90 degrees when necessary and as approved by Oconee County in the subdivision or development review process.

(4) Recreational amenities (such as trails, wildlife observation stands, and other low impact uses) when approved by Oconee County as an element of a development plan.

(5) Trimming and thinning allowed under Sec. 905.02 shall be limited as follows: Cutting and clearing (with hand-held tools) of low-lying shrubs and underbrush, live trees less than 1-inch in caliper measured at a point 4.5 feet above grade, and dead trees, provided the stumps and root structure of trees are left in place to ensure minimal soil erosion potential.

(6) Stormwater detention facilities within a natural resources easement required under Sec. 928.01, subject to all State and federal regulations having been met, as evidenced by appropriate written approvals or permits issued by such agencies, and subject to written approval and acceptance by the proposed holder of the natural resources easement. Such facilities are not allowed to be located within a conservation easement required under said Sec. 928.01.

DIVISION II. WATERSHED PROTECTION.

Sec. 906. Watershed protection areas; defined.

All land within unincorporated Oconee County is included within one or another watershed area. The watershed areas within Oconee County correspond to the topographical features that delimit the drainage basins of the respective creeks, streams and rivers within the county. Under the provisions of this Division, there are two types of watershed protection areas: water supply watersheds and all other watersheds.

Sec. 907. Water supply watersheds.

Sec. 907.01. Water supply watersheds; defined.

a. The State of Georgia defines a "water supply watershed" as being the portion of a watershed upstream of a governmentally owned public drinking water supply intake.

(1) A "large water supply watershed" is one having a drainage basin of 100 square miles or greater governmentally owned public drinking water supply intake.

(2) A "small water supply watershed" is one having a drainage basin less than 100 square miles governmentally owned public drinking water supply intake.

b. Large water supply watersheds.

The requirements of this Section apply to the large water supply watersheds identified by the State of Georgia associated with the Oconee River, the Middle Oconee River (north of its confluence with the North Oconee River) and the Apalachee River.

c. Small water supply watersheds.

There are no small water supply watersheds within or affecting Oconee County. Upon the creation of a small water supply watershed in or extending into Oconee County as the result of construction of a governmentally owned public drinking water supply intake, the rules of the Georgia Department of Natural Resources adopted pursuant to State law shall apply.

Sec. 907.02. Conservation corridors in water supply watersheds.

a. Conservation corridors; stream buffers required.

Along all watercourses within a water supply watershed, the conservation corridors shown on the Future Land Use Map shall be shown on all plans and plats and shall be protected by the following:

(1) Within 7 miles upstream from a public water supply intake or reservoir:

(a) A minimum 100-foot wide undisturbed buffer as measured outwardly and horizontally from the uppermost part of each stream bank; and

(b) A minimum setback from the stream buffer of 50 feet for all impervious surfaces, septic tanks and their drainfields.

(2) Beyond 7 miles upstream from a public water supply intake or reservoir in a small water supply watershed:

(a) A minimum 50-foot wide undisturbed buffer as measured outwardly and horizontally from the uppermost part of each stream bank; and

(b) A minimum setback from the stream buffer of 25 feet for all impervious surfaces, septic tanks and their drainfields.

b. Exceptions.

No vegetation shall be removed from within the conservation corridor except as allowed under Sec. 905.02 and except as allowed for under Georgia Forestry Best Management Practices, and

(1) Disturbance is required to construct mulched pedestrian paths;

(2) Road and utility crossings; and

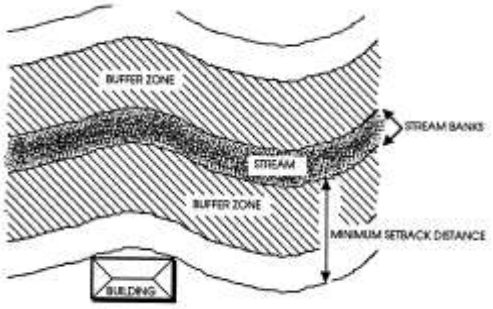
(3) For the installation of a dam necessary for stormwater detention.

c. Construction plans.

No construction plans for a development containing a conservation corridor will be released until copies of all necessary state and federal permits have been provided to Oconee County.

Figure 9.1. Conservation Corridor

Conservation Corridors consist of a natural undisturbed stream buffer, measured from the top of the stream bank, and an additional setback area in which impervious surfaces and septic tanks and their drainfields are not allowed.



Source: Ga. Department of Community Affairs

Sec. 907.03. **Water supply watersheds; restrictions.**

The following are limited within all water supply watersheds:

a. New hazardous waste treatment or disposal facilities are prohibited.

b. New sanitary landfills, if permitted by DNR, shall have synthetic liners and leachate collection systems.

c. Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR

d. Agricultural waste. The application of animal waste on land must follow guidelines established by the United States Department of Agriculture, Natural Resource Conservation Service, *And Agricultural Best Management Practices.*

e. Landfills and Waste Disposal Utilities. Utilities that cannot be feasibly located outside the stream buffer or setback area must be located as far from the stream bank as reasonably possible; installed and maintained to protect the integrity of the stream buffer and setback area as best as reasonably possible, and must not impair the quality of the drinking water stream.

f. Street runoff and drainage. New streets that cross perennial streams shall be designed in such a way as to avoid direct runoff from the paved surface into the streams they cross. Such design features shall be shown on the Stormwater Management Plan (see the Procedures and Permits Article of this Code).

Sec. 907.04. **Water supply watersheds; exemptions.**

The following uses are exempt from the restrictions of this Sec. 907 (with some limitations and conditions as noted):

a. Development and land use legally established prior to the adoption of this Development Code.

b. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act (outside of stream buffer areas).

c. Specific forestry and agricultural activities (outside of stream buffer areas) that are consistent with best management practices established by the Georgia Forestry Commission/Department of Agriculture and do not impair the quality of streams.

Sec. 908. Other watershed areas.

Sec. 908.01. **Other watersheds; defined.**

The provisions of this Section apply to all watersheds that are not defined as water supply watersheds under Sec. 907.01.

Sec. 908.02. **Conservation corridors in other watersheds.**

a. Conservation corridors; stream buffers required.

The conservation corridors shown on the Future Land Use Map shall be shown on all plans and plats and shall be protected by the following:

(1) A minimum 50-foot wide undisturbed buffer as measured outwardly and horizontally from the uppermost part of each stream bank; and

(2) A minimum setback from the stream buffer for all impervious surfaces, septic tanks and their drainfields equal to the applicable minimum principal building setback required by the zoning district.

b. Exceptions.

No vegetation shall be removed from within the conservation corridor except as allowed under Sec. 905.02 and except as allowed for under Georgia Forestry Best Management Practices, and

(1) Disturbance is required to construct mulched pedestrian paths;

(2) Road and utility crossings; and

(3) For the installation of a dam necessary for stormwater detention.

c. Construction plans.

No construction plans for a development containing a conservation corridor will be released until copies of all necessary state and federal permits have been provided to Oconee County.

DIVISION III. AQUIFER RECHARGE AREA PROTECTION.

Sec. 909. Authority.

The provisions of this Division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. 12-2-8.

Sec. 910. Findings and objectives.

Sec. 910.01. Findings of fact.

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Oconee County, Georgia and surrounding communities, it is essential that the quality of public drinking water be insured. For this reason, it is necessary to protect the sub-surface water resources that Oconee County, Georgia and surrounding communities rely on as sources of public water.

a. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast subsurface regions.

b. These aquifers are replenished by infiltration of storm water runoff in zones of the surface known as aquifer recharge areas.

c. Aquifers are susceptible to contamination when unrestricted development occurs within significant aquifer recharge areas.

d. It is, therefore, necessary to manage land use within aquifer recharge zones in order to ensure that pollution threats are minimized.

Sec. 910.02. Objectives.

The objectives of this Division are:

a. Protect groundwater by prohibiting land uses that generate dangerous pollutants in recharge areas;

b. Protect groundwater by limiting density of development; and,

c. Protect groundwater by reducing adverse effects on groundwater from the development that occurs within the recharge area.

Sec. 911. Aquifer recharge area.

Sec. 911.01. Protected aquifer recharge areas; defined.

The Georgia Department of Natural Resources and the Georgia Department of Community Affairs have determined that each local government with "significant groundwater recharge areas" (identified on the *Ground-Water Pollution Susceptibility Map of Georgia—Hydrologic Atlas #20*) must adopt an Aquifer Recharge Protection Ordinance under the requirements of House Bill 215, Georgia's 1989 Growth Strategies Legislation and the rules promulgated there under.

Sec. 911.02. Aquifer recharge area; established.

An Aquifer Recharge Area is hereby established which shall correspond to all lands within the jurisdiction of Oconee County, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in *Hydrologic Atlas 18, (1989 Edition)* and are indicated as "most significant groundwater recharge areas" on the *Ground-Water Pollution Susceptibility Map of Georgia—Hydrologic Atlas #20*.

Sec. 912. Determination of pollution susceptibility.

Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the *Ground-Water Pollution Susceptibility Map of Georgia—Hydrologic Atlas #20*. Said map is hereby adopted and made a part of this Development Code.

Sec. 913. Aquifer protection standards.

a. Waste disposal.

(1) For all pollution susceptibility areas, new solid waste disposal facilities must have synthetic liners and leachate collection systems.

(2) No land disposal of hazardous waste shall be permitted within any Significant Aquifer Recharge Area.

(3) Any new facility that involves the treatment, storage or disposal of hazardous waste, if permitted by DNR and the zoning district, shall perform such operations on an impermeable surface having a spill and leak collection system.

(4) Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

b. Agricultural waste impoundment.

New agricultural waste impoundment sites shall be lined if they exceed 50 acre-feet. As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7}cm/sec or other criteria established by the U.S. Soil Conservation Service.

c. Chemical or petroleum storage tanks.

For all Significant Aquifer Recharge Areas, new above-ground chemical or petroleum storage tanks larger than 650 gallons must have secondary containment for 110 percent of tank volume or 110 percent of the largest tanks in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

d. New construction on septic tanks.

Within all significant aquifer recharge areas, construction shall not proceed on a building, mobile home or manufactured home to be served by a septic tank or on-site sewage management system unless the Oconee County Health Department first approves the proposed septic system installation as meeting the requirements of Section M of the Georgia Department of Human Resources *Manual for On-Site Sewage Management Systems* relating to protection of groundwater recharge areas. Such State requirements are also found under the Rules of the Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16-.02.

Sec. 914. Permit and plan review requirements.

Consideration of the effect of aquifer recharge areas on the issuance of permits, approval of rezoning requests and review of subdivision plans is found under the "Other Permits" Division of the Procedures and Permits Article of this Development Code.

Sec. 915. Assessment relief.

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

DIVISION IV. WETLANDS PROTECTION.

Sec. 916. Purpose of wetlands protection.

a. The purposes of this Division are to promote wise use of wetlands and protect wetlands, while taking into account varying ecological, economic development, recreational, and aesthetic values.

b. Activities that may damage wetlands should be located on upland sites to the greatest degree practical as determined by a permitting process.

c. The objective of this Division is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, ground water recharge, aesthetic nature, and wildlife areas and to comply with the requirements of state law related to wetland protection.

Sec. 917. Wetlands protection; findings of fact.

The wetlands within Oconee County, Georgia are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; open space; and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

a. Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution, and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

b. The Georgia Department of Natural Resources and the Georgia Department of Community Affairs have determined that each local government with classified wetlands located in its jurisdiction must adopt a Wetlands Protection Ordinance under the requirements of House Bill 215, Georgia's 1989 Growth Strategies Legislation and the rules promulgated thereunder.

c. It is therefore necessary for Oconee County, Georgia to ensure maximum protection for wetlands by discouraging development activities in wetlands that may adversely affect wetlands.

Sec. 918. Wetlands protection; authority.

The provisions of this Division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. 12-2-8.

Sec. 919. Protected wetlands; defined.

Sec. 919.01. Wetland protection area.

This Division shall apply to all wetlands within the Wetland Protection Area as defined herein and located within the jurisdiction of Oconee County, Georgia.

a. The Generalized Wetland Map, adopted as part of this ordinance, shows the general location of wetlands and of the Wetland Protection Area and should be consulted by persons contemplating activities in or near wetlands before engaging in a regulated activity.

b. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The Generalized Wetland Map shall be on file in the office of the Oconee County Planning Department.

Sec. 919.02. **Wetland protection area boundaries.**

The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 Permit will be required prior to any activity. The Generalized Wetland Map does not necessarily represent the exact boundaries of jurisdictional wetlands within the jurisdiction of Oconee County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended, or by a certified wetlands delineator. Any local government action under this Development Code does not relieve the landowner from federal or state permitting requirements.

Sec. 920. Local development permit requirements.

a. No regulated activity will be allowed within the Wetland Protection Area without written permission from Oconee County or its designee in the form of a development permit.

b. Issuance of a development permit is contingent on full compliance with the terms of this Division and other applicable regulations.

c. All activities that are not exempted in Sec. 921 below or by other local development ordinances, shall be prohibited without prior issuance of a development permit.

d. If the area proposed for development is located within 50 feet of the Wetland Protection Area boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, a local development permit will be issued only following issuance of the Section 404 Permit or Letter of Permission.

Sec. 921. Restrictions on land uses.

Sec. 921.01. **Allowed land uses.**

The following uses shall be allowed as a right within the Wetland Protection Area if otherwise permitted by the zoning district and to the extent that they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.

a. Operations conducted during normal silvicultural activities, including minor dredge and fill associated with road construction, harvesting, and reforestation practices provided they meet the performance standards and road construction best management practices required under Section 404 of the Clean Water Act.

b. Conservation or preservation of soil, water, vegetation, fish, and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.

c. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.

d. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission.

e. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

f. The pasturing of livestock provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved best management practices are followed.

g. Education, scientific research, and nature trails.

Sec. 921.02. **Prohibited land uses.**

Within any protected wetlands area, the following are prohibited:

a. Receiving areas for toxic or hazardous waste or other contaminants;

b. Sanitary waste landfills;

c. Hazardous or toxic waste receiving, treatment or disposal facilities; and

d. Any other use not specifically exempted as noted above or properly approved by Oconee County and relevant State and Federal agencies.

Sec. 922. Wetlands certification.

A design professional or certified wetlands delineator shall indicate wetlands on plans required for a land disturbance permit application. The design professional that prepared the required plans accompanying the permit application shall add a statement to the grading plan sheet indicating whether or not wetlands are located on the property by checking the appropriate box on the Wetlands Certification. The Wetlands Certification shall read as shown under the specifications for grading plans in the Procedures and Permits Article of this Code.

Sec. 923. Permits.

Site plan and permit review procedures for a development permit affecting protected wetlands are found under the "Other Permits" Division of the Procedures and Permits Article of this Development Code.

Sec. 924. Assessment relief.

Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation easement with the government or a nonprofit organization to permanently control some or all regulated activities in the wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the controlled wetland to defray the cost of capital improvements such as sanitary sewers, storm sewers, and water mains.

DIVISION V. NATURAL RESOURCE CONSERVATION AREAS.

Sec. 925. Purposes of natural resource conservation.

The purposes of this Division, among others, are as follows:

a. To recognize the current development rights of property owners established through zoning;

b. To conserve open land, including those areas containing unique and sensitive natural features such as stream buffers, floodplains and wetlands, by setting them aside from development;

c. To support the continued viability of agricultural activities in the county, including crop production, dairying and managed forestry;

d. To reduce erosion and sedimentation by the retention of existing vegetation and encourage minimization of development on steep slopes;

e. To enhance water quality of streams and waterways, and to protect valuable groundwater resources; and

f. To provide notification to property owners of natural resources that must be protected on their property.

Sec. 926. Designation of conservation areas.

Sec. 926.01. Primary conservation areas.

Primary Conservation Areas are defined as follows:

a. Floodways within the 100-year floodplain.

These areas are designated on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a Preliminary Plat or Site Development Plan, whichever comes first.

b. Flood hazard areas.

All areas within the 100-year floodplain but lying outside any floodway, wetland or other designated Primary Conservation Area fall under this category. The boundaries of the 100-year floodplain are designated as the "flood hazard area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a Preliminary Plat or Site Development Plan.

c. Required stream buffers.

Natural vegetative stream buffers along the banks of all perennial streams and other state waters, as required by this Article (except for activities that are exempt from the soil erosion and sedimentation control provisions of Article 11.

d. Wetlands.

Protected wetlands are defined under Sec. 918.

e. Wildlife habitats of threatened or endangered species.

The following have been identified by the Federal and/or the State governments as threatened or endangered species in Oconee County:

Table 9.2: Threatened or Endangered Species Identified in Oconee County

Common Name	Biological Name	Habitat
Animals		
Bald eagle	*Haliaeetus leucocephalus*	Inland waterways and estuarine areas in Georgia
Red-cockaded woodpecker	Picoides borealis	Nest in mature pine with low understory vegetation (<1.5m); forage in pine and pine hardwood stands >30 years of age, preferably >10" dbh
Altamaha shiner	Notropis xaenurus	Brownwater streams
Plants		
None		

Source: U.S. Fish and Wildlife Service.

f. Natural buffer areas around wetlands and habitats of endangered species.

Additional lands in their natural state provided around designated wetlands and critical wildlife habitats as protective vegetated buffers are recognized as Primary Conservation Areas. A naturally-vegetated wetland buffer must extend at least 25 feet from the wetland, and a natural buffer around a protected wildlife habitat must be at least 100 feet deep, except for a necessary road crossing, utility crossing or other reasonable encroachments approved by the United States Army Corps of Engineers, the Georgia Environmental Protection Division and Oconee County Board of Commissioners.

Sec. 926.02. **Secondary conservation areas**

Secondary Conservation Areas are areas that are encouraged (but not required) to be protected in any major subdivision or site development. These include:

a. Soils with exposed bedrock or rock outcroppings greater than 40,000 sf.

Areas with exposed bedrock or rock outcroppings must be identified through observation on each site. Areas comprising 40,000 contiguous square feet or less are not considered Secondary Conservation Areas.

b. Mature timber stands or significant trees.

Forests and timberlands that have developed mature stands of trees qualify for conservation consideration. Individual trees that are specimen trees or otherwise have significance through their size, age, species or historic value may be designated as a Secondary Conservation area to the extent of the tree's dripline.

c. Registered historic or archeological assets.

Sites or areas registered with the State or the National Register of Historic Places qualify under this category since preservation is desirable but not mandated by law. Information regarding all such sites is available from the Georgia Office of Historic Preservation.

d. Village greens, parkways.

These areas create neighborhood assets by providing open space and passive recreation close to the homes in a subdivision. A village green is an open space area surrounded by streets and/or building lots on at least three sides, and intended for common neighborhood use. A parkway is a narrow strip of open space surrounded by streets on all sides, intended as a landscaped element or passive recreation area for the neighborhood.

e. Passive recreational areas.

Common areas solely designated and improved for passive recreational activities, such as picnicking, walking, relaxation and repose, may be treated as Secondary Conservation Areas. Active recreation areas, including but not limited to golf courses, swimming pools, sports fields and courts, and community buildings and grounds are not considered conservation uses or conservation areas.

f. Flood fringe areas.

All areas within the flood fringe area but lying outside any wetland or other designated Primary Conservation Area fall under this category. The boundaries of the area are designated as the "flood fringe area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a Preliminary Plat or Site Development Plan.

Sec. 927. Allowed uses in natural resource conservation areas.

The following requirements apply only to land set aside under conservation or natural resources easements in fulfillment of the provisions of this Article.

Sec. 927.01. Undisturbed areas.

Certain areas identified as Primary Conservation Areas shall remain in their natural, undisturbed state. Such undisturbed areas include floodways, stream buffers, critical wildlife habitats and habitat buffers, wetlands and wetland buffers.

Sec. 927.02. Allowed uses.

The following uses are allowed in natural resource conservation areas to the extent that they are compatible with the protection and preservation of areas required by law but not otherwise required to remain undisturbed, and provided they are allowed uses under the site's zoning classification.

a. Conservation of natural, archeological or historical resources;

b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

c. Walking or bicycle trails;

d. Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests;

e. Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;

f. Easements for drainage, access, and sewer or water lines, or other public purposes;

g. Underground utility rights-of-way; and

h. Other conservation-oriented uses if approved by the Board of Commissioners.

i. Agricultural and horticultural uses, including raising crops, pasturelands and dairy operations, along with associated buildings (including residences) that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.

j. Pastureland for horses used solely for recreational purposes. Equestrian facility buildings and grounds shall be permitted but may not be located in any Primary Conservation Area.

k. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry, and best management practices endorsed by the Georgia Forestry Commission.

l. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, golf courses, sports fields and courts, community recreation buildings and grounds, swimming pools, and other active recreation uses.

m. Stormwater detention facilities within a natural resources easement required under Sec. 928.01, subject to all State and federal regulations having been met, as evidenced by appropriate written approvals or permits issued by such agencies, and subject to written approval and acceptance by the proposed holder of the natural resources easement. Such facilities are not allowed to be located within a conservation easement required under said Sec. 928.01.

n. The establishment by the developer or its designees and/or successors in interest of a Jurisdictional Wetlands conservation credit mitigation bank, threatened or endangered species conservation credit mitigation bank, or other conservation credit mitigation bank approved by and established in accordance with the rules and regulations of the United States Army Corp of Engineers or other applicable state or federal governing entity.

Sec. 927.03. **Non-permitted uses of open space include the following:**

a. Roads and non-permeable paved surfaces except necessary road crossings or as approved otherwise by Oconee County;

b. Above-ground utility rights-of-way except necessary utility crossings or as approved otherwise by Oconee County; and

c. Other uses inconsistent with the purposes of this Development Code.

DIVISION VI. CONSERVATION AND NATURAL RESOURCES EASEMENTS.

Sec. 928. Conservation or natural resources easements; required.

Sec. 928.01. Primary conservation areas.

All stream buffers required by this Article, all protected wetlands, and all other primary conservation areas that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use as follows:

a. By a natural resources easement in a traditional subdivision, multi-family or nonresidential development; or

b. By a conservation easement in a conservation subdivision or a master planned development.

Sec. 928.02. Secondary conservation areas.

Lands in secondary conservation areas that are designated by the developer for protection shall be included within a natural resources or conservation easement.

Sec. 928.03. Ownership of land in conservation and natural resources easements.

Land within conservation and natural resources easements may be included within the lots in a subdivision, or owned by a homeowners' association or other entity that meets the provisions for a Property Owners' Association in the Subdivisions and Planned Developments Article of this Development Code.

Sec. 929. Natural resources easements.

Sec. 929.01. Natural resources easements; creation.

The natural resources easement, when required, shall be shown on the final subdivision plat and recorded with the Clerk of the Superior Court at the same time as the final plat.

a. When included within the lots in a subdivision, the natural resources easement shall be granted at no cost to a homeowners' association or other entity that meets the provisions for a Property Owners' Association in the Subdivisions and Planned Developments Article of this Development Code.

b. When the land to be included in the easement is owned by the homeowners' association, the easement shall be created and granted as a conservation easement under the provisions of Sec. 930.

c. The natural resources easement shall grant a third-party right of enforcement to the Oconee County Board of Commissioners to enforce, at its discretion, any of the terms of the natural resources easement.

Sec. 929.02. Natural resources easements; guidelines.

The following guidelines must be incorporated into any natural resources easement in a form acceptable to the County Attorney:

a. The easement specifically and clearly identifies the boundaries of the property subject to the easement through reference to the easement area shown on the final subdivision plat;

b. The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;

c. The easement provides for the right of the holder of the easement to inspect the property to assure observance of restrictions and also provides for enforcement procedures;

d. The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of the County.

Sec. 930. Conservation easements.

Sec. 930.01. Conservation easements; creation.

The conservation easement, when required, shall be created subject to the provisions of O.C.G.A § 44-10-1, *et seq.*, which is known as the "Georgia Uniform Conservation Easement Act."

a. The conservation easement shall be approved by the Board of Commissioners and shall be granted at no cost to a charitable corporation, charitable association or charitable trust that qualifies as a "holder" under the Georgia Uniform Conservation Easement Act.

b. Such "holder" shall be approved by the Board of Commissioners on the basis of their past experience as a "holder" of conservation easements and their lack of an ownership or corporate relationship with the owner or developer of the project.

c. The conservation easement shall grant a third-party right of enforcement to the Oconee County Board of Commissioners to enforce, at its discretion, any of the terms of the conservation easement.

d. The conservation easement may not be granted to the owner of the property to which the easement will apply, including a homeowners' association holding natural resource conservation areas as common open space in a conservation subdivision or master planned development.

e. An undivided property ownership interest in the common open space shall be granted to each property in a conservation subdivision or master planned development in accordance with the Open Space Ownership and Management Section of the Subdivisions and Planned Developments Article of this development Code.

Sec. 930.02. Conservation easements; guidelines.

The following guidelines are required to be incorporated into any conservation easement in a form acceptable to the County Attorney:

a. The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph;

b. The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer;

c. The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description, survey plat or reference to the easement area shown on the final subdivision plat;

d. The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;

e. The easement provides for the right of the easement holder to inspect the property to assure observance of restrictions and also provides for enforcement procedures;

f. The easement provides for the maintenance of the open space; and

g. The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of all entities having either a property right or enforcement right in the easement.

Article 10. Project Design and Construction Standards

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Article 10. Project Design and Construction Standards

Sec. 1001. Purpose of Article 10.

This Article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities.

Sec. 1002. Standards incorporated by reference.

Sec. 1002.01. Standard design specifications.

The ***Construction Standards and Specifications of Oconee County***, also referred to in this Code as "Standard Design Specifications" and "Technical Guidance Documents" as maintained by the Public Works Department and as may be amended from time to time by said department, are incorporated into this Code as though set forth within the body of this Code. In the case of a conflict between the Standard Design Specifications and the text of this Code, the text of this Code shall control.

Sec. 1002.02. Traffic signs and street striping.

The installation of all traffic control signs and street striping shall be governed by the standards contained in the ***Manual on Uniform Traffic Control Devices***, latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation, and the ***Non-Interstate Signage and Marking Design Guidelines*** published by the Georgia Department of Transportation.

Sec. 1002.03. Georgia DOT standard specifications.

Unless otherwise specially set forth in this Code or the Standard Design Specifications, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation.

Sec. 1002.04. AASHTO design standards.

Design criteria and standards not specifically set forth herein or in the latest standard specifications of the Georgia Department of Transportation shall conform to the latest edition of the ***AASHTO Policy on Geometric Design of Highways and Streets***.

Sec. 1002.05. Vehicle trip generation.

Calculations regarding the generation of vehicular trips for a particular land use or development project shall use the data contained in the publication ***Trip Generation*** published by the Institute of Transportation Engineers, latest edition, unless vehicular trip data more specific to Oconee County or the particular use of interest is available.

DIVISION I. PROJECT DESIGN.

Sec. 1003. General design standards.

Sec. 1003.01. Established as minimum standards.

a. All applicable design and improvement standards set forth in this Article shall be included on all subdivision plats, development site plans and engineered plans required by this Development Code. All such design and improvement standards shall be considered minimum standards.

b. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in other official regulations or resolution, the most restrictive shall apply.

Sec. 1003.02. Suitability of the land.

a. Land with a slope of 35% or more, land within an area of special flood hazard (the 100-year flood plain), and land otherwise determined by the Public Works Director to be physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geologic or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development uses involving dedicated public facilities unless adequate methods are formulated by the developer for solving the problems. Such land shall be set aside for such uses as shall not involve such a danger.

b. Lot remnants (lots below minimum area or width left over after subdividing tracts of land) shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

Sec. 1003.03. Conformance to the comprehensive plan and other regulations.

Approval of proposed subdivisions and development projects shall be considered in the context of conformity with the Comprehensive Plan, this Development Code, and other development policies in effect at the time of submission for review.

a. All highways, streets, capital improvement projects, infrastructure improvements and other features of the Comprehensive Plan shall be considered and incorporated into the subdivision design and constructed at the developer's expense.

b. Where State and/or Federal roads or rights-of-way controlled by State and Federal agencies are affected, the review and approval of the Georgia Department of Transportation may be required by Oconee County.

c. Dedications and reservations.

(1) All transportation facilities such as highways, major thoroughfares and other streets shall be platted by the developer in the location and to the dimension indicated on the *Comprehensive Plan* or other adopted plans of the County, whichever is the most recently adopted or amended.

(2) Public facilities other than transportation facilities, such as school sites, park sites, library sites, fire station sites, sites for public utilities or for other public use or open space, shall be shown as dedicated or as reserved on the preliminary and final plats under the following circumstances:

(a) When any of said public facilities are shown in the *Comprehensive Plan* and located in whole or in part in a proposed subdivision or development; or

(b) When any of said public facilities have not been anticipated by the *Comprehensive Plan*, but are considered essential to or extremely important to the development of the county or to that neighborhood or portion of the county within which the subdivision or development project lies, by the Board of Commissioners.

(3) Time limitation on reservations.

If the developer reserves land for any public facility other than transportation facilities and it is not acquired by gift, purchase, condemnation or otherwise nor optioned by the appropriate public agency within 5 years from the date of recording of the subdivision or by the time Certificates of Occupancy have been issued for 75% of the dwelling units in the development, whichever occurs first, the subdivider may claim the original reservation, or portion thereof, and cause it to be subdivided or developed in a manner suitable to the owner subject to the provisions of this Development Code and any conditions of zoning approval.

(4) Waiver of dedication or reservation requirement.

The Board of Commissioners may waive the platting and reservation requirements of this Sec. 1003.03.c whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not being acquired.

(5) Refusal of dedication offer.

Whenever the plat proposes the dedication of land to public use and the Public Works Director finds that such land is not required or suitable for public use, the Public Works Director may either refuse to approve said plat or it may require the rearrangement of lots to include such land. The Director's opinion may be appealed to the Board of Commissioners.

Sec. 1003.04. **Paved road access.**

No minor or major subdivision (as defined by this Development Code), and no nonresidential or multi-family project, shall be approved for construction or development unless the street providing access to the subdivision or development site entrance contains a roadway paved to a width of at least 20 feet with hot mix asphalt paving, such that the subdivision or development site shall have continuous paved road access to the County road system.

Sec. 1003.05. **Name of subdivision or development project.**

The name of each subdivision or development project must have the approval of the designated County authority. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Oconee County or any of its cities. Evidence of the approval of the name of the subdivision or development project is required at the time of submittal of the preliminary plat or preliminary site plan, respectively.

Sec. 1003.06. **Street names.**

a. The proposed names of streets or ways shown on all preliminary plats and site plans shall be submitted to the designated County authority for approval. Evidence of the approval of the street names is required at the time of submittal of the preliminary plat or preliminary site plan, as applicable.

b. If such name is not a duplication of or so nearly the same as to cause confusion with the name of an existing street or way located in the county, if such is appropriate for a street name, such name shall be approved.

c. No existing street names in Oconee County, Georgia shall be duplicated, irrespective of the use of a suffix such as: street, avenue, boulevard, road, pike, drive, way, place, court or other derivatives. Names shall be selected so as not to be confused with other streets and shall be subject to prior county approval.

d. Proposed streets obviously in alignment with existing streets or with proposed streets whose names have been approved by the County shall bear the names of the existing or proposed named streets.

Sec. 1003.07. **Street addresses.**

When a building or structure is erected on any land covered by this Development Code, the number assigned shall conform to the existing house numbering system under the *Systematic*

Addressing and Building Numbering Standards as approved by the Planning Director, and as most recently amended.

Sec. 1003.08. **Blocks.**

a. Residential blocks.

(1) Length: Unless otherwise approved by the Public Works Director under unusual circumstances, block lengths shall not exceed 1,200 feet nor be less than 400 feet in length.

(2) In blocks greater than 1,000 feet in length, the Public Works Director may require one or more public easements of not less than 10 feet in width to extend entirely across the block for pedestrian crosswalks, fire protection or utilities.

(3) Width: Residential blocks shall be wide enough to allow two rows of lots, except where reverse frontage lots on major thoroughfares are provided, or when prevented by topographic conditions or size of the property, or for lots along the periphery of the subdivision, or where abutting upon limited access highways or railroads, or where other situations make this requirement impractical, in which case the Public Works Director may approve a single row of lots.

b. Nonresidential blocks.

Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provision for off-street parking and service.

Sec. 1003.09. **Lots.**

The size of lots shall conform to the minimum area, width, frontage and other requirements of this Development Code, and the minimum setback or building lines shall conform to the minimum requirements of this Development Code.

a. Vehicular access to lots.

(1) All lots approved under this Development Code shall front on a public or private street or on a private access drive as hereunder controlled and from which vehicular access may be obtained.

(2) Each lot shall have usable vehicular access from its own lot frontage onto a public or private street, or a private access drive as provided for in Sec. 1012.07 of this Development Code.

(3) All lots within a major subdivision shall only have vehicular access to a street within the development, or from a private access drive located within the development as provided in Sec. 1012.07 of this development code. In no case, shall lots within a major subdivision have vehicular access to an existing street located outside the development.

b. Minimum lot dimensions and areas.

(1) Every residential lot shall conform to the minimum dimension and area requirements in the Lot and Building Standards Article of this Development Code, provided that every lot not served by a public sewer or community sanitary sewage system and/or public water shall meet the dimension and area requirements of the Health Department and as specified herein.

(2) The shape and orientation of every lot shall be subject to approval of the Planning Director for the type of development and use contemplated based on slopes, drainage, soil types, exposure and other such relevant considerations.

c. Adequate building sites.

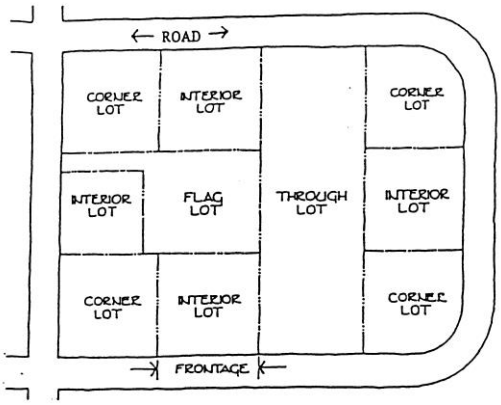
(1) Building setback lines shall conform to front, rear, and side yard building setback requirements of the Lot and Building Standards Article of this Development Code.

(2) Each lot shall contain a site large enough for a normal building that will meet all building setback requirements as set forth in this Development Code and not be subject to flood or periodic inundation.

d. Arrangement.

Insofar as practical, side lot lines shall be perpendicular or radial to street lines, including cul-de-sacs.

e. Through (double frontage) lots.



Double frontage lots, unless approved by the Public Works Director, shall be prohibited except where essential to provide separation of residential development from traffic arteries (arterial or collector streets) or to overcome specific disadvantage associated with topography, orientation, and property size.

(1) A planting screen reservation of at least 10 feet in width, or equivalent natural landscape buffer, may be required along the property line of lots abutting such a traffic artery or other incompatible use.

(2) The planting screen reservation shall form and constitute a No Access Easement, unless otherwise approved by Oconee County.

f. Corner lots.

Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets. In no case shall this be less than the minimum front yard setback for the zoning district on both street fronts.

Each lot shall contain a site large enough for a normal building that will meet all building setback requirements as set forth in this Development Code and not be subject to flood or periodic inundation

g. Reserve Strips.

Reserve strips, which control access to streets, alleys, and public grounds, shall not be permitted unless their control is placed in the hands of the county. This control shall be clearly noted on the subdivision construction plans, preliminary and final plats.

h. Lots abutting lakes.

The subdividing of land adjacent to or surrounding an existing or proposed lake, shall be such that lots abutting the lake shall be drawn to the centerline of the lake. Such requirements may be waived upon submittal to the Board of Commissioners of an acceptable method for the maintenance of the lake and any recreational operations to be provided thereon. The minimum required area of each lot shall exclude those areas within the high water level of the lake.

Sec. 1003.10. **Areas reserved for future development.**

If any portion of a tract is reserved for future subdivision development, the minimum lot width and frontage of the reserved area may be reduced to the width required for a future street to serve such area.

a. Such a reserved area must be labeled “Reserved for Future Development” on the final subdivision plat, and the portion of the lot where a street will be built must be labeled “Future Street.”

b. Such a reserved area will not be eligible for issuance of a building permit unless the lot meets all requirements of this Development Code, including minimum lot width and frontage requirements of the applicable zoning district.

Sec. 1003.11. **Plats straddling political boundaries.**

Whenever access to a subdivision is required across land in another governmental jurisdiction, the Planning Director may request assurance from the County Attorney, and/or the other jurisdiction that access is legally established, and that the access road is adequately improved. In general, lot lines shall be laid out so as to not cross jurisdictional boundary lines.

Sec. 1003.12. **Design standards for planned developments.**

a. The project design standards and requirements of this Article may be modified in the case of a master planned development (MPD) or planned unit development (PUD) which, in the judgment of the Board of Commissioners provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, provided zoning density standards for the entire tract are not exceeded, and which also provides such covenants or other legal procedures as will assure conformity to and achievement of the plan.

b. Plans for such developments shall be submitted to and approved by the Board of Commissioners as a Master Plan for a PUD or a Concept Plan for an MPD, as required by this Development Code. No building permits shall be issued until such approval has been given.

Sec. 1004. Required improvements.

Sec. 1004.01. **Streets.**

Except for minor subdivisions otherwise exempt from the construction of streets, the following street improvements shall be installed and provided by the subdivider and shall be indicated and conveyed or transferred and title shall vest in the County upon acceptance unless otherwise indicated on the plat.

a. Storm sewer piping, drainage structures, curbs and gutter, ditches, related easements and appurtenances, as needed to provide proper drainage and grading of the streets.

b. Street paving.

c. Street name signs of the quality and design used and approved by the County.

d. All traffic control signs, devices, and striping as specified by the County.

Sec. 1004.02. **Required improvements in minor subdivisions.**

By definition, a minor subdivision does not involve the construction of major public improvements, such as new streets or stormwater detention. However, the following improvements are required in order to adequately serve the lots and protect the safe operation of the existing road:

a. Right-of-way shall be dedicated along the property's frontage from the centerline of the existing road equal to ½ of the minimum requirement for the classification of the road, as established in Sec. 1008.04.

b. The potential location of a driveway connection serving each lot and meeting the requirements of these development regulations shall be indicated on the final subdivision plat.

c. The stormwater carrying capacity of the road, whether in an existing ditch or gutter, shall not be compromised. If the stormwater characteristics of the existing road are inadequate to accommodate the new lots, the Public Works Director may require improvement of the roadway ditch and associated drainage structures as appropriate.

d. Survey monument markers of all lot corners shall be provided in accordance with the requirements of Sec. 1005.

e. Dedication of easements as required by this Development Code.

Sec. 1004.03. **Required improvements in major subdivisions, multi-family, and nonresidential developments.**

The following improvements shall be provided by the developer or at the developer's expense in every major subdivision or individual multi-family or nonresidential development in accordance with the requirements and standards contained in this Article.

a. Survey monumentation in accordance with Sec. 1005.

b. Streets providing access to such a development and to all lots in such a subdivision, including the extension of streets required to provide access to adjoining properties, in accordance with Sec. 1008.

(1) Streets contained wholly within such a subdivision shall be improved to the full standards contained in this Article. For existing streets that adjoin such a development, right-of-way shall be dedicated as a project improvement meeting the minimum standards of Sec. 1008.04 and as further necessary for deceleration and turn lanes required under Sec. 1013, measured from the centerline of the street along the development's frontage.

(2) Curb and gutter where required along all roadways, or drainage swale where allowed.

c. Street name signs, stop bars, striping and traffic control signs as approved by the County shall be installed by the developer in accordance with Sec. 1009.

d. Street lights in accordance with Sec. 1010.

e. Driveway access to each lot, shall be installed by the developer in accordance with Sec. 1012.

f. Project access improvements (deceleration, turn lanes, etc.) as deemed necessary by the Public Works Director under the provisions of Sec. 1013.

g. Sidewalks, if required under Sec. 1014.

h. Storm water drainage and detention facilities in accordance with the Erosion Control and Stormwater Management Article of this Development Code.

i. Public or private water supply as required under Sec. 1016.02.

j. Fire hydrants as required under Sec. 1016.03.

k. Public or private sanitary waste disposal and/or reuse water system as required under Sec. 1016.04.

l. Dedication of easements as required by this Development Code.

m. If any portion of the subdivision contains a primary conservation area as defined in the Environmental Protection Article of this Code, a natural resource easement or conservation easement, as applicable, is to be provided in accordance with the requirements of the Environmental Protection Article.

Sec. 1004.04. **Continuing maintenance period.**

a. Continuing maintenance period established.

A subdivider or developer shall maintain and keep in good repair all improvements required under Sec. 1004 and constructed by him from the date of completion and acceptance of the work by the County for a period of 1 year for water, sanitary sewer and reuse water system improvements, and for a period of 2 years for streets, drainage and all other improvements. In the event that the development has not completed at least 90 percent build out by the end of the original guarantee period, the guarantee shall be renewed in 18-month intervals until 90 percent build out is achieved.

b. Maintenance and performance surety.

Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, maintenance surety for all public improvements required under Sec. 1004 shall be provided by the subdivider or developer, and performance surety shall be provided for all required improvements not yet completed. For details see the Procedures and Permits Article of this Development Code regarding final subdivision plats.

Sec. 1005. Survey monuments.

Sec. 1005.01. Survey monuments required.

Documentation of monuments established by land survey are required for all subdivisions and developments as described more fully in this Sec. 1005. Such documentation must be consistent with requirements for both the Georgia Maps and Plats Act (O.C.G.A. 15-6-67) and for final subdivision plats under the Procedures and Permits Article of this Development Code.

a. Monuments shall be indicated on all plats intended to be recorded with the Clerk of the Superior Court.

b. All such monuments shall be properly set in the ground and shall be approved by a Registered Land Surveyor prior to the time of final plat approval.

c. Removal of monuments and resetting by anyone other than a Registered Land Surveyor is prohibited.

Sec. 1005.02. Exterior development boundaries.

a. A minimum of 2 GPS/GIS monuments shall be installed for each subdivision with five or more lots.

b. GPS/GIS monuments shall provide latitude, longitude, and elevation referenced to mean sea level.

c. GPS/GIS monuments shall be 4" x 4" concrete with brass cap installed one (1) foot above the surrounding ground elevation.

Sec. 1005.03. Lot and street corners.

a. Permanent reference monuments shall be placed at property corners and other points such as points of curvature and tangent points.

b. All monuments shall be marked with a solid iron rod or an iron pipe not less than one-half 2 inch in diameter, at least two 2 feet long, driven flush with the ground.

Sec. 1005.04. Floodplain elevations.

On developments containing floodplains, flood elevation references shall be set and referenced. Base flood elevations shall be shown on final subdivision plats in accordance with FEMA regulations.

Sec. 1006. Easements.

Easements shall be required in connection with subdivisions or developments for the following purposes, among others:

Sec. 1006.01. Utility easements.

Whenever it is necessary or desirable to locate a public utility line outside of the street right-of-way, the line shall be located in an easement dedicated to the County (or other appropriate public entity) for such purpose.

a. Utility easements for electric and telephone service lines, sewage lines, water lines, or other such utilities located along rear lot lines or side lot lines or passing through a lot shall be at least 20 feet wide and generally platted 10 feet on each lot when sharing a common line.

b. No structure shall be built on such easement.

c. Utility easements for private utilities shall be avoided except in cases where no other satisfactory arrangements can be provided for the installation of private utilities.

Sec. 1006.02. **Pedestrian easements.**

Pedestrian easements not less than 10 feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Sec. 1006.03. **Drainage easements.**

a. Drainage easements for improved ditches, pipe construction, and detention facilities shall be cleared, opened, and stabilized with erosion control measures at the time of development to control surface water runoff.

b. Drainage easements shall be provided where a development is traversed by or contains a natural or manmade water course, impoundment, detention pond, floodplain, natural stream or channel. It shall conform substantially to the limits of such natural drainage feature, but shall be not less than 20 feet in width.

c. Vehicular access to every stormwater detention facility shall be provided directly from an abutting street, or by access easement between the facility and the nearest street. Such access easement shall be cleared of any trees and shrubs, shall be unpaved and no less that 20 feet wide, and shall have a maximum grade of 12%.

d. Drainage easements outside of the street right-of-way shall be clearly defined on the final subdivision plat. The property owner will be required to keep the easement free of obstruction in such a way as to assure the maximum designed flow at all times. The property owner shall not alter any drainage improvements without the prior written approval from the County.

e. Drainage easements for storm drain pipes and improved ditches shall adhere to the provisions of the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1006.04. **Conservation and natural resource easements.**

Conservation and natural resource easements, as may be required by this Development Code, shall be clearly defined on the plat and deed of the individual property owner, and must conform to the requirements set out for such easements in the Environmental Protection Article of this Code.

Sec. 1006.05. **Overlapping easements.**

Easements for water, sanitary sewers and drainage purposes may be combined, with the approval of the Public Works Director, but must provide at least 7½ feet of pipe separation.

Sec. 1007. Protection of public rights-of-way and easements.

Sec. 1007.01. **Removal and relocation of utility facilities.**

This Section relates to the authority of the County to order removal and relocation of utility facilities; giving notice to utility; and procedure by County upon failure of utility to remove facility.

a. Any utility using or occupying any part of a public road which the County has undertaken to improve or intends to improve shall remove and relocate its facility when, in the reasonable opinion of the County, the facility constitutes an obstruction or interference with the use or safe operation of such road by the traveling public or when, in the reasonable opinion of the County, the facility will interfere with such contemplated construction or maintenance.

b. Whenever the County reasonably determines it necessary to have a utility facility removed and relocated, the County shall give the utility at least 60 days written notice directing the removal and relocation of such utility obstruction. If the utility does not thereafter begin removal within a reasonable time sufficient to allow for engineering

and other procedures reasonably necessary to the removal "and relocation of the utility facility, the County may give the utility a final notice directing that such removal shall commence not later than 10 days from receipt of such final notice. If such utility does not, within 10 days from receipt of such final notice, begin to remove or relocate the facility or, having so begun removal or relocation, thereafter fails to complete the removal or relocation within a reasonable time, the County may remove or relocate the same with its own employees or by employing or contracting for the necessary engineering, labor, tools, equipment, supervision or other necessary services or materials and whatever else is necessary to accomplish the removal or relocation; and the expenses of such removal or relocation may be paid and collected as provided in Sec. 1007.03.

Sec. 1007.02. **Replacement right-of-way for relocated utility.**

This Section relates to the authority of the County to obtain replacement right-of-way for a relocated utility.

a. Whenever a public road improvement necessitates the acquisition by the County of a utility's privately owned rights-of-way and the relocation of such utility's facilities, the County may, with written consent of the utility, provide a replacement right-of-way.

b. Whenever a public road improvement requires the relocation of a utility occupying public road rights-of-way, the County may, at the written request of such utility, provide to the utility a right-of-way which is not on public road right-of-way. In this event, the utility shall reimburse the County for the acquisition costs.

c. Title to property acquired for utility relocations under Sec. 1007.02.a and Sec. 1007.02.b, and as authorized by Sec. 1007.01, may be transferred to such utility as authorized in Sec. 1007.03. However, the procedures for sale of property as set forth in Sec. 1007.04 shall not be applicable to the transfer of property acquired for utility relocation. Any such property transfer to the utility shall be conveyed by the execution of a quitclaim deed by the Board of Commissioners of Oconee County.

Sec. 1007.03. **Payment of expenses of removal and relocation of utility facilities.**

The expenses incurred by the County as a result of utility removal and relocation pursuant to Sec. 1007.01.b, including the cost of acquiring new land or interest therein pursuant to Sec. 1007.02.b, shall be paid out of the available appropriations of the County for the construction or maintenance of public roads. A statement of such expenses shall be submitted to the utility, which shall make payment to the County. In the event the utility does not make payment or arrange to make payment to the County within 60 days after the receipt of said statement, the County shall certify the amount for collection to the County Attorney. Nothing in this article shall be construed so as to deprive any utility, relocated from a location in which it owned a property interest, of compensation for such property interest.

Sec. 1007.04. **Promulgation of regulations by County.**

a. The State of Georgia, Department of Transportation—Utility Accommodation Policy and Standard; 1988 Edition, is hereby adopted as the rules and regulations of Oconee County with the following exceptions:

(1) Section 3.2 (a) Where to apply is deleted and adopted in lieu thereof is the following "Applications for utility encroachment permits shall be made at Watkinsville, Oconee County, Georgia at the Public Works Director."

(2) Section 3.2 (b) Authority to Approve is deleted and adopted in lieu thereof is the following "The Public Works Director shall have full authority to approve requests for utility encroachment permits."

(3) Section 3.9 (c) Notice to Other Utilities is deleted and adopted in lieu thereof is the following: Applicants shall comply with "Blasting or Excavations Near Underground Gas Pipe and Utility Facilities" Chapter of Georgia Code Ann. (O.C.G.A. § 25-9-1 *et seq*.).

(4) Appendix A, B, and C are deleted.

(5) The Rules and Regulations adopted hereby are those used by the State of Georgia. Wherever in the course of using or interpreting such rules and regulations, reference is made to the State of Georgia, the Department of Transportation or other state department, officer or employee, same shall be interpreted to refer to the analogous county department, officer or employee, i.e., a reference to the State of Georgia shall be interpreted to mean Oconee County, a reference to the Department of Transportation shall be read to mean the Public Works Director or a reference to a state road shall be generally read to mean county road.

Sec. 1008. Streets.

This Code requires that all streets, whether public streets or private streets (other than private access drives meeting the requirements of Sec. 1012.07), be built to minimum standards of material and construction. Several materials and types of construction shall be used, as set forth herein.

Sec. 1008.01. Access.

a. A publicly approved paved street meeting the requirements of this Article shall serve every development and every lot within a subdivision. (See also Sec. 1003.04 regarding paved road access to a subdivision or development project.) Private streets must meet all public street standards unless modification is approved by the Board of Commissioners as part of a Master Plan for a PUD or a Concept Plan for an MPD pursuant to Sec. 1003.12.

b. A building permit shall not be issued on any property that does not front on or have approved access to a publicly dedicated street or an approved private street, in accordance with the minimum lot frontage and access easement provisions of this Development Code.

c. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

d. No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.

e. Reserve strips which control access to streets, alleys and public grounds shall be prohibited unless their control is placed in the hands of the County under ownership, dedication, or easement conditions approved by the County Attorney and the Public Works Director.

f. Subdivision streets that intersect an arterial or major collector road shall do so at intervals of not less than 500 feet, or as required by the Georgia Department of Transportation, whichever is greater. On all other roads, at least 250 feet must separate street intersections on the same side of the road, measured centerline to centerline. Compliance with sight distance requirements of this Development Code may require greater distances between street intersections.

Sec. 1008.02. Relation to present and future street system.

The design and layout of all streets shall conform to the general highway map of Oconee County or portions or elements thereof for streets, highways, and pedestrian ways. In addition:

a. The street system in the proposed subdivision shall relate to the existing street system in the area adjoining the subdivision. Horizontal and vertical alignments and other design elements shall substantially conform to these regulations, AASHTO Policy on Geometric Design of Highways and Streets, and Georgia DOT design standards. Where conflict among these standards exists, the Public Works Director shall determine which standard shall comply.

b. Design of streets where railroads, parkways, grade separations, or freeways are involved shall be subject to conditions imposed by the Public Works Director as may be required by the circumstances in each case.

c. Whenever a proposed subdivision or development project abuts a road which is included in the state system of primary highways, an access road extending the full length of the subdivision or development project along such highway and providing limited access thereto may be required at a distance suitable for the use of the land between such access road and highway.

d. Where a subdivision abuts or contains an existing or proposed arterial street, the Public Works Director shall require an access road as provided under Sec. 1008.02.c, or a single tier of through (double-frontage) lots as provided under Sec. 1003.09.e, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.

e. Subdivisions shall be laid out so as to discourage through traffic on local streets. However, the provision for the extension and continuation of arterial and collector streets into and from adjoining areas is required. Each street or way which is the continuation of or approximately the continuation of an existing street or way shall be shown on the preliminary plat and final plat and shall be given the same name as such existing street or way.

f. Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the development or subdivision. The proposed street system within a subdivision shall have the right-of-way of existing streets extended no less than the required minimum width. Subdivisions that adjoin only one side of an existing street shall dedicate one-half of the additional right-of-way needed to meet the minimum width requirement for the street as a project improvement. If any part of the subdivision includes both sides of an existing street, all of the required additional right-of-way shall be dedicated.

g. All right-of-way required for off-site improvements related directly to the subdivision or development project, such as acceleration or deceleration lanes, shall be acquired by the developer at no expense to Oconee County.

h. Where, in the opinion of the Public Works Director, it is necessary to provide for interparcel access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property and existing streets through the development.

(1) Where an existing street on the adjoining property terminates at the boundary of the development or subdivision, the street shall be extended into the development or subdivision.

(2) Where no street exists on the adjoining property, a temporary turnaround shall be provided at the boundary of the development or subdivision at an appropriate location. See Sec. 1008.04.f(3) for standards.

Sec. 1008.03. **Street classifications.**

For the purposes of this Development Code all of the streets, roads and highways in Oconee County are classified as local streets, minor collector and major collector streets, and arterials. The classification of each street in Oconee County is maintained on maps or records in the Public Works Department.

a. Designation.

(1) Streets shall be classified into a street hierarchy system as shown in Sec. 1008.04.a. Street design standards shall be based on road function and projected average daily traffic (ADT), calculated with trip generation rates published in the most recent edition of *Trip Generation Manual* by the Institute of Transportation Engineers.

(2) For residential lots, this will generally be equal to 10 to 12 trips per day per single family lot and 16 to 18 trips per day per two family lot.

(3) Trip generation rates from other sources may be used if the applicant demonstrates that these better reflect local conditions at the sole discretion of Oconee County.

Street classes and their corresponding ADT thresholds are: found in Sec. 1008.04.a.

(4) Each street shall be classified and designed to that classification for its entire length. The applicant shall demonstrate that the distribution of traffic to the proposed street system shall not exceed the ADT thresholds for any of the proposed street classifications.

b. Private Streets.

(1) If and when a development plan indicates the construction of streets and utilities on private property, the owner shall indicate planned means for the maintenance of such streets and utilities.

(2) The construction specifications for such streets shall be the same as for public streets or the equivalent equal as approved by the Public Works Director and access shall be provided over such streets to an existing public street having a right-of-way of not less than sixty (60) feet.

(3) In addition, the owner shall state, through an agreement prepared or approved by the local government's attorney, that the local government and Governing Body shall be relieved of any responsibility for the maintenance of said improvements.

(4) Such agreements shall conform to the Georgia Condominium Act if applicable, and shall receive such approval prior to the final review by the County.

c. Traffic Impact Studies.

To assure that the provisions of the required streets in new land developments help prevent and reduce traffic congestion and hazards and to ensure the health, safety, and welfare of the traveling public, the County may require the developer to provide traffic impact studies when the projected traffic from the development exceeds 500 ADT.

(1) The county will require a traffic impact study when the projected traffic from the development equals or exceeds 1,000 ADT combined for all entrances.

(2) The traffic projection shall be based on the developer’s most intense use as allowed by the zoning on the property.

(3) The requirement and scope of the traffic impact study will be based on the nature of the development, existing background traffic volumes and patterns, and future development along the adjoining corridors. The intent of the impact study is to identify the impacts to capacity, level of service, and safety to existing corridors and the actions required to mitigate these impacts.

(4) The determination of the requirement for traffic impact studies shall be made by the County Engineer with consideration to the above criteria. The Design Professional of Record shall determine the scope of the impact study and obtain concurrence of the Public Works Director.

(5) The traffic impact study and proposed mitigation measures will be provided and considered as part of the approval process for the preliminary plat.

Sec. 1008.04. **Design standards for streets.**

a. Street rights-of-way and pavement width shall conform to the minimum street design standards as shown on Table 10.1: Street Design Standards.

Table 10.1: Street Design Standards

	Arterial [1]	Major Collector	Minor Collector	Local Street
Average Daily Trips (ADT)	**10,000 or more**	**2,501 to 9,999**	**251 to 2,500**	**250 or less**
Minimum Right-of-Way, in Feet	100	64/80 [4]	60	60
Minimum Pavement Width, in Feet [2]	48	24/30	20	20
Maximum Grade	6%	10%	10%	12%
Minimum Stopping Sight Distance, in Feet	495	360	200	155
Design Speed, in MPH [5]	55	45	30	25
Minimum Centerline Radius, in Feet[6]	2000	1100	375	250
Minimum Length of Tangent Between Reverse Curves, in Feet	300	200	100	100
Pavement Radius at Intersections, in Feet	30	30	30	30
Minimum Finished Grade	1%	1%	1%	1%

[1] Geometric design standards of the Georgia Department of Transportation shall represent minimum requirements for arterial street design and construction. All other street classifications shall adhere to current AASHTO standards; relating to design speed, stopping sight distance, vertical and horizontal controls.

[2] Pavement width does not include curb and gutter.

[3] See Sec. 1012.07 for "private access drives."

[4] Varies 64' to 80' based on requirements for roadway section and approval of the Public Works Director.

[5] In some instances, the Public Works Director may grant a change from the designated Design Speed, based on traffic volumes, road configuration, and the number of proposed entrances or outlets. In all instances, the posted speed limit shall accurately reflect design criteria, based on current AASHTO standards.

[6] Based on minimum middle ordinate of 14 feet for 10-foot lanes and 15 feet for 12-foot' lanes. May be adjusted with review of supporting data and approval by Public Works Director.

b. Street grades.

(1) A street grade exceeding 10 percent for minor collector streets and 12 percent for local streets will be approved only when conclusive evidence shows that a lesser grade is impractical and would not cause detrimental land disturbance, erosion and distraction of vegetative cover, or storm water hydraulic complications. In any case, any deviation from these standards shall still be in compliance with current AASHTO standards as determined by the Public Works Director.

(2) All street grades shall be no less than one percent.

(3) Grades approaching intersections shall not exceed five (5) percent for a distance of not less than 40 feet, measured from the nearest right-of-way line at the point of intersection unless otherwise approved by the Public Works Director. Slope lines shall be extended beyond the 8 feet minimum to achieve the proper corner/intersection sight distance.

c. Curved Streets.

(1) Under no circumstance is a curved street to be reverse super elevated. All streets (unless super elevated) shall have a ¼-inch per foot center crown above gutter elevation. Crown slopes shall be transitioned over a distance of 50 feet from any intersection, to provide a proper tie-in at the mainline edge of pavement.

(2) See Sec. 1008.04.a for geometric requirements.

d. Street intersections.

(1) As far as is practical, all proposed streets shall be continuous and made to connect with existing streets without offset. In all cases of offsets, centerline jogs of less than 125 feet shall not be permitted.

(2) All street intersections and junctions shall be at right angles, unless otherwise approved for good cause by the Public Works Director, but in no case shall they be less than 80 degrees.

(3) In addition, at all street intersections and junctions, there shall be a minimum stopping sight and corner sight distance in accordance with AASHTO Policy on Geometric Design. The profile shall be flattened at intersections to provide an area of not over 5 percent grade extending at least 40 feet each way from the intersection. In no case shall the stopping sight or corner sight distance be less than indicated herein.

(4) Islands within roadways at intersections shall be subject to individual approval by the Public Works Director. In no case shall anything extend more than 3 feet above the pavement within the right-of-way of the street.

(5) Curb lines at street intersections shall have a radius of curvature of not less than 30 feet. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.

(6) Intersecting street right-of-way lines shall parallel the back of curb of the roadway.

e. Minimum sight distance.

(1) In all Zoning Districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of 3 feet and 15 feet, except utility poles, light or street sign standards or tree trunks, shall be permitted within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.

(2) Lines of sight shall be provided along street roadways (i.e., "midblock") and at street intersections in accordance with this Subsection. The sight line shall be clear along its entire minimum length and unimpaired by intervening changes in street grade, horizontal alignment or obstructions. Examples of obstructions are vegetation, ground cover, signs, existing topography, etc.

(3) Midblock visibility requirements.

The following shall be met at any point along the entire length of a street in between intersections:

(a) Minimum vertical and horizontal midblock visibility requirements are shown on Table 10.2.

(b) Midblock visibility distances shall be measured along the centerline of the roadway between two points 4 feet above pavement level.

Table 10.2: Minimum Sight Distance

	Midblock Visibility		At Intersections	
	Vertical	**Horizontal**	**Urban**	**Rural**
Major Arterial Street*	500 feet	500 feet	650 feet	800 feet
Minor Arterial Street*	500 feet	500 feet	600 feet	700 feet
Collector Street*	300 feet	300 feet	400 feet	550 feet
Local Street	200 feet	200 feet	350 feet	350 feet
*Per Georgia DOT for State and U.S. numbered highways.				

(4) Visibility requirements at street intersections.

(a) At an intersection where traffic is to be controlled by stop signs on the minor road, said minor road shall be designed to intersect the major road in accordance with the standards imposed by the Georgia DOT, where applicable; and where not applicable the minor road shall intersect at such location as will provide minimum sight distance in either direction along the major road as required in Table 10.2.

(b) For the purpose of these intersection visibility requirements, land zoned A-1 or any one of the AR zoning districts shall be considered rural, and roads located therein shall be classified as rural. All other roads shall be classified as urban.

(c) Visibility distances at intersections shall be measured from a point on the centerline of the entering street 14.4 feet back from the nearest edge of the roadway in the abutting street, and extending in both directions along the abutting street. Minimum sight distances are to be measured from the driver's eyes, which are assumed to be 3.5 feet in height above the pavement surface, to an object 2 feet high on the pavement in the center of every oncoming travel lane.

(5) Exceptions.

(a) Where it is deemed by the Public Works Director that the application of a minimum sight distance requirement would render a property undevelopable, the Public Works Director may require the installation of appropriate warning signs and flashing lights, a traffic signal, or other hazard reducing approach.

(b) Any modification to the required sight distances stated herein made by the Public Works Director for cause shall conform to the standards and requirements contained in AASHTO policy.

f. Dead-end streets (cul-de-sacs).

(1) Cul-de-sac or permanent dead end streets shall be terminated by a turnaround. They shall be separated from the exterior boundary or topographic boundary of the subdivision by the depth of one lot or 80 feet, whichever is less.

(2) Cul-de-sac streets shall not exceed 1000 feet in length unless otherwise approved by the Public Works Director. They shall terminate in a circular right-of-way with a minimum diameter of 140 feet and a paved diameter of 94 feet. This shall be measured to the edge of pavement in un-curbed cul-de-sacs and to the back of curb in curb and gutter cul-de-sacs.

(3) A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that will be extended in a later stage of construction. Such non-permanent dead end streets may exceed 1000 feet in length, but shall terminate in a turnaround with a minimum right-of-way of 90 feet in diameter. Said turnaround shall be provided with provisions for adequate grading, drainage and 6-inch thick gravel surface, and so indicated on the preliminary plat, final plat, and construction plans.

g. Alleys and service drives.

(1) Alleys in residential subdivisions shall not be permitted, unless the alleys are intended to provide rear-access to garages on each lot and have a minimum roadway width of 20 feet of pavement, exclusive of curbs and gutters.

(2) Alleys with a minimum width of 20 feet of pavement, exclusive of curbs and gutters, may be required by the Planning Director where necessary to provide access to the rear of two or more lots designated for multi-family, business, or industrial use.

(3) Dead end alleys are prohibited unless the dead-end alley is provided with a turn-around having a roadway radius of at least 40 feet, a "T-head" turn-around, or other solution acceptable to the Public Works Director.

h. Half streets prohibited.

Half streets along development boundaries are prohibited. Whenever a street is planned adjacent to the proposed development or subdivision tract boundary, the entire street right-of-way shall be platted within the proposed development or subdivision.

i. Split Level Streets.

A street that is constructed so as to have lanes in each direction at a different vertical level within the same right-of-way shall provide a pavement width of at least 14 feet in each direction and a vegetated median between the lanes having a slope of not greater than four to one. Split level streets will be allowed when:

(1) Topographic conditions are such that alternatives to the typical street construction would be more desirable.

(2) The shape and size of the parcel could be more efficiently developed.

In either case, approval must be obtained from the Public Works Director for the specific design.

Sec. 1008.05. **Street improvements.**

a. Construction standards.

All materials, construction, and definitions shall conform to the current Georgia Department of Transportation "Standard Specifications for the Construction of Roads and Bridges", latest Edition, and any Amendments thereto, unless otherwise stated herein.

b. Curbs and gutters.

(1) Vertical or rollback six-inch concrete curbs and gutters with a minimum overall width of 24 inches shall be constructed on all residential, commercial and industrial streets not in the AG, AR-3, and AR zoning classifications. In the AG, AR-3, and AR zoning classifications, concrete curbs and gutters are required in subdivisions where more than one-half of the total number of lots are one acre or less, or where the average street frontage per lot is less than 100 feet, or where at least one-half of the total number of lots in such subdivision have widths of less than 100 feet.

(2) Concrete curbs and gutters are required in the cul-de-sac portion of a street to channel water to the stormwater conveyance structure. Stormwater conveyance structures may include, but are not limited to, culverts, storm drainage pipes, catch basins, drop inlets, junction boxes and headwalls, and shall be provided for the protection of public rights-of-way and private properties adjoining project sites and/or public rights-of-way.

c. New local residential streets (without curb and gutter).

(1) Grassed shoulders and waterways (ditches) are required.

(a) The aggregate road base shall be extended one foot beyond the edge of pavement, (pavement is twenty feet wide) and the shoulders and ditch sections shall be constructed in accordance with Oconee County's typical cross section for unpaved roadways.

(b) In no instance shall the shoulder be less than 7 feet. Shoulders shall be graded to no more than ½ inch per foot.

(2) Unsuitable topography.

Certain tracts of land, because of topographic features or unfavorable or highly erodible soil conditions, should not be developed with grassed shoulders and waterways.

(a) When a developer proposes to develop without curb and gutter, data and information showing that conditions are suitable for establishing permanently stabilized grassed shoulders and waterways shall be presented, together with any provisions necessary to correct any unfavorable conditions.

(b) An unfavorable condition is generally defined when the velocity of the storm water in the channel exceeds 3.0 feet per second or erosive soils are present.

(c) When the County does permit development using grassed shoulders and waterways, additional provisions may be required where slopes and soil conditions are unfavorable.

(d) These requirements may include hydro-seeding of shoulders and waterways with specific grass mixtures, grass, sod, planting and erosion mats, rip-rap, concrete ditches, ditch checks, grade stabilization structures where the finished grade exceeds 5%, etc., to ensure permanent stabilization of the shoulders and waterways and to minimize erosion and future maintenance.

d. Shoulder requirements.

The street right-of-way shall be graded at least 8 feet, measured from the back of the curb (curb & gutter sections) or 7 feet measured from the edge of the pavement (uncurbed sections) on both sides of the street to provide space for installation of utilities, to prevent the encroachment of driveways into the street surface, and to provide walkways off the paved vehicular surface, and provide proper sight distances in curved roadway sections.

e. Grassed medians.

Vertical or rollback six-inch concrete curb and gutter shall be required for a grassed median on all streets. Such medians shall be designed to slope towards the outside curb of a street or contain an adequate drainage system within the median.

f. Backfill, finish grading & grassing.

Shoulders shall be sloped and backfilled as necessary following paving and curb and gutter installation as required by the Public Works Director. All curbs and gutters shall be backfilled according to the designs in these Regulations. All eroded areas shall be reconstructed to the original final grade. Re-grass shall be required for bare spots, areas of insufficient stand and reconstructed areas.

g. Sub-surface drainage systems.

Sub-surface drainage installations may be required by the Public Works Director to provide a stable sub-surface and base for fills and base course construction over wet weather springs, soft spots, swamps and other unsuitable soils. The Public Works Director shall require the owner to have a soil analysis and drainage design performed by the Design Professional of Record if such conditions are encountered.

h. Cuts, fills, and subgrade.

Cuts, fills, and subgrades shall be subject to the approval of the Public Works Director. The Public Works Director may vary the required slope. The Public Works Director shall specify any improvements necessary to protect community assets and to reduce the potential undue deterioration of street improvements. The developer will be guided by the following general requirements:

(1) Slope maximums shall be at a ratio of 3 feet horizontal distance to 1 foot rise (3:1). No slope line shall extend closer than 8 feet to back of curb or 15 feet to edge of pavement on uncurbed sections. Minimum slope shall be ½-inch per running foot.

(2) All slopes shall be adequately planted with approved vegetation. A suitable mulch of straw, hay, etc. shall be used.

(3) The developer shall be responsible for any erosion that might occur until the expiration of the maintenance period.

(4) Compaction shall be 95 percent by Standard Proctor Density Test. Subgrade compaction will be field tested through the use of a "Roll Test", as specified herein.

(5) All organic and other unsuitable materials located within the proposed roadbed and 2 feet on either side of the back of curb or edge of pavement shall be removed prior to subgrade preparation.

(6) Backfill behind curbs shall be free of organic material (roots, trunks, etc.), stone, broken concrete, etc. Topsoil and other similar unsuitable soil types removed from the roadbed may be utilized for shoulder construction, but not for fill construction, beyond 8 feet on either side of the back of curb or edge of pavement. The use of topsoil within 8 feet of the back of curb or edge of pavement shall be limited to a maximum depth of 6 inches.

(7) Cut and fills shall be extended beyond the right-of-way as required, but a slope easement must be provided for maintenance purposes. Trees outside of the graded right-of-way with driplines extended into the right-of-way shall be removed at the direction of the Public Works Director, or Planning Director. Such tree removal shall be required on a case-by-case basis due to public safety concerns, potential interference with public infrastructure, or the survivability of the tree.

(8) Sub-base stabilization may be required by the Public Works Director specified herein if necessary to allow safe access of construction vehicles and equipment.

(9) Shaping and backfilling of shoulders, ditches and slopes shall be accomplished to final grade lines following the installation of underground utilities by the owner. Care shall be taken to fill and compact settled or eroded areas.

(10) Grassing of all cleared portions of the shoulders and slopes shall be accomplished immediately following the achievement of final grade lines. If limitations require the application of temporary vegetative cover, the owner shall make contractual provisions for regrassing with permanent cover. Requirements for grass species, mixture, fertilizer and application methods in each individual subdivision shall be in accordance with the Georgia Soil and Water Conservation Commission standards for critical areas. Bermuda grass shall be required during the season from May through September and as permanent grass species.

(11) Conduits for utility crossings shall be installed before subgrade inspection. Said conduits shall be indicated on the construction plans. No bores will be allowed for utility distribution/transmission systems after subgrade inspections or paving operations without prior approval of the Public Works Department.

i. Street base.

(1) Base course; description.

The base course shall consist of graded aggregate of a minimum compacted thickness placed on a stabilized subgrade in accordance with these specifications and in conformity with the lines, grade and typical cross-section as shown on the drawings approved by the County. Tolerance is +/-0.10 foot. Base course depth requirements vary based on estimated traffic volumes and street classification. See Sec. 1008.04.a.

(2) Base course materials.

(a) All materials shall be secured from Georgia Department of Transportation approved sources.

(b) All aggregate material shall meet the GDOT requirements as contained in Section 800 for Group I or II; and Class A or B.

(c) Graded Aggregate shall consist of hard, durable particles of fragments of stone, and stone mortar, and shall be graded as follows:

Table 10.3: Standards for Graded Aggregate	
Sieve Size Designation	**Percent by Weight Passing Square Mesh**
2 inches	100%
1 ½ inches	95% - 100%
¾ inches	60% - 100%
No. 10	30% - 45%
Material Passing No. 10 Sieve	**Percent**
Passing No. 10 Sieve	100%
Passing No. 60 Sieve	15% - 70%
Passing No. 200 Sieve	3% - 25%
Siltless Clay	9% - 25%

j. Required base and pavement thicknesses.

(1) The following Table 10.4 shall be used to determine the minimum thickness for each layer of the pavement structure based on the classification of the roadway. Please refer to Sec. 1008.04.a for roadway classification criteria and associated traffic volumes. The pavement structure for development entrances shall be based on the classification of the adjacent mainline roadway.

Table 10.4: Minimum Base and Pavement Thickness

	Industrial / Business [1]	**Arterial**	**Major Collector**	**Minor Collector**	**Local Street**
Graded Aggre-gate Base Course	10 inches	10 inches	8 inches	8 inches	6 inches
Asphalt Binder Course	9 inches	6 inches	4 inches	2 ½ inches	2 inches
Surface	1 ½ inches	1 ½ inches	1 ½ inches	1 ½ inches	1 ½ inches

NOTE: The use of RAP mix designs are not permitted on initial construction of roadways. Binder course may use RAP with prior approval of the Public Works Director.

[1] The Industrial / Business Uses classification shall apply to all industrial parks, commercial developments, and all other public roadways which are planned to support business and industry typically classified under the Industrial and Business Zoning Districts. Private facilities are not included in this classification.

(2) Alternative pavement structures may be considered by the County for approval for Arterial and higher classification streets, or streets with unusual or poor subgrade conditions. Unusual or poor subgrade conditions shall be defined as soil structures with a modulus of subgrade reaction of less than or equal to 100 psi/in or a soil structure that is not stable after conventional compaction techniques. Said structures shall be designed by a registered professional engineer, licensed in the state, in accordance with AASHTO and GDOT design policies and procedures. Design data and calculations shall be provided with any alternative design. The design professional shall consult with the Public Works Department for the appropriate design methodology and factors that are to be used in the design process.

k. Roll testing.

Both the subgrade and base course will be load tested when required by the Public Works Director with a minimum 18 ton hauling capacity tandem dump truck, fully loaded or an equivalent. The test shall cover the material thoroughly to assure a maximum tolerance of a ½-inch settling and the absence of any cracking or pumping, prior to all paving. This test shall be witnessed by the Public Works Director or his or her designee.

Sec. 1008.06. **Private streets.**

All lots that do not meet the requirements of Sec. 1012.07 must be located on a street or road. Private streets are available for use in the case of developments that wish to utilize entry gates, mixed forms of property ownership, new urbanist design standards or other non-traditional public road design requirements. These private streets will be owned and maintained by a mandatory Homeowners Association and not by Oconee County. Neither private nor public streets are necessary in a development that does not have separate lots, but only units, such as an apartment or condominium development. Internal driveways and parking lot aisles shall meet the requirements of the Parking and Loading Requirements Article of this development Code.

a. Allowed Locations.

Private Streets may only be constructed in the following zoning districts: AR-3, AR, R-1, R-2, and R-3, and in Master Planned Developments.

b. Private streets (other than private access drives), if approved by the County, shall meet all minimum geometric design requirements per International Fire Codes and all AASHTO design standards for that road's posted speed (unless modified in a PUD or master planned development under the provisions of Sec. 1003.12), but in no case shall the design speed be less than 15 miles per hour.

c. Private streets (other than private access drives), if approved by the County, shall meet all construction requirements and standards that apply to public streets.

d. Private streets shall be located within a separate parcel of land, no less than 60 feet wide, that is owned by the Homeowners Association for the development. The width shall include the private street, any drainage structures, sidewalks, or utilities, and must provide the same minimum width required for right-of-way for a similar public street.

e. Private streets may not be located in an easement over multiple lots.

f. The private street shall be located within an easement coincident with the parcel required under Sec. 1008.06.d. The easement must be recorded with each lot's deed and grant the right of vehicular access to every other lot served by the street, as well as the right to place public and private utilities therein.

g. Road maintenance.

(1) The county will not maintain roadways, signs or drainage improvements on private streets. All developments utilizing private streets are required to have mandatory Homeowners Association. The HOA shall comply with all provisions of the Subdivisions and Planned Developments Article of this Development Code.

(2) As part of the mandatory Homeowners Association, covenants are required for any lots on a private street. Provisions for maintenance shall be included in the Homeowners Association covenants. The covenants shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, right of use easements and other considerations. The covenants shall include the following items:

(a) The covenants shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments.

(b) The covenants shall include a periodic maintenance schedule.

(c) The covenants for maintenance shall be enforceable by any property owner served by the road or by the Homeowners Association established by the covenants.

(d) The covenants shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private road.

(e) The covenants shall run with the land.

(f) The covenants shall not be dissolved or be modified in any way so as to conflict with these regulations.

(g) Maintenance shall include, but not be limited to, road surfacing, shoulders, signs, storm drainage facilities and vegetation control.

(h) A notice that no public funds of Oconee County are to be used to build, repair or maintain the Private Road.

h. Owners release.

(1) At the time of purchasing property that is served by a private street, upon any sale or resale of a property, the purchaser shall acknowledge by execution of a release that the street is private and not maintained by the County, and that maintenance of the street is the responsibility of the Homeowner's Association. The release is to be prepared using a form acceptable to the County Attorney and shall be recorded with the Clerk of the Superior Court along with any warranty deeds.

(2) The final subdivision plat shall provide notification that all properties served by the private street are perpetually subject to the provisions of this Development Code regarding the owner's release upon any sale or resale of the property.

(3) Failure to execute such a release shall not relieve the purchaser of maintenance responsibility for the private street.

i. Lot dimensional requirements.

For a property served by a private street:

(1) The building setback, lot width and other dimensional requirements of the zoning district in which the property is located shall be measured from the private street parcel.

(2) Land located within the private street parcel shall not be included in the area of the lot for the purpose of meeting the minimum lot area required by the zoning district in which the property is located.

(3) The developer shall grant an exclusive and irrevocable access and utility easement to the County that is located coincident with the private street parcel.

(4) The County may require additional easements for any utilities not located on the private street. All easements shall meet the minimum sizes required by the County.

j. Other standards.

(1) Where private streets intersect public streets, private streets shall meet the requirements of public streets including intersection offset requirements, deceleration and acceleration lanes, intersection gradients, and other applicable design and construction requirements of this Development Code.

(2) The HOA shall provide all maintenance activities and related actions to ensure compliance with Oconee County's NPDES permit for stormwater discharges.

(3) A private street subdivision shall meet all other requirements and standards that apply to public subdivisions, such as storm water runoff and detention requirements, the provision of utilities, sidewalks, and traffic and street name signs.

(4) Private streets shall be denoted as such on the street name signs for each such street. Proposed streets, which are extensions of, or in alignment with, existing or other proposed streets shall have the same name. Street names shall not duplicate or be phonetically similar to existing street names. The County requires a different standard for a public street name sign indicating that the street is "private" or "not maintained by the County."

(5) The developer is to obtain the street signs from the County and install them to County specifications at the developer's expense.

(6) Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and delivery services including the U.S. Postal Service. Such gate shall be of breakaway or other construction acceptable to Oconee County. Accessibility to such gated communities shall comply with all standards and requirements of the County Fire Chief for access activation, including the following:

(a) Programmable key pad with an emergency override code as assigned by the Fire Chief;

(b) Once the override code is used to open the gate, the gate will remain open until emergency personnel release the gate for normal use;

(c) Automatic opening of the gates in the event of power failure; and

(d) Reassignment of an emergency override code without the approval of the Fire Chief is not allowed.

k. Final Plat Requirements.

(1) Developments containing private streets shall meet all requirements of the Procedures and Permits Article of this Development Code relating to final plats, except that bonds or deposits shall not de submitted in lieu of the design professional=s certified report for the private streets. A copy of the design professional=s certified report shall be maintained with the Homeowner=s Association Board of Directors.

(2) All private streets shall be designated as such on the final plat.

(3) A notice in at least 12 point bold font shall be placed on the final plat that reads:

The streets designated as "private streets" on this plat are owned and maintained by the Homeowner's Association of this development and are not owned or maintained by Oconee County. No public funds of Oconee County are to be used to build, repair or maintain these private streets. The owner, purchaser, lender, heirs, assigns or other parties taking title to or otherwise procuring an interest in any portion of this property are hereby notified of this fact.

Sec. 1009. Street signs, traffic signs and striping.

Sec. 1009.01. Street name signs.

a. Sign installation shall be accomplished by the owner, per Georgia DOT standards and the FHWA *Manual on Uniform Traffic Control Devices and County Standards*. Signs,

striping, and traffic control devices shall be installed prior to final plat approval or issuance of the Certificate of Occupancy (for site developments). Upon paving of a road in an uncompleted subdivision, the developer shall barricade or install proper signage and striping at the intersection with existing county roads. All county roads shall be signed at each intersection, so as to identify all county roads in each approach to the intersection. Warning signs shall be installed on existing county roads in advance of any new intersection created with existing county roads from the development.

b. Street name signs and traffic control signs of approved design shall be installed at all street intersections by the developer or owner of the subdivision, at his expense. These signs shall be placed at the intersections upon completion of street paving. The signs to be installed shall be ordered through the Oconee County Road Department. The installation of all signage, striping, and traffic control devices shall be completed before Final Plat Approval.

c. All streets shall be designated by name on a metal street sign post, with such metal post having nameplates of metal set one above the other with a clearance of 7 feet. The post shall be so located as to be visible for both pedestrian and vehicular traffic. At cross-street intersections, 2 sign posts shall be located diagonally across the intersection from each other. Only one street sign post shall be required at T-street intersections. All signs shall conform to the guidelines contained in the Manual on Uniform Traffic Control Devices. The developer shall be responsible for all costs associated with the installation of street signs. Plans shall show all street signs, speed limit signs, traffic control signs and devices and pavement markings.

Sec. 1009.02. **Traffic signs.**

a. Traffic control signs shall conform to the FHWA *Manual on Uniform Traffic Control Devices,* latest edition.

b. The developer shall install these traffic control signs at his expense. All traffic control signs shall be installed and approved by the Public Works department prior to final plat approval or issuance of a building permit.

Sec. 1009.03. **Striping requirements.**

a. Striping requirements shall be determined by the Public Works Director in accordance with applicable Georgia DOT, FHWA and County standards. Costs associated with striping shall be the responsibility of the developer.

b. Striping shall be accomplished with striping materials meeting Georgia DOT and County standards and conform to the *Manual on Uniform Traffic Control Devices*.

Sec. 1009.04. **Decorative signs and posts.**

a. Any traffic sign or post not conforming to County standards hardware will be considered as decorative.

b. Any decorative sign or post system to be used must be approved by the Public Works Director prior to construction plan approval.

Sec. 1010. Street lights.

a. Street lights shall be provided in any subdivision or development project in accordance with the provisions regarding Special Tax Districts in the Procedures and Permits Article of this Development Code.

b. The installation of all street lighting fixtures within County right-of-way must be approved by the Public Works Director prior to such installation.

Sec. 1011. Private bridges and dams on roadways.

Sec. 1011.01. Definitions related to bridges and dams.

Bridge: A structure having a clear span of more than twenty feet designed to convey vehicles and/or pedestrians over a water course, railroad, public or private right-of-way, or any depression.

Dam: A structure or wall constructed for the purpose of stopping water, whether constructed as an earthen embankment, reinforced concrete, or other material.

Private Bridge: A bridge owned by an individual or individuals in common which is closed to public use and in no way the responsibility of Oconee County for maintenance, over which a roadway passes.

Private Dam: A dam owned by an individual or individuals in common which is closed to public use and in no way the responsibility of Oconee County for maintenance, over which a roadway passes.

Ramp: (1) A sloping roadway or passage used to join two different levels of streets, structures or buildings; (2) Driveways leading to parking aisles.

Speed Bump: A raised section of a paved surface or roadway designed to slow down and deter speeding traffic.

Sec. 1011.02. Specifications for private dams on roadways.

The following shall not apply to a private dam behind which no permanent pool of water is maintained under normal operations, subject to the approval of this exemption by the Public Works Director on a case-by-case basis. For such facilities, see the requirements for storm-water detention facilities in the Erosion Control and Stormwater Management Article of this Development Code.

a. Design.

All dam design is to be certified with the proper seal by a Professional Engineer currently registered in the State of Georgia, and identified by the engineer as Category I or Category II.

b. Structural.

The design of any dam over 5 feet in height on a roadway shall be certified by a Structural Engineer currently registered in the State of Georgia, and the structural design shall be based on soil tests certified by a Geotechnical Engineer currently registered as a Professional Engineer in the State of Georgia.

c. Other criteria.

Dams on roadways shall conform to the following: any engineer responsible for the design of a dam for a lake is expected to be knowledgeable of the criteria contained in the Georgia Safe Dams Act, Georgia Department of Natural Resources "Rules for Dam Safety" publication, and the U.S.D.A. Soil Conservation Service's Technical Release No. 60 "Earth Dams and Reservoirs." All design is to be in accordance with the applicable requirements contained in each of the above referenced publications.

d. Construction supervision and inspection.

Private dams on roadways shall be constructed according to the engineer's certified plans, and inspected by the engineer or a qualified representative of the design engineer.

e. Access.

All developments must have access to a paved county road which has been dedicated to the public, and connecting with the county road system independently of a roadway over a private dam.

f. Ingress/egress.

No roadway over a private dam shall be allowed to serve as the sole means of ingress and/or egress to a subdivision, or part thereof.

g. Public use.

No portion of a road proposed for dedication to the County shall be designed or accepted which utilizes a roadway over dam as a necessary portion of said public road right-of-way.

h. Vehicle use and signs.

All private dam surfaces designed for use by automobile traffic shall be properly posted with a reflective standard metal traffic control sign available from a sign vendor authorized by Oconee County. Two signs shall be posted at both ends of the dam, on each side of the road surface. The signs shall be placed no more than 10 feet in front of the dam. All signs shall be at least a dimension of 24 x 36 inches. The sign shall read: "private way, not maintained by county," or similar wording approved by the Board of Commissioners.

i. Vehicle use and weight restriction signs.

All private dam surfaces which are accessed by automobiles shall be tested and certified by a structural engineer currently registered in the State of Georgia for a maximum permitted weight restriction or tonnage limit. The dam shall-be properly posted with a reflective standard metal traffic control sign available from a sign vendor authorized by Oconee County. Two signs shall be posted at both ends of the dam, on each side of the road surface. The signs shall be placed no more than 10 feet in front of the dam. All signs shall be at least a dimension of 24 x 36 inches: the sign shall conform to Georgia Department of Transportation specifications for weight limit signs.

j. Vehicle use and approaches to private dams.

The use of a private dam which is proposed for use by automobiles shall be designed with a cul-de-sac, constructed to all existing Oconee County subdivision regulations, at the end of the dam which connects with the county road system. There shall be a grade change between the proposed cul-de-sac and private drive utilizing a private dam. A ramp or speed bump shall be constructed at an 8% slope which separates the public right-of-way from the private bridge or dam.

k. Traffic safety.

All roadways over private dams shall utilize appropriate safety features such as guardrails to prevent persons or vehicles accidentally running off the dam.

l. Road names.

All public roadways on either side of private dams shall have different road names. In other words, the road name on one end of a private dam shall be different from the road name on the other side of the private dam.

Sec. 1011.03. **Specifications for private bridges on roadways.**

a. Design.

Private bridge design is to be certified by a professional engineer currently registered in the State of Georgia.

b. Structural.

The design of any private bridge with a clear span of more than twenty feet shall be certified by a structural engineer currently registered in the State of Georgia, and the structural design shall be based on soil tests certified by a geotechnical engineer currently registered as a professional engineer in the State of Georgia.

c. Construction supervision and inspection.

Private bridges shall be constructed according to the engineer's certified plans, and inspected by the engineer or a qualified representative of the design engineer.

d. Access.

All developments must have access to a paved county road which has been dedicated to the public, and connecting with the county road system independently of traffic over a private bridge.

e. Ingress/egress.

No roadway over a private bridge shall be allowed to serve as the sole means of ingress and/or egress to a subdivision, or part thereof.

f. Public use.

No portion of a road proposed for dedication to the county shall be designed or accepted which utilizes a private bridge as a necessary portion of said road right-of-way.

g. Vehicle use and signs.

All private bridge surfaces which are accessed by automobiles shall be properly posted with a reflective standard metal traffic control sign available from a sign vendor authorized by Oconee County. Two signs shall be posted at both ends of the bridge, on each side of the road surface. The signs shall be placed no more than 10 feet in front of the bridge. All signs shall be at least a dimension of 24 x 36 inches. The sign shall read: "private way, not maintained by county," or similar wording approved by the Board of Commissioners.

h. Vehicle use and weight restriction signs.

All private bridge surfaces which are accessed by automobiles shall be tested and certified by a structural engineer currently registered in the State of Georgia for a maximum permitted weight restriction or tonnage limit. The bridge shall be properly posted with a reflective standard metal traffic control sign available from a sign vendor authorized by Oconee County. Two signs shall be posted at both ends of the bridge, on each side of the road surface. The signs shall be placed no more than 10 feet in front of the bridge. All signs shall be at least a dimension of 24 x 36 inches. The sign shall conform with Georgia Department of Transportation specifications for weight limit signs.

i. Vehicle use and approaches to private bridges.

The use of a private bridge which is proposed for use by automobiles shall be designed with a cul-de-sac, constructed to all existing Oconee County regulations, at the end of the bridge which connects with the county road system. There shall be a grade change between the proposed cul-de-sac and private drive utilizing a private bridge. A ramp or speed bump shall be constructed at an 8% slope which separates the public right-of-way from the private bridge or dam.

j. Traffic safety.

All private bridges shall utilize appropriate safety features such as guard-rails to prevent persons or vehicles accidentally running off the bridge.

k. Road names.

All public roadways on either side of private bridges shall have different road names. In other words, the road name on one end of a private bridge shall be different from the road name on the other side of the private bridge.

Sec. 1011.04. **Specifications for final plats containing private bridges and dams.**

a. Constructive notice required.

All final plats for subdivisions which contain private bridges or roadways over private dams must clearly delineate a legal notice in writing on the plat which states: "PRIVATE BRIDGE IS NOT COUNTY MAINTAINED."

b. Disclaimer required.

All final plats for subdivisions which contain private bridges or dams must have the following statement in writing on the plat which states:

"OCONEE COUNTY IS NOT RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE BRIDGE OR PRIVATE DAM AND THE OWNER SHALL HOLD THE COUNTY HARMLESS AND INDEMNIFY IT AGAINST ANY LOSS OR CLAIM RESULTING FROM USE OF THE PRIVATE BRIDGE OR PRIVATE DAM."

Sec. 1011.05. **Ownership and maintenance of private bridges and roadways over private dams.**

a. Form of ownership.

Any private bridge or roadway over a private dam utilized by more than one individual shall be owned and maintained through a legal entity such as a tenancy in common or a non-profit association of homeowners (homeowners' association) organized pursuant to a declaration of restrictions or protective covenants for a subdivision.

b. Documentation of ownership.

This documentation and disclosure shall be provided at time of Final Plat approval.

Sec. 1011.06. **Damages caused by use of private bridges and private dams.**

a. Insurance coverage.

Any private bridge or roadway over a private dam utilized by more than one individual shall be covered by a liability insurance policy for the bridge or dam owners to address any compensation recoverable by a person who has sustained an injury, either to his or her person or property, through the act or default of the owners of said private bridge or dam. Documentation of the appropriate policy shall be provided at time of Final Plat approval. Said coverage will be maintained and reviewed annually.

b. Limits of coverage.

Any private bridge or roadway over a private dam utilized by more than one individual shall be covered by a liability insurance policy for the bridge owners with a minimum of $1,000,000.00 in a reputable insurance company licensed to do business in the State of Georgia.

Sec. 1011.07. **Exemptions.**

This Sec. 1011 shall apply to any private bridge or private dam on a roadway except for the following:

a. Private bridges or dams used solely in conjunction with agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard: the preparation and planting of pasture land; forestry land management practices, including harvesting; farm ponds; dairy operations; livestock and poultry management practices: and the construction of farm buildings.

b. A private bridge or dam on a roadway reasonably expected to serve no more than one single-family residence.

c. Surface mining, as the same is defined in O.C.G.A. 12-4-72 and granite quarrying and land clearing for such quarrying.

d. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, or any road construction or maintenance project, or both, undertaken by the County.

e. A private dam exempted from the provisions of Sec. 1011.02 by the Public Works Director.

Sec. 1012. Driveways and development entrances.

Sec. 1012.01. **Driveway permit.**

a. Driveway permit; required.

Before installing any driveway or means of ingress and egress to any property abutting a County road or County maintained road, the owner of the subject property or the person

installing said driveway acting as owner's designee shall make application to the Planning Department for and receive a permit authorizing said installation. If existing curb and gutter is to be removed to facilitate the driveway, then a permit authorizing said removal shall also be required.

b. Driveway permit; provisions.

(1) The permit shall specify the location of the driveway, the width of same, the size and material for the culvert to be used and other matters required for adequate drainage of the driveway in accordance with accepted engineering and road management practices.

(2) In issuing the permit Oconee County may impose any reasonable conditions that the circumstances may warrant. Conditions include but are not necessarily limited to drive location, elevation, pipe size, surface treatment, drainage easements, and other requirements to facilitate safe maintenance and operation of county roads.

(3) The driveway permit is to be strictly construed and no work other than that specifically authorized by said permit may be performed in County rights-of-way.

(4) A driveway permit must be renewed if the work described is not completed within one year from the date permit is issued.

Sec. 1012.02. **Driveway design standards.**

Driveways connecting to a street must comply with the following standards:

a. Driveway widths.

Driveway widths at the right-of-way line cannot exceed a pavement width of 16 feet for a single-family or two-family dwelling (unless the face of a two-car garage accessed by the driveway is less than 30 feet from the right-of-way line), or 40 feet for all other uses or instances, exclusive of required curbs and gutters.

b. Slope.

The slope of ingress and egress driveways for multi-family and nonresidential uses at their connection to the adjoining street shall not exceed that allowed by County specifications for landings at residential street intersections. For single-family and two-family uses, driveways shall have a slope of not more than 17 percent for a distance of 10 feet measured along the driveway centerline from the intersection of the centerline of the driveway and the edge of pavement or back of curb.

c. Driveway separations.

(1) The distance from a driveway to the intersection of two streets shall not be less than 20 feet for a single-family or two-family dwelling and not less than 50 feet for all other uses.

(2) Separation distances must be measured along the street right-of-way line from the back of the driveway curb.

d. The number of driveways that access a property from any one street, road or highway shall be limited as follows:

(1) Along all County arterial roads, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage. For such lots having less than 300 feet of frontage, one point of access shall be allowed. The number and location of access points along a State or U.S. numbered highway may be further restricted by the Georgia Department of Transportation.

(2) Along all other County streets or roads, except for circular driveways for single-family detached houses on local streets and minor collectors (provided sight distances can be met), the following shall apply: no more than 1 point of vehicular access from a property to each abutting public road shall be permitted for each 200 feet of lot frontage; provided however, that lots with less than 200 feet of frontage

shall have no more than one point of access to any one public street. The Public Works Director shall determine whether the points of access may be unrestricted or must be designed for right-in, right-out traffic flow.

(3) Relief.

Reduction of the driveway separation requirements of paragraphs (1) or (2) of this Sec. 1012.02.d may be considered as a special exception variance. See the Appeals Article of this Development Code for procedures.

e. Vision clearance.

With the exception of sign posts and other structures less than 8 inches in diameter, structures and landscaping shall not exceed 3 feet in height within a triangle measuring 20 feet along the edge of a driveway and 20 feet along the street right-of-way line. A larger vision clearance area, depending on street classification, may be required under the Project Design and Construction Standards Article of this Development Code.

Sec. 1012.03. **Installation and construction standards for driveways.**

a. When required, a minimum pipe size of 15 inches and minimum 20-foot length of pipe must be used for all driveway construction. A minimum pipe size of 18 inches must be used for all cross drains under public roads.

b. Pipe for driveways shall be either 16 gauge-corrugated steel or aluminum in accordance with county standards. Reinforced concrete may be used as well. Smooth-lined HDPE pipes are also permitted within County right of way. Driveways requiring curb and gutter removal shall be installed in accordance with instructions and diagrams issued by Public Works at the time of the application for permit.

c. Portions of driveways located within the right-of-way of a public street or within a private street easement shall not consist of specialty or decorative type construction such as stamped concrete or brick pavers.

Sec. 1012.04. **Inspection of work.**

Driveway construction and material shall be the responsibility of the owner/applicant for the permit. All work shall be in conformity with the permit as granted and shall be subject to inspection by authorized representative(s) of the Board of Commissioners. No use of said drive or issuance of permits for uses of the property served thereby shall be permitted until such compliance is met.

Sec. 1012.05. **Responsibility for maintenance.**

a. No provision of this Section shall be construed as a responsibility of the County to provide future maintenance of the driveway and/or drainage structures installed.

b. By application and issuance of the permit, owner and successors agree to bear all responsibility and cost for repair and maintenance of the driveway and associated drainage structures.

c. If the owner or successors fails to maintain the driveway and/or associated drainage structures to the extent that the Board of Commissioners or an authorized representative of the Board of Commissioners determines that the driveway and/or associated drainage structures has a detrimental impact on the safe operation and maintenance of County roads, notice shall be given to the owner.

(1) Owner shall perform the necessary action(s) to correct the detrimental impacts at the sole expense of the owner.

(2) Failure of owner to perform the necessary work within the time prescribed in the notice shall be cause for the County to perform the work. Expenses incurred by the County to perform the work shall be the responsibility of the owner.

Sec. 1012.06. **Driveway access to a State road.**

For all business and industrial developments fronting on a State highway, no building permit shall be issued until the approval of the Georgia Department of Transportation has been obtained by the applicant on entrances and exits, curb radii, drainage and other matters that are the appropriate concern of the Department.

Sec. 1012.07. **Private access drives.**

Each subdivision development shall contain no more than one private access drive.

a. A private access drive which meets all of the following standards may serve a maximum of 5 lots within the OIP, OBP, B-1, B-2 and I districts. Within all other zoning districts, a private access drive, which meets all of the following standards, may serve a maximum of 5 lots:

(1) The minimum overall easement width shall be 40 feet; greater width may be required to accommodate necessary utilities. The minimum continuous paved surface shall be 16 feet in width and paved with 2 inches of asphalt surface on a 4-inch crusher run stone base applied on a properly prepared sub-grade. Stabilized shoulders shall be provided and shall be 3 feet wide on both sides, (compacted and grassed or graveled or paved).

(2) Maximum centerline slope of 17% and cross sloped or crowned for drainage.

(3) Maximum centerline length of 2,000 feet as measured from the intersection with the public right-of-way line to the end of the cul-de-sac. In the case of looped drives, which extend continuously from public right-of-way line to public right-of-way line, this two thousand foot maximum length may be waived, provided that public health, safety and welfare considerations are adequately addressed.

(4) A paved turning area shall be provided at the termination of cul-de-sac drives with a minimum outside radius of 47 feet plus 3-foot wide stabilized shoulders, contained within the easement boundaries.

(5) In subdivisions which are subject to the provisions of the Oconee County Water System Ordinance, the lot(s) served by a private access drive shall also be served by water lines and fire hydrants in accordance with the County's adopted Water and Wastewater Standards. Such water lines, if installed along the alignment of the private access drive, shall include, as an appurtenance thereto, a perpetual maintenance easement of sufficient dimensions as required by the County's adopted Water and Wastewater Standards to provide for the maintenance of said water lines. Similar easement(s) shall be provided for sewer service and/or other utilities as applicable.

(6) Private access drives shall be clearly marked as such on all subdivision plats and shall comply with the signage provisions of these Regulations and shall comply with the provisions of applicable County Ordinances.

(7) Private access drives which do not meet each and all of the above standards shall serve no more than 2 lots and shall comply with the provisions of applicable County Ordinances.

b. Each lot, the access to which is dependent upon a private access drive, shall have, at a minimum, as an appurtenance thereto, a perpetual easement for ingress and egress over that portion of the private access drive lying adjacent to such lot and connecting it with a public street.

c. Private access drives shall be exempt from the improvements required by Sec. 1004.01 of this Article, except as otherwise provided in this Section.

d. The ownership and maintenance responsibility of the private access drive by private party(s) must clearly be established on all subdivision plats and recorded in all maintenance agreements.

Sec. 1012.08. **Access easements.**

Vehicular access may be provided from a public street via easement in any one or more of the following circumstances:

a. The property existed in whole as a legal lot of record prior to the adoption of this Development Code, but does not meet the minimum frontage requirement for the applicable zoning district. The property must be served by an exclusive access easement that shall be limited to the provision of access to only one principal use or structure on one lot.

b. The access easement serves one single-family residence on a lot which is otherwise a buildable lot of record, and which is sharing a common driveway with one other single-family residence, both of which meet the minimum size, frontage, lot width and other requirements of this Code.

c. The access easement was lawfully established as such prior to the adoption of this Development Code.

d. The access easement coincides with a private street approved by the County. The ownership and maintenance responsibility by private party(s) must be clearly established on the final plat of the development.

e. The access easement serves a buildable lot of record which meets the minimum frontage requirements of this Development Code, but from which access cannot be achieved.

Sec. 1013. Deceleration lanes and turn lanes.

Sec. 1013.01. **Deceleration and turning lanes; where required.**

Subdivision entrances from minor collector streets with an ADT equal to or greater than 500 vehicles per day and higher classifications shall include a deceleration lane.

Sec. 1013.02. **Residential subdivision entrances.**

Entrance streets to all major residential subdivisions connecting to a minor collector, major collector or arterial street with an ADT equal to or greater than 500 vehicles per day, shall construct a deceleration lane at each entrance to the subdivision. See Sec. 1013.05, below.

Sec. 1013.03. **Commercial/industrial subdivision entrances.**

a. A deceleration lane shall be installed at all entrance roads into a commercial or industrial subdivision connecting to a minor collector, major collector or arterial street with an ADT equal to or greater than 500 vehicles per day. See Sec. 1013.05, below.

b. The Public Works Director may require a traffic study to determine if the project's size warrants a center turn lane, longer deceleration lane, an acceleration lane or other improvements. If the traffic study determines that the traffic generated by the project warrants it, the Public Works Director will require the additional improvements or other mitigating measures.

Sec. 1013.04. **Driveways for multi-family and nonresidential development projects.**

a. Multi-family and nonresidential development projects shall install a deceleration lane at each driveway entrance connected to a minor collector, major collector or arterial street with an ADT equal to or greater than 500 vehicles per day. See Sec. 1013.05, below. For such a project located on a corner lot, a continuous 12-foot wide travel lane shall be provided in lieu of a deceleration lane along each intersecting street from which access is allowed, for the length of the property's frontage (but not exceeding 200 feet plus a 50-foot taper).

b. Nonresidential development projects on corner lots that have frontage on interior residential subdivision streets shall have access only from the main street unless the nonresidential project and the residential subdivision are integral parts of a Master Plan for a PUD or a Concept Plan for an MPD approved by the Board of Commissioners.

c. Multi-family and nonresidential development projects projected to generate an ADT less than 500 vehicles per day and having an entrance on a minor collector, major collector or arterial street shall install offset radii and 50 foot tapers.

d. The Public Works Director may require a traffic study to determine if a center turn lane, a longer deceleration lane, an acceleration lane or other improvements will be necessary. If the traffic study determines that the traffic generated by the project warrants it, the Public Works Director will require the additional improvements or other mitigating measures.

Sec. 1013.05. **Deceleration and turn lane construction standards.**

a. A minimum 100 foot long (150 feet where possible) deceleration lane with 50 foot taper and a minimum 25 foot taper on the acceleration side.

b. The length of the deceleration lane, (and acceleration side taper), shall be measured from the radius return point.

c. The width of the lane shall be no less than 24 feet from the centerline of existing two lane road to outside edge of new asphalt (26 feet to back of new curb).

d. Curb and gutter along all deceleration lanes and tapers are required, unless otherwise waived or modified by the Public Works Director due to site, drainage or continuity considerations.

e. Associated drainage improvements as deemed necessary by the construction of the deceleration or turn lane shall be required.

f. Other project access improvements may be required by the Public Works Director in addition to or in lieu of a required deceleration lane in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public, based on a traffic study prepared by a professional engineer.

g. The developer will pay the cost of any catch basins that must be constructed along an existing County road as a result of the deceleration lane.

h. Utilities and drain pipes shall be relocated at the developer's expense outside of the deceleration lane.

Sec. 1013.06. **Median breaks.**

If the street has an existing or proposed median, and the developer is approved by the County or Georgia DOT, as applicable, to construct a median break to serve the development, a left turn lane leading to the median break shall be provided by the developer meeting the design standards of the County. Other improvements may be identified by the Public Works Director that are needed to ensure safe and efficient operation of traffic.

Sec. 1014. Sidewalks.

Sec. 1014.01. **Sidewalks; requirements**

If the installation of sidewalks within public right-of-way is desired or required, sidewalks shall be shown on the construction plans for the development. Sidewalks shall be installed on both sides of the street on an individual lot basis at the time of construction of the individual home, apartment building, commercial, or other use. The developer shall install all handicap ramps and transitions as required by the County for Americans with Disabilities Act compliance at the time of development construction. The Planning Director shall inspect the location and construction of the sidewalk, and shall not issue a Certificate of Occupancy until the required sidewalk is properly installed.

a. Sidewalks shall be 4 inches thick, with a minimum width of 5 feet on all streets.

b. A grass planting strip with a minimum width of 3 feet shall be provided between the back of curb and the sidewalk, with a 10 foot wide planting strip required for major collector and arterial streets.

c. All sidewalks shall be sloped at the rate of ¼ inch per foot toward the street, unless otherwise approved.

Sec. 1014.02. **Sidewalks; where required.**

Sidewalks shall be provided for developments as follows:

(1) Along all rights of way in all commercial zones.

(2) In all non-conservation subdivisions in all zones except in the AG, AR-3, and AR districts, unless approved otherwise by the Board of Commissioners.

(3) In all conservation subdivisions in all zones, except that sidewalks do not have to be built along the frontage of all green space lots as long as pedestrian access is provided for to get from the residential lots to the green space lots.

Sec. 1015. Storm drainage.

See the Erosion Control and Stormwater Management Article of this Development Code for design requirements relating to storm drainage.

Sec. 1016. Utilities.

Sec. 1016.01. **Utilities required.**

Except for minor subdivisions otherwise exempt from the construction of utilities, the improvements listed below are required. Where installed upon property within the county at the time of construction, all such improvements shall be dedicated and conveyed or transferred to and the title shall vest in the county unless otherwise indicated on the recorded plat of subdivision. Nothing contained in this Section is in any way intended to affect matter of litigation pending between the county and/or their agencies at the time of enactment of this Development Code before courts of competent jurisdiction relating to the ownership of improvements required by this Section.

a. Developer shall provide sanitary sewer or septic capacity, fire protection lines and necessary flows for the project as required by applicable codes. Said capacity shall be demonstrated to the satisfaction of the Utilities department in accordance with established codes prior to issuance of land disturbance and building permits.

b. Developer shall be responsible for providing and paying for necessary water and sewer extensions including the addition of necessary capacity required to serve the development.

Sec. 1016.02. **Water supply.**

a. Water supply and/or distribution system in accordance with the latest edition of Oconee County Water and Wastewater Standards or other such documents as adopted by the Board of Commissioners.

b. All potable water systems shall be subject to applicable to the current "Rules for Safe Drinking Water: Chapter 391-3-5, Revised June 1989, Georgia Environmental Protection Division" and applicable county regulations, policies and construction standards

c. Public water service shall be provided to every lot in every subdivision and to every development for both domestic use and fire protection if public water is available or under bid or contract to be available within 1,000 feet of the subdivision or development.

Sec. 1016.03. **Fire hydrants.**

a. Fire hydrants are required in all subdivisions and development projects served by a public water system.

b. Fire hydrant spacing shall be in accordance with the water system specifications of Oconee County. Placement of fire hydrants is subject to approval by the Oconee County Fire Department and Water Resources Department.

c. Fire hydrants as specified by the Oconee County Fire Department shall be located every 500 feet or at every intersection, whichever is closer.

Sec. 1016.04. **Sanitary sewage disposal.**

a. Sanitary sewer system with service connection to the property line for each parcel and lot; except in cases where septic tanks are approved.

b. When a public sewer line and adequate treatment capacity is available within 1,500 feet of said subdivision by gravity flow, the subdivision system shall be connect to said public sewer system, provided however that residential subdivision lots may be served by adequate on-site sewerage management systems under the regulations of the County Health Department until such time as public system is required under the Oconee County Sewer Use Ordinance.

c. When a public reuse water line is available within 1,500 feet of said subdivision, the subdivision shall install a gray-water reuse system and shall connect to said public reuse line.

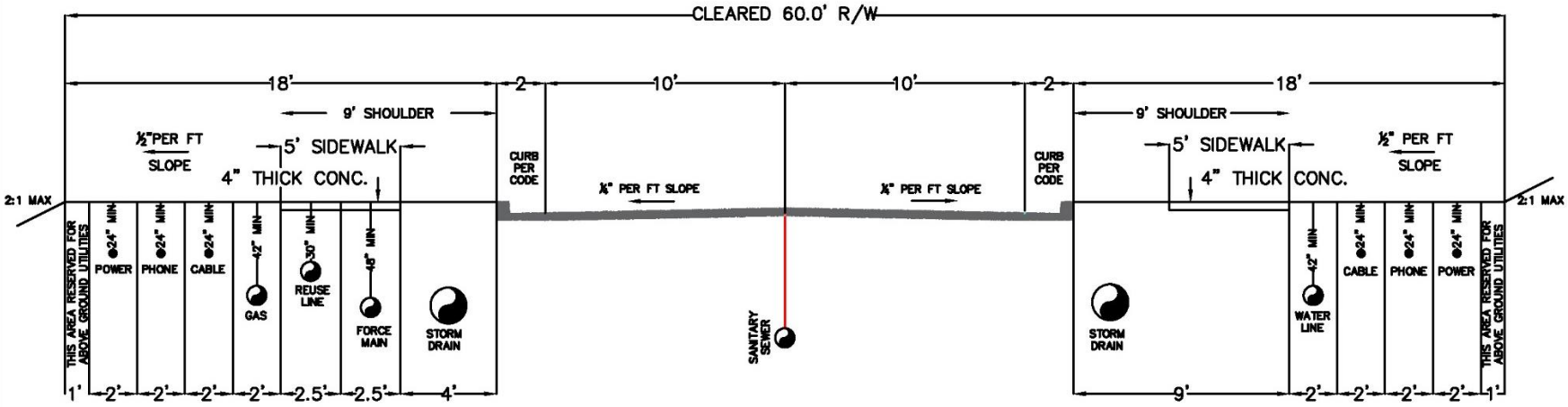
d. The provisions of this paragraph are further subject to any sewer use priority policies adopted by the Board of Commissioners from time to time.

e. When in the written opinion of the Oconee County Health Department public sanitary sewers and treatment capacity are available within reasonable access of the subdivision or development project, the developer shall provide sanitary sewer services to each lot within the bounds of the subdivision or development project. All sewer service lines shall be installed by the subdivider.

Sec. 1017. Location of utilities and street cuts.

Sec. 1017.01. **Location of utilities in streets.**

a. Utility lines shall be located in accordance with the street cross sections contained herein, or at such other locations as may be approved by Oconee County. Any underground utilities shall be installed with the surface having the same compaction as that of the paved way and marked on the plat to indicate the location of the underground utilities.



OCONEE COUNTY 60' R/W URBAN STREET
NTS

NOTES:

1. IF PAVEMENT WIDTH EXCEEDS 20' THEN RIGHT OF WAY WILL NEED TO BE INCREASED PROPORTIONALLY
2. IF MEDIAN IS ADDED TO CROSS-SECTION THEN RIGHT OF WAY WILL NEED TO BE INCREASED PROPORTIONALLY
3. PAVEMENT STRUCTURE MATERIALS AND THICKNESS SHALL BE BASED ON THE CLASSIFICATION OF THE STREET IN ACCORDANCE WITH COUNTY STANDARDS
4. MAXIMUM CUT & FILL SLOPES IN THE RIGHT OF WAY SHALL NOT EXCEED 3H:1V OUTSIDE OF THE SHOULDER. MAXIMUM CUT & FILL SLOPES SHALL NOT EXCEED 2H:1V OUTSIDE OF THE RIGHT OF WAY
5. WATERMAINS TO BE LOCATED ON OPPOSITE SIDE OF ROAD FROM GAS, REUSE WATER, AND SEWER FORCEMAINS
6. MINIMUM BURY DEPTH FOR CATV AND TELEPHONE FIBER OPTIC CABLES SHALL BE 36"
7. UTILITY INSTALLATION PRIOR TO THE INSTALLATION OF THE CURB & GUTTER WILL REQUIRE APPROVAL OF THE OCONEE COUNTY PUBLIC UTILITY & PUBLIC WORKS DEPARTMENT
8. IMPROPERLY INSTALLED UTILITIES ARE SUBJECT TO RELOCATION AT NO EXPENSE TO OCONEE COUNTY
9. NO IRRIGATION LINES SHALL BE INSTALLED IN COUNTY RIGHT OF WAY. NO TREES OR OTHER VEGETATION OR THAN GRASS SHALL BE INSTALLED IN THE RIGHT OF WAY

OCONEE COUNTY 1875 GEORGIA

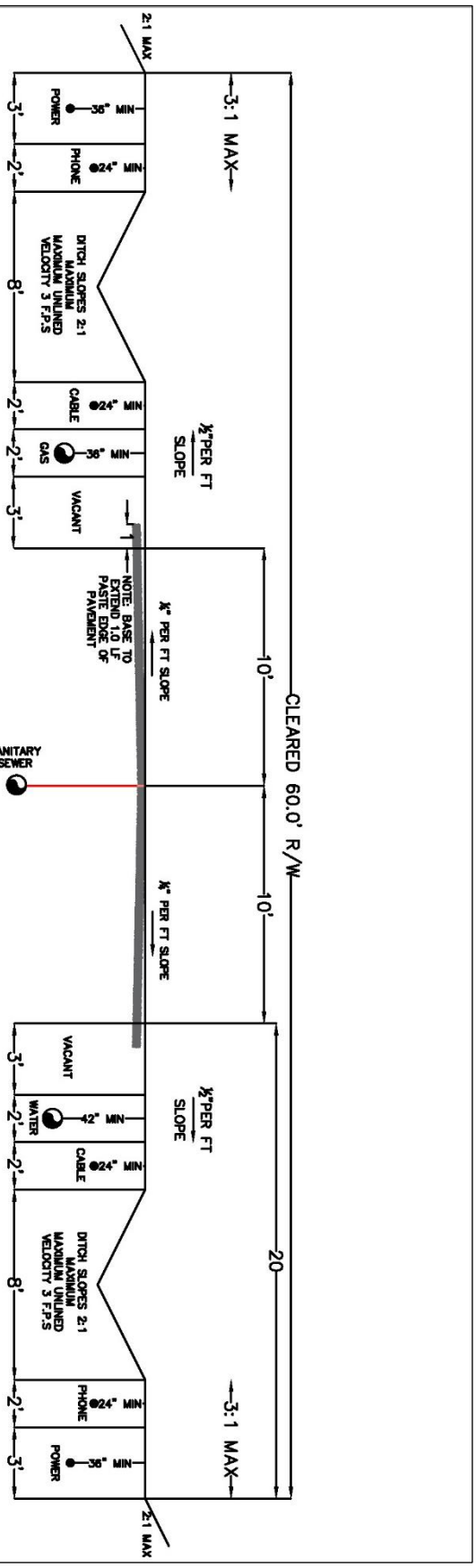
BOARD OF COMMISSIONERS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

STANDARD ROADWAY CROSS SECTION AND UTILITY LOCATION PLAN
60' RIGHT OF WAY
URBAN SECTION CURB & GUTTER

STANDARD DRAWING – URBAN CROSS SECTION

DATE – 7/23/19 SHEET 1 OF 1

REVISIONS		
DATE	APPROVED	TITLE
7/23/19		SIDEWALK EXTENSION



OCONEE COUNTY 60' R/W RURAL STREET
NTS

NOTES:

1. IF PAVEMENT WIDTH EXCEEDS 20' THEN RIGHT OF WAY WILL NEED TO BE INCREASED PROPORTIONALLY
2. IF MEDIAN IS ADDED TO CROSS-SECTION THEN RIGHT OF WAY WILL NEED TO BE INCREASED PROPORTIONALLY
3. PAVEMENT STRUCTURE MATERIALS AND THICKNESS SHALL BE BASED ON THE CLASSIFICATION OF THE STREET IN ACCORDANCE WITH COUNTY STANDARDS
4. MAXIMUM CUT & FILL SLOPES IN THE RIGHT OF WAY SHALL NOT EXCEED 3H:1V OUTSIDE OF THE SHOULDER. MAXIMUM CUT & FILL SLOPES SHALL NOT EXCEED 2H:1V OUTSIDE OF THE RIGHT OF WAY
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OCONEE COUNTY GEORGIA 1875

BOARD OF COMMISSIONERS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

STANDARD ROADWAY CROSS SECTION AND UTILITY LOCATION PLAN
60' RIGHT OF WAY
RURAL SECTION

STANDARD DRAWING – RURAL CROSS SECTION

DATE – 7/23/19 SHEET 1 OF 1

REVISIONS		
DATE	APPROVED	TITLE

b. The subdivider shall install sewer mains, sewer laterals, water mains and services extended to the property line of each lot, in accordance with accepted engineering practices, the approved subdivision construction plans, and the Oconee County Water and Wastewater Standards.

c. In cases where public water and sewer services are not available, the minimum lot sizes shall conform to those set forth in this development code.

d. Design criteria for storm drain facilities shall conform to accepted engineering practices and guidance documents. Pipe materials shall conform with all criteria set forth in the "Guidelines for Storm Sewer Piping" Section of the Erosion Control and Stormwater Management Article of this Development Code.

e. Site lighting shall be oriented to the interior of the site so as not to impose glare or objectionable light levels on the neighboring residential property.

f. Water mains for both domestic use and fire protection shall be properly connected with the public water system, or with an alternate water supply approved by the county and Georgia EPD. The lines shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat. The lines shall be installed in conformance with the Oconee County Water and Wastewater Standards. The County will require network distribution analysis of the water distribution system for any development that the peak hour water demand is equal to or exceeds 50 gpm.

g. Above-ground utilities.

All fire hydrants, utility poles, street lights, transformer boxes and pedestals, and other public or private utility structures placed above ground within a public street right-of-way or private street easement must be at least 6 feet back from the back of the street curb (or edge of pavement).

h. Underground Utilities.

(1) All electric, telephone, cable TV and other wires shall be placed underground in any major subdivision, and in any multi-family or nonresidential development.

(2) Utilities placed underground within a public street right-of-way or private street easement shall be located as shown on the Utility Location Cross-Sections in this development Code, above. Where no public or private street exists or is proposed (such as in a shopping center), utilities shall be placed in accordance with the development plans as approved by Oconee County.

(3) The right-of-way is to be cleared and rough graded the full width prior to any utility installation.

(4) Underground utilities including sewer services, all water lines and any cable conduits under the pavement shall be placed in the ground before the base material is in place, or the pipes shall be bored if installed after street construction.

(5) All trenches shall be thoroughly compacted in six-inch layers with mechanical compacting equipment.

(6) The facilities for underground utilities such as sewer, water, and gas, including sewer and water laterals to each lot line when laid in streets, shall be in place prior to surfacing of streets. All facilities for utilities shall be placed in easements provided for that purpose in the subdivision.

(7) Any disturbance or construction in the completed (seeded and/or sodded) right-of-way by a public utility such as power, gas, phone and cable must be repaired or replaced with the specified materials as called for in the initial improvements.

Sec. 1017.02. **Pavement cuts.**

a. If utility services are installed after the streets have been paved (i.e., under existing streets), such utility services shall be installed by boring under the street. Note that

this applies only to services and not the distribution system in the development. See Sec. 1008.05.h(11).

b. When it is necessary for a subdivider or any utility company to break existing base or pavement for the installation of services, or any other purpose, the subdivider or utility company shall be financially responsible for the repair of the pavement. The pavement shall be repaired with a patch in accordance with standards developed by the Public Works Director, and in accordance with all other specifications required herein for construction of streets.

(1) No existing County road can be open cut unless unusual circumstances warrant it. All utility construction plans within County right-of-way shall be reviewed and approved by the Public Works Director.

(2) If a pavement cut is approved, all trenches shall be backfilled and compacted the same day the trench is opened. Trenches under the paving shall be returned to 95 percent compaction. The backfill in all such ditches will be thoroughly compacted in 6-inch lifts, the subgrade shall be brought to the lines, grades, and typical roadway section required by County specifications. See also Sec. 1020 regarding excavating and trenching requirements.

DIVISION II. PROJECT CONSTRUCTION.

Sec. 1018. Overview—project construction.

All improvements shall conform to standard specifications as set forth in this code and in the applicable regulations of the county, and/or other state and federal regulations. In case of conflict, the more stringent standards shall apply.

Sec. 1018.01. Responsibility during construction.

a. The developer and his/her Design Professional of Record have full responsibility for quality control and inspection during construction to ensure substantial conformance with the approved construction plans, County standards, County regulations, and generally accepted construction practices. County personnel are only providing construction observation to intermittently check the adequacy of the developer's quality control and inspection.

b. Any construction issues requiring an interpretation and/or change in the plans, standards, and/or regulations are to be resolved by the Design Professional of Record and presented to the Public Works Director for written concurrence or approval. Any design changes must be revised on the construction plans and issued as a change to the approved construction plans.

c. Failure of the developer to provide adequate quality control and inspection which results in a substantial nonconformance with the plans, standards, regulations or generally accepted construction practice or endanger the public health, safety, and welfare shall be cause for the Public Works Director or Planning Director to issue a Stop Work Order for any or all portion(s) of the construction in accordance with County procedures and ordinances. The order will remain in effect until the developer or his/her Design Professional of Record can demonstrate to the County that adequate quality control and inspection will be provided to address and correct the nonconformance and minimize the potential for further non-conformance issues or endangerment issues.

d. Each day of continued construction on the scope of work covered by the Stop Work Order under this Development Code shall be considered a separate violation.

e. The developer controls the means, sequence, and methods of construction. Accordingly, the developer has full responsibility for safety on the project site and compliance with all federal, state, and local regulations pertaining to safety and environmental requirements.

f. Preconstruction activity.

Following the issuance of any permit authorizing clearing and grading of a site, areas required to be undisturbed, such as natural landscape buffers or stream buffers, must be designated by survey stakes, flags, ribbon, or other appropriate markings and shall be inspected and approved by the Planning Department Inspector prior to the commencement of any clearing or grading activities.

g. Grading.

(1) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.

(2) Required erosion and sedimentation control measures and stormwater drainage facilities are to be installed in accordance with the approved plans as development progresses.

Sec. 1018.02. Development phase inspections.

Requests for inspections shall be made by the owner or contractor to the Planning, Public Works, or Water Resources Department in accordance with the listing of inspection responsibilities established by Oconee County. Such requests shall be made at least 24 hours prior to when the inspection is needed. Inspections shall be made and passed prior to continuation of

further activity or proceeding into new phases. Inspections are required of each of the following phases, as applicable to the actual work to be performed under the development permit:

a. Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.

b. Upon completion of street grading, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.

c. Upon installation of storm drainage pipe, detention, or other storm water facilities.

d. Street curbing and gutter (if provided). Inspection shall be requested after the forms or string line have been set. Street width and vertical and horizontal alignment may be spot-checked.

e. Sub-grade of streets. The sub-grade may be roll tested in accordance with Sec. 1008.05.k.

f. Street base. The base may be string-lined for depth and crown. The street base will be tested for depth and compaction in accordance with Sec. 1021.05.e, and may be roll-tested in accordance with Sec. 1008.05.k, at the discretion of the Public Works Director.

g. Paving. A Road & Bridge Inspector may be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored, the asphalt will be tested for depth and compaction in accordance with Sec. 1021.05.e, and may be roll-tested in accordance with Sec. 1008.05.k, at the discretion of the Public Works Director.

Sec. 1018.03. **As-built data.**

a. Upon completion of the development activity as authorized by the development permit and prior to final development inspection of public and private improvements, the owner shall submit to the Public Works Director and the Water Resources Director, as appropriate, for review and approval a complete set of record drawings showing "as-built" conditions prepared by the design professional of record who prepared the original plans, or a professional land surveyor, engineer or landscape architect licensed in the State of Georgia. These drawings shall show the location of:

(1) Street centerlines and rights-of-way lines.

(2) Drainage system pipes, manholes and channels, including finished elevations.

(3) Storm water detention facilities including finished elevations.

(4) Sanitary sewer system (if any) including finished elevations.

(5) Water system and reuse water system (if any) including finished elevations.

b. The as-built data shall be certified and sealed by the design professional of record or other professional preparer, subject to the tolerances of accuracy indicated in the certification.

c. Refer to Sec. 1231, digital submission requirements: as-built data and final plats, for additional "as-built" requirements.

Sec. 1018.04. **Final development inspection.**

a. Following submission and review of the as-built data, the Public Works Director shall conduct a final development inspection of the project.

b. The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final subdivision plat.

Sec. 1019. Site clearing and grading.

Grading and land disturbance operations shall not begin until approval of the preliminary plat or site plan (as applicable), subdivision construction plans and soil erosion and sediment control plans and until a pre-construction conference has been conducted with County officials, the developer, developer=s consultant, contractors and subcontractors.

Sec. 1019.01. Initiation of clearing and grading activities.

a. Clearing and grading shall not proceed until issuance of an approved development permit authorizing such activities. No development permit authorizing clearing or grading shall be issued prior to review and approval by the County of construction plans as applicable to the property. See the Procedures and Permits Article of this Development Code for details.

b. Grading shall be done in accordance with the lines and grades drawn on the approved grading plan. Protective devices for undisturbed areas, if any are required, must be installed, inspected and approved in accordance with the approved construction plans prior to the initiation of clearing and grading activities.

c. Erosion and sedimentation control measures.

Required erosion and sedimentation control measures must be installed, inspected and approved in accordance with the approved soil erosion and sedimentation control plan prior to any major development activity, and shall be maintained or supplemented as development progresses.

d. Stormwater drainage facilities.

Required stormwater drainage facilities are to be installed in accordance with the approved stormwater management plan as development progresses.

Sec. 1019.02. Slopes.

a. Cut or fill slopes in the public right-of-way and/or slope easements shall not exceed three (3) horizontal units to one (1) vertical unit, unless otherwise approved by the Public Works Director based on topographic conditions. This is the maximum allowable slope and should not be considered the norm. If grading plans indicate cut or fill slopes outside of the right-of-way then the construction plans and final plat shall indicate slope easements for the required grading.

b. No cut or fill slopes or existing unadjusted slope shall encroach closer than 8 feet from the curb back in curbed sections or 15 feet to the edge of pavement for uncurbed sections on any street right-of-way within the subdivision. A cut or fill slope between lots should be confined to the lower lot whenever possible so as to avoid erosion from the higher lot to the lower lot.

c. All fill slopes created for the purpose of street or home construction shall have a compaction of not less than 95 percent as determined by the established engineering practices.

d. All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure.

Sec. 1020. Excavating and trenching.

Sec. 1020.01. Definitions related to excavating and trenching.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Excavation: (1) The mechanical removal of earth material. (2) Any manmade cavity or depression in the earth's surface, including its sides, wall, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed

forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

Excavation and Trenching Certificate: The certificate issued upon satisfactory completion of a mandatory training/educational program regarding excavation and trenching safety practices, such program to be provided by or approved by the Oconee County Fire Department.

Excavation and Trenching Certificate Holder: The holder of the "excavation and trenching certificate" identified above.

OSHA: The U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.

Trench: A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

Sec. 1020.02. **Unauthorized excavating and trenching prohibited.**

No individual, partnership, corporation, or other entity of any kind whatsoever shall engage in any excavation or trenching except in compliance with the provisions of this Section and in compliance with any applicable laws of the State of Georgia or of the United States or the Occupational Safety and Health Administration (OSHA), or any other state or federal governmental entity or department rules and regulations applicable to excavating and trenching.

Sec. 1020.03. **Adoption of OSHA safety and health regulations.**

All safety and health regulations adopted by OSHA with regard to excavating and trenching operations, particularly part 1926, Subpart P—Excavations, Trenching, and Shoring Section 1926.650, 1926.651, 1926.652, 1926.653 of the Code of Federal Regulations, as the same now exist or may be hereafter amended, are adopted as a part of this Development Code as if quoted verbatim herein.

Sec. 1020.04. **Excavation and trenching certificate required.**

Oconee County will honor excavation and trenching certificates issued by other agencies if such agencies can satisfactorily show proof that their training/educational program meets or exceeds the Oconee County program regarding excavation and trenching safety practices.

Sec. 1020.05. **Permit required.**

a. No excavating or trenching shall be performed until a permit for same has been obtained from the appropriate County department (see the Procedures and Permits Article of this Development Code). All applicants shall be required to acknowledge receipt and understanding of safety requirements before a permit will be issued. All such permits shall be conspicuously posted upon the job site.

b. No permit shall be issued unless an authorized agent of the applicant holds an excavation and trenching certificate.

Sec. 1020.06. **Enforcement of excavating and trenching requirements.**

a. The Public Works Director or his or her designated representative shall have the authority to cause any trenching or excavation work in progress to be halted upon a finding that these certificate requirements are not being met on the particular job site. The said County Official may issue a verbal warning or a written citation in his discretion or he may recommend to the Board of Commissioners a revocation of the permits of responsible persons.

b. No excavation and trenching certificate shall be suspended or revoked, except for due cause, and after a hearing before the Board of Commissioners upon written notice to the holder of such certificate of the time, place and purpose of such a hearing and a statement of the charge upon which such hearing shall be held. Three days notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the Board of Commissioners may deem appropriate. Due cause for revocation shall consist of the violating of any laws or ordinances regulating excavating or trenching. At

any such hearing, the excavation and trenching certificate holder shall be entitled to be represented by an attorney and to cross examine any witnesses who may appear and to present evidence in his own behalf.

c. No excavating or trenching permit shall be suspended or revoked except for due cause and after hearing before the Board of Commissioners after notice to the permit holder of the date, time and place of hearing, along with a statement of the charges upon which the hearing is to be had. The violation of any laws or ordinances regulating excavating or trenching as set forth hereinabove shall constitute due cause for suspending or revoking such permit. Three days notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the Board of Commissioners may deem appropriate. At such hearing, the permit holder shall be entitled to be represented by an attorney, to cross-examine all witnesses who may appear against him, and to present evidence in his own behalf.

Sec. 1020.07. **Inspection by Oconee County.**

The Public Works Director or his or her designated representative shall periodically inspect trench/excavation sites. Such inspectors shall, among other things, verify the presence of the required permits, the existence of required excavation and trenching certificates and compliance with OSHA safety standards hereinabove adopted.

Sec. 1020.08. **Violations.**

In addition to the provisions of the Administration and Enforcement Article of this Development Code, the following shall apply to violations under this Section:

a. Violations of this Section may result in revocation or suspension of any excavation and trenching certificate issued hereunder as set out above.

b. Violations of this Section may result in revocation or suspension of excavating/trenching permits issued hereunder as set above.

c. When oral notice is not deemed sufficient a written notice of violation may be issued for any deficiency. Upon receipt of such notice, the deficiency shall be corrected immediately.

d. Excavation and trenching work upon any job site shall be required to cease immediately upon discovery that there is trench activity by any person not an excavation and trenching certificate holder, when there is a refusal or failure to correct deficiencies immediately or when such work is being done without a permit.

e. If deficiencies identified in a notice or violation are not timely corrected, the building permit, land disturbance permit or any other permit issued by Oconee County may be suspended or revoked for due cause upon the conditions herein identified for revocation of authorization.

f. Flagrant or repeated violations shall be reported by Oconee County to OSHA for action by that agency.

Sec. 1021. Installation of streets and utilities.

Sec. 1021.01. **Permit for utility installation.**

This Section governs the installation of telephone lines, gas lines, water lines, sanitary sewer lines, gray-water reuse lines, electrical lines, fuel lines, steam lines, T.V. cables, open storm drainage, storm sewers and other utilities within county maintained road or street rights-of-way.

a. Application for permit; when required.

(1) New facilities or extensions of existing facilities within county maintained road or street rights-of-way shall require a written application and a permit issued by the appropriate County department.

(2) Service lines and maintenance and repair of existing facilities shall not require a permit unless a pavement cut is required, but all other requirements of this Development Code shall apply to said activities, where applicable.

(3) Emergency cuts without a permit may be made when required. Such cuts shall be followed by a written application or report to the Utilities Coordinator within 2 working days thereafter. Repairs to the pavement and disturbed soil and all other applicable requirements of this Development Code shall apply to such emergency cuts.

b. Application for permit; requirements.

Application for permit for Utility Facility Installation shall be made to the Oconee County Utilities Coordinator.

(1) In the case of water lines and sanitary sewer lines, the applicant must submit 4 copies of a plan showing the proposed installation to the Utilities Coordinator. Said plans shall be approved or denied, or additional information shall be requested, within 30 days or said plans shall be deemed to have been approved.

(2) A request for breaking of pavement must be described in detail in the application. (See also Sec. 1017.02.)

(3) In those cases where a Georgia Department of Transportation application and permit is required, a copy of the Department of Transportation application and permit along with the expected date of work commencement shall be provided to the Oconee County Utilities Coordinator and said copy shall satisfy the application and permit requirements herein.

c. Installation and construction requirements.

(1) The installation of said facility as authorized shall be subject to the inspection, direction and control of the Public Works Director or Water Resources Department (as appropriate) who shall be notified before work is commenced. Such notification shall include the date and time of the commencement of the construction and/or installation and location of same.

(2) The work shall be performed in a workmanlike manner and all installations shall be done by the utility owner in such a way as to leave free flows in drainage ditches, pipes, culverts or other surface water drainage facilities of the roadway or its connections. No part of any installation shall be attached to any portion of a bridge, culvert or other structure of the roadway without special authorization of the Public Works Director after detailed information is furnished as may be required.

(3) Where breaking of pavement has been approved, a six-inch concrete slab will be poured over the backfilled trench and will rest on undisturbed soil. If the pavement is asphalt, the surface of the 6-inch, concrete slab will be 1½ inches below the surface of the abutting pavement. The 1½-inch section will be paved with Type E, F, or H plant asphalt. The finished surface will be smooth and flush with abutting pavement.

(4) Underground piping and wiring will be installed and located in accordance with Sec. 1017. Where underground piping parallels the roadway the excavated ditch edge nearest the pavement will be at least 8 feet from the pavement edge, unless otherwise authorized herein.

(5) The facility trench shall be backfilled carefully after the facility has been installed, in accordance with the standard practice for installing culverts and minor structures. In crossing roadways the backfill will be made in 6-inch layers and each layer firmly compacted. Where roadway grass is disturbed, satisfactory replacement will be accomplished including adequate seeding of new grass.

(6) The full and entire expense and cost of the facility installation and maintenance shall be borne by the utility owner and the utility owner shall make necessary arrangements for traffic over said point during such work as may be directed by the Public Works Director. The utility owner shall place the necessary barricades, warning signs, signals, lights and, if necessary, watchmen for the protection of the traveling public,

and further agrees by the acceptance of the permit to keep and hold Oconee County harmless from any and all damages caused by negligence on the part of the utility owner, its agents, servants, officers or employees, or contractors, engaged in doing said work, or any injuries or damages suffered by anyone as a result thereof.

d. Future relocations at utility expense.

In case the Board of Commissioners should in the future decide to widen and/or relocate the existing road, the Oconee County Commissioners reserve the right to require the utility owner to take up and relay such sections of the facility within the right-of-way as may be necessary to take up and relay from an engineering standpoint due to such widening and/or relocating; the taking up and relaying to be at the expense of the utility owner. This work shall be completed within 60 working days after notification by the Board of Commissioners or within such other time as may be approved in writing by the Public Works Director or designated representative of the Board of Commissioners.

Sec. 1021.02. **Additional design & construction considerations.**

More stringent design and construction standards may be required by the Public Works Director where streets cross 100 year flood plain(s), serve as the only means of public ingress and egress to one or more lots, cross flowing streams, cross poor soils or encounter other similar conditions.

a. General.

All streets, roads, and alleys shall be constructed to provide the necessary paving, roadway, drainage, and safety requirements as provided herein and by other specifications of the Oconee County.

b. Clearing and grubbing.

(1) All streets, roads and alleys shall be graded to their full width so that pavement, shoulders and sidewalks, where required or proposed for future installation, can be constructed on a uniform plane. The right-of-way shall be cleared of all trees. Additional trees shall be removed outside of the right-of-way if the area under the dripline of the tree in the right-of-way is disturbed, as directed by the Public Works Director or Planning Director.

(2) Clearing, grading or other land disturbing activities associated with subdivision construction shall not commence until the preliminary plat, engineered construction plans and soil erosion/sediment control plans have all been approved by Oconee County. This shall not be construed to prohibit necessary logging or survey operations prior to approval of such plans.

c. Storm drainage.

See the Erosion Control and Stormwater Management Article of this Development Code for requirements relating to storm drainage.

Sec. 1021.03. **Installation of utilities; general.**

All utility crossings, service lines, conduit, or other related appurtenances shall be installed within the limits of the roadbed plus 2 feet of each side of the pavement surface, prior to the placement and compaction of the graded aggregate base course. Utilities should be installed following the installation of curb and gutter, unless the curb line is accurately staked at 50 foot intervals to insure proper utility locations as specified in Sec. 1017. The developer shall coordinate the location of all utilities and provide a copy of all as-built and proposed locations at final plat.

Sec. 1021.04. **Slopes and shoulder improvements**

Slopes and shoulder improvements shall conform to the requirements of Sec. 1008.05.h.

Sec. 1021.05. **Construction methods; roadways.**

a. Roadway grading and embankments.

(1) All streets and roads shall be graded to their full width by the sub-divider so that pavements and sidewalks, where required or proposed for future installation, can be constructed on a level plane as shown in the cross-sections on the approved plans.

(2) The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a lawful manner, and shall not be buried in the right-of-way or within the project limits.

(3) Road fill of suitable material free of organic matter shall be placed in uniform eight-inch layers compacted to at least 95 percent of maximum density throughout as specified for construction and testing in the Georgia DOT standards for embankments. Embankment compaction test shall be taken at an interval not exceeding 2500 cubic yards. All storm drainage and other underground utilities installed under the roadbed and the backfill in all ditches shall be compacted to at least 95 percent maximum density. Compaction testing of backfill for said structures shall be taken at a minimum interval not less than 1 between any 2 structures. Compaction test results shall be reported to the county immediately after results are obtained.

(4) Cut and fill slope ratios shall start at the edge of the right-of-way and shall not exceed 3:1 in the right-of-way and 2:1 outside of the right-of-way. In lieu of a cut or fill slope, a retaining wall may be utilized where necessary with the approval of the county.

(5) Cut or fill slopes shall be uniform for each section of cut or fill. The depth of cut or fill shall be constructed to the maximum cut or fill occurring in any one section. When a cut made in rock requires blasting, the slope may be changed to an alternative slope grade upon written approval of the county.

(6) If paving is to be delayed, provisions shall be made to drain low points in the roadway. If curbing has not been installed, a break in the berm section may be provided. If curbing is in place, 4-inch pipe sections shall be used to provide drainage under the curb to side slopes.

(7) All work must be approved by the County prior to preparation of the subgrade. It is the design professional's duty to inspect that road grading specifications has been met. The developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway grading. The developer shall also provide to the County certification to the County by a professional land surveyor or engineer licensed in the state that grading has been completed to the lines and grades to a tolerance of +/- 6 inches. The developer will also provide staking of the roadway centerline in conjunction with said certification for verification by the Public Works Director. Upon presentment and approval of such documentation by the County, road construction may continue.

b. Preparation of subgrade.

(1) All boulders, organic material, soft clay, spongy material and any other objectionable material shall be removed and replaced with approved material. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the lines, grades and typical cross-sections as shown on the drawings approved by the County.

(2) The subgrade shall be scarified to a depth of 8 inches, and compacted to 95% maximum dry density and within +/- 3 percent of the optimum moisture content. Subgrade compaction shall be determined by field testing at intervals not to exceed 1500 feet. Compaction testing shall be accomplished in accordance with the standardized testing protocols of GDOT. Written test results shall be provided to the County immediately after results are obtained.

(3) It is the design professional's duty to inspect that subgrade preparation specifications have been met. The Developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway subgrade preparation. Upon presentation and approval of such documentation by the County, roadway construction may continue.

c. Preparation of aggregate base course.

(1) All base course material shall be deposited and spread by means of spreader boxes, or approved mechanical equipment, or from moving vehicles equipped to distribute the material in a uniform layer.

(2) Immediately following the spreading of the coarse aggregate, all material placed shall be compacted to the full width by rolling with a smooth wheel power roller of adequate size and weight to achieve compaction.

(3) Any irregularities, areas of segregation, or depressions that develop under such rolling shall be corrected by loosening the material at these places and adding or removing material until the surface is smooth and uniform. The application of water, applied uniformly over the base course, may be required to achieve adequate compaction. Shaping and rolling shall be performed alternately as required to maintain a uniform compacted base until a surface or treatment has been applied to the base. Along curbs, headers and walls and at all places not accessible to the roller, the base course material shall be tamped thoroughly with mechanical tampers or approved hand tampers.

(4) Graded aggregate base shall meet the requirements of Georgia DOT Specifications for graded aggregate. Graded aggregate base compaction test shall be taken at an interval not exceeding 1 per 1500 linear feet. No graded aggregated base shall be placed on muddy or frozen subgrade. The moisture content of the graded aggregate base shall be uniformly distributed and shall be adequate to allow compaction to the specified density. After the material placed has been shaped to line, grade and cross section, it shall be rolled until the course has been uniformly compacted to at least 100 percent of the maximum dry density when Group 2 aggregate is used, or to at least 98 percent of maximum dry density when Group 1 aggregate is used. The theoretical maximum dry density shall be established using the appropriate test methods of the Georgia DOT Sampling, Testing and Inspection Manual. Moisture content shall be within +/- 3 percent of the optimum content. Compaction test results shall be reported to the County immediately after results are obtained.

(5) After the base course has been installed and inspected, and before any surface is applied, all residential streets shall be primed with suitable asphaltic materials as per Georgia DOT Specification 412 unless asphalt paving commences within two weeks from acceptance of the certification from the period March 1 to December 1 or within 24 hours during the period December 1 to March 1.

(6) It is the design professional's duty to inspect that graded aggregate base course preparation specifications have been met. The Developer will provide to the County a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway graded aggregate base course preparation. Upon presentation and approval of such documentation by the County, roadway construction may continue.

d. Asphaltic concrete construction.

(1) Paving material shall consist of a conventional Bituminous Plant Mix. The use of "Superpave" mix design will be permitted. Recycled asphalt products (RAP) will not be permitted for initial construction of roadways. RAP may be used in the binder course but only with prior approval of the Public Works Department.

(2) Material, equipment, seasonal and weather limitations, preparation of road surface, material application and construction methods shall be the same as set out in the Georgia Department of Transportation's Standard Specifications for Road and Bridges, latest edition, and any amendments thereto.

(3) Mix design(s) shall be provided to the County for approval at least a minimum of 2 weeks prior to paving operations.

(4) If paving will not be completed within 2 weeks after the base course is completed during the period March 1 to December 1, then, the base will need to be primed in accordance with GDOT Standards with the roadway being barricaded thereafter. The above will be required within 24 hours during the period of December 1 – March 1.

(5) One asphaltic concrete extraction test per type mix shall be taken per subdivision. Extraction test results shall be reported to the county immediately after results are obtained.

(6) Asphaltic concrete compaction test for each type mix shall be taken at an interval not exceeding 1 per 1000 linear feet per 1 lane of roadway. All asphalt courses shall be compacted to no less than 95.5 percent of the target density. Compaction ranges of 95.4 percent to 93.4 percent will require a specific and separate 3 year maintenance bond in the amount of 20 percent of the paving costs for the street affected. Compaction less than 93.4 percent will be cause for rejection and rework of the street section affected. The maximum Pavement Mean Air Voids will not exceed 7.8 percent in any instance. Compaction testing shall be accomplished in accordance with the appropriate standardized protocols for the GDOT Sampling, Testing, and Inspection Manual. Compaction test results shall be reported to the county immediately after results are obtained.

(7) Where a binder course is provided on streets, a tack coat shall be applied to all prepared road surfaces as provided in Georgia DOT Specifications.

(8) On streets where a binder course is provided, the final layer of asphalt shall be placed no later than 1 year after the binder course is laid or when 80 percent of the project is built-out whichever comes first.

(9) The Public Works Director shall require that all work meet or exceed the above requirements.

(10) It is the design professional's duty to inspect that the roadway asphaltic concrete construction specifications have been met. The Developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway asphaltic concrete construction. Upon presentation and approval of such documentation by the county, roadway construction will be considered as complete for the purpose of final plat.

e. Base, asphalt and compaction testing.

(1) Depth testing.

The County reserves the right to require depth checks on base materials and asphalt cores shall be taken at random locations at five hundred foot intervals along each road at the discretion of the Public Works Director. Any area found deficient shall be brought up to the required thickness prior to placing any additional layer of material. All asphalt core holes shall be filled with hot mix asphalt of similar grade prior to final acceptance.

(2) Additional testing requirements/coordination.

All testing shall be scheduled with the Public Works Director, or his/her duly appointed representative no less than 24 hours in advance. Compaction testing shall not be performed until the surface/material is to the lines and grades shown on the plans. Once an embankment, subgrade, or base course has been certified then

that material shall not be disturbed or additional testing will be required. All areas or sections of the subgrade and base course, which do not pass compaction testing, shall be corrected. Once the Developer makes all necessary corrections, it shall be his/her responsibility to schedule any and all subsequent test. The Public Works Director may require that in addition to the compaction testing required, a roll test be performed in accordance with Sec. 1008.05.k. All certifications provided shall contain all test data and results to support certification.

f. Seasonal limits.

No roadway construction material shall be deposited or shaped when the subgrade is frozen at any depth or thawing at any depth or during unfavorable weather conditions including rain of any intensity. Paving material installation shall be subject to temperature and weather conditions as contained in Georgia DOT construction standards. The time period from December 1 to March 1 will require special construction procedures unique to the individual sites and weather conditions. The Contractor/Developer shall consult with the Public Works Department during a supplemental Pre-Construction Conference prior to beginning or continuing any roadway construction work during this period. It shall be the responsibility of the Developer to schedule this conference.

Sec. 1022. Building construction.

Sec. 1022.01. Building permit required.

a. No construction activity of any kind including grading, installation of improvements, and building shall begin on any subdivision lot or site development project without the prior approval and issuance of a building permit by the Planning Department.

b. The Code Enforcement Department shall not issue any permit for the erection of any building or structure to be located in any subdivision, a plat whereof is required to be recorded pursuant to the provisions of this Development Code, until such plat shall have been admitted to record as provided for in this Code.

Sec. 1022.02. Building site development.

Development and building construction on an individual subdivision lot (such as a single-family detached home) or development project site (such as a nonresidential building or multi-family project) shall be in accordance with the Grading and Draining of Individual Building Sites Section of the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1022.03. Certificate of occupancy required.

a. No dwelling within the county may be occupied for dwelling purposes until all required utility installations, including the water supply and sanitary sewer systems, have been completed to the satisfaction of the County Health Office and the Planning Department.

b. No principal building of any kind, and no accessory building requiring issuance of a building permit, shall be occupied or used for any purpose until a Certificate of Occupancy has been issued, as authorized by the Fire Marshal (if required) and the Planning Director.

Article 11. Erosion Control and Stormwater Management

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Article 11. Erosion Control and Stormwater Management

Sec. 1101. Purpose of Article 11.

This Article contains the requirements that relate to the impact of rainfall events on the natural and manmade environment, including the erosion and siltation effects of site grading and land disturbance activities, the control of stormwater flows and the potential damaging effects of flooding.

Sec. 1102. Standards incorporated by reference.

Sec. 1102.01. Stormwater management.

The design, construction, operation and maintenance of the stormwater system, including stormwater detention facilities and all conveyances whether piped or open, shall conform to the provisions of the ***Georgia Stormwater Management Manual,*** published August 2001 and as may be amended by local addenda of Oconee County from time to time, or as periodically updated or expanded based on improvements in science, engineering, monitoring or local maintenance experience.

Sec. 1102.02. Owner responsibilities.

Any property where erosion problems are resulting in sedimentation or where sediment leaves the property is in violation of this Development Code, regardless of whether construction activity is occurring or whether a permit has been issued.

a. Proper notice shall be considered a notice of the violation mailed via certified mail to the property owner's address on record with the Oconee County Tax Assessor's office on the date of the violation.

b. Once proper notice has been issued, the property owner shall have five days to correct this violation.

DIVISION I. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL.

Sec. 1103. Purpose and intent.

The purpose of this Section is to control erosion and sedimentation by requiring proper provisions for storm water runoff and the protection of soil surfaces during and after any land disturbing activity so as to promote the safety, public health and general welfare of the people of the county.

Sec. 1104. Definitions related to erosion, sedimentation and pollution control.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best Management Practices (BMP's)—Erosion and Sedimentation Control*:* These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Buffer*:* The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Board*:* The Board of Natural Resources.

Certified Personnel*:* A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission (GSWCC).

***Commission**:* The Georgia Soil and Water Conservation Commission (GSWCC).

***CPESC**:* Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

***Cut**:* A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as "excavation."

***Department**:* The Georgia Department of Natural Resources (DNR).

***Design Professional**:* A Professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

***Development Permit**:* The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

***Director**:* The Director of the Environmental Protection Division or an authorized representative.

***District**:* The Oconee River Soil and Water Conservation District.

***Division**:* The Environmental Protection Division (EPD) of the Department of Natural Resources.

***Drainage Structure**:* A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control or flood control purposes.

***EPD**:* The Environmental Protection Division of the Georgia Department of Natural Resources.

***EPD Director**:* The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

***Erosion**:* The process by which land surface is worn away by the action of wind, water, ice, or gravity.

***Erosion, Sedimentation and Pollution Control Plan**:* A plan required by the Erosion and Sedimentation Act, O.C.G.A. chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in Sec. 1106 of this Code.

***Fill**:* A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

***Final Stabilization**:* All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final Stabilization applies to each phase of construction.

***Finished Grade**:* The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

***Grading**:* Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

***Ground Elevation**:* The original elevation of the ground surface prior to cutting or filling.

Land-Disturbing Activity*:* Any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including those practices that are exempt under the Soil Erosion and Sedimentation Control provisions of this Development Code.

Larger Common Plan of Development or Sale*:* A contiguous area where multiple, separate and distinct construction activities are or may be occurring at different times on different schedules under one plan of development or sale. For purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority*:* The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

Metropolitan River Protection Act (MRPA)*:* A state law referenced as O.C.G.A. 12-5-440 *et seq*., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural Ground Surface*:* The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU)*:* Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

NOI*:* A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT*:* A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

One-Hundred-Year Flood Plain*:* A land area subject to a 1 percent or greater statistical occurrence probability of flooding in any given year.

Operator*:* The party or parties that have: 1) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or 2) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall*:* The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit*:* the authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person*:* Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State, any interstate body or other legal entity.

Phase or Phased*:* Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project*:* 1) The entire proposed development project regardless of the size of the area of land to be disturbed. 2) For stormwater management, see "Land Development Project."

Properly Designed*:* Designed in accordance with the design requirements and specification contained in the Manual for Erosion and Sediment Control in Georgia (Manual) published

by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

***Qualified Personnel**:* Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

***Roadway Drainage Structure**:* A device such as a bridge, culvert or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

***Sediment**:* Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by wind, water, ice or gravity as a product of erosion.

***Sedimentation**:* The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

***Soil & Water Commission**:* The State Soil and Water Conservation Commission.

***Soil and Water Conservation District Approved Plan**:* An erosion, sedimentation and pollution control plan approved in writing by the Oconee River Soil and Water Conservation District.

***Soil & Water District**:* The Oconee River Soil and Water Conservation District.

***Stabilization**:* The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

***State General Permit**:* The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. 12-5-30.

***State Waters**:* Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

***Stream Buffer**:* See "Buffer, Stream."

***Structural Erosion and Sedimentation Control Measures**:* Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

***Trout Streams**:* All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of O.C.G.A. 12-5-20 et. seq., in the rulesand regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures*:* Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Watercourse*:* Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands*:* Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Sec. 1105. Exemptions.

This Section shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

a. Surface mining, as same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968";

b. Granite quarrying and land clearing for such quarrying;

c. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities, which result in minor soil erosion;

d. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common development plan or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section; provided however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall occur between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the EPD Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of Code section 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the issuing authority;

e. Agricultural operations as defined in O.C.G.A. 1-3-3, "Definitions," to include those raising, harvesting, or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian product; farm buildings and farm ponds;

f. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land disturbing or other activities otherwise prohibited in a stream buffer, as established in paragraphs (15) and (16) of Sec. 1106.01.b, no other land disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

g. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;

h. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters. For purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the regulation of any such project that is not specifically exempted by any Subsection of this Sec. 1105;

i. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation or the Georgia Road Authority or State Tollway Authority is a secondary permittee for a project located within a larger common development plan or sale under the state general permit, in which case a copy of the notice of intent under the state general permit shall be submitted to Oconee County and Oconee County will enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders;

j. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power; except where and electric membership corporation or municipal electric system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United Stated engaged in the generation, transmission or distribution of power is a secondary permittee for a project located in a larger common plan of development or sale under the state general permit, in which case Oconee County will enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders; and

k. Any public water system reservoir.

Sec. 1106. Minimum requirements for erosion, sedimentation and pollution control using best management practices.

Sec. 1106.01. General Provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore,

plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of this Section. The application of measures shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

a. Minimum requirements; best management practices.

(1) Best management practices, as set forth in Sec. 1106.01.a and Sec. 1106.01.b shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by Oconee County or to any other allegation of noncompliance with this subsection or any substantially similar terms contained in a development permit for the discharge of stormwater issued pursuant to O.C.G.A. 12-5-30(f), the Georgia Water Quality Control Act. As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the applicable *Manual for Erosion and Sediment Control in Georgia* specified in O.C.G.A. 12-7-6 subsection (b).

(2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed and maintained shall constitute a separate violation of any land-disturbing permit issued by Oconee County or of any state general permit for construction activities issued by EPD pursuant to O.C.G.A. 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout streams. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the EPD Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

(3) Failure to properly design, install or maintain best management practices shall constitute a violation of any development permit issued by Oconee County or of any state general permit issued by EPD pursuant to O.C.G.A. 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such failure occurs.

(4) The EPD Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

(5) The LIA may set more stringent buffer requirements than stated in Sec. 1106.01.b(15) & (16) in this Code, in light of O.C.G.A. 12-7-6 (c).

b. Minimum requirements for erosion, sedimentation and pollution and sedimentation control; specific.

The rules and regulations, ordinances adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the State General Permit, and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

(1) Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion.

(2) Cut-fill operations must be kept to a minimum.

(3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.

(4) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.

(6) Disturbed soil shall be stabilized as quickly as practical.

(7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.

(8) Permanent vegetation and structural erosion control measures shall be installed as soon as practical.

(9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 *et. seq*.

(10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.

(11) Cuts and fills may not endanger adjoining property.

(12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.

(13) Grading equipment must cross-flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any case, that such crossings are kept to a minimum.

(14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout streams.

(15) Except as provided in Sec. 1106.01.b paragraphs 15 and 16, and the Environmental Protection Article of this Code relating to stream buffers and conservation corridors, there is established a 25 foot stream buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action except where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground water table year round; for which ground water is not a source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the Georgia Water Quality Control Act, shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

(a) No land-disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed state of vegetation until

all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(b) The stream buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

i. Stream crossings for water lines; or

ii. Stream crossings for sewer lines.

(16) There is established a 50 foot stream buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

(a) No land-disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single–family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(b) The stream buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

i. Stream crossings for water lines; or

ii. Stream crossings for sewer lines.

c. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Sec. 1106.01.a and Sec. 1106.01.b of this Code.

d. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Sec. 1107. Application/permit process.

Sec. 1107.01. General.

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult this Development Code and other ordinances that regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the operator is the only party who may obtain a permit.

Sec. 1107.02. Application requirements.

a. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the Oconee County Board of Commissioners without first obtaining a permit from the Planning Department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

b. The application for a permit shall be submitted to the Planning Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Sec. 1107.03 of this Article. Soil erosion, sedimentation and pollution control plans shall conform to the provisions of Sec. 1106.01.a and Sec. 1106.01.b of this Article. Applications for a permit will not be accepted unless accompanied by 3 three copies of the applicant's soil erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with EPD Rule 391-3-7-10.

c. A fee, in the amount of $250 up to 50 lots, $350 from 51 up to 100 lots, $400 from 101 to 150 lots and $500 from 151 lots and up shall be charged for each acre or fraction thereof in the project area.

d. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

e. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the Soil & Water District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. A Soil & Water District shall approve or disapprove a plan within 35 days of receipt. Failure of a Soil & Water District to act within 35 days shall be considered an approval of the pending plan. The results of the Soil & Water District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the Soil & Water District, and any variances required by Sec. 1106.01.b

paragraphs 15 and 16 are obtained, and bonding requirements, if necessary, as per Sec. 1107.02.g, have been met. Such review will not be required if the Local Issuing Authority and the Soil & Water District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the Soil & Water District.

f. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.

g. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this Development Code or with the conditions of the permit after issuance, the Local Issuing Authority may call, the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

Sec. 1107.03. **Plan requirements.**

a. Plans must be prepared to meet the minimum requirements as contained in Sec. 1106.01.a and Sec. 1106.01.b of this Article. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.

b. Data required for erosion, sedimentation and pollution control plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land disturbing activity was permitted.

Sec. 1107.04. **Permits.**

a. Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

b. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the Soil & Water District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Sec. 1106.01.b paragraphs 15 and 16 are obtained, and bonding requirements, if necessary, as per Sec. 1107.02.g, are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

c. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

d. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

e. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Development Code. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

f. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

Sec. 1108. Inspection and enforcement.

a. The Planning Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary, and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance of best management practices where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

b. The Planning Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

c. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Soil & Water Commission, the Soil & Water District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

d. The Soil & Water Districts or the Soil & Water Commission or both shall periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The Soil & Water Districts or the Soil & Water Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Soil & Water Districts or the Soil & Water Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

e. The Board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the Soil & Water District and

the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as a Local Issuing Authority.

Sec. 1109. Penalties and incentives.

Sec. 1109.01. Failure to obtain a permit for land-disturbing activity.

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

Sec. 1109.02. Stop-work orders.

a. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

b. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;

c. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred;

d. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

Sec. 1109.03. Bond forfeiture.

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Sec. 1107.02.g. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Sec. 1109.04. **Monetary penalties.**

Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 1110. Education and certification.

a. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the State Soil and Water Conservation Commission in consultation with the EPD and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.

b. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

c. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

d. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

DIVISION II. STORM DRAINAGE & STORMWATER MANAGEMENT.

Sec. 1111. Purpose and intent.

The purpose of this Division is to protect, maintain, and enhance the public health, safety, environment, and general welfare of the citizens of Oconee County, Georgia by: the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law; establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment; and establishing inspection and maintenance requirements for existing privately owned detention facilities in the area of the County regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. The objectives of this Division are:

a. Regulate the contribution of pollutants to the Oconee County separate storm sewer system by stormwater discharges by any user;

b. Prohibit illicit connections and discharges to the Oconee County separate storm sewer system;

c. Require that drainage easements are maintained in a proper manner;

d. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;

e. Establish legal authority to carry out all inspection procedures necessary to ensure compliance with this Division.

f. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety.

g. In addition, for the area of the County regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit and areas identified in Sec. 1113.d:

    (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

    (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

    (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; and,

    (4) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation

h. To promote the natural beauty and aesthetic qualities of Oconee County.

Sec. 1112. Definitions related to storm drainage and stormwater management.

For the purposes of this Division, the following shall mean:

Beneficial Owner(s): All property owners in a subdivision that derive benefit from a stormwater management facility, detention facility, retention facility, or drainage easement may be considered owners of that facility or easement.

Best Management Practices (BMPs)—Stormwater Management: Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES Construction Permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Detention: The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention Facility: A basin or structure used for the temporary storage of stormwater runoff for the purpose of controlling the peak discharge and which is designed to completely drain after a specified period of time.

Developer: A person who undertakes land development activities.

Drainage Easement: An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Georgia D.O.T. Standards/Specifications: State of Georgia Standard Specifications – Construction of Transportation Systems, latest edition.

Georgia Stormwater Management Manual, Volume 2: Technical Handbook, produced as a result of a collaborative effort between the Atlanta Regional Commission (ARC), the Georgia Department of Natural Resources-Environmental Protection Division (EPD), and 35 cities and counties from across Georgia that provides guidance on the techniques and measures that can be implemented to meet a set of stormwater management minimum standards for new development and redevelopment, as amended from time to time.

Greenspace: Permanently protected areas of the site that are preserved in a natural state. See also under "Open Space."

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hotspot: A land use or activity on a site that produces higher concentrations of trace materials, hydrocarbons or other pollutants than are normally found in urban stormwater runoff. Examples of hotspots include, but are not limited to: gas stations, vehicle service and maintenance areas, salvage yards, material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Illegal Connection: An illegal connection is defined as either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water, regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency; or
2. Any pipe, open channel, drain or conveyance connected to the Oconee County separate storm sewer system that has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge: Any direct or indirect non-stormwater discharge to the Oconee County storm drain system, except as exempted in the Storm Drainage and Stormwater Management Division of the Erosion Control and Stormwater Management Article of this Development Code.

Impervious Cover: A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, disturbed and compacted soil, and any concrete or asphalt surface.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40CFR, Section 122.26 (b) (14).

Inspection and Maintenance Agreement: A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records, constitutes a restriction on the title to a site or other land involved in a land development project.

Land Development: Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Development Activities: Those actions or activities that comprise, facilitate, or result in land development.

Land Development Project: A discrete land development undertaking.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by Georgia EPD under authority delegated pursuant to 33 USC § 1342 (b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

New Development: A land development activity on a previously undeveloped site.

Nonpoint Source Pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such a sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural Stormwater Management Practice or Nonstructural Practice: Any natural or planted vegetation or any other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Non-Urbanized Area: The area of unincorporated Oconee County not regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit.

Oconee County Separate Storm Sewer System: Any facility, owned or maintained by the county, designed or used for collecting and/or conveying stormwater, including but not limited to roads with drainage systems, Oconee County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution: Contamination or other alteration of any water's physical, chemical, or biological properties by addition of any constituent including but not limited to a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Post-development: The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development: The time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by Oconee County. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first element of construction and/or phase being approved or permitted shall establish pre-development conditions.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Redevelopment: A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Retention Facility: A basin or structure designed to contain a permanent pool of water with sufficient freeboard to provide for temporary storage and water quality treatment of stormwater runoff.

Site: The parcel of land being developed, or the portion thereof on which the land development project is located.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Better Site Design: Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater Discharge: The flow rate of surface water resulting from precipitation.

Stormwater Management: The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater Management Facility: Any infrastructure that controls or conveys stormwater runoff.

Stormwater Management Measure: Any stormwater management facility, structure, or nonstructural stormwater management practice.

Stormwater Management Plan: A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this Division.

Stormwater Management System: The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey, and control the quantity and quality of the stormwater runoff from a site.

Stormwater Management Retrofit: A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater Runoff: The quantity of surface water resulting from precipitation.

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, the velocity of flow, or the rate of discharge of such runoff.

Urbanized Area: The area of unincorporated Oconee County regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit.

Wastewater: Any water or other liquid discharged from a facility, that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products.

Sec. 1113. Applicability.

a. Sec. 1114 of this Division shall be applicable to all unincorporated portions of the County.

b. Sec. 1115 of this Division shall be applicable to owners of all stormwater structures or facilities existing at the date of this Division, regardless of their previous practices, in the area of the County, and for the activities, regulated under the NPDES Stormwater Phase II Permit.

c. Stormwater management in the urbanized area:

(1) Sec. 1116 of this Division shall be applicable to all land development in the area of the County regulated under the NPDES Stormwater Phase II Permit, including, but not limited to, site plan development applications, subdivision development applications, and grading permit applications, unless exempted pursuant to Sec. 1113.c(2) below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

(a) New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities that result in the disturbance of land of one acre or more;

(b) Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity that results in the disturbance of land of one acre or more;

(c) Any new development or redevelopment, regardless of size, that is defined by the County to be a hotspot land use; or,

(d) Land development activities that are smaller than the minimum applicability criteria set forth in Sec. 1113.c(1)(a) and Sec. 1113.c(1)(b) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

(2) The following activities are exempt from Sec. 1116 of this Division:

(a) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;

(b) Additions or modifications to existing single-family or duplex residential structures;

(c) Agricultural or silvicultural land management activities within areas zoned for these activities; and,

(d) Repairs to any stormwater management facility or maintenance practice deemed necessary by the Public Works Director.

d. Stormwater management in the non-urbanized area.

Sec. 1116 of this Division shall apply to areas not within the area of the County regulated under the NPDES Stormwater Phase II Permit in the following circumstances: any residential development containing lot sizes of three (3) acres or less and having 5 or more lots, all non-residential development, any development with size, configuration, and/or density that would lend itself to be considered an urbanized area, or if the site is designated a hotspot for stormwater pollution by the Oconee County Public Works Department. Sec. 1117 of this Division shall apply only to those areas not governed by Sec. 1116.

Sec. 1114. Illicit non-stormwater discharges and illegal connection.

Sec. 1114.01. Prohibitions.

a. Prohibition of illicit discharges.

No person shall throw, drain, or otherwise discharge, cause or allow others under their control to throw, drain, or otherwise discharge into the Oconee County separate storm sewer system or watercourses any materials, including but not limited to any pollutants or waters containing any pollutants, other than stormwater.

The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:

(1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

(2) Discharges or flows from fire fighting, and other discharges specified in writing by the Oconee County Board of Commissioners as being necessary to protect public health and safety;

(3) Dye testing is an allowable discharge, but requires a verbal notification to the Oconee County Planning Department prior to the time of the test;

(4) Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for an discharge to the Oconee County separate storm sewer system.

b. Control of construction site debris and wastes.

All owners, applicants, contractors and developers shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste on construction sites and shall keep streets, gutters, ditches, and storm drains clear of all sediment and debris from the site.

c. Prohibition of illegal connections.

The construction, connection, use, maintenance or continued existence of any illegal connection to the Oconee County separate storm sewer system is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person violates this Division if the person connects a line conveying sewage to the Oconee County separate storm sewer system, or allows such a connection to continue.

(3) Improper connections in violation of this Division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the County.

(4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the County requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Oconee County Public Works Department.

Sec. 1114.02. **Industrial or construction activity discharges.**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Oconee County Public Works Department prior to allowing discharges to the Oconee County separate storm sewer system.

Sec. 1114.03. **Access and inspection of properties and facilities.**

The County, or its agent, shall be permitted to enter and inspect properties and facilities subject to regulation under this Division as often as may be necessary to determine compliance.

a. If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangement to allow access to the County, or its agent.

b. The owner or operator shall allow the County, or its agent, ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

c. The County, or its agent, shall have the right to set up on any property or facility such devises as are necessary in the opinion of the County to conduct monitoring and/or sampling of the facility's stormwater discharge.

d. The County may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the County. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devises used to measure flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

f. If the County, or its agent, has been refused access to any part of the premises from which stormwater is discharged, and the County is able to demonstrate probable cause to believe that there may be a violation of this Division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Division or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the County may seek issuance of a search warrant from any court of competent jurisdiction.

g. In the event a discharge constitutes an immediate danger to public health or public safety, the County, or its agent, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The County is authorized to seek costs of the abatement as outlined in "Costs of Abatement of the Violation" section below.

Sec. 1114.04. **Notification of spills and accidental discharges.**

a. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility, activity, or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the Oconee County separate storm sewer system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

b. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

c. In the event of a release of non-hazardous materials, said person shall notify the Oconee County Public Works Department in person or by phone no later than the next business day, including the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice, via certified mail return receipt requested addressed to the Oconee County Public Works Department within 3 business days of the initial notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 1115. Maintenance of existing stormwater facilities.

Sec. 1115.01. **Responsibility for maintenance.**

The owners of private stormwater management facilities, detention facilities, and/or retention facilities shall be responsible for maintenance of those facilities. The owners shall be required to:

a. Maintain the proper operational characteristics of the facility; and,

b. Maintain the facility free of obstruction, silt or debris.

Sec. 1115.02. **Maintenance requirement.**

a. When the County determines that deficiencies exist in a private stormwater management system, the County shall notify the owner and the beneficial owners in writing of the deficiencies, describe the required corrective action, and the time period to have the deficiencies corrected.

b. If the owners fail to correct the deficiencies within the specified time frame, the County, or its agent, may enter the property and make, at the owners' expense, the necessary repairs or corrections to the system.

c. In the event deficiencies constitute an immediate danger to public health or public safety, the County, or its agent, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the function of the stormwater system at the owners' expense.

Sec. 1115.03. **Easements.**

The owner of property containing a drainage easement shall not allow or cause to be deposited any material which causes a physical obstruction, including, but not limited to: structures; landscaping; fences; yard waste such as grass clippings, tree trimmings, and leaves; impervious cover; or any other material that may block the flow of water or otherwise disrupt proper function of the stormwater management system. All drainage easements shall be kept clear of obstructions along the entire length of the easement whether it be a buried pipe, ditch, or other facility contained within the easement. The property owner shall remove any such materials existing prior to, or installed after, the effective date of this Division.

Sec. 1115.04. **Access and inspection of properties and facilities.**

a. The owners of property containing private stormwater management facilities, detention facilities, or retention facilities shall allow unimpeded access for the County to conduct inspections of the facilities. Inspections may be conducted by the Oconee County Public Works Department at any time for any reasonable basis, including, but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws.

b. Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected shall be promptly removed at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

Sec. 1116. Stormwater management in the urbanized area.

Sec. 1116.01. **General.**

Whenever and wherever conditions, as are caused or aggravated by reason of the subdivision of land hereunder, adversely affect the proper use or drainage of streets, highways, pedestrian ways, slopes or natural watercourses, or adversely affect the public health, safety, or welfare, the following improvements may be required to be provided and installed by the subdivider:

a. On-tract and/or off-tract drainage or drainage structures necessary for the proper use and drainage of slopes, streets, highways and pedestrian ways, or for public safety.

b. Erosion control planting and/or structural controls.

Sec. 1116.02. **Stormwater application and permit.**

a. All persons proposing development and/or construction in Oconee County shall submit a stormwater management plan to the county for approval. This plan shall comply with the requirements set forth in Sec. 1116.03 below.

b. The plan shall be prepared by a Registered Professional Engineer or Georgia Registered Landscape Architect to ensure compliance with all regulations.

c. A stormwater management plan incorporated into the approved construction plans shall constitute a permit that will satisfy the requirements of this Section.

Sec. 1116.03. **Standards for stormwater management.**

a. All development and/or construction within urbanized area of Oconee County shall meet requirements of the *Georgia Stormwater Management Manual, Vol. 2*, unless otherwise specified in this Division.

b. Facilities for the management of stormwater discharges shall be designed and constructed in a manner that enhances and protects the natural beauty and aesthetic qualities of Oconee County as follows:

(1) Any required retention and/or detention areas shall not be developed.

(2) Any required retention and/or detention areas shall be incorporated into the common areas of the residential development or incorporated into individual lots.

(3) The local government maintains the right, but not the responsibility, to access retention and/or detention areas for purposes of maintenance and inspection

(4) Appropriate vegetation shall be planted in all retention and/or detention areas.

(5) Where fencing is required under Section 1116.03.c, evergreen vegetative screening shall be provided with a minimum height of 3 feet at time of planting. Plant materials used for such screening must be in compliance with Table 8.2 of this Development Code.

c. Fences a minimum of 4 feet in height with a minimum 8 foot wide gate will be required on all detention ponds where:

(1) The sides of the pond have a slope greater than 3 horizontal to 1 vertical, or

(2) The depth of water in the pond is greater than 3 feet at one hour after the duration of any storm event up to the 50-year event.

d. Drainage easement requirements.

(1) The minimum easement width for an open ditch where a pipe is feeding into the ditch will be determined as follows:

Table 11.1: Drainage Ditch Easement Widths

Pipe Size Feeding Into Ditch	Minimum Easement Width
15 to 30 inches	20 feet
36 to 66 inches	30 feet
72 inches and greater	40 feet

(2) Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be a drainage and access easement conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of drainage and maintenance, taking into account possible future development of higher land in the same drainage area, in accordance with Table 11. above, or bank plus 20 feet. Such drainage way shall be piped when the Public Works Director shall find that it is a hazard or that a continual maintenance problem might exist.

(3) If the drainage way is totally piped, the easement width shall be based on the associated pipe size above.

e. If any stormwater management system proposes to utilize the roadway embankment for the temporary impoundment (detention) of stormwater then additional engineering analysis and approved mitigation measures as determined on a case-by-case basis by the Public Works Director will be required to ensure the protection of the roadway system during all storm events in order to qualify for the exemption contained in the Private Bridges and Dams on Roadways Section of the Project Design and Construction Standards Article of this Development Code.

Said analysis and mitigation measures shall include but are not limited to;

(1) No impounded surface water elevation shall encroach into any portion of the public right-of-way, any utility easement/corridor, or any utility easement/corridor on private street easements

(2) The 100-year water surface elevation must maintain a minimum of 3 vertical feet of freeboard from the lowest roadway elevation traversing the embankment.

(3) The roadway embankment must be protected from seepage, erosion, and undermining from any impoundment of water. Examples of protection measures may include but are not limited to anti-seep collars, special engineered embankment construction, and embankment armoring. At a minimum, embankment armoring protection measures shall be incorporated beginning at the highest water surface elevation calculated at 4.0 hours after the beginning of the storm event for all analyzed return frequencies including the 100 year event. The embankment armoring shall extend to the bottom of the impoundment facility. The Public Works Director may require additional protection measures based on maintenance needs or critical infrastructure protection needs.

Sec. 1116.04. **Stormwater collection and transport system design considerations.**

An adequate system based upon at least a 25-year storm event shall be provided for the proper drainage of all surface water originating in or affecting the subdivision.

a. Stormwater inlets shall be designed and located so as not to exceed a maximum gutter spread width of half the travel size based on flow data calculations for the 10-year storm event.

b. The drainage system shall conform to any county storm drainage master plan that may be adopted and shall include necessary curbing, pipes, culverts, headwalls, drop inlets, bridges, swale ditches or any other type of drainage facility needed to control the flow of water in, around or through the subdivision.

c. Pipe size will be determined by utilizing the Rational Method or the Soil Conservation Service Method (TR-55) to compute peak runoff. A 25-year storm event will be used to determine all pipe sizes. Hydraulic grade line shall not exceed 90% of the diameter of the pipe. All cross drains and culverts under roadways shall be sized based on a 50-year storm event. All proposed piping within a FEMA identified floodplain shall be sized to adequately convey the 100-year frequency storm event.

d. Manning's equation shall be used to evaluate hydraulic capacity and velocity of flow within the storm drainage system. Required storm pipes shall be designed to maintain a water flow velocity greater than or equal to 3 feet per second. The hydraulic analysis of culverts shall be based on Federal Highway Administration engineering practice and take into account the inlet geometry, slope, size, roughness, and approach or tailwater conditions. Stormwater inlets shall be designed in accordance with Federal Highway Administration engineering practice and constructed in compliance with Georgia D.O.T. construction standards and shall be Georgia D.O.T. Standard 1033, 1034, and 1019. Drainage calculation and design data are required for all stormwater conveyance systems and structures. All drainage structures shall be constructed of reinforced precast concrete, four 4 diameter or larger. All 1033D and 1034D drainage structures shall require a reinforced precast "Round to Square" adapter for additional throat support. All junction boxes shall include precast adapters and heavy duty traffic rated ring and covers. All manholes shall include approved steps, spaced 12 inches on center vertically, to allow safe access by maintenance personnel. All structures shall have paved inverts.

e. In certain instances where rolled or "hollywood" curb is utilized, the Public Works Director may require the use of 1033F and 1034F catch basins.

f. Energy dissipation devices, such as splash pads, rip rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped discharge system. The size and type of energy dissipation device to be used shall be designed in accordance with sound engineering practices and this Division.

g. All drainage ditches that are between building lots shall be piped to the rear property line. This shall be done at the expense of the developer.

h. Any routed stormwater shall attain sheet flow by the property line.

i. Discharge structures that are within close proximity to adjoining properties or the public right-of-way shall be screened from view.

Sec. 1116.05. **Natural drainage.**

a. Natural drainage channels, ditches, swales and drainage patterns existing within a subdivision shall be retained and improved by the subdivider unless otherwise approved by the Public Works Director.

b. Off-site drainage shall be adequately transported through the proposed development.

Sec. 1116.06. **Drainage system construction.**

All pipe sizes shall be approved by the Public Works Director to meet the drainage conditions of the watershed and area of the potential runoff, per current design standards and requirements.

a. The minimum cross drain diameter shall be 18 inches.

b. Minimum cover shall be 24 inches.

c. In all instances, depth requirements shall meet or exceed manufacturer's guidelines.

Sec. 1116.07. **Materials and installation.**

a. Pipes.

(1) Pipe material shall be determined based on type of installation, as set forth in Table 11.2: Selection Guidelines for Storm Sewer Piping. All pipes shall be new and unused.

(2) The gauge or class of pipe used shall be determined by acceptable methods using H-20 highway loading, and shall meet Georgia D.O.T. Specifications. The Public Works Director, or his/her duly appointed representative, shall inspect the pipe before installation to assure that it is free of cracks or damage. All damaged, used, or "second" quality pipe shall be refused and immediately removed from the job site.

b. Joints and installation.

(1) Reinforced concrete pipe joints must be properly constructed to prevent exfiltration.

(2) The use of O-rings or sealants may be required, depending on pipe design.

(3) All storm sewer piping shall be constructed in a linear approach with no vertical or horizontal variance from the approved design.

(4) High density polyethylene (HDPE) and corrugated metal pipe (CMP) shall be joined by manufacturer's recommended pipe banding materials. All trench lines shall be thoroughly compacted prior to pipe installation. HDPE pipe will require special bedding and installation in strict accordance with manufacturer's specifications and as directed by the Public Works Director.

Table 11.2: Selection Guidelines for Storm Sewer Piping

Type of Pipe Installation	Reinforced Concrete Pipe (RCP)	Corrugated Steel AASHTO M-36		Corrugated Aluminum AASHTO M-196	Plastic AASHTO M-294	Reinforced Concrete Box Culvert
		Aluminized Type II CMP	Bituminous Coated CMP	Aluminum Alloy CMP	Corrugated HDPE Smooth Lined	Per GDOT Standards
Longitudinal Grade Less Than 10%	Yes	Yes	Yes	Yes	Yes (1)	---
Longitudinal Grade Over 10%	No	Yes	Yes	Yes	Yes (1)	---
Cross Drain Less Than 250 ADT	Yes	Yes	Yes	Yes	Yes (1)	---
Cross Drain Greater Than 250 ADT	Yes	No	No	No	No	---
Cross Drain Flowing Stream Application	Yes	(3)	No	Yes	Yes (1) (4)	---
Cross Drain 25 Yr Flow > 200 CFS *or* Fill Depth > 18 ft	(2)	No	No	No	No	Yes

Conditional Uses:

(1) Corrugated high density polyethylene pipe smooth lined type "S" must be manufactured and installed in strict compliance with the manufacturer's recommendation. Special backfill and bedding are required per the direction of the Public Works Director. Prior approval of the Public Works Director is required.

(2) Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances based on the Public Works Director's assessment of existing conditions and future maintenance requirements.

(3) The addition of a type "A" full bituminous coating with paved invert is required for this application. (AASHTO M-190)

(4) Requires approval of Public Works Director based on assessment of existing conditions and future maintenance requirements.

c. Only reinforced concrete pipe shall be used within street right-of-way on arterial roads. Reinforced concrete pipe shall be used on all cross drains crossing under the roadway for major and minor collectors. Concrete pipe shall not be used on grades exceeding 10%. Metal pipe may be used within the rights-of-way of local streets and for driveway culverts. Metal pipe shall either be corrugated steel (AASHTO M-36) with aluminized Type II or bituminous coating or corrugated aluminum alloy pipe (AASHTO M-196).

d. Unless otherwise specifically set forth in this code, all of the materials, methods of construction, and workmanship for the work covered in reference to stormwater drainage construction shall conform to the latest standard specific specifications of the Georgia Department of Transportation.

e. Pipe installation shall conform to Georgia D.O.T. Standard Specifications for construction of roads and bridges. Before any traffic over a storm drain is allowed, the developer shall

provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as of as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense.

f. Trench construction for storm drainage pipe shall be in accordance with State Highway Standard 1030D (or most current) or as directed by the Public Works Director.

g. Storm drainage pipe shall be bedded in Type 57 gravel where wet conditions are encountered.

h. Backfilling of trenches shall be accomplished immediately after the pipe is laid. The fill around the pipe shall be placed in layers not to exceed 6 inches with each layer being thoroughly compacted. All material shall have an in place density of 98% modified proctor to a depth of 6 inches below the finished grade, and 95% modified proctor at depth greater than 6 inches below the finished grade. Compaction requirements shall be attained by the use of mechanical methods. Each layer of backfill shall be placed loosely and thoroughly compacted in place.

i. All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Said material shall be capable of being compacted by mechanical means and shall have no tendency to flow or behave in a plastic manner under the tamping blows.

j. Material deemed by the Public Works Director as unsuitable for backfill purposes shall be removed and replaced with selected backfill material.

k. Water shall not be permitted to rise in trenches that are not backfilled after the pipe has been placed.

Sec. 1116.08. **Field changes.**

Minor changes to approved construction plans because of field conditions shall be documented as revisions to the approved development plans and correctly shown on the as-built drawings. Discrepancies between the as-built drawings and the approved development plans may result in delays in approving final plans or certificates of occupancy until the discrepancies are resolved. See the Field Changes Division of the Procedures and Permits Article of this Development Code.

Sec. 1116.09. **Endwalls.**

All culverts shall have endwalls or flared end sections constructed in accordance with Georgia D.O.T. Specifications and Georgia D.O.T. Manual on Drainage Design for Highways. All flared end sections under or adjacent to roadways with a posted speed in excess of 25 mph shall be safety end sections per Georgia D.O.T. standards.

Sec. 1116.10. **Catch basins and storm sewer structures.**

a. All catch basins and storm sewer structures shall be designed and constructed in compliance with Georgia D.O.T. Specifications and shall be Georgia D.O.T. Standard 1033D, 1034D, or 1019.

b. The use of a Standard 1019 shall be excluded from turnarounds and the low point of sag vertical curves draining more than 300 feet of gutter. Drainage calculations and design data are required for the use of a Standard 1019.

c. All drainage structures shall be constructed of reinforced precast concrete, 4 foot diameter or larger.

d. All 1033D and 1034D drainage structures shall require a reinforced precast "Round to Square" adapter for additional throat support.

e. All junction boxes shall include precast adapters and heavy duty traffic rated ring and covers. All junction boxes shall include approved steps, spaced 12 inches on center vertically, to allow safe access by maintenance personnel.

f. All storm sewer structures shall be reinforced precast or poured in place reinforced concrete. Masonry structures are not allowed unless authorized in writing by the Public Works Director.

g. No length of pipe shall exceed 200 feet without intermediate structures.

h. In certain instances where rolled or "hollywood" curb is utilized, the Public Works Director may require the use of 1033F and 1034F catch basins.

i. All structures shall have poured inverts to minimize accumulation of water and sediment in the structure.

j. All structure covers shall be cast to read "Oconee County Storm Sewer, Dump No Waste – Drains to Stream".

Sec. 1116.11. **Timing of installation.**

Construction of the stormwater system shall be initiated as part of the grading of the site. Stormwater detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches shall be coordinated with the construction of streets and other site improvements, as appropriate, in accordance with an approved Stormwater Management Plan.

Sec. 1116.12. **Maintenance responsibilities.**

a. The developer shall be responsible for removing temporary structures or facilities at the completion of the construction.

b. It shall be the responsibility of the developer to maintain all facilities required by the Stormwater Management Plan during construction and for a maintenance period following approval of the final subdivision plat or issuance of a certificate of occupancy, as applicable. The maintenance period shall coincide with the continuing maintenance period required under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code regarding streets and drainage.

c. Should an owner or developer, whichever is the responsible party, fail to maintain the stormwater management facilities in a state of service intended by the Stormwater Management Plan, then the County shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.

Sec. 1116.13. **Stormwater discharge management.**

a. Stormwater design manual.

The Oconee County Public Works Department will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the *Georgia Stormwater Management Manual, Volume 2,* and any relevant local addenda, for the proper implementation of the requirements of this Division, except that structural stormwater controls shall require prior approval of the Oconee County Public Works Department as described below. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

b. Minimum Stormwater Management Standards.

The Minimum Stormwater Management Standards identified in the *Georgia Stormwater Management Manual, Volume 2* shall be the required minimum stormwater management performance criteria for new development or redevelopment sites unless otherwise provided for in this Division. In addition, the Overbank Flood Protection standard shall include control of the post development discharge rates to the predevelopment rates for the 2, 5, 10, 25 and 50-year storm events. If hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the Oconee County Public Works Department may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, rate of stormwater runoff, the nature

of the post development discharge, or increased nonpoint source pollution loads created on the site in question

(1) Structural stormwater controls.

(a) All structural stormwater controls shall be submitted to the Oconee County Public Works Department for review and approval before being included in the design of a stormwater management system. The intent of the approval process is to review independent third-party scientific verification of the structural controls performance and ability to meet water quality treatment objectives, verify the proven record of longevity in the field, verify the ability to function in Georgia conditions, and evaluate the operation and maintenance costs as compared to other alternatives.

(b) Applicants shall consult the *Georgia Stormwater Management Manual, Volume 2* for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(2) Stormwater Credits for Nonstructural Measures.

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Water Quality section above. The applicant may, if approved by the Oconee County Public Works Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the *Georgia Stormwater Management Manual, Volume 2*.

c. Stormwater Management Inspection and Maintenance Agreements.

The applicant or owner of the site must execute an inspection and maintenance agreement, which shall be binding on all subsequent owners of the site, for any land development activity requiring a stormwater management facility or practice hereunder and for which the County requires ongoing maintenance.

(1) A draft copy of the inspection and maintenance agreement shall be contained within the construction plans submitted for a land development permit. Approval of the construction plans shall constitute preliminary approval of the inspection and maintenance agreement. Prior to the submission of the final plat for approval, or request for a Certificate of Occupancy where a final plat is not required, the owner shall record the inspection and maintenance agreement in the deed records of Oconee County. The owner shall provide a copy of the recorded agreement to the Oconee County Public Works Department with the final plat, or request for Certificate of Occupancy where a final plat is not required. The final plat shall have a notation referencing the deed book number and page of the recorded inspection and maintenance agreement indicating that individual lot owners are subject to the terms and conditions of said agreement.

(2) The inspection and maintenance agreement be binding on all affected property, shall run with the land, and shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate, for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

(3) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to en-

sure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance activities and shall also include remedies for the default thereof.

d. Long-Term Inspection and Maintenance of Stormwater Facilities and Practices.

(1) Stormwater management facilities and practices which are subject to an inspection and maintenance agreement shall be inspected and maintained on a routine basis by the responsible person in accordance with the approved inspection and maintenance agreement. Parties responsible for the operation and maintenance of a stormwater management facility shall maintain records of all maintenance and repairs, and provide copies of said records to the Oconee County Public Works Department.

(2) In the event that the stormwater management facility has not been maintained, the County shall notify the responsible person in writing of the deficiencies, describe the required corrective action, and the time period to have the deficiencies corrected.

(3) If the responsible person fails to correct the deficiencies within the specified time frame, the County, or its agent, may enter upon the property and make, at the owners' expense, the necessary repairs or corrections to the system.

(4) In the event deficiencies constitute an imminent danger to public health or public safety, or threatens downstream water resources, the County, or its agent, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the function of the stormwater facilities at the owners' expense.

e. Access and Inspection of Properties and Facilities.

(1) The owners of property containing stormwater management facilities, detention facilities, or retention facilities shall allow unimpeded access for the County to conduct inspections of the facilities. Inspections may be conducted by the Oconee County Public Works Department at any time for any reasonable basis, including, but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; measurement of discharges, location measurements, surveying, sampling of surface and ground waters; and evaluations of the condition of stormwater management facilities and practices.

(2) Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected shall be promptly removed at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

f. Easements.

The owner of property containing a drainage easement shall not allow or cause to be deposited any material which causes a physical obstruction in the easement, including, tree trimmings, and leaves; impervious cover; or any other material that may block the flow of water or otherwise disrupt proper function of the stormwater management system. All drainage easements shall be kept clear of obstructions along the entire length of the easement whether it be a buried pipe, ditch or other facility contained within the easement. The property owner shall remove any such materials existing prior to, or installed after, the effective date of this Division.

Sec. 1117. Stormwater management in the non-urbanized area.

Sec. 1117.01. General.

Whenever and wherever conditions, as are caused or aggravated by reason of the subdivision of land hereunder, adversely affect the proper use or drainage of streets, highways, pedestrian ways, slopes or natural watercourses, or adversely affect the public health, safety, or welfare, the following improvements may be required to be provided and installed by the subdivider:

a. On-tract and/or off-tract drainage or drainage structures necessary for the proper use and drainage of slopes, streets, highways and pedestrian ways, or for public safety.

b. Erosion control planting and/or structural controls.

Sec. 1117.02. Stormwater application and permit.

a. All persons proposing development and/or construction in Oconee County shall submit a stormwater management plan to the county for approval. This plan shall comply with the requirements set forth in Sec. 1117.03 below.

b. The plan shall be prepared by a Registered Professional Engineer or Georgia Registered Landscape Architect to ensure compliance with all regulations.

c. A stormwater management plan incorporated into the approved construction plans shall constitute a permit that will satisfy the requirements of this Section.

Sec. 1117.03. Standards for stormwater management.

a. A combination of storage and controlled release of stormwater runoff on-site detention or retention shall be required when the proposed development shall increase the peak rate of runoff by more than 1 cubic feet per second (CFS) for a 10-year frequency storm. The Rational Method or the Soil Conservation Method shall be used to determine the runoff rate in accordance with sound engineering practice and shall be acceptable to the Public Works Director and Planning Director. Developments may be exempt from this provision if the design professional can demonstrate that the runoff can be adequately transmitted through existing downstream storm drain structures and will not result in increased flood heights or additional threats to public safety, and will not adversely affect downstream properties, and compliance with Sec. 1117.04 is demonstrated.

b. Should on-site retention or detention be required, the outlet device(s) of the retention/detention facility shall be designed to limit post-development runoff rates to less than or equal to the pre-development rates for the 2, 5, 10, 25, and 50 year storm event.

c. The retention or detention storage volume to be provided shall be calculated on the basis of the appropriate return frequency rainfall, as published by the National Weather Service or other acceptable service for the affected site. The retention or detention volume required shall be calculated based on the DeKalb hydrograph for inflow and standard reservoir routing at the approved release rates as specified above. However, the design calculation shall include the routing of the 100-year frequency storm event through the retention/detention facility. Said calculations shall indicate that the 100-year frequency storm event can be safely routed through the facility.

d. Applicants in non-urbanized areas that choose to handle stormwater management using the standards of urbanized areas may do so as long as all aspects of stormwater management meet the urbanized standards.

e. The storm drainage system shall be designed in accordance with Sec. 1117.04 of this Ordinance. At a minimum, the storm drainage system shall be sized to adequately convey the runoff from the 25-year frequency storm event to the retention/detention facility.

f. Facilities for the management of stormwater discharges shall be designed and constructed in a manner that enhances and protects the natural beauty and aesthetic qualities of Oconee County as follows:

(1) Any required retention and/or detention areas shall not be developed.

(2) Any required retention and/or detention areas shall be incorporated into the common areas of the residential development or incorporated into individual lots.

(3) The local government maintains the right, but not the responsibility, to access retention and/or detention areas for purposes of maintenance and inspection.

(4) Appropriate vegetation shall be planted in all retention and/or detention areas.

(5) Where fencing is required under Section 1117.03.g, evergreen vegetative screening shall be provided with a minimum height of 3 feet at time of planting. Plant materials used for such screening must be in compliance with Table 8.2 of this Development Code.

g. Fences a minimum of 4 feet in height with a minimum 8 foot wide gate will be required on all detention ponds where:

(1) The sides of the pond have a slope greater than 3 horizontal to 1 vertical, or

(2) The depth of water in the pond is greater than 3 feet at one hour after the duration of any storm event up to the 50-year event.

h. Drainage easement requirements.

(1) The minimum easement width for open ditch where pipe is feeding into the ditch will be determined as follows:

Table 11.3: Drainage Ditch Easement Widths

Pipe Size Feeding Into Ditch	Minimum Easement Width
15 to 30 inches	20 feet
36 to 66 inches	30 feet
72 inches and greater	40 feet

(2) Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be a drainage and access easement conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of drainage and maintenance, taking into account possible future development of higher land in the same drainage area, in accordance with Table 11.3 above, or bank plus 20 feet. Such drainage way shall be piped when the Public Works Director shall find that it is a hazard or that a continual maintenance problem might exist.

(3) If the drainage way is totally piped, the easement width shall be based on the associated pipe size above.

i. If any stormwater management system proposes to utilize the roadway embankment for the temporary impoundment (detention) of stormwater then additional engineering analysis and approved mitigation measures as determined on a case-by-case basis by the Public Works Director will be required to ensure the protection of the roadway system during all storm events in order to qualify for the exemption contained in the Private Bridges and Dams on Roadways Section of the Project Design and Construction Standards Article of this Development Code.

Said analysis and mitigation measures shall include but are not limited to;

(1) No impounded surface water elevation shall encroach into any portion of the public right-of-way, any utility easement/corridor, or any utility easement/corridor on private street easements

(2) The 100-year water surface elevation must maintain a minimum of 3 vertical feet of freeboard from the lowest roadway elevation traversing the embankment.

(3) The roadway embankment must be protected from seepage, erosion, and undermining from any impoundment of water. Examples of protection measures may include but are not limited to anti-seep collars, special engineered embankment construction, and embankment armoring. At a minimum, embankment armoring protection measures shall be incorporated beginning at the highest water surface elevation calculated at 4.0 hours after the beginning of the storm event for all analyzed return frequencies including the 100 year event. The embankment armoring shall extend to the bottom of the impoundment facility. The Public Works Director may require additional protection measures based on maintenance needs or critical infrastructure protection needs.

Sec. 1117.04. **Storm drainage design considerations.**

An adequate system based upon at least a 25-year storm event shall be provided for the proper drainage of all surface water originating in or affecting the subdivision.

a. Stormwater inlets shall be designed and located so as not to exceed a maximum gutter spread width of half the travel lane based on flow data calculations for the 10-year storm event.

b. The drainage system shall conform to any County storm drainage master plan which may be adopted and shall include necessary curbing, pipes, culverts, headwalls, drop inlets, bridges, swale ditches, or any other type of drainage facility needed to control the flow of water in, around, or through the subdivision.

c. Pipe size will be determined by utilizing the Rational Method or the Soil Conservation Service Method (TR-55) to compute peak runoff. A 25-year storm event will be used to determine all pipe sizes. Hydraulic grade line shall not exceed 90% of the diameter of the pipe. All cross drains and culverts under roadways shall be sized based on a 50-year storm event. All proposed piping within a FEMA identified floodplain shall be sized to adequately convey the 100-year frequency storm event.

d. Manning's equation shall be used to evaluate hydraulic capacity and velocity of flow within the storm drainage system. Required storm pipes shall be designed to maintain a water flow velocity greater than or equal to 3 feet per second. The hydraulic analysis of culverts shall be based on Federal Highway Administration engineering practice and take into account the inlet geometry, slope, size, roughness, and approach or tailwater conditions. Stormwater inlets shall be designed in accordance with Federal Highway Administration engineering practice and constructed in compliance with Georgia D.O.T. construction standards and shall be Georgia D.O.T. Standard 1033, 1034, and 1019. Drainage calculation and design data are required for all stormwater conveyance systems and structures. All drainage structures shall be constructed of reinforced precast concrete, 4 foot diameter or larger. All 1033D and 1034D drainage structures shall require a reinforced precast "Round to Square" adapter for additional throat support. All junction boxes shall include precast adapters and heavy duty traffic rated ring and covers. All manholes shall include approved steps, spaced 12 inches on center vertically, to allow safe access by maintenance personnel. All structures shall have paved inverts.

e. In certain instances where rolled or "Hollywood" curb is utilized, the Public Works Director may require the use of 1033F and 1034F catch basins.

f. Energy dissipation devices, such as splash pads, rip rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped discharge system. The size and type of energy dissipation device to be used shall be designed in accordance with sound engineering practices and this Division.

g. All drainage ditches that are between building lots shall be piped to the rear property line. This shall be done at the expense of the developer.

h. Any routed stormwater shall attain sheet flow by the property line.

i. Discharge structures that are within close proximity to adjoining properties or the public right-of-way shall be screened from view.

Sec. 1117.05. **Natural drainage.**

a. Natural drainage channels, ditches, swales and drainage patterns existing within a subdivision shall be retained and improved by the subdivider unless otherwise approved by the Public Works Director.

b. Off-site drainage shall be adequately transported through the proposed development. Post-development stormwater runoff shall not exceed pre-development conditions for the 2, 5, 10, 25 and 50-year storm events.

c. The applicant must demonstrate adequate protection of the water quality by use of filter berms, stilling basins, velocity control and other approved methods. Such demonstration shall include supporting data that definitely indicates that adequate protection of the water quality is provided.

Sec. 1117.06. **Drainage system construction.**

All pipe sizes shall be approved by the Public Works Director to meet the drainage conditions of the watershed and area of the potential runoff, per current design standards and requirements.

a. The minimum cross drain diameter shall be 18 inches.

b. Minimum cover shall be 24 inches.

c. In all instances, depth requirements shall meet or exceed manufacturer's guidelines.

Sec. 1117.07. **Materials and installation.**

a. Pipes.

(1) Pipe material shall be determines based on type of installation, as set forth in Table 11.4: Selection Guidelines for Storm Sewer Piping. All pipes shall be new and unused.

(2) The gauge or class of pipe used shall be determined by acceptable methods using H-20 highway loading, and shall meet Georgia D.O.T. Specifications. The Public Works Director, or his/her duly appointed representative, shall inspect the pipe before installation to assure that it is free of cracks or damage. All damaged, used, or "second" quality pipe shall be refused and immediately removed from the job site.

b. Joints and installation.

(1) Reinforced concrete pipe joints must be properly constructed to prevent exfiltration.

(2) The use of O-rings or sealants may be required, depending on pipe design.

(3) All storm sewer piping shall be constructed in a linear approach with no vertical or horizontal variance from the approved design.

(4) High density polyethylene (HDPE) and corrugated metal pipe (CMP) shall be joined by manufacturer's recommended pipe banding materials. All trench lines shall be thoroughly compacted prior to pipe installation. HDPE pipe will require special bedding and installation in accordance with manufacturer's specifications and as directed by the Public Works Director.

Table 11.4: Selection Guidelines for Storm Sewer Piping

Type of Pipe Installation	Reinforced Concrete Pipe (RCP)	Corrugated Steel AASHTO M-36		Corrugated Aluminum AASHTO M-196	Plastic AASHTO M-294	Reinforced Concrete Box Culvert
		Aluminized Type II CMP	Bituminous Coated CMP	Aluminum Alloy CMP	Corrugated HDPE Smooth Lined	Per GDOT Standards
Longitudinal Grade Less Than 10%	Yes	Yes	Yes	Yes	Yes (1)	---
Longitudinal Grade Over 10%	No	Yes	Yes	Yes	Yes (1)	---
Cross Drain Less Than 250 ADT	Yes	Yes	Yes	Yes	Yes (1)	---
Cross Drain Greater Than 250 ADT	Yes	No	No	No	No	---
Cross Drain Flowing Stream Application	Yes	(3)	No	Yes	Yes (1) (4)	---
Cross Drain 25 Yr Flow > 200 CFS *or* Fill Depth > 18 ft	(2)	No	No	No	No	Yes

Conditional Uses:

(1) Corrugated high density polyethylene pipe smooth lined type "S" must be manufactured and installed in strict compliance with the manufacturer's recommendation. Special backfill and bedding are required per the direction of the Public Works Director. Prior approval of the Public Works Director is required.

(2) Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances based on the Public Works Director's assessment of existing conditions and future maintenance requirements.

(3) The addition of a type "A" full bituminous coating with paved invert is required for this application. (AASHTO M-190)

(4) Requires approval of Public Works Director based on assessment of existing conditions and future maintenance requirements.

c. Only reinforce concrete pipe shall be used within street right-of way on arterial roads. Reinforced concrete pipe shall be used on all cross drains crossing under the roadway for major and minor collectors. Concrete pipe shall not be used on grades exceeding 10%. Metal pipe may be used within the rights-of way of local streets and for driveway culverts. Metal pipe shall either be corrugated steel (AASHTO M-36) with aluminized Type II or bituminous coating or corrugated aluminum alloy pipe (AASHTO M-196).

d. Unless otherwise specifically set forth in this code, all of the materials, methods of construction, and workmanship for the work covered in reference to stormwater drainage construction shall conform to the latest standard specific specifications of the Georgia Department of Transportation.

e. Pipe installation shall conform to Georgia D.O.T. Standard Specifications for construction of roads and bridges. Before any traffic over a storm drain is allowed, the developer shall

provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as of as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense.

f. Trench construction for storm drainage pipe shall be in accordance with State Highway Standard 1030D (or most current) or as directed by the Public Works Director.

g. Storm drainage pipe shall be bedded in Type 57 gravel where wet conditions are encountered.

h. Backfilling of trenches shall be accomplished immediately after the pipe is laid. The fill around the pipe shall be placed in layers not to exceed 6 inches with each layer being thoroughly compacted. All material shall have an in place density of 98% modified proctor to a depth of 6 inches below the finished grade, and 95% modified proctor at depth greater than 6 inches below the finished grade. Compaction requirements shall be attained by the use of mechanical methods. Each layer of backfill shall be placed loosely and thoroughly compacted in place.

i. All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Said material shall be capable of being compacted by mechanical means and shall have no tendency to flow or behave in a plastic manner under the tamping blows.

j. Material deemed by the Public Works Director as unsuitable for backfill purposes shall be removed and replaced with selected backfill material.

k. Water shall not be permitted to rise in trenches that are not backfilled after the pipe has been placed.

Sec. 1117.08. **Field changes.**

Minor changes to approved construction plans because of field conditions shall be documented as revisions to the approved development plans and correctly shown on the as-built drawings. Discrepancies between the as-built drawings and the approved development plans may result in delays in approving final plans or certificates of occupancy until the discrepancies are resolved. See the Field Changes Division of the Procedures and Permits Article of this Development Code.

Sec. 1117.09. **Endwalls.**

All culverts shall have endwalls or flared end sections constructed in accordance with Georgia D.O.T. Specifications and Georgia D.O.T. Manual on Drainage Design for Highways. All flared end sections under or adjacent to roadways with a posted speed in excess of 25 mph shall be safety end sections per Georgia D.O.T. standards.

Sec. 1117.10. **Catch basins and storm sewer structures.**

a. All catch basins and storm sewer structures shall be designed and constructed in compliance with Georgia D.O.T. Specifications and shall be Georgia D.O.T. Standard 1033D, 1034D, or 1019.

b. The use of a Standard 1019 shall be excluded from turnarounds and the low point of sag vertical curves draining more than 300 feet of gutter. Drainage calculations and design data are required for the use of a Standard 1019.

c. All drainage structures shall be constructed of reinforced precast concrete, 4-foot diameter or larger.

d. All 1033D and 1034D drainage structures shall require a reinforced precast "Round to Square" adapter for additional throat support.

e. All junction boxes shall include precast adapters and heavy duty traffic rated ring and covers. All junction boxes shall include approved steps, spaced 12 inches on center vertically, to allow safe access by maintenance personnel.

f. All storm sewer structures shall be reinforced precast or poured in place reinforced concrete. Masonry structures are not allowed unless authorized in writing by the Public Works Director.

g. No length of pipe shall exceed 200 feet without intermediate structures.

h. In certain instances where rolled or "hollywood" curb is utilized, the Public Works Director may require the use of 1033F and 1034F catch basins.

i. All structures shall have poured inverts to minimize accumulation of water and sediment in the structure.

j. All structure covers shall be cast to read "Oconee County Storm Sewer, Dump No Waste – Drains to Stream".

Sec. 1117.11. **Timing of installation.**

Construction of the stormwater system shall be initiated as part of the grading of the site. Stormwater detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches shall be coordinated with the construction of streets and other site improvements, as appropriate, in accordance with an approved Stormwater Management Plan.

Sec. 1117.12. **Maintenance responsibilities.**

a. The developer shall be responsible for removing temporary structures or facilities at the completion of the construction.

b. It shall be the responsibility of the developer to maintain all facilities required by the Stormwater Management Plan during construction and for a maintenance period following approval of the final subdivision plat or issuance of a certificate of occupancy, as applicable. The maintenance period shall coincide with the maintenance period required under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code regarding streets and drainage.

c. Should an owner or developer, whichever is the responsible party, fail to maintain the stormwater management facilities in a state of service intended by the Stormwater Management Plan, then the County shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.

Sec. 1117.13. **Stormwater discharge management.**

a. Stormwater management inspection and maintenance agreements.

The applicant or owner of the site must execute an inspection and maintenance agreement, which shall be binding on all subsequent owners of the site, for any land development activity requiring a stormwater management facility or practice hereunder and for which the County requires ongoing maintenance.

(1) A draft copy of the inspection and maintenance agreement shall be contained within the construction plans submitted for a land development permit. Approval of the construction plans shall constitute preliminary approval of the inspection and maintenance agreement. Prior to the submission of the final plat for approval, or request for a Certificate of Occupancy where a final plat is not required, the owner shall record the inspection and maintenance agreement in the deed records of Oconee County. The owner shall provide a copy of the recorded agreement to the Oconee County Public Works Department with the final plat, or request for Certificate of Occupancy where a final plat is not required. The final plat shall have a notation referencing the deed book number and page of the recorded inspection and maintenance agreement indicating that individual lot owners are subject to the terms and conditions of said agreement.

(2) The inspection and maintenance agreement be binding on all affected property, shall run with the land, and shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the

operation and maintenance of the stormwater management facility or practice shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate, for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

(3) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance activities and shall also include remedies for the default thereof.

b. Long-term inspection and maintenance of stormwater facilities and practices.

(1) Stormwater management facilities and practices which are subject to an inspection and maintenance agreement shall be inspected and maintained on a routine basis by the responsible person in accordance with the approved inspection and maintenance agreement. Parties responsible for the operation and maintenance of a stormwater management facility shall maintain records of all maintenance and repairs, and provide copies of said records to the Oconee County Public Works Department.

(2) In the event that the stormwater management facility has not been maintained, the County shall notify the responsible person in writing of the deficiencies, describe the required corrective action, and the time period to have the deficiencies corrected.

(3) If the responsible person fails to correct the deficiencies within the specified time frame, the County, or its agent, may enter upon the property and make, at the owners' expense, the necessary repairs or corrections to the system.

(4) In the event deficiencies constitute an imminent danger to public health or public safety, or threatens downstream water resources, the County, or its agent, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the function of the stormwater facilities at the owners' expense.

c. Access and inspection of properties and facilities.

(1) The owners of property containing stormwater management facilities, detention facilities, or retention facilities shall allow unimpeded access for the County to conduct inspections of the facilities. Inspections may be conducted by the Oconee County Public Works Department at any time for any reasonable basis, including, but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; measurement of discharges, location measurements, surveying, sampling of surface and ground waters; and evaluations of the condition of stormwater management facilities and practices.

(2) Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected shall be promptly removed at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

d. Easements.

The owner of property containing a drainage easement shall not allow or cause to be deposited any material which causes a physical obstruction in the easement, including, tree trimmings, and leaves; impervious cover; or any other material that may block the flow of water or otherwise disrupt proper function of the stormwater management system.

All drainage easements shall be kept clear of obstructions along the entire length of the easement whether it be a buried pipe, ditch or other facility contained within the easement. The property owner shall remove any such materials existing prior to, or installed after, the effective date of this Division.

Sec. 1118. Violations, enforcement and penalties.

Sec. 1118.01. Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Division. Any person who has violated or continues to violate the provisions of this Division, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. Each act of violation and each day during which violation or failure or refusal to comply continues shall be a separate violation. Unreasonable delays in allowing the County, or its agent, access to the property is a violation of this Division.

Sec. 1118.02. Notice of violation.

Whenever the County finds that a violation of this Division has occurred, the County may order compliance by written notice of violation.

a. The notice of violation shall contain:

(1) The name and address of the alleged violator;

(2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to restore compliance with this Division and a time schedule for the completion of such remedial action;

(5) A statement advising that if the violator fails to remediate or restore the affected property within the established deadline, the work will be done by the County or a contractor and the expense thereof shall be charged to the violator; and

(6) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

b. Such notice may require without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit discharges and illegal connections;

(3) That violating discharges, practices, or operations shall cease and desist;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5) Payment of costs to cover administrative and abatement costs; and,

(6) The implementation of pollution prevention practices.

Sec. 1118.03. Costs of abatement of the violation.

a. If the violator fails to correct the violation within the specified time frame, the County, or its agent, may enter the property and take, at the violator's expense, any and all measures necessary to abate the violation and/or restore the property.

b. Following completion of corrective action, the County shall send to the violator an invoice for the costs incurred to correct the violation and/or restore the property. If the amount due is not paid within 30 days, the charges shall become a special assessment against the property, and shall constitute a lien on the property for the amount of the assessment.

Sec. 1118.04. **Civil penalties.**

A person who has violated, or continues to violate, any provisions of this Division shall be liable to the County for a maximum penalty of $1,000 per violation, per day.

Sec. 1118.05. **Remedies not exclusive.**

a. The remedies listed in this Division are not exclusive of any other remedies available under any applicable Federal, State or local law and the County may seek cumulative remedies.

b. The County may recover all attorneys' fees, court costs and other expenses associate with enforcement of this Division, including sampling and monitoring expenses.

DIVISION III. GRADING AND DRAINING OF INDIVIDUAL BUILDING SITES.

Sec. 1119. Authority and responsibility.

The Oconee County Board of Commissioners hereby sets forth the minimum standards for establishing proper drainage during the development of property situated within the unincorporated areas of Oconee County, Georgia. Matters set forth herein shall be considered supplementary of the existing building codes adopted in Oconee County, Georgia, and to the extent there is any conflict with the provisions hereof and the provisions of any such building code, the stricter standards shall apply.

Sec. 1120. Definitions relating to grading and draining of individual building sites.

Unless specifically defined below, a word or phrase used in this 0 shall be interpreted so as to give it the meaning in common usage and to give this 0 its most reasonable application.

Driveway Grade: The grade of the centerline of driveway measured at its steepest point.

Easement: A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

Gradient: Slope.

Gradient Formula: d = gxl/100 where d is vertical difference in elevation in feet; l is horizontal distance in feet; and g is slope or gradient expressed as a percent.

Infiltration: 1) The use of pervious surfaces to allow rainfall to soak into the ground on site. 2) The process of percolating stormwater runoff into the subsoil.

Intensity of Rainfall Event: The rate at which rain is falling at any given instant during the life of a rainfall event expressed in inches per hour.

Parcel: See "Lot of Record."

Return Frequency Storm: The statistically expected time interval between recurrences of a storm of an equal or greater intensity for a given duration.

Private Walkway: That portion of "on-site" development that provides pedestrian access through the site to a building or other destination.

Surface Water: The surface drainage of water, its management, control, transportation, storage, and disposal.

Swale: A shallow lineal depression with a parabolic cross-section and gently sloped sides.

Public Utilities: Water, gas, sanitary and storm sewer, electrical and communications lines and facilities, and improved drainage facilities.

Sec. 1121. Objective.

a. Drainage of surface water should be provided away from all sides of all buildings and off the lot in a manner that will:

   (1) Minimize the possibility of dampness in basements and crawl spaces;

   (2) Prevent adverse supporting soil behavior;

   (3) Prevent soil erosion; and

   (4) Prevent standing (or ponding) of water on site.

b. Walks, driveways, retaining walls and other improvements should be constructed so as not to interfere with drainage. Required walks should not be used as drainage channels.

   Site grading and drainage should:

(1) Provide suitable access from the abutting street to the dwelling and any accessory buildings;

(2) Provide immediate diversion of water away from buildings and off the site;

(3) Avoid concentrating runoff onto neighboring properties where erosion or other damage may be caused;

(4) Provide usable outdoor space for occupants; and

(5) Minimize erosion.

The Georgia Erosion and Sedimentation Act of 1975, (O.C.G.A. 12-7-1 *et seq*., as amended, where applicable, applies.

Sec. 1122. Finished grading.

a. All unpaved lot areas, except those preserved in an appropriate natural condition, should be fine graded to provide smooth even surfaces conforming to the elevations specified below. All debris should be removed prior to fine grading.

b. Minimum protective slope. All walls and foundations of buildings and any water-supply well should be provided with protective slopes to assure immediate drainage and diversion of surface water away from these structures and off the site.

c. The finish grading should:

(1) Provide a minimum fall of 6 inches away from the structure in 10 feet, except as restricted by side lot lines or other major considerations, without regard to soil type or ground frost conditions. The horizontal length of such slopes may be reduced as necessary at building corners and side yards.

(2) Provide at least 6 inches in 25 feet (2% gradient) in all other unpaved areas, subject to ground frost, expansive soils, or collapsible soils, or at least 3 inches in 25 feet (1% gradient) in unpaved areas not subject to such conditions.

(3) If minimum slopes cannot be attained, paved gutters or other drainage structures may be installed as required by the inspection office.

(4) All unpaved areas should slope continuously at the above gradients to lower elevations off site, or to a drainage structure on the lot.

(5) Drainage swales or valleys formed by intersecting slopes should have adequate depth, width and longitudinal gradient to carry away the maximum predictable volume of storm water runoff based on a one hundred year return frequency. In no instance shall swales be positioned over sewage infiltration fields.

(a) Gradients of unpaved swales should not be less than required above for other unpaved areas.

(b) Surface erosion protection should be in place to prevent accumulation of water in critical drainage swales.

(6) Where catch basins or inlets are installed, other than at required basements areaways, finish grade elevations of adjoining areas should provide for emergency surface overflow so that, in event of failure of catch basins or inlets, buildings and window wells (or areaways) will be protected against flooding.

(7) Areaways for basement windows, entrances, and garage entrances should be provided with effective drainage facilities. Catchment areas should be as small as possible and must be protected from overflow of stormwater from adjacent areas.

(8) Roof drainage should discharge at least 5 feet away from building walls when expansive, collapsible or erodable soils are present.

d. Height and steepness of slopes and maximum gradients of unpayed drainage channels should be such as can be satisfactorily maintained without erosion or land slippage and should provide reasonable access to and around the structure.

(1) For access around buildings and for maintenance of building and lot improvements, an area generally at least 4 feet wide with a gradient away from the building no steeper than 1 in 10 (10% gradient), should be provided.

(2) Where considered necessary by the inspection office, precautionary measures should be taken to stabilize the soil (e.g., retaining walls, sodding or planting).

e. Suitable drainage structures, such as paved gutters, drain inlets and subsurface drain lines, should be installed, where necessary, to protect against dampness, flooding, erosion or other damage by surface water or ground water.

(1) Drainage structures should be properly connected to adequate outlets that are protected by recorded permanent easements, if required.

(2) Perimeter foundation drains are necessary on all houses with basements or potentially habitable living space below finish exterior earth grade or in other situations where water and/or soil conditions warrant their use. Outlets must not permit backflow into subsurface drains.

Sec. 1123. Walks, steps and driveways.

a. A walk and any necessary step(s) should provide safe and convenient use from a dwelling directly to the street or to a driveway connected to street. Walk and step construction should be of durable and appropriate material, on stable adequately-drained subgrade or bed.

b. Walk design.

(1) The gradient should not be steeper than 1 in 20 (5%) in areas subject to frequent freezing or 1 in 10 (10%) in other areas.

(2) Cross-slope should be adequate for immediate drainage of surface water off the walk; required walk must not be used as a drainage channel.

(3) Walk surfaces should be at or below adjacent ground elevations. .

c. Step design.

(1) Width of steps should not be less than the width of the walk that is served.

(2) A single step in a walk and any flight of steps of more than 5 feet total rise should be avoided wherever practicable; a substantial handrail of durable construction must be provided if there is more than a 30-inch rise in a single flight.

d. Driveways.

Driveways should be provided from the street to the garage or carport, if any; if no garage or carport, a. Driveway will generally extend to the rear line of the dwelling. In case of unusual difficulty or hardship, other parking space acceptable to the inspection .office may be provided. Construction should be with suitable subgrade, base, drainage and surfacing so as to be durable under the use and maintenance contemplated.

(1) The longitudinal gradient of the driveway should not be less than 1 percent, nor steeper than permitted for walks if the driveway is also used as a required walk and, if used only as a driveway, no less than 1 percent and no steeper than 14 percent. Maximum gradient shall be determined at the steepest point. Crown, or cross slope, should not be greater than 5 percent.

(2) Grade transitions should be provided at top and bottom of steep driveways to prevent dragging of vehicle undercarriages or bumper guards.

(3) The gradient of a required parking space should not be steeper than 5 percent nor less than 1 percent.

(4) Driveway culvert piping shall be a minimum of 15 inches in diameter installed with an absolute minimum of 1¼ feet of cover. The minimum slope shall be 1 percent.

Said pipe shall extend a minimum distance of 4 feet to each side of the area serviced. Rip-rap of number one stone shall be installed at the out invert of said pipe for a distance of 3 linear feet, where required.

Sec. 1124. Access to buildings and non-dwelling facilities.

a. Each dwelling shall have safe and convenient pedestrian access from street to the dwelling.

b. Each dwelling shall have convenient access for service and the provision of utilities.

Sec. 1125. Ground water.

Buildings, structures, paved areas, driveways, and utilities shall be located on the site in such a way as to reasonably minimize ground water hazards.

Sec. 1126. Drainage and flood hazard exposure.

a. The minimum grades at buildings and at openings into basements shall be at elevations which prevent adverse effects by water or water entering basements from flood levels.

b. Protection shall be equivalent to a 50-year return frequency after full development. The floor elevations of all habitable space shall be above runoff and flood levels equivalent to a 100-year return frequency after full development and as specified in the Flood Damage Prevention regulations of this Article.

Sec. 1127. Special conditions.

When special conditions exist or arise during construction that were unforeseen and that necessitate precautionary or hazard mitigating measures, the inspection office shall require corrective work to mitigate potential adverse effects from the special conditions as may be necessary. Special conditions include rock formations, unstable soils or slopes, high ground water levels, springs, or other conditions that may adversely affect a property. It shall be the property owner's responsibility to assure proper design, construction and satisfactory performance where such are present.

DIVISION IV. FLOOD DAMAGE PREVENTION.

Sec. 1128. Purpose and Intent.

Sec. 1128.01. **Findings of fact.**

a. The flood hazard areas of the county are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

b. These flood losses are caused by the occupancy in flood hazard areas by uses vulnerable to floods, which are inadequately elevated, flood-proofed or otherwise protected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Sec. 1128.02. **Statement of purpose.**

It is the purpose of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

a. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

b. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

c. Control filling, grading, dredging and other development which may increase erosion or flood damage; and

d. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

e. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;

Sec. 1128.03. **Objectives.**

The objectives of this Section are to:

a. Protect human life and health;

b. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and bridges located in floodplains;

c. Help maintain a stable tax base by providing for sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and

d. Minimize expenditure of public money for costly flood control projects;

e. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

f. Minimize prolonged business interruptions;

g. Ensure that potential homebuyers are notified that property is in a flood area.

Sec. 1129. Definitions related to flood damage prevention.

Addition to an Existing Building: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load bearing walls, is new construction.

Area of Shallow Flooding: A designated AO or AH zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet, or where a clearly deemed channel does

not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year (i.e., 100-year flood).

Base Flood Elevation: The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Critical Facility: Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

a. structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
b. hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events
c. emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
d. generating plants, and other principal points of utility lines.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

Elevated Building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing Construction: For the purposes of flood damage prevention requirements, any structure for which the start of construction commenced before adoption of the first flood damage prevention ordinance or regulation in the county (July 17, 1989).

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before July 17, 1989.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood and Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (*FHBM):* The official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (*FIRM):* The official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Flood Plain: Any land area susceptible to flooding.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
   a) By an approved state program as determined by the Secretary of the Interior, or
   b) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

Manufactured Home: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

New Construction: Structures for which the "start of construction" commenced after April 17. 1995 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after July 17, 1989, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after adoption of the first flood damage prevention ordinance or regulation in the county (July 17, 1989).

Recreational Vehicle: A vehicle, which is: built on a single chassis; 320 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: The initiation of new construction or a substantial improvement, as follows: (1) **For New Construction**: The date the development permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a building, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. (Note: accessory structures are not exempt.) (2) **For a Substantial Improvement**: The date the building permit was issued provided the actual start of construction was within 180 days of the permit date. The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, rehabilitation, alteration, or improvements to a building, taking place during a 5-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to the start of construction of the improvement. The market value of the building should be: (1) The appraised value of the building prior to the start of the initial repair or improvement; or (2) In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred "substantial damage," regardless of the actual amount of the actual repair work performed. The term does not, however, include (1) those improvements of a building required to comply with existing violations of state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement official through enforcement of this Development Code and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure" .

Substantially Improved Existing Manufactured Home Parks or Subdivisions: is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Sec. 1130. Basis for establishing areas of special flood hazard.

Sec. 1130.01. Official sources of data.

The areas of special flood hazard identified by the Federal Emergency Management Agency in recent Flood Insurance Study (FIS), dated September 2, 2009, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Development Code.

Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

For those land areas acquired by a municipality through annexation, the current effective FIS dated September 2, 2009, with accompanying maps and other supporting data and any revision thereto, for Oconee County are hereby adopted by reference.

The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located in the Oconee County Planning Department.

Sec. 1130.02. Warning and disclaimer of liability.

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the County or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

Sec. 1131. Requirement for development permit.

A Development Permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities within an area of special flood hazard. See the Procedures and Permits Article of this Development Code for application and approval requirements.

Sec. 1132. Administration.

Sec. 1132.01. Planning Director; designated as administrator.

The Planning Director is hereby appointed to administer and implement the provisions of this Section.

Sec. 1132.02. Planning Director; duties and responsibilities.

The duties of the Planning Director regarding any land within an area of special flood hazard shall include, but not be limited to:

a. Review all Development Permits and proposed developments to assure that the permit requirements of this Section have been satisfied.

b. Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law,

including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

c. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

d. When Base Flood Elevation data or floodway data have not been provided in accordance with Sec. 1130, then the Planning Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Sec. 1133.

e. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Sec. 1133.

f. Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Sec. 1133.

g. When floodproofing is utilized for a structure, the Planning Director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Sec. 1133 and 1133.02.b.

h. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

i. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

j. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

k. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Planning Director shall make the necessary interpretation based on available engineering data or expert advice. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Development Code. Such interpretation, once approved, shall be filed as a Letter of Map Revision (LOMR) by the Planning Director with FEMA.

l. All records pertaining to the provisions of this Section shall be maintained in the office of the Planning Director and shall be open for public inspection.

Sec. 1133. Provisions for flood hazard reduction.

Sec. 1133.01. General standards.

In all areas of special flood hazard the following provisions are required:

a. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.

c. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.

d. Elevated buildings.

All new construction or substantial improvements of existing structures that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(2) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

(3) Access to the enclosed area shall be the minimum necessary to allow for parking vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(4) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

e. All electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

f. Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

g. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

h. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

i. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

j. Any alteration, repair, reconstruction or improvement to a structure that does not comply with the provisions of this Section shall be undertaken only if such non-conformity is not furthered, extended or replaced.

Sec. 1133.02. **Specific standards.**

In all areas of special flood hazard, the following provisions are required.

a. New construction or substantial improvement.

Where base flood elevation data are provided, new construction and/or substantial improvement of any structure (or manufactured home) shall have the lowest floor, including basement, elevated no lower than 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the equalization of the flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with Sec. 1133.01.d, standards for elevated buildings, above.

(1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.

b. Nonresidential construction.

New construction or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to 1 foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Planning Director as set forth above and in Sec. 1132.02.f.

c. Standards for manufactured homes and recreational vehicles.

Where base flood elevation data are available:

(1) All manufactured homes placed or substantially improved on: 1) individual lots or parcels, 2) in new or substantially improved manufactured home parks or subdivisions, 3) in expansions to existing manufactured home parks or subdivisions, or 4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one feet above the base flood elevation.

(2) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

(a) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or

(b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. See Sec. 1133.01.f.

(4) All recreational vehicles placed on sites must either:

(a) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(b) The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of Sec. 1133.01.f; or

(c) Be on the site fewer than 180 consecutive days.

d. Floodway.

Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

(1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

(2) ONLY if Sec. 1133.02.d(1) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this ordinance.

Sec. 1133.03. **Building standards for streams without established base flood elevation and/or floodways (A zones).**

a. Located within the areas of special flood hazard, where streams exist but where no base flood elevation and floodway data has been provided or otherwise obtained from any official source, the following provisions apply:

(1) When base flood elevation and floodway data has not been provided or cannot be obtained from any official source, then the Code Enforcement Director shall obtain, review and reasonably utilize any scientific or historic base flood elevation data available from a federal, state or other source, whether public or private, in order to administer the provisions of this Section.

(2) If base flood elevation data can be determined under Sec. 1133.03.a, the provisions of Sec. 1133.02 shall apply. If such data are not available, then:

(a) No encroachments, including fill material or structures, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than 3 feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards for elevated buildings, above.

i. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

b. Located within the areas of special flood hazard, where base flood data has been provided without floodways, the following provisions apply:

(1) When floodway data has not been provided or cannot be obtained from any official source, then the Code Enforcement Director shall obtain, review and reasonably utilize any scientific or historic floodway data available from a federal, state or other source, whether public or private, in order to administer the provisions of this Section.

(2) In addition to Sec. 1133.02, the following shall apply:

(a) No encroachments, including fill material or structures, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) No encroachments, including fill material or structures, shall be located within the remaining area of special flood hazard area beyond the limits of the area delineated in 1133.03.b(2)(a) unless certification by a registered professional engineer is provided demonstrating that such encroachment, when combined with all other existing and anticipated development, shall not result in more than a one (1) foot increase in flood levels at any point in the community during the occurrence of the base flood discharge.

Sec. 1133.04. **Standards for areas of shallow flooding (AO zones).**

Located within areas of special flood hazard are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet

where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply in these areas:

a. New construction and substantial improvements.

All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least 3 feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards for elevated buildings, above.

A registered professional engineer shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

b. Nonresidential buildings.

All new construction and substantial improvements of nonresidential structures may be flood-proofed. The structures, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus 1 foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify in writing to the Code Enforcement Director that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above.

c. Drainage paths.

Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 1133.05. **Standards for subdivisions.**

a. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding.

b. All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

c. All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. For subdivisions and/or developments greater than fifty lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

Sec. 1133.06. **Standards for critical facilities.**

a. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

b. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

Sec. 1134. Variance procedures.

a. For procedures and standards for the granting of a variance from the provisions of this section, Flood Damage Prevention, see the Appeals Article of this Development Code.

b. For procedures for correcting an error in the Flood Hazard Boundary Map, see the Flood Prone Overlay District Section of the Use of Land and Structures Article of this Development Code.

Article 12. Procedures and Permits

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Article 12. Procedures and Permits

Sec. 1201. Purpose of Article 12.

This Article describes the process through which a rezoning or special use may be approved on a property, the approval process for construction of subdivisions and other land development projects, and how special districts can be established to fund such facilities as street lights in a neighborhood.

Sec. 1202. Definitions related to procedures and permits.

For the purposes of this Article, the following words, terms and phrases shall have meanings ascribed to them by this section, unless the context clearly indicates otherwise:

Applicant: A property owner or their authorized representative who has petitioned the County for approval of a zoning change, development permit, building permit, hardship or special exception variance, appeal, or any other authorization for the use or development of their property under the requirements of this Development Code, or a person submitting a post-development stormwater management application and plan for approval.

Application: A petition for approval of a zoning change, development permit, building permit, hardship or special exception variance, appeal, or any other authorization for the use or development of a property under the requirements of this Development Code.

As-Built Data Drawings: Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed.

Building Code: The technical codes approved for enforcement or otherwise adopted or adopted as amended by the County under the Georgia Uniform Codes Act, which regulate the construction of buildings and structures.

Condition of Zoning Approval: A requirement adopted by the Board of Commissioners at the time of approval of a rezoning or Special Use, placing greater or additional requirements or restrictions on the property than provided in this Development Code in order to reduce an adverse impact of the rezoning or Special Use and to further the protection of the public health, safety, morals, aesthetics, convenience, order, prosperity and general welfare.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in land or other real estate to commence and maintain proceedings for approval of a zoning change, permit or other approval under this Development Code. The term "owner" includes the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of a site. See also "Beneficial Owner."

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State, any interstate body or other legal entity.

Public Improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the public, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control and street name sign, or other roadway appurtenance other than a driveway apron connection; domestic water supply system main, fire hydrant, valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance other than a drain line from a building.

Zoning Change: An amendment to the Zoning Map (rezoning), approval of a Special Use, or approval of a change in the conditions of approval associated with a rezoning or Special Use.

Sec. 1203. Overview—land development.

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process. In all cases, consult the specific requirements and procedures detailed under the various Divisions of this Article.

Sec. 1203.01. County approvals; in general.

a. County approvals that are required.

All County approvals that are required for the use of land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted by him with his request for a building permit, a zoning change, a Planned Unit Development, a Special Exception Variance or a Hardship Variance or other development permit or plan approval. Except as otherwise required by State law, no local action shall be taken and no public hearings shall be held until the above required approvals have been obtained by the applicant.

b. Requirements for local actions and hearings.

Except as otherwise required by Georgia State Law, no local action shall be taken and no public hearings shall be held on any use request, permit, zoning change, master plan approval, preliminary or final plat approval, variance or other development permit or plan approval until all county and state taxes and other assessments due on the subject property have been paid in full and until all necessary approvals required for the use of the land and structures and for the location and operation of businesses and industries and any other requirements for said request have been granted by the responsible issuing authority and have been transmitted by the applicant with his request to the County.

Sec. 1203.02. Zoning changes (rezoning or Special Use approval).

a. If the property is not appropriately zoned, a request for rezoning or approval of a Special Use must be approved prior to development or construction.

b. A concept plan is required for all zoning changes as more fully set out in Section 1206.

Sec. 1203.03. Major subdivisions.

Permitting and construction of a major subdivision will be conducted as follows:

a. Project Approval is granted by the Planning Director upon review and approval of a Preliminary Subdivision Plat by the Development Review Committee.

b. A Development Permit is issued by the Planning Department based on review and approval by all affected departments and agencies of development plans for construction of the subdivision.

c. Receipt and approval by the Public Works Director (for streets and drainage) and the Water Resources Director (for water and sewer) of accurate descriptions of the as-built condition of public improvements is required in order to allow filing of a Final Plat.

d. Approval of a Final Subdivision Plat by the Development Review Committee will authorize recordation of the plat with the Clerk of the Superior Court.

e. Deeds and easement agreements, as applicable, for all public rights-of-way and other lands or facilities to be dedicated to Oconee County are forwarded to the Board of Commissioners for acceptance.

f. Prior to recordation of the Final Plat, no lots may be sold, and building permits and driveway permits on the lots may not be obtained.

g. At the end of the maintenance period, all public improvements will be inspected by the County. After the developer has made any required repairs, public acceptance of the improvements shall be issued by the Public Works Department.

Sec. 1203.04. Minor subdivisions.

Approval of a minor subdivision shall be conducted as follows:

a. Approval of a Minor or Administrative Subdivision Plat by the Planning Director or, upon referral, by the Development Review Committee will authorize recordation of the plat with the Clerk of the Superior Court.

b. Deeds and easement agreements, as applicable, for all public rights-of-way and other lands or facilities to be dedicated to Oconee County are forwarded to the Board of Commissioners for acceptance.

c. Prior to recordation of the Minor or Administrative Subdivision Plat, no lots may be sold, and building permits and driveway permits on the lots may not be obtained.

Sec. 1203.05. **Multi-family and nonresidential projects.**

a. Project Approval is granted by the Planning Director upon review and approval of a Preliminary Site Plan for the project by the Development Review Committee.

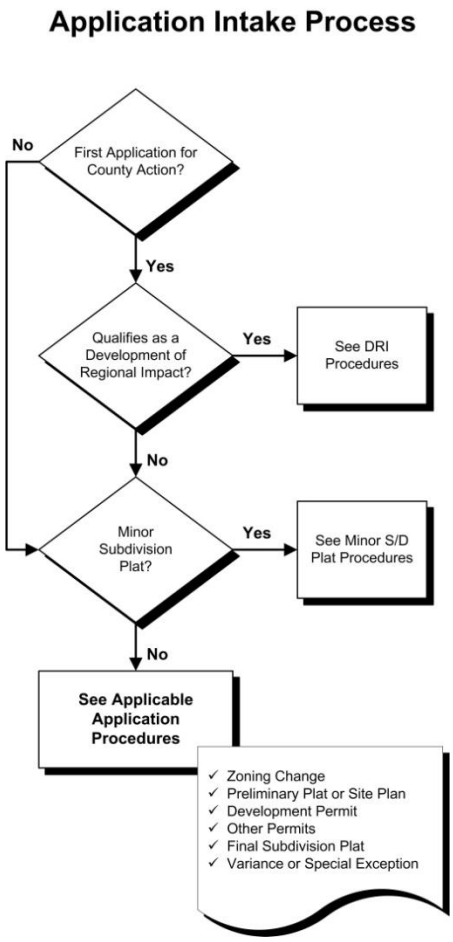
b. A Development Permit is issued by the Planning Department based on review and approval by all affected departments and agencies of development plans for construction of the project.

c. A Building Permit is issued by the Planning Department based on review and approval of architectural plans. Buildings falling under the authority of the State Fire Marshal shall be approved by the Fire Marshal prior to issuance of the building permit.

d. Driveway and sign permits are issued by the appropriate departments.

e. Receipt by the Public Works Director (for streets and drainage) and the Water Resources Director (for water and sewer) of accurate surveys of the as-built condition of all public improvements is required in order to authorize issuance of a Certificate of Occupancy.

f. Occupancy of the building is authorized by the Planning Director based on final inspection and issuance of a Certificate of Occupancy.



Sec. 1204. Application intake and processing.

Sec. 1204.01. **Application submission process.**

An application for any permit or approval under this Article or for a hardship variance or special exception variance under the Appeals Article of this Code will first be considered as follows:

a. If the application is for a project that qualifies as a Development of Regional Impact (DRI), and is the first request for County action or is a revision to a previous DRI, refer to Sec. 1213 of this Article for details and procedures.

b. If the application is for approval of a minor subdivision plat, refer to Sec. 1215 for the short cut procedures.

c. If the application is for any other type of approval or permit, refer to the appropriate sections of this Article or the Appeals Article for procedures pertinent to the request.

Sec. 1204.02. Responsible parties for application processing.

The following table summarizes the Oconee County departments, directors and others responsible for receiving, administering, reviewing, approving and permitting various applications under this Development Code. This table is **illustrative only**; specifics contained in the text of this Code should be relied upon for details.

Table 12.1: Responsible Parties for Reviews and Approvals

	Application		Application Reviewed by				Approval Granted by
Action	**Submitted to**	**Administered by**	**Planning**	**Public Works**	**Water Resources**	**Others**	
Zoning Change: ■ Rezoning ■ Special Use	Planning Dept.	Planning Dept.	✓	✓	✓	DRC; Planning Commission; DRIs to RDC; GDOT	BOC
Minor Subdivision	Planning Dept.	Planning Dept.	✓			Environmental Services*	Planning Dept.
Preliminary S/D Plat or Preliminary Site Plan	Planning Dept.	Planning Dept.	✓	✓	✓	GDOT, Environmental Services*	Planning Dept.
Special Tax District	Planning Dept.	Planning Dept.	✓			Planning Dept.	BOC
MPD Concept Plan	Planning Dept.	Planning Dept.	✓	✓	✓	DRC	BOC
Development Permit (Site Development Plans or Subdivision Development Plans)	Planning Dept.	Planning Dept.	✓	✓	✓	Soil & Water Conservation Environmental Services* GDOT, DNR, Corps of Eng, EPD	DRC
Driveway Permit	Planning Dept.	Public Works		✓			Public Works
Environmental: ■ Aquifer Recharge Protection Approval	Submitted w/Development or Building Permit	Planning Dept.	✓			Environmental Services*	DRC
■ Wetlands Protection Approval	Submitted w/Dev Permit	Planning Dept.	✓			Corps of Engineers	DRC (as part of Dev Permit)
Zoning Verification	Planning Dept.	Planning Dept.	✓				Planning Dept.
Moving a Building (not a manufactured home)	Planning Dept.	Planning Dept.	✓	✓	✓	Fire Marshal, Sheriff	Planning Dept.
Adult Entertainment License	Planning Dept.	Planning Dept.	✓				Planning Dept.
Building Permitting: ■ Building Permit	Planning Dept.	Planning Dept.	✓				Planning Dept.
■ Sign Approval	Planning Dept.	Planning Dept.	✓				Planning Dept.
■ Building Permit for Sign	Planning Dept.	Planning Dept.	✓				Planning Dept.
■ Manufactured Home Location Permit	Planning Dept.	Planning Dept.	✓				Planning Dept.
Final Subdivision Plat: Including the following:	Planning Dept.	Planning Dept.	✓	✓	✓	GDOT, Environmental Services*	Planning Director, or as required by DRC

Table 12.1: Responsible Parties for Reviews and Approvals

	Application		Application Reviewed by				Approval Granted by
Action	**Submitted to**	**Administered by**	**Planning**	**Public Works**	**Water Resources**	**Others**	
■ Dedication Deeds & Easements, Title Opinions, Articles of Incorporation for HOA and PDA, Restrictions and Covenants	Planning Dept.	Planning Dept.	✓			County Atty.	Planning Dept.
■ As-Built Data—Streets & Drainage	Planning Dept.	Public Works Dept.		✓			Public Works Dept.
■ As-Built Data—Water & Sewer	Planning Dept.	Water Resources Dept.			✓		Water Resources Dept.
■ Stormwater Management Agreement	Planning Dept.	Public Works Dept.		✓			Public Works Dept.
■ Performance/ Maintenance Surety—Streets & Drainage	Planning Dept.	Public Works Dept.		✓		County Atty.	Public Works Dept.
■ Performance/ Maintenance Surety—Water & Sewer	Planning Dept.	Water Resources Dept.			✓	County Atty.	Water Resources Dept.
Variances: ■ Special Exception—Administrative	Planning Dept.	Planning Dept.	✓	✓			Planning Dept.
■ Special Exception	Planning Dept.	Planning Dept.	✓	✓			BOC
■ Hardship Variance	Planning Dept.	Planning Dept.	✓	✓	✓		BOC
■ Flood Damage Variance	Planning Dept.	Planning Dept.	✓	✓			BOC
■ Appeal from an Administrative Decision	Planning Dept.	Planning Dept.	✓	✓	✓	Appellee	BOC

DIVISION I. APPROVAL OF A ZONING CHANGE.

The Official Zoning Map may be amended from time to time and a Special Use may be approved on a property by the Board of Commissioners under the procedures in this Section. In addition, changes in the conditions of approval pertaining to a specific rezoning or Special Use approval may also be approved by the Board of Commissioners following the procedures in this Section.

However, no Amendment or Special Use approval shall become effective unless it shall have first been submitted to the Oconee County Planning Commission for review and recommendation, as provided in this Division.

Sec. 1205. Initiation of zoning change.

An application for a zoning change (i.e., a rezoning or Special Use approval) affecting any property or properties may be initiated by the Board of Commissioners or by the owner of the property. The approval, withdrawal or denial of a zoning change shall be in accordance with the provisions of this Division.

Sec. 1206. Applications for a zoning change.

An application for a zoning change may include all or a portion of a property, or all or a portion of two or more properties under the same or separate ownership. For the purposes of this Section, the "property" that is the subject of an application shall be the geographic area contained within the legal boundary description submitted with the application. Split zoning on a single parcel shall not be permitted. Portions of a parcel to be rezoned to a different category from the remainder of the parent parcel must be subdivided to form a new parcel and such new parcel must conform to all applicable requirements of this Development Code. In all cases, an application for a zoning change must be submitted by or authorized for submission by the owner of each property included in whole or in part within the application.

Sec. 1206.01. Zoning change applications; receipt and acceptance.

a. Minimum Requirements.

   All applications to amend the Official Zoning Maps or for Special Use approval submitted or initiated by a party other than the Board of Commissioners shall be filed with the Planning Department. Prior to processing any such application, the applicant shall be required to file the necessary documentation and follow certain procedures as set forth in this Division.

b. An application for a zoning change shall be made in writing to the Planning Department on forms provided by the Department. Each application shall include the signatures of the applicant and property owner upon the application.

c. No application will be considered to have been made until such form(s) as described in Sec. 1206.01.b have been completed and submitted to the Planning Department with the application fees as established by the Board of Commissioners and supporting materials as required under this Division.

d. Applications shall include any request for information deemed necessary by the Planning Director to enable a complete review of the request.

e. Any communication relative to an application for a zoning change will be regarded as informational only until a proper and complete application is accepted by the Planning Director. The Planning Director shall review the transmittal for completeness within 5 workdays following the submission deadline. Incomplete or improper applications will be returned to the applicant, who shall have 3 work days in which to resubmit the application complete and proper in all respects.

Sec. 1206.02. Application contents.

An application for a zoning change is to be submitted in one signed original copy and in a number of copies as established by the Planning Department. The application must include the following:

a. An application form as available from the Planning Department, complete in all respects.

b. If the applicant is not the owner of the property, an authorization form as available from the Planning Department, executed by the owner, authorizing the applicant to represent and act on behalf of the owner. Approval or authorization is required of each owner of each parcel included in an application if two or more parcels in separate ownership are included.

c. An application fee as required by the Board of Commissioners to cover administrative and advertising costs.

d. The location of the subject property, including street number, if any.

e. Copy of warranty deed, including a typed legal description of the subject property by metes and bounds, and reference to a final plat if applicable, including the tax identification number.

f. Statement of political contributions by the applicant and the applicant's attorney, as described under Sec. 1206.03.

g. Impact analysis, as described under Sec. 1206.04.

h. Concept plan, as described under Sec. 1206.05. The requirement for a concept plan may be waived by the Planning Director if the application does not propose any new construction or expansion of existing development, such as an application for special use approval for a new tenant in an existing shopping center, and no exterior improvements, such as an increase in the number of parking spaces, will be required by this Development Code.

i. A narrative statement from the applicant is required specifically describing the proposed use of the property and including all other information as necessary to provide a full understanding of the applicant's request.

j. If the subject property or any portion of the subject property is proposed to be served by public water or sewer, a letter of availability is required from the Water Resources Department. Said letter shall state the proposal does or does not meet the policies of the Board of Commissioners for water and sewer distribution, delivery, expansion, and service.

k. The Character Areas Map category in which the property is located. If more than one category applies, the areas in each category are to be illustrated on a map.

l. Architectural sketches, photos, or renderings of all proposed structures depicting all elevations.

m. Proof that all property taxes for the parcel(s) in question have been paid in full.

n. Such other information as may be pertinent and required by the Planning Director. For guidance, see the application checklist in the Appendix to this Development Code that contains the Oconee Departmental Checklists.

Sec. 1206.03. **Disclosure of interest and campaign contributions.**

a. A local government official, including members of the Planning Commission and members of the Board of Commissioners, who has a property interest in any real property affected by a rezoning action or has a financial interest in any business entity which has a property interest, or has a member of his family having such an interest, shall immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners as set out in OCGA Subsection 36-67A-2.

b. When any applicant for a zoning change has, within two years immediately preceding the filing of that applicant's application for the rezoning action, made campaign contributions or made gifts aggregating $250.00 or more to a local government official involved in the rezoning action, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the Board of Commissioners as set out in OCGA Subsection 36-67A-3.

Sec. 1206.04. **Impact analysis.**

A traffic study, a hydrology study and other studies of the impact of the proposed development may be required as deemed necessary for adequate consideration and a fully-informed decision, as follows:

a. Zoning impact analysis.

If the zoning change has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed zoning change with regard to each of the standards governing consideration, which for rezoning are enumerated under Sec. 1207.01 and for Special Use approval are enumerated under Sec. 1207.02.

b. Traffic impact analysis.

(1) Every proposed development Concept Plan that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic analysis prepared under guidelines available from the Public Works Director. Anticipated vehicle trips may be based upon the latest edition of Trip Generation published by the Institute of Transportation Engineers.

(2) A revised traffic analysis shall also be required for a proposed modification to a previously approved Concept Plan if the average daily vehicle trips will increase by 10% or more than calculated for the original Concept Plan.

(3) For developments with less than 1,000 average daily vehicle trips or increases of less than 10%, the Public Works Director may require a traffic analysis when conditions on the public street system warrant.

(4) Negative impacts on area roads and intersections must be minimized in the design of the development project. The traffic analysis required by this Section shall demonstrate that, following completion of the development, the surrounding roads and affected intersections included in the traffic analysis will operate at a Level of Service no lower than "C", considering both projected traffic demand/capacity on the existing system and improvements proposed by the developer.

c. Impact analyses upon request.

A traffic study, a hydrology study and other studies of the impact of the proposed development may be required by the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the proposed zoning change. The studies shall be prepared under the direction of the Public Works Director at the applicant's expense.

Sec. 1206.05. **Concept plan.**

The purpose of the Concept Plan review is to encourage logic, imagination, innovation, and variety in the design process and ensure the soundness of each proposed development and its compatibility with the surrounding area.

a. The Concept Plan shall be prepared by a qualified design professional such as an architect, engineer, landscape architect, planner or surveyor and shall be drawn in accordance with the following basic criteria:

(1) Scale: Generally, 1 inch equals 100 feet.

(2) Sheet Size: Generally 24 inches by 36 inches with approximate match lines provided if more than one sheet is necessary.

(3) Vicinity Map: Generally drawn at a scale of not less than one inch equals 2,000 feet and showing adjoining roads, subdivisions and other landmarks.

(4) Existing Topography: Shown with a maximum contour interval of 5 feet.

(5) Boundary Survey: Shown and described by metes and bounds.

(6) Adjacent Properties: Names of adjacent property owners and zoning, driveway locations and other improvements having a relationship to the subject site, and natural or manmade drainage features are to be indicated on plan.

(7) Title Block: Indicating the name of the development, the type of plan (rezoning, special use or variance concept plan), the owner, the developer, and the person or firm preparing the plan.

b. The Concept Plan shall include the following information:

(1) A proposed Land Use Plan for the site and including the acreage to be devoted to each land use category, existing and proposed zoning.

(2) The existing and proposed location of streets, bikeways, pedestrian ways, parking areas, drainage and storm water detention facilities, utilities, public facilities, parks, recreation areas, tree areas to be retained or added and other open spaces, and including notations as to existing or proposed dimensions, capacities and/or volumes.

(3) Statistical or technical data as necessary to accurately describe the proposed development including, but not limited to the following:

(a) Total land area.

(b) Amount of land to be used for public or semi-public uses.

(c) Amount of land to be used for recreational or open space purposes.

(d) Amount of land to be occupied by streets and parking areas.

(e) Amount of any submerged or flood prone land within the project boundary.

(f) The total ground coverage and floor area of all buildings.

(g) Breakdown of the number and kinds of proposed buildings, including square footage, and the number and range of lot sizes and proposed setback and yard dimensions for typical lots and/or building types.

(4) A report setting forth the proposed development schedule, indicating the sequence of development of the various sections thereof, and the approximate time period required for completion of each phase.

(5) An outline of the proposed methods for controlling and maintaining any common open space or community facilities.

(6) Proposed locations of signs, landscape screening, buffers, and/or fencing.

(7) Such other information as may be required to evaluate the project.

c. Compliance with the unified development code.

The Concept Plan shall meet all requirements of this Development Code. Any inconsistency between the Concept Plan and any requirement of this Development Code shall not be deemed as approved by the Board of Commissioners at the time of approval of the zoning change, unless approval of the inconsistency has been granted as a variance under the applicable provisions of the Appeals Article of this Development Code.

d. Compliance with concept plan.

(1) The Planning Director shall review plans for compliance with this Development Code and for compliance with Concept Plan review criteria. The recommendations of both the Planning Director and the Planning Commission shall be transmitted to the Board of Commissioners.

(2) If the requested rezoning or Special Use application is approved, a revised Concept Plan meeting all regulations of this Development Code and incorporating all conditions of approval imposed by the Board of Commissioners, if necessary or applicable to conform to this Code or said conditions of approval, must be submitted to the

Planning Director for the record prior to the issuance of any permit or consideration of Project Approval under Division II of this Article.

(3) If the requested rezoning or Special Use application is approved, no building permit, other permit or certificate of occupancy shall be granted except for uses or structures conforming substantially to the Concept Plan and related documents submitted with the application. Changes to an approved concept plan that present an increase in intensity of use such as, but not limited to, an increase in the total number of lots, an increase in the total proposed building area, or an increase in the number of total number of buildings proposed for the development shall not be considered substantially compliant with the approved concept plan and are subject to the requirements of Sec. 1210.02 for processing and approval.

(4) Subsequent revisions to an approved Concept Plan that represent a change in conditions of zoning approval are subject to the requirements of Sec. 1210.02 for processing and approval.

Sec. 1207. Standards governing consideration of a zoning change.

Sec. 1207.01. Standards for rezoning consideration.

In consideration of a rezoning, the Board of Commissioners shall consider factors relevant in balancing the interest in promoting the public health, safety, or general welfare against the right of the individual to the unrestricted use of property and shall specifically consider the following objective criteria. Emphasis may be placed on those criteria most applicable to the specific use proposed:

a. Whether the zoning proposal will permit a use that 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.

c. 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 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.

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

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.

g. Conformity with or divergence from the Future Development Map or 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.

Sec. 1207.02. Standards for special use consideration.

A Special Use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. Emphasis may be placed on those criteria most applicable to the specific use proposed:

a. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?

b. Is the proposed special use compatible with the goals, objectives, purpose and intent of the Comprehensive Plan?

c. Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area?

d. Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general?

e. Is or will the type of street providing access to the use be adequate to serve the proposed special use?

f. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?

g. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use?

h. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?

i. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?

j. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

Sec. 1208. Taking action on a zoning change.

Before the Board of Commissioners may take final action on a proposed zoning change, it shall have been submitted to the Oconee County Planning Commission for review and recommendation. The public hearing is to be conducted in accordance with the provisions of this Section.

Sec. 1208.01. Planning Department.

It shall be the responsibility of the Oconee County Planning Department to set the agenda for the meetings of the Oconee County Planning Commission.

a. From time to time, the Board of Commissioners may adopt by Resolution a maximum limitation on the number of new applications for zoning amendments and special use permits that can be heard by the Planning Commission as New Business at each Planning Commission meeting.

b. All submitted items shall be reviewed by the Planning Department for compliance with this Development Code and only those submissions that are complete in all respects will be accepted for placement onto the Planning Commission agenda, in the order in which they were received, up to the maximum allowed.

c. All complete submitted items that number over the maximum allowed to be placed on the agenda shall be deferred to the next available Planning Commission agenda, with previously deferred items taking precedence over newly submitted items.

Sec. 1208.02. Planning Commission.

a. The Planning Commission shall hold a public hearing on each application for rezoning or Special Use in accordance with a schedule adopted by the Board of Commissioners. Such meeting shall be presided over by the chairman of the Planning Commission or in the chairman's absence a designated member of the Planning Commission. A staff report on each application shall be submitted to and considered by the Planning Commission at the public hearing. The Planning Commission shall investigate each of the criteria set forth in Sec. 1207 of this Article, as appropriate to the request.

b. The Planning Commission shall review all Zoning Amendment or Special Use requests on its agenda and forward a recommendation for each request to the Board of Commissioners.

c. The Planning Commission shall make a recommendation to the Board of Commissioners for approval, approval with conditions or modifications, tabling, postponement, denial, referral back to the Planning Commission or no recommendation.

d. The Planning Department, within 10 working days of a public hearing shall prepare and have on file minutes of the public hearing.

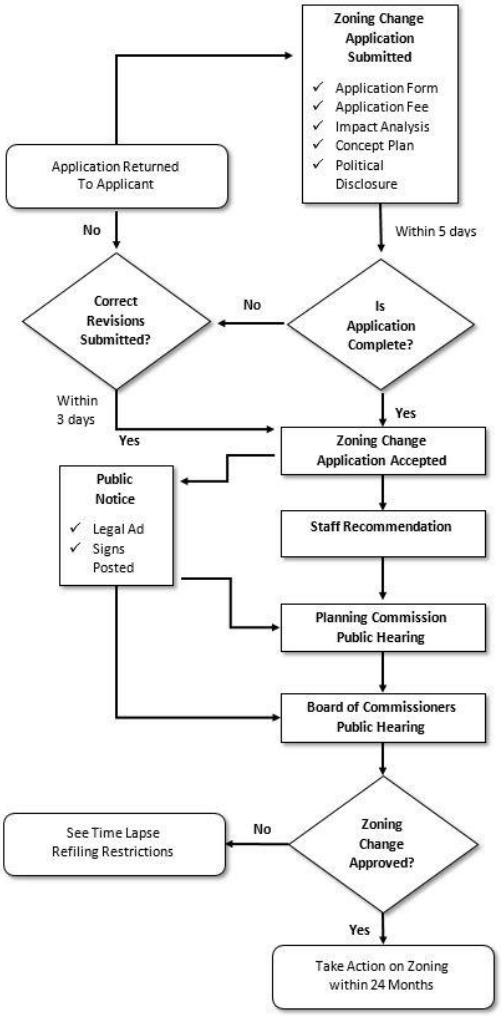
Sec. 1208.03. **Board of Commissioners.**

a. Following the planning commission's public hearing, the Board of Commissioners shall consider the rezoning application at the next meeting scheduled for the purpose of considering zoning amendments for which adequate notice has or can be published.

b. When the public hearing is conducted by the Board of Commissioners, action may be taken approving or rejecting the proposal at the same meeting, the question may be tabled for future consideration or the public hearing may be temporarily adjourned for continuation to the next regular meeting or a published called meeting. Tabling action on an application or adjourning a public hearing to a future meeting shall include a statement of the date and time of the meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice is required. See Sec. 1211.02 for further provisions regarding continuance of public hearings and motions to table.

Zoning Change Approval Process

Application Submitted by Property Owner



c. So that the purpose of this Development Code will be served and the health, safety, morals, aesthetics, convenience, order, prosperity and general welfare is secured, the Board of Commissioners may approve or deny the application; reduce the land area for which the application is made; change the zoning classification, district, or category requested; add or delete conditions of approval for the application; or allow an application to be withdrawn with or without prejudice with respect to the reapplication time lapse limitations of this Article under Sec. 1208.05. See Sec. 1211.01 for additional provisions regarding withdrawals.

d. The decision by the Board of Commissioners on an application for a zoning change shall be based on, but not limited to, a consideration of the standards set forth in Sec. 1207 of this Article, as appropriate to the request.

e. Notwithstanding any other provision of this article to the contrary, the Board of Commissioners may initiate a rezoning for purposes of settlement of a lawsuit or for other purposes deemed to be in the best interests of the public by the Board of Commissioners, without observing any of the procedural formalities set forth in this Section 1208, subject only to the requirements of the Georgia Zoning Procedures Act, O.C.G.A. §§ 36-66-1 et seq.

Sec. 1208.04. **Effect.**

Approval of a zoning change shall be in full force and effect upon approval by the Board of Commissioners.

Sec. 1208.05. **Time lapse requirements before reapplication.**

a. After an application for a zoning change is either approved or denied by the Board of Commissioners, then any portion of the same property may not again be considered for a zoning change until the expiration of at least 6 months immediately following the approval or denial by the Board of Commissioners. Further, for a zoning change that has been denied, reapplication for the same zoning change that was previously denied may not be made earlier than 12 months from the date of denial of the original application by the Board of Commissioners.

b. An application for a change to a condition of approval pertaining to the grant of a zoning change is considered another zoning change and shall be subject to all time lapse requirements of this Section.

c. The Board of Commissioners may only consider property for a zoning change within the time lapse periods established under Sec. 1208.05.a as follows:

(1) If the original application had been approved by the Board of Commissioners and a request for re-filing is authorized by the Board;

(2) In connection with settlement of litigation; or

(3) Pursuant to an order by a court of competent jurisdiction. In complying with time constraints as may be imposed by the court, the Board, if time permits, shall direct staff to publish notice and post the property in accordance with the requirements of Sec. 1209.01, and notify the applicant and owner in writing prior to taking such action.

d. Notwithstanding any other provision of this article to the contrary, the board of commissioners may initiate a rezoning for purposes of settlement of a lawsuit or for other purposes deemed to be in the best interests of the public by the board of commissioners, without observing any of the procedural formalities set forth in this Section 1208, subject only to the requirements of the Georgia Zoning Procedures Act, O.C.G.A. §§ 36-66-1 et seq.

Sec. 1209. Public notice and hearings.

This Section includes requirements for public notice and procedures for the calling and holding of public hearings on proposed zoning changes.

Sec. 1209.01. **Public notice.**

For the purposes of public notice, the "property" that is the subject of an application shall be the geographic area contained within the legal boundary description submitted with the application, whether comprised of all or a portion of a single property, or all or a portion of two or more properties under the same or separate ownership.

a. Zoning changes initiated by County.

Before taking action resulting in a zoning decision, the Board of Commissioners of Oconee County shall provide for a hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the Commissioners shall cause to be published within a newspaper of general circulation within Oconee County a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

b. Zoning changes initiated by property owner.

If a zoning decision is for the rezoning of property or approval of a Special Use and the request is initiated by a party other than the County Commissioners, then:

(1) The notice, in addition to the requirements in Sec. 1209.01.a, shall include the name of the applicant for rezoning, location of the property (by street address or

tax parcel number), acreage of the property, present zoning classification of the property, and the proposed zoning classification or type of Special Use (as applicable).

(2) Multiple applications on a single property may be combined in a single notice.

(3) The notice in the newspaper shall be in a form acceptable to the County Attorney.

(4) Notification of adjacent property owners.

(a) The Planning Department may provide notice to all adjacent property owners at least 15 days but not more than 45 days prior to the date of the hearing, but such notice is not required to comply with the notice provisions of this Development Code or state law.

(b) If sent, the notice shall include the name of the applicant for rezoning, location of the property (by street address or tax parcel number), acreage of the property, present zoning classification of the property, and the proposed zoning classification or type of Special Use (as applicable).

(5) Posting of signs.

(a) In addition to the newspaper notice, a sign or signs, shall be placed by the Planning Department in a conspicuous location on the property frontage in such manner as to be legible from the public road. On lots with more than one road frontage, a sign will be placed facing each public road. If the property has no road frontage, the sign shall be placed on each road at a location where access will be gained to the property.

(b) The sign(s) must be in place no less than 15 days prior to the date of the first public hearing and shall state the date, time and place for the Planning Commission public hearing and the initially scheduled Board of Commissioners public hearing, the present zoning classification and the nature of the proposed zoning change (requested zoning classification or type of Special Use).

(c) If not removed by the County, the applicant shall remove any and all public notice signs from the subject property within 3 business days after the date of final action by the Board of Commissioners on the proposed zoning change.

c. Sufficiency of public notice.

(1) Where proper notice is given in accordance with this Development Code, and in conformity with the Georgia Open Meetings Law and a sign has been posted in accordance with this Section, no further notice to the property owner or adjacent or nearby property owners is required. Failure to provide notice as required by this Section shall be grounds for the final action on a proposed zoning change to be declared null and void. It is the responsibility of the applicant for the zoning change to satisfy himself prior to the public hearing that proper notice requirements have been met.

(2) Appearance of a person at the public hearing shall constitute a waiver of all claims based upon improper publication of notice or posting on the property by such person.

Sec. 1209.02. **Public hearing procedures.**

A public hearing shall be held by the Oconee County Planning Commission and the Oconee County Board of Commissioners on each proposed zoning change, as follows:

a. The presiding officer shall allow the Planning Department Staff as the first speaker to present the Planning Department's review and recommendation concerning the applicant's case.

b. Following this presentation, the applicant or the applicant's designee shall be allowed to present the applicant's case and then shall also afford the applicant an opportunity, prior to a vote, to answer questions and respond to objections of others in attendance.

c. Others desiring to speak or make a statement shall be given reasonable opportunity to do so.

d. Both proponents and opponents of the matter under consideration shall be given comparable time and opportunity by the presiding officer to speak. This time period shall not be less than 10 minutes per side in accordance with State Law.

e. Persons speaking at such a hearing shall rise, state their name and address to the Planning Commission or the Board of Commissioners who may be holding the hearing.

f. Questions shall be directed to the presiding officer who shall designate a person for the response.

g. The Board of Commissioners, Planning Commission, or presiding officer may limit or terminate the discussion, statement or comments because of time, repetitiveness, or irrelevancy.

Sec. 1209.03. **Attendance required.**

The applicant or representative of the applicant shall attend all public hearings on the application. Although the Board of Commissioners may take final action on an application in the absence of the applicant or the applicant’s representative based on the standards contained under Sec. 1207, the failure to attend may result in a tabling of the application or continuance of the hearing at the Board's sole discretion. Failure of the applicant or representative of the applicant to attend the subsequent Board meeting at which the application has been scheduled for consideration shall be grounds for denial of the application.

Sec. 1210. Conditional approval.

In adopting an Amendment to the Official Zoning Map, or approving a Special Use, the Board of Commissioners may impose conditions of approval which it deems necessary in order to make the requested action acceptable and consistent with the purposes of this Development Code and of the zoning district(s) involved, to ameliorate negative issues identified through evaluation of the standards governing consideration of a zoning change under Sec. 1207, or to further the goals and objectives of any County adopted plans.

a. Types of conditions.

Such conditions may consist of any or all of the following:

(1) Dedication of required rights-of-way to the County where insufficient amounts or none exist;

(2) Setback requirements from any lot line;

(3) Specified or prohibited locations for buildings, parking, loading, or storage areas or other land uses;

(4) Driveway curb cut restrictions;

(5) Restrictions as to what land uses or activities shall be permitted;

(6) Maximum building heights or other dimensions;

(7) Special drainage or erosion provisions;

(8) Landscaping or planted area which may include the location, type and maintenance of plant materials;

(9) Fences, walls, berms, or other landscaping or buffering provisions or protective measures;

(10) Preservation of existing trees or planting of new trees or other vegetation;

(11) Special measures to alleviate undesirable views, light, glare, noise, dust or odor;

(12) Permitted hours of operation;

(13) Architectural style;

(14) A requirement that developers must build according to the concept plan as adopted;

(15) A limitation on exterior modifications of existing buildings; or

(16) Any other requirement that the Board of Commissioners may deem appropriate and necessary as a condition of rezoning or approval of a Special Use.

b. Such conditions:

(1) Shall only be valid if they are included in the motion approving the zoning change;

(2) Shall be in effect as long as the zoning change is in effect, or for the period of time specified in the motion for approval of the zoning change;

(3) Shall be required of the property owner and all subsequent owners as a condition of their use of the property; and

(4) Shall be interpreted and continuously enforced by the Planning Director in the same manner as any other provision of this Development Code.

(5) A building permit shall not be issued until after the review and approval by the Development Review Committee and Planning Department (as appropriate) of final site, architecture, and development plans required by such conditions.

Sec. 1210.02. **Change in conditions of conditional zoning approval.**

Any application that proposes a change in the conditions of approval or concept plan previously established by the Board of Commissioners through action on a zoning change shall be reviewed in light of the standards set forth for a rezoning or for a Special Use under Sec. 1207, as appropriate. Any such proposed change to a condition of approval or concept plan is considered a zoning change and is therefore subject to all procedures and provisions of this Division regarding the approval of zoning changes. Any change to a concept plan that is substantially compliant with the original concept plan shall not require such approval.

Sec. 1211. Withdrawal or tabling of an application.

Sec. 1211.01. **Withdrawal of a zoning change request.**

Any applicant wishing to withdraw a rezoning or Special Use application prior to final action by the Board of Commissioners shall file a written request for withdrawal with the Planning Director.

a. The withdrawal request must be in writing and signed by the owner, the applicant or the owner's authorized agent.

b. If the request for withdrawal is received prior to the publication of notice for the first public hearing, the application shall be withdrawn administratively by the Planning Director without restriction on the re-filing of the same or another zoning change application on the property in the future.

c. If public notice as required under Sec. 1209.01 has been published (or is irretrievably set for publication) but the application has not been heard by the Planning Commission, the application shall be withdrawn administratively by the Planning Director, and an application for the same zoning change on the property or any portion of the property may not be resubmitted for 90 days from the date of withdrawal.

d. If a request for withdrawal of an application is received at the Planning Commission's public hearing, the request will be automatically approved and the application removed from further consideration. An application for the same zoning change on the property or any portion of the property may not be resubmitted for 90 days from the date of withdrawal.

e. Should any request for withdrawal be made after the public hearing of the Planning Commission but before the public hearing by the Board, the application shall remain on the Board of Commissioners' public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without restrictions on re-filing, by the Board of Commissioners.

Sec. 1211.02. **Tabling or deferral of a zoning change request.**

Final action by the Board of Commissioners on an application for a zoning change may be tabled by the Board, or the public hearing on such application may be deferred or continued, under the provisions of this Section.

a. Deferral of Board of Commissioners' public hearing.

Upon the written request of the owner, applicant or the owners agent for deferral received prior to or at the Board's Agenda Meeting prior to the public hearing of the Board of Commissioners, the Board may defer its public hearing on the application to a specified date and time. Public notice as required under Sec. 1209.01 shall be re-published and signs on the property re-posted at the applicant's expense, and such deferral shall be scheduled so as to provide no less than 15 days of public notice prior to the date of the deferred hearing.

b. Continuance of Board of Commissioners' public hearing.

At the sole discretion of the Board of Commissioners, an ongoing public hearing on an application for a zoning change may be continued through temporary adjournment to a future Board meeting. A motion adjourning a public hearing to a future meeting shall include a statement of the date and time of the meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice is required.

c. Motion to table.

(1) A motion to table an application for a zoning change is not debatable, and must be voted upon when the motion is made before proceeding with further discussion or action on the application.

(2) At a Board of Commissioners' meeting for which public notice for a public hearing on an application has been given, if the motion to table is made prior to opening the hearing on the application, the Board's action shall be considered a deferral of the public hearing and comply with Sec. 1211.02.a regarding public notice for such deferrals.

(3) At a Board of Commissioners' meeting for which public notice for a public hearing on an application has been given, if the motion to table is made during the hearing on the application, the Board's action shall be considered a continuance of the public hearing and comply with Sec. 1211.02.b regarding such continuances.

Sec. 1212. Reconsideration of zoning change.

After an approval has been granted by the Board of Commissioners for a zoning change, the applicant, agent or property owner has 24 months within which to record a final subdivision plat, receive project approval of a preliminary plat or site plan, obtain a building permit or lawfully initiate the use, whichever occurs first. If the applicant, agent, or property owner fails to meet this requirement, the Board of Commissioners may initiate a zoning change to change the property to the previously zoned condition or to any other zoning district consistent with the Oconee County Community Agenda. Such action shall proceed in accordance with provisions of this Article pertaining to zoning changes. The owner of the property will be notified of the proposed initiation and afforded an opportunity to appear before the Planning Commission and Board of Commissioners to show just cause why the action should not be taken.

Sec. 1213. Developments of regional impact.

Sec. 1213.01. Types of approvals covered.

The provisions of this Section apply to any type of governmental action requested by a private party related to a development project, such as a rezoning or special use approval, special exception variance or hardship variance approval, project approval of a subdivision or site plan, issuance of a development permit or building permit, or hook-up to a public utility.

Sec. 1213.02. Thresholds for regional review.

Any development project for which any governmental action is requested that meets or exceeds any of the development thresholds adopted by the Georgia Department of Community Affairs (DCA) shall be considered a Development of Regional Impact (DRI).

Sec. 1213.03. Process for DRI review.

The DRI review process shall conform to the rules adopted by the Georgia Department of Community Affairs for Developments of Regional Impact. To the extent that the provisions of this Section differ with said rules, said rules shall control and take precedence.

a. Submission to the regional development center.

(1) First request for project approval.

(a) Upon determination by the Planning Director that an application qualifies for DRI review, the applicant shall provide such information as necessary for the DRI review on forms available from DCA.

(b) The DRI review forms prepared by the applicant shall be submitted by the Planning Director to the Northeast Georgia Regional Development Center (RDC).

(c) Once the RDC has accepted the DRI forms as complete, the 30-day review period officially begins.

(d) Throughout the DRI process, the applicant shall coordinate with the Planning Department and the RDC and provide such additional information as may be needed to complete the DRI evaluation.

(2) Subsequent requests for project approval.

Once the development project has been reviewed by the RDC and the first governmental action has been granted, no further reviews by the RDC of subsequent governmental actions need to be reviewed by the RDC unless the project is revised by an increase of 10% or more in the applicable threshold factor.

b. Final action by the county.

Approval of the first request for governmental action by the County shall not be made on a Development of Regional Impact until either:

(1) Any inter-jurisdictional conflicts related to the DRI have been brought to a conclusion; and

(2) A report has been received from the RDC reflecting its public findings and comments, if any; or

(3) Said report is not received within 30 days of official determination by the RDC that the DRI application is complete.

Sec. 1214. Temporary suspension of permitting during zoning change.

Upon initiation or submission of a valid application for a rezoning or Special Use approval on a property, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

DIVISION II. PROJECT APPROVAL.

This Division presents the procedures and requirements to obtain approval of a subdivision or other development project, including planned developments such as PUDs and MPDs, as a precedent to authorization by the County to begin construction.

Sec. 1215. Minor subdivisions.

Minor subdivisions, as defined in the Subdivisions and Planned Development Article of this Development Code, are exempt from the requirements of this Division and may be administratively approved for recording under the following provisions:

a. Plats for said subdivisions shall comply with all other requirements of this Code, and with State Law, provided however that such plats may be prepared by a Georgia Registered Land Surveyor.

b. These exemptions shall apply only in AG, AR-3, AR, and R-1 zoning districts. Exemptions under these provisions shall be verified by the Planning Director and each plat of any such minor subdivision shall be stamped as follows:

(1) "Exempt under the provisions of Sec. 1215.b of the Unified Development Code of Oconee County, Georgia", prior to being recorded by the Clerk of Superior Court of Oconee County Georgia.

(2) Such plats shall be prepared as "Administrative Subdivision Plats" or "Administrative Recombination Plats" in accordance with the applicable requirements for final subdivision plats under Division V of this Article.

c. The Planning Director may however, at his or her discretion, forward such plats to the Development Review Committee for review and action, should such plats, in the opinion of the Planning Director, warrant further consideration due to the nature of the subdivision.

d. Health Department approval of sewage disposal method and water supply shall be required for each individual lot, tract or parcel prior to the issuance of a building permit or mobile home location permit for said lot, except as provided under Sec. 1215.e.

e. Administrative Subdivision Plats and Administrative Recombination Plats may be approved for recording without first being approved or signed by the Health Department provided that each and every one of the following conditions is met:

(1) Each lot, tract, or parcel resulting from the recording of said plat is at least 3.00 acres or larger.

(2) The surveyor preparing the plat shall certify in writing on the plat that at least 3 acres of each lot, tract or parcel resulting from the recording of the plat are above the 100 year flood plain as indicated on the current FEMA maps, (including the parent parcels or remainders resulting therefrom).

(3) The surveyor preparing the plat shall determine by examination of the most recently published USDA Soil Survey and note in writing on the plat that at least 3 acres of each lot, tract or parcel resulting from the recording of the plat will not lie within the following soil types as shown on said USDA survey (including parent parcels and remainders):

(a) Buncombe

(b) Chewacla

(c) Colfax

(d) Congaree

(e) Musella

(f) Wehadkee

(g) Worsham

(h) Rock outcrop

(4) The plat shall bear the following note in bold type face no smaller than 1/8-inch high letters:

"No Soil Scientist report, perk test or other investigations have been conducted to determine suitability of the lots, tracts or parcels created by recording of this plat for either on-site water supply (well) nor for on-site sewage management system (septic). The owner, purchaser, lender, heirs, assigns or other parties taking title to or otherwise procuring an interest in said property are responsible for obtaining such information at their expense prior to entering into any contracts or otherwise obtaining any vested interest in the subject property."

Sec. 1216. Major subdivisions and other development projects.

Sec. 1216.01. Approval required of preliminary plat or site plan.

A preliminary plat for a major subdivision or a preliminary site plan for development of a condominium, multi-family or nonresidential project must be approved prior to the issuance of a development permit or initiation of any land disturbing or construction activities.

Sec. 1216.02. Preliminary plat or site plan; approval procedure.

a. The subdivider/developer shall have a registered Landscape Architect, Engineer, or Surveyor prepare a preliminary plat or preliminary site plan.

b. The subdivider/developer shall submit the preliminary plat or preliminary site plan to the Planning Department in accordance with the schedule published by the Planning Department, but in no case less than 15 days prior to the next regular meeting of the Development Review Committee.

c. The Planning Director shall have 5 work days from the submission of the application to review the application for completeness. Incomplete applications will not be accepted for processing and will be returned to the applicant, who shall have 3 work days in which to resubmit the application complete in all respects.

d. The Planning Department shall notify the Development Review Committee of the submission of a complete application and make copies available for members of the Committee for their review.

e. For subdivisions abutting a State highway:

(1) If a proposed subdivision includes or abuts on any part of the State Highway System, two copies of the proposed subdivision plat shall be forwarded by the Planning Department to the appropriate office of the Georgia Department of Transportation for recommendation and approval as provided in O.C.G.A. 32-6-151.

(2) In the event the Department of Transportation recommends rejection or it fails to act within 30 days from submission, then the deadline for approval or disapproval of the plat by the Planning Department shall be no earlier than 5 working days after receipt of the Department's action or the expiration of the 30 days without action, whichever is later.

f. The preliminary plat or preliminary site plan shall be approved, disapproved, or approved with modification within 60 days after the plat or site plan has been submitted complete in all details and as required under this Development Code. If action is not taken within the said stated time, then the plat or site plan shall be considered approved and certified as approved on demand. However, the subdivider/developer may waive this requirement. Approval of a preliminary plat or site plan shall not constitute approval of the final plat, site development or construction plans. Rather it shall be deemed an expression of approval to the general layout submitted on the preliminary plat or site plan as a guide to the preparation of the construction plans and final plat which will be submitted for county approval and recorded upon fulfillment of the requirements of this Development Code.

Sec. 1216.03. **Preliminary plat or site plan; general requirements.**

a. Not less than 6 copies of the preliminary plat or preliminary site plan plus one copy reduced to 11 x 17 inches shall be submitted to the Planning Department who shall submit copies to the Development Review Committee members for their review. The DRC members shall provide written comments regarding compliance with this Development Code and said comments shall be made available to the applicant prior to the meeting.

b. Sheet size shall be 24 x 36 inches. If the complete plat or site plan cannot be shown on one sheet, it may be shown on more than one sheet with an index map on a separate sheet of the same size. The applicant shall also submit one copy reduced to 11 x 17 inches.

c. One copy of the approved or modified plat shall be returned to the owner and one copy filed in the office of the Planning Department with the date of said approval or disapproval noted thereon.

d. The preliminary plat or preliminary site plan shall be accompanied by an application fee as set by Resolution of the Board of Commissioners from time to time.

e. The owner is responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all the noted and written comments.

f. The Development Review Committee may not approve any preliminary subdivision plat or site plan that shows a lot or situation that would clearly require a variance in order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.

Sec. 1216.04. **Contents of preliminary plat or preliminary site plan submission.**

Each preliminary plat or preliminary site plan shall show the following:

a. Caption.

(1) Proposed subdivision/development name.

(2) Acreage in total tract, area of the site in acres or, if smaller than one acre, in square feet.

(3) Name and street address of the record owner of the land proposed to be subdivided or developed, and the owner or proprietor of the subdivision/development and the Engineer or Landscape Architect.

(4) Date, scale, and north arrow of map.

b. Development information.

(1) Overall plan: General plan for the entire tract ultimately suitable for development. This layout is in addition to the more detailed data for the specific section of the tract to be considered immediately. This plan shall also show current zoning and anticipated requests for zoning changes.

(2) Development data:

(a) For a subdivision: A statistical summary of development factors such as density, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the development.

(b) For a development project: Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.

(3) Acreage in park, streets, and other land usage.

(4) For subdivisions, average lot size and minimum lot size.

(5) All parcels of land and easements to be dedicated for public use and the conditions of such dedication.

(6) Exact boundary lines of the tract with bearings and distances.

(7) Location or vicinity map tying the subdivision into the present road system and relating the subdivision to its surrounding area.

(8) Location and names of adjoining subdivisions or names of owners of adjoining lands.

(9) Conditions of approval, if any, associated with any rezoning, variance or other County approval applicable to the property.

(10) Natural features within the property, including:

(a) Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings.

(b) On all watercourses leaving the tract for which stormwater detention must be considered under this Development Code, the direction of flow shall be indicated, and for all such watercourses entering the tract the direction and acreage of the drainage area above the point of entry shall be noted. Floodplains shall be outlined.

c. Development design.

(1) Topographic map on a scale of 1 inch representing 100 feet or less and contour intervals of 2 feet or less at an accuracy meeting National Map Accuracy standards (plus or minus ½ contour interval), showing major water courses, marshes, rock outcrops, wooded areas, and other outstanding features.

(2) The preliminary plat or preliminary site plan drawing shall include all phases of the proposed subdivision/development with phase boundaries clearly marked, provided however that payment of required application fees and Planning Department approval may be accomplished one phase at a time.

(3) Proposed subdivision entrance sign locations and/or easements.

(4) The location, width, and names of all existing or platted streets, easements, or other public ways or public use of land for future street widening within or adjacent to the subdivision/development, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, utilities, and other important features.

(5) The proposed project layout including:

(a) For subdivisions, lot and block numbers, and preliminary lot dimensions. The proposed project layout including lot lines, sidewalks, and street right-of-way lines, with proposed street names and right-of-way widths, along with all building setback lines with the dimension of the lot widths indicated.

(b) For multi-family and nonresidential developments, the proposed project layout including the outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, sidewalks, curb cuts, designated fire lanes.

d. Additional information.

(1) A statement as to the source of domestic water supply, and a statement as to the provision for sanitary sewage disposal.

(a) For those properties that will not be served by a sanitary sewerage collection and treatment system, evidence is required showing that a soil report has been submitted to the Health Department that is to their required standards for the proposed lot sizes (normally a Level III report prepared by a Georgia Licensed soil scientist).

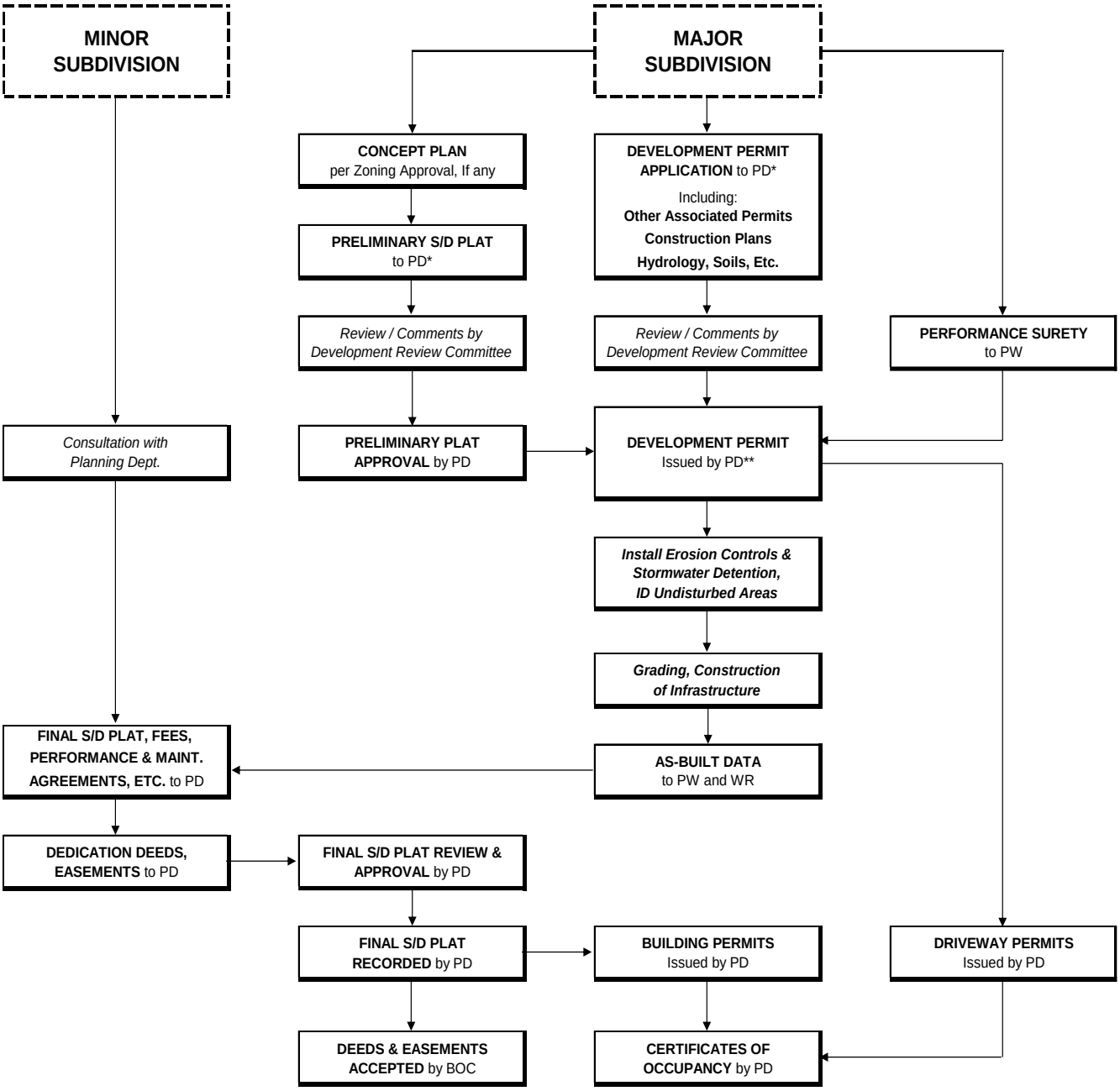
(b) For those properties proposed to be served by a public sanitary sewerage system, a completed Sanitary Sewer Extension Submittal pre-approved by the Water Resources Department (as required by the Water and Wastewater Standards) and the Public Works Department is to be included.

(c) For those properties proposed to be served by a private sanitary sewerage system, evidence of approval by the Board of Commissioners must be submitted.

(2) The approximate location of proposed storm water detention facilities.

(3) Such additional information as may be reasonably required by the Planning Director to permit an adequate evaluation of the development activity proposed in the subdivision or project. For guidance, see the application checklist in the Appendix to this Development Code that contains the Oconee Departmental Checklists.

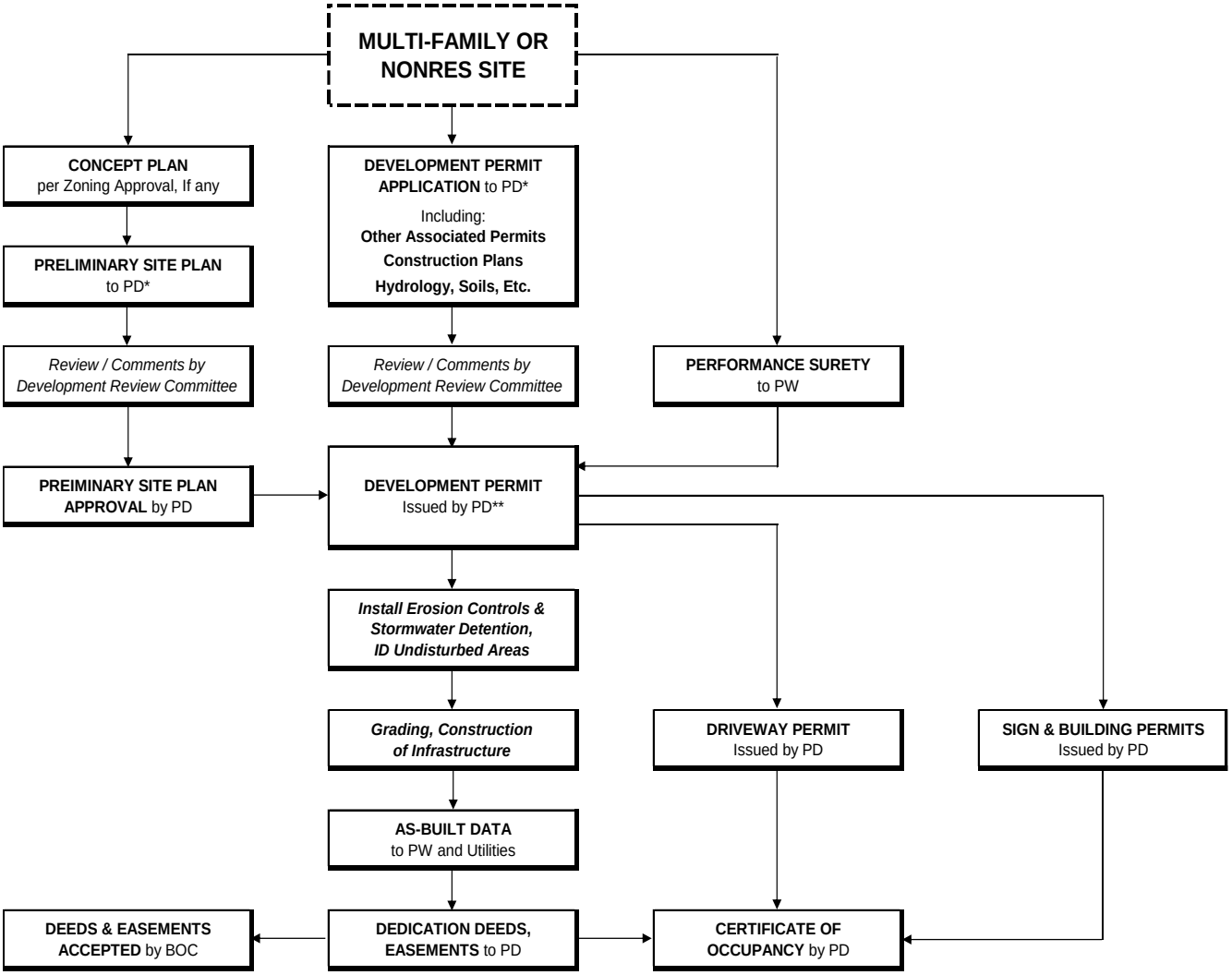
Subdivision Development Approval Process



PD -- Planning Director / Planning Department
WR-- Water Resources Director / Water Resources Department
PW -- Public Works Director / Public Works Department
DRC -- Development Review Committee / Member Departments & Agencies
BOC -- Board of Commissioners

* Incomplete applications will be returned within 5 days.
** Including Floodplain Mgt, Sign and other permits, as applicable to the project.

Site Development Approval Process



PD -- Planning Director / Planning Department
PW -- Public Works Director / Public Works Department
DRC -- Development Review Committee / Member Departments & Agencies
BOC -- Board of Commissioners

* Incomplete applications will be returned within 5 days.
** Including Floodplain Management and other permits, as applicable to the project.

Sec. 1216.05. **Designer and owner certifications.**

Each preliminary plat or site plan is to include a certification by the professional engineer, registered land surveyor or landscape architect responsible for the project design, and by the owner, that read as shown on Figure 12.2 and are signed in blue ink on the original drawing.

Sec. 1216.06. **Evidence of project approval.**

Each preliminary subdivision plat or site plan shall carry the following certificates printed or stamped on the plat.

a. Certificate of Project Approval, to read as shown on Figure 12.1.

Figure 12.1

CERTIFICATE OF PROJECT APPROVAL

Pursuant to the Unified Development Code of Oconee County, Georgia, all the requirements of Project Approval having been fulfilled, this [Preliminary Plat][Preliminary Site Plan] was given Project Approval by the Oconee County Development Review Committee on _____, 20_____.

This Preliminary Approval does not constitute approval of a Final Subdivision Plat or Development Construction Plans. This Certificate of Project Approval shall expire and be null and void one year from the date of project approval indicated above.

_____ Date_____20_____

Oconee County Director of Planning

NOT FOR RECORDING

Figure 12.2

DESIGNER'S CERTIFICATION

It is hereby certified that this [preliminary plat] [preliminary site plan] was prepared using a survey of the property prepared by _____, RLS, and dated _____; and further that the proposed [subdivision][development] meets all requirements of the Oconee County Unified Development Code, as applicable to the property.

By (name): _____ Registration No. _____

Address: _____ Telephone Number: _____

Signed: _____ Date: _____ 20_____

OWNER'S CERTIFICATION

As the owner of this land, as shown on this [preliminary plat] [preliminary site plan], or his agent, I certify that this drawing was made from an actual survey, and accurately portrays the existing land and its features and the proposed development and improvements thereto.

[Owner][Agent] Name: _____

Signed: _____ Date: _____20_____

Sec. 1217. Procedural requirements for PUDs (planned unit developments).

New planned unit developments (PUDs) may no longer be approved under this Development Code. The following provisions address overall plan modifications for existing PUDs and the process for approval of plans and permits for completion of previously approved PUDs.

Sec. 1217.01. PUD plan; administration.

a. Development of a planned unit development generally is guided by the PUD Plan that was approved as part of the overall approval of the PUD, as may have been amended since the initial approval. Subsequent development must substantially conform to the approved PUD Plan.

b. For any PUD that does not have an overall PUD Plan approved for the entire PUD, no further approvals for preliminary plats or site plans shall be granted until an overall PUD Plan shall have been approved by the Board of Commissioners. Such PUD Plan must meet all requirements for a "concept plan" under Sec. 1206.05 of this Article.

Sec. 1217.02. Site plans and subdivision plats.

a. Approvals of individual projects within a planned unit development are to follow the County's normal development approval process, based on preliminary site plans or preliminary subdivision plats as normally required under this Division for Project Approval. Each preliminary site plan or preliminary subdivision plat is to be consistent with the approved PUD Plan for the planned unit development.

b. Approval for construction of an individual project within a planned unit development is to follow the County's normal approval process for development construction approval set forth under Division III of this Article.

c. All other requirements for permits and final subdivision plats contained in this Article shall apply also to PUD projects.

Sec. 1218. Procedural requirements for MPDs (master planned developments).

Sec. 1218.01. Concept plan

a. Concept plan; administration.

(1) Development of a master planned development shall be guided by an approved Concept Plan for the overall project. Prior to any land development activity or the issuance of a building permit, the Concept Plan shall have been approved by the Board of Commissioners, and subsequent development must substantially conform to the approved Concept Plan.

(2) The level of detail to be shown on a master planned development Concept Plan shall reflect the scale of the proposed project. For a mixed-use master planned development, the various areas by housing type and land use category are to be identified and the parameters of development identified for each area. A master planned development involving only one type of housing would present more detail regarding the layout of the development.

(a) The Concept Plan for a master planned development involving only one type of housing shall conform to the requirements for a "concept plan" under Sec. 1206.05.

(b) The Concept Plan for a mixed-use master planned development must designate the type of development planned for each area. The Concept Plan shall illustrate the individual lot lines within each subdivision and the building outlines in each condominium, multi-family or nonresidential project, and must conform to the requirements for a "concept plan" under Sec. 1206.05.

b. Modifications to the concept plan.

Development of each portion of a master planned development must substantially conform to the Concept Plan approved by the Board of Commissioners. If any preliminary

site plan or preliminary subdivision plat is proposed that does not substantially conform, the Concept Plan must first be modified before the preliminary site plan or preliminary subdivision plat can be approved. Modifications of the Concept Plan can only be approved by the Board of Commissioners, following the same procedure as the initial approval of the original Concept Plan under Sec. 1206.05.

c. Concept plan updates required.

The master planned development Concept Plan is to be updated as individual site plans are approved for construction or final subdivision plats are recorded. Updating is an administrative process for submission to the Planning Department, and is intended to provide a record of the master planned development as build-out progresses. No update will be allowed that does not substantially conform to the approved Concept Plan, or that has not been approved as a modification to the Concept Plan by the Board of Commissioners.

Sec. 1218.02. **Impact analyses.**

a. Zoning impact analysis.

Every initially proposed master planned development Concept Plan shall be accompanied by a narrative specifically addressing each of the standards set forth in this Development Code under Sec. 1207.

b. Traffic impact analysis.

Every initially proposed master planned development Concept Plan or proposed modification to a previously approved Concept Plan may require the preparation of a traffic impact analysis. See Sec. 1206.04.b of this Article for details.

Sec. 1218.03. **Site plans and subdivision plats.**

a. Approvals of individual projects within a master planned development are to follow the County's normal development approval process, based on preliminary site plans or preliminary subdivision plats as normally required. Each preliminary site plan or preliminary subdivision plat is to be consistent with the approved Concept Plan for the master planned development.

b. Approval for construction of an individual project within a master planned development is to follow the County's normal approval process for development construction approval set forth under Division III of this Article.

DIVISION III. DEVELOPMENT CONSTRUCTION APPROVAL.

Sec. 1219. General requirements.

Persons seeking to undertake land-disturbing activity (as defined in this Development Code) shall not commence or proceed until development construction plans are approved by the Planning Director, and a development permit is issued by the Planning Department. The process for approval of a development permit is presented in Sec. 1220, below. If any portion of the property to be developed contains a flood hazard area (the 100-year flood plain), a floodplain management approval shall also be required and will be issued as part of the development permit. In addition, other permits as described under Division IV of this Article may also be required as part of a development construction approval.

Sec. 1220. Development permit.

Sec. 1220.01. Responsibility for development actions.

a. No person shall conduct any land-disturbing activity, including grading, clearing and grubbing, tree clearance, land development or project construction without first obtaining a development permit from the Planning Department to perform such activity.

b. Any person proposing development shall first submit to the Planning Department an application for a development permit, including all construction plans required by this Development Code. The application must be authorized by the property owner.

c. The Planning Department is responsible for administering the review and approval process for issuance of development permits. The Planning Department shall forward a copy of the development permit application, including the construction plans for the project, to the Development Review Committee members, the Soil and Water Conservation Commission District, the Georgia Department of Transportation or others as appropriate, for their review and comment. The Planning Department shall provide all comments to the applicant for resolution. The Planning Director shall issue the development permit when all requirements of this Development Code and other agencies are met.

d. Approval of plans by the appropriate department or agency shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the design professional under whose hand or supervision the plans were prepared.

e. The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the design professional under whose hand or supervision the plans were prepared.

f. No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this Development Code shall be considered to have been null and void upon its issuance.

g. Liability.

(1) The approval of an erosion and sedimentation control plan or other plans under the provisions of this Development Code, the issuance of a development permit, or the compliance with any other provisions of this Development Code shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Board of Commissioners or the Soil and Water Conservation District for damage to any person or property.

(2) The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this Development Code or the terms of the development permit.

Sec. 1220.02. **Development activities authorized.**

A development permit shall be issued to authorize all activities associated with development activity regulated by this Code, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, water or sewerage utilities, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

Sec. 1220.03. **Floodplain management requirements.**

If development or construction is proposed within or affecting an area of special flood hazard, approval of a development permit shall be dependent on compliance with the Provisions for Flood Hazard Reduction in the Flood Damage Prevention Section of the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1220.04. **Process for approval of development permit.**

An application for a development permit may proceed simultaneously with an application for project approval of a preliminary subdivision plat or site plan, but may not be issued prior to approval of such plat or plan by the Planning Department.

a. The application for a development permit shall be submitted to the Planning Department and must include the following:

   (1) Application on the form furnished by the Planning Department, requesting review for issuance of a development permit.

   (2) Copies in the number required by the Planning Director of:

      (a) The preliminary plat or preliminary site plan requesting or reflecting project approval by the Planning Director.

      (b) The construction plans prepared in conformance with the specifications and standards in this Development Code under Sec. 1221, below.

   (3) Two copies of the hydrology study.

   (4) Payment of any development permit fee, as established from time to time by the Board of Commissioners.

b. The application will be checked for completeness within 5 work days of its submission. Incomplete applications will be returned to the applicant, who shall have 3 work days in which to resubmit the application complete in all respects.

c. Upon acceptance of a development permit application, the Planning Director shall:

   (1) Refer the soil erosion and sedimentation control plan to the Soil & Water Conservation District for their review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. No development permit will be issued unless the plan has been approved by the District and the Planning Department, and any variances and bonding, if required, have been obtained.

   (2) Refer the grading plan, the stormwater management plan, the floodplain management/flood damage prevention plan (if any), and the street improvements plan to the Public Works Department for its review and approval or disapproval. No development permit will be issued unless the plans have been approved by the Public Works Department.

   (3) Refer the water and sewerage public utility plans to the Water Resources Department for its review and approval or disapproval.

   (4) Refer the on-site septic system plans to the County Health Department for its review and approval or disapproval.

d. The applicant may be required by the Planning Director to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:

(1) Fire Marshal.

(2) Georgia Department of Transportation.

(3) Georgia Department of Natural Resources.

(4) U.S. Army Corps of Engineers.

(5) U.S. Environmental Protection Agency.

e. Upon receipt of comments from other departments and agencies, and upon review by the Development Review Committee, the Planning Director will indicate on one or more copies of the development construction plans or in writing all comments related to compliance with this Development Code, conditions of zoning approval, and other regulations or ordinances, as appropriate.

f. The Planning Director will forward all comments to the applicant.

g. Approval, denial or comments, if any, shall be provided to the applicant as soon as practical, but in no case more than 60 days from receipt of a complete application for a development permit.

h. The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.

i. No development permit will be issued unless the applicant provides a statement by the County Tax Commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

Sec. 1220.05. **Issuance of development permit.**

a. Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, a final set of development construction plans shall be submitted to the Planning Director. Upon certification from the Planning Director that all issues have been resolved, the Planning Director shall issue a development permit authorizing development activities to begin based on the approved final development construction plans.

b. Permits shall be issued as soon as practicable, but in any event not later than 10 days after receipt by the County of the final, approved development construction plans, providing variances and bonding are obtained, where necessary.

c. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

d. Additional provisions regarding permits are found in the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1220.06. **Expiration of development permit.**

a. A development permit shall expire if the development activity described in the permit is not begun within 1 year from the date of issuance or if such activity is suspended for twelve months. Written notice of pending expiration of the development permit may be issued by the Planning Department.

b. Any change or amendment of design and construction plans for the project that may materially impact or negate the permit based on original approval of the plan shall require a permit amendment. All such amendments shall be applied for in writing and follow the same procedure for approval as original applications for a development permit, subject to the requirements of this Development Code applicable as of the date of application of such amendment.

Sec. 1221. Preparation of development construction plans.

Sec. 1221.01. Development construction plans; general requirements.

Upon Project Approval of a preliminary plat or preliminary site plan:

a. The owner shall obtain an engineering layout and profile of all proposed streets, utilities, storm drainage and other improvements for the development prepared by a Licensed Professional Engineer, Landscape Architect, or Land Surveyor.

b. The utility system design must be performed by a Licensed Professional Engineer.

c. Said development construction plans shall include topographic data as specified under Sec. 1216.04.c, existing and proposed contours, all signs and other required improvements specified herein.

d. No grading or clearing for construction of said streets, utilities, storm drainage or other improvements shall commence until after written approval of the soil erosion and sediment control plan required by the Soil Erosion and Sedimentation Control regulations of this Development Code and provided that said engineering layout and road profiles have been submitted for at least 15 days to the Planning Department who shall distribute the same to the Development Review Committee members for review, comment and subsequent correction by the developer before construction.

e. The development construction plans for a project shall conform in all respects with the requirements of this Development Code, and shall include each of the plans in this Section as appropriate to the project. These include but are not limited to:

(1) Erosion and Sedimentation Control Plan;

(2) Grading Plan;

(3) Stormwater Management Plan;

(4) Street Improvement Plan;

(5) Site Landscaping Plans;

(6) Public Utility Plans;

(7) On-site Septic System Plans; and

(8) Lighting Plan.

f. All development construction plans and supporting studies shall be prepared by or under the supervision of a professional engineer or landscape architect registered in the State, provided, however, that nothing in this Section shall prohibit a Georgia licensed design professional from providing services in a manner consistent with State regulations governing said design professionals.

g. The plans shall be drawn on sheets measuring 24 inches by 36 inches in size.

h. One copy of the approved development construction plans must be at the job site when work is in progress.

Sec. 1221.02. Erosion and sedimentation control plan.

The application and plan requirements for erosion and sedimentation control plans are found in the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1221.03. Grading plan.

The grading plan may be combined with the erosion and sedimentation control plan if clarity will not be compromised.

a. Existing and proposed topography.

Grading plans shall identify existing and planned topographic contours as required for erosion and sedimentation control plans.

b. Wetlands certification.

Grading plans shall include a Wetlands Certification indicating whether or not wetlands are located on the property. The design professional that prepared the grading plans shall add a statement to the grading plan sheet indicating whether or not wetlands are located on the property by checking the appropriate box. The Wetlands Certification shall read as shown in Figure 12.3.

Figure 12.3: Wetlands Certification

The design professional whose seal appears herein certifies the following: (1) the Oconee County Generalized Wetlands Map has been consulted; (2) the appropriate plan sheet

☐ DOES ☐ DOES NOT

indicate wetlands as shown on the map or as determined by a certified wetlands delineator; and (3) if wetlands are indicated the landowner or developer has been advised that land disturbance of protected wetlands shall not occur unless the appropriate Section 404 Permit or Letter of Permission has been obtained from the U.S. Corps of Engineers for jurisdictional wetlands, or approval has been obtained from Oconee County to disturb other (nonjurisdictional) wetlands.

c. Flood plain.

If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed in conformance to all requirements relating to Flood Damage Prevention under the Erosion Control and Stormwater Management Article of this Development Code.

d. Areas to remain undisturbed.

Grading plans shall outline any area that is required to remain undisturbed, such as a natural zoning buffer, stream buffer or wetland (see the Landscaping and Buffers Article and the Environmental Protection Article of this Code) and shall identify, describe and illustrate the protective fencing and signage to be placed surrounding such areas, along with a note regarding protection of undisturbed areas as shown in Figure 12.4.

Sec. 1221.04. **Stormwater management plan.**

The application and plan requirements for stormwater management plans are found in the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1221.05. **Street improvement plan.**

a. Center line profiles and typical street sections of all proposed streets shall be required. Profiles shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widening.

b. Where sanitary sewer or storm water sewers are to be installed within a street, the grade, size, location, class of pipe and bedding type, and the location and invert elevation of manholes shall be indicated on the road profile.

c. Center line profiles covering streets that are extensions of existing streets shall include elevations at 50 foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by this Development Code for street improvements, but no less than 200 feet.

d. All plan elevations shall be coordinated and sited into any U.S. Coast and Geodetic Survey or Georgia Department of Transportation bench marks within 1,200 feet of the street, or into reference monuments established by the Federal Emergency Management Agency.

e. A street striping plan, showing striping in accordance with the Manual on Uniform Traffic Control *Devices*, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to 4 or more lanes.

Sec. 1221.06. **Site landscaping plans.**

All proposed landscaping as required by this Code for parking lot landscape areas, parking lot trees and street-side screening; in zoning buffers; and trees and other landscaping to be retained or planted as required by the provisions of this Code or conditions of zoning approval, shall be illustrated on plans as described in this Section. The plans may be consolidated as one Site Landscaping Plan if the information can be clearly shown.

a. General requirements for all landscaping and buffer plans.

(1) Landscaping and buffer plans should be drawn at a scale at 1 inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.

(2) Caption.

Each plan sheet is to include:

(a) The name of the development and its acreage (or square footage if less than an acre).

(b) Name, address, telephone and fax numbers of the property owner and subdivider or developer.

(c) Name, address, telephone and fax numbers of the applicant.

(d) Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the landscape architect under whom the plan was prepared shall be stamped on the plan and signed.

(e) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.

(3) The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas, are to be shown.

(4) Plant materials.

Standards and requirements for the quality and type of plant materials and their installation and maintenance are contained in the Landscaping and Buffers Article of this Development Code.

b. Landscaping plan.

Landscaping plans must include the following, as appropriate to the landscaping requirements of this Development Code:

(1) The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.

(2) The outline of all existing and proposed buildings and structures.

(3) The boundaries of all natural zoning buffers, stream buffers and other areas required to remain undisturbed, and an illustrated description of the protective fencing and signage to be placed around such areas, along with a note regarding protection of undisturbed areas as shown in Figure 12.4.

Figure 12.4: UNDISTURBED AREA NOTES

All protection devices for undisturbed areas must be installed and inspected prior to clearing, grubbing or grading. Call the County Public Works Department for an inspection.

Tree protection shall be vigorously enforced. No activities of any kind are to be allowed within any area shown to be undisturbed on this plan.

The retention and planting of trees as shown on this plan must be verified prior to issuance of a Certificate of Occupancy or acceptance of the project. Call the County Planning Department for an inspection.

A maintenance inspection of trees will be performed prior to the expiration of the 2-year maintenance period. Project owners at the time of the maintenance inspection are responsible for compliance with the provisions of this plan and the Oconee County Unified Development Code.

(4) The boundaries of each landscape area required by this Code or conditions of zoning approval.

(5) A planting plan showing:

(a) The location, size, common name, and Latin name of proposed plant materials in required landscaping areas or as otherwise required by this Code or conditions of zoning approval.

(b) For individual lots in a residential subdivision, standards may be listed on the plan that are to be met for each lot, such as the number type and caliper of new trees (front and back), in lieu of illustrating such trees on each lot. Such standards must include the following notation clearly legible in bold type:

"These planting standards must be met on a lot prior to issuance of a Certificate of Occupancy or approval of permanent power for the residence constructed thereon."

(6) The location, size, common name, and Latin name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code.

c. Buffer plan.

A buffer plan shall be prepared for any natural or structural zoning buffer required in accordance with the specifications and standards contained in this Development Code or conditions of zoning approval. The buffer plan shall show:

(1) The boundaries of each required zoning buffer area.

(2) The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.

(3) For each natural zoning buffer, the plan must show:

(a) Methods to be employed to protect the drip line areas of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., along with a note regarding protection of undisturbed areas as shown in Figure 12.4.

(b) Proposed supplemental plantings required to maintain the opaque visual screen required.

(4) For each structural zoning buffer, the plan must show:

(a) All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.

(b) A planting plan showing the location, size and type of proposed plant materials.

(c) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for zoning buffers.

(d) Typical cross-sections of the zoning buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each buffer.

Sec. 1221.07. **Public utility plans.**

a. Domestic water supply plan.

If connection to a public water system is proposed or required, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the Water Resources Department.

b. Sewage disposal plan.

If a connection to a public system is proposed, Sewage disposal plans are to include: Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the Water Resources Department.

Sec. 1221.08. **On-site septic system plans.**

For projects approved to be served by on-site sewage disposal systems, such plans and data as required by the County Health Department shall be submitted to and approved by the Health Department.

DIVISION IV. OTHER PERMITS.

Certain other permits or licenses may be required in conjunction with a development permit or individually for the construction or operation of certain uses, as contained in this Division.

Sec. 1222. Driveway permit.

Sec. 1222.01. Driveway permit; when required.

a. No driveway connecting to a public street or a public right-of-way or public property shall be repaired or installed without first having approval from the Public Works Department. If the driveway connects to a State or U.S. numbered highway, approval of the Georgia Dept. of Transportation shall be required prior to County approval.

b. Applications shall be made to the Planning Department for processing. Approved permits will be issued by the Planning Director.

Sec. 1222.02. Driveway permit; expiration.

A permit shall expire for work not started within 90 days or completed within 6 months after issuance of a permit, and a new permit shall be required before beginning or completing the work.

Sec. 1223. Environmental approval: aquifer recharge area.

Sec. 1223.01. Approval requirements.

No building permit, development permit, rezoning request, or subdivision plan may be approved by Oconee County or its designee unless the permit, request or plan is in compliance with the Aquifer Recharge Protection Standards of the Environmental Protection Article of this Development Code.

Sec. 1223.02. Aquifer protection site plan requirements.

Applications for a building permit or a development permit within the Aquifer Recharge Area shall include an aquifer protection site plan, with the exception of certain exempted activities identified in Sec. 1223.04.

a. A map shall be drawn to a scale of 1" = 50' or other appropriate scale as determined by Oconee County, showing all planned improvements including the width, depth, and length of all existing and proposed structures, roads, water courses, and drainage ways; water, wastewater, and storm water facilities; and utility installations.

b. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.

c. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

d. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

e. Location of all potable water supply wells within 200 feet of the site, and all proposed on-site wells.

f. Calculations of the amount of cut and fill proposed and cross-sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale, and vertical scale must be shown on cross-sectional drawings.

Sec. 1223.03. Activities to comply with site plan.

All development and building construction activities or site work conducted after approval of the aquifer protection site plan shall conform with the specifications of said site plan. Significant changes to the site plan, that would alter the amount and velocity of storm water runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation,

fill, or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of Oconee County. Minor changes, such as realignment of streets, or minor alterations to drainage structures and other infrastructure, to meet unexpected conditions, are exempted from this requirement.

Sec. 1223.04. **Exemptions to site plan requirements.**

The following activities and developments are exempt from the requirement for detailed aquifer protection site plans, but are not exempt from compliance with the Aquifer Protection Standards of the Environmental Protection Article of this Development Code:

a. Single family detached homes constructed within a subdivision of fewer than five parcels.

b. Repairs to a facility that is part of a previously approved and permitted development.

c. Construction of minor structures, such as sheds, or additions to single family residences.

d. Developments which do not include any of the uses regulated under the "Aquifer Protection Standards" of the Environmental Protection Article of this Development Code.

Sec. 1223.05. **Filing fee.**

At the time of the application, the applicant shall pay a filing fee as may be established by the Board of Commissioners from time to time.

Sec. 1223.06. **Review procedures.**

The application shall be made to the Oconee County Planning Director and will be reviewed within 60 days or in accordance with established review procedures for the type of development being considered, whichever is greater. The review period shall include the preparation of findings by the Development Review Committee, and written notification of the findings to the applicant. If the review process is not completed within 60 days or in accordance with established review procedures for the type of development being considered, whichever is greater, the application is considered to be approved.

Sec. 1223.07. **Duration of permit validity.**

a. If construction described in the building permit or development permit has not commenced within 12 months from the date of issuance, the permit shall expire.

b. If construction described in the building permit or development permit is suspended or abandoned after work has commenced, the permit shall expire twelve months after the date that work ceased.

c. Written notice of pending expiration of the building permit or development permit may be issued by the Planning Director.

Sec. 1224. Environmental approval: wetlands.

Sec. 1224.01. **Approval requirements.**

a. No development permit may be approved by Oconee County or its designee unless the permit is in compliance with the Wetlands Protection Section of the Environmental Protection Article of this Development Code.

b. For any wetland falling under the jurisdiction of the U.S. Corps of Engineers, a copy of the Section 404 Permit or other authorization issued by the Corps of Engineers shall be attached to the application.

Sec. 1224.02. **Wetlands protection site plan requirements.**

Applications for a development permit within the Generalized Wetland Protection Area shall include a wetlands protection site plan, drawn at a scale of 1" = 50', (Oconee County may approve a different scale where necessary to clearly provide the required information) with the following information:

a. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale, vertical scale must be shown on the cross-sectional drawings.

b. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of ±200 feet.

c. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

d. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet.

e. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

f. All proposed temporary disruptions or diversions of local hydrology.

Sec. 1224.03. **Activities to comply with site plan.**

All development activities or site work conducted after approval of the wetlands protection site plan shall conform with the specifications of said site plan. The site plan may be amended only with the approval of Oconee County or its designee. Oconee County may require a bond up to the larger of $5,000.00 or $1,000.00 per acre of project area and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this Development Code. In the event of a breach of condition of any such bond, Oconee County or its designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.

Sec. 1224.04. **Filing fee.**

At the time of the application, the applicant shall pay a filing fee as may be established by the Board of Commissioners from time to time.

Sec. 1224.05. **Review procedures.**

The application shall be made to the Oconee County Planning Department and will be reviewed within 60 days or in accordance with established review procedures for the type of development being considered, whichever is greater. The review period shall include the preparation of findings by the Development Review Committee. The applicant will receive written notification of the findings thereof. If the review process is not completed within the time period specified herein, the application is considered to be approved.

Sec. 1224.06. **Duration of permit validity.**

a. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.

b. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve months after the date that work ceased.

c. Written notice of the pending expiration of the development permit may be issued by the Planning Department.

Sec. 1225. Building permit.

Sec. 1225.01. **Building permit required.**

a. No building or other structure shall be erected, moved, added to or structurally altered without a Building Permit issued by the Planning Director. No Building Permit shall be issued except in conformance with the provisions of this Development Code.

b. No building permit shall be issued and no building shall be erected on any lot in the county unless access has been established in accordance with this Development Code.

c. No building permits shall be issued before approval of the final plat for a proposed lot in a subdivision.

d. All structures shall comply with the requirements of this Development Code, whether or not a building permit is required.

e. Prior to issuance of a building permit the owner shall have first received a development permit if required by this Development Code.

Sec. 1225.02. **Construction progress.**

Any Building Permit issued shall become invalid unless the work authorized by the permit shall have been commenced within 6 months of the date of issue or an extension has been approved by the Planning Director. A building permit shall also become invalid if the work authorized by the permit is suspended or abandoned for a period of 1 year.

Sec. 1225.03. **Procedures to obtain a building permit.**

The Planning Director is responsible for administering and enforcing the building codes of the County.

a. Building permit application.

Application for a building permit shall be made to the Planning Department in a number of copies as established by the Planning Director. The application shall include:

(a) Application on the form furnished by the Code Enforcement Director, requesting issuance of a building permit.

(b) A copy of the preliminary site plan approved by the Planning Director if a multi-family or nonresidential development.

(c) All applications for building permits shall be accompanied by a drawing, showing the actual dimensions of the lot to be built upon, and the size and location on the lot or structure to be erected, moved, added to or structurally altered. For single-family and two-family residences, such plans shall be prepared on an 8½ x 11-inch sheet size.

(d) The application shall include such other information as lawfully may be required by the Planning Director, including:

i. Existing or proposed building or alteration;

ii. Existing or proposed uses of the building and land;

iii. The number dwelling units the building is designed to accommodate for residential buildings, or the floor area (in square feet) of nonresidential buildings;

iv. Conditions existing on the lot; and

v. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Code or conditions of zoning approval.

(e) Architectural building plans for principal multi-family or non-residential buildings in a number of copies as established by the Planning Director. Such plans shall be prepared in conformance with this Development Code and the applicable building codes. Such plans shall be prepared by or under the supervision of an architect registered in Georgia, who shall sign and seal each sheet in the original set of drawings.

(f) County Health Department approval if an on-site sewage disposal system has been allowed

(g) Payment of the building permit application and review fee as may be established by the Board of Commissioners from time to time.

(h) Water meter receipt and sanitary sewage receipt, when applicable, issued by the Water Resources Department.

b. Review procedures.

(1) The application will be checked by the Planning Director for completeness within 10 work days. Incomplete applications will be returned to the applicant.

(2) Within 2 weeks following receipt of a complete application for residential, or 4 weeks for nonresidential, the Planning Director shall indicate on the building plans approval or disapproval and attest to same by his signature. One copy shall be returned to the applicant and the original copy shall be retained by the Planning Director.

(3) The owner shall be responsible for compliance with this Development Code and all building code requirements, regulations, and for the satisfaction of all of the comments of the Planning Director.

(4) At such time as the owner has addressed the comments to the satisfaction of the Planning Director and the State Fire Marshal (if required), a building permit will be issued for the structure.

c. Standards for approval.

(1) Building permits shall be issued only on buildable lots of record, as defined in this Development Code.

(2) Building permits shall be issued in conformance with the adopted technical codes and supplements that constitute the County's building code. Conformance to this Development Code is also required as a prerequisite to issuance of a building permit.

Sec. 1225.04. **Certificate of occupancy.**

a. It is unlawful to use or occupy or permit the use or occupancy of any part of a building, structure, or premises, until a certificate of occupancy has been issued stating that the building or structure or premises conforms to the requirements of the building codes and this Development Code.

b. A certificate of occupancy shall be required for any of the following:

(1) Occupancy and use of a building or structure constructed or enlarged.

(2) Change in use of existing buildings to uses of a different classification.

(3) Any change in use of a nonconforming use, lot or building.

c. A record of all certificates of occupancy shall be maintained by the Planning Director and a copy shall be furnished upon request to any person.

Sec. 1226. Sign permit.

Requirements pertaining to the issuance of sign permits are contained in the Sign Regulations Article of this Development Code.

Sec. 1227. Permit to move a building.

Sec. 1227.01. **Moving permit required; number limited.**

a. A house, building or other structure or any part of a house, building or other structure shall not be moved or caused to be moved by any person through or across any sidewalk, street, alley or highway within the governmental limits of the county, without such person first obtaining a permit from the Planning Director. Furthermore, no contractor or developer who is engaged in the business of restoring moved-in houses shall be allowed more than one building permit for the reconstruction of moved-in houses at any one given time.

b. For the placement of a manufactured home on a lot or manufactured home park, see the requirements under the Manufactured Homes and Recreation Vehicles Section of the Restrictions on Particular Uses Article of this Development Code.

Sec. 1227.02. **Moving permit application; inspection.**

a. Any person desiring to move a building, house or other structure shall first file with the Planning Director a written application setting forth the following information:

(1) Type and kind of building to be moved.

(2) The original cost of such building.

(3) The greatest dimensions of the length, height and width of building or structure.

(4) Its present location and proposed new location by lot, block, subdivision and street numbers, or plat and legal description if not within a subdivision.

(5) The approximate time such building will be upon the streets, and exact route that will be taken from present to new location.

(6) The complete name, address and telephone number of the current owner.

(7) A written contract between the mover of the structure and the party for whom the structure is moved, or proof of ownership of the structure by the mover.

(8) A copy of the GDOT permit if transporting on or across a state or federal numbered highway.

(9) The proposed times for the beginning and the ending of the move.

(10) The proposed method and location of temporary storage of the structure during or after the move.

b. The Planning Director shall conduct a preliminary inspection of the house, building or other structure proposed to be moved at its present location prior to its removal and relocation. If in the opinion of the Planning Director, the moving of any structure will cause serious injury to persons or serious damage to property or serious injury to the streets or other public improvements, or the moving of the structure will violate any of the zoning requirements of this Code, the permit shall not be issued and the structure shall not be moved over the streets. Any structure being moved for which a permit was granted shall not be allowed to remain in or on the streets for more than 48 hours.

c. A nonrefundable application and processing fee as established from time to time by the Board of Commissioners shall be paid at the time of the submission of the written application required in Sec. 1227.02.a. The applicant shall also pay to the County an inspection fee as provided from time to time by the Board of Commissioners.

Sec. 1227.03. **Bond.**

The Planning Director, as a condition precedent to the issuance of such permit, shall require a bond to be executed by a person desiring such moving permit, with corporate surety to such official's satisfaction. Such bond shall be made payable to the County and for such amount as the Planning Director prescribes. It shall indemnify the County against any damage to streets, curbs, sidewalks, shade trees, highways and any other property that may be affected by the moving of the structure. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of said permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay the County as liquidated damages an amount to be prescribed by the Planning Director for each day's delay in completing such removal or in repairing any damages to property or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby. In lieu of the foregoing, if the mover of the structure is licensed by the state public service commission and shows proof that all appropriate bonds have been submitted to and accepted by the public service commission, then the bond requirements of this Section shall be waived.

Sec. 1227.04. **Notices to be given by planning director.**

Upon the issuance of aforesaid moving permit, the Planning Director shall cause notice to be given to the fire marshal, Sheriff, telephone, gas or light companies, or others whose property may be affected by such removal. The Planning Director shall set forth in all notices the route that will be taken, time started, and approximate time of completion.

Sec. 1227.05. **Public safety requirements.**

a. Every building, house or other structure that occupies any portion of public property after sundown, shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

b. There shall be a minimum of 5 red lights placed on each street side of the building, house or other structure; such red lights shall be attached to the structure in such a fashion as to indicate extreme width, height and size.

c. When more than 50 percent of the street, measured between curbs, is occupied at night by the structure, or when in the opinion of the Planning Director, flagmen are necessary to divert or caution traffic, the owner or person moving such building shall employ at such owner's or person's expense, 2 flagmen, one at each street intersection beyond the building; such flagmen shall remain at these intersections diverting or cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night.

Sec. 1227.06. **Improvements by owner required; building permit.**

a. The owner of any house, building or other structure proposed to be moved shall make all necessary improvements required in order for said house, building or other structure to comply with the requirements of the building, electrical, plumbing and mechanical codes within 90 days from the date the house, building or other structure is moved into the county and placed on the site where it shall be permanently located. The owner shall be required to acquire a building permit from the Planning Director prior to placement of the house, building or other structure in accordance with Sec. 1225.

b. No house, building or other structure may be occupied by any person until a certificate of occupancy is granted by the Planning Director in accordance with Sec. 1225.04.

Sec. 1228. Adult entertainment establishment license.

Sec. 1228.01. **License required.**

It shall be unlawful for any person, association, partnership, or corporation to operate, engage in, conduct, or carry on, in or upon any premises within the unincorporated area of Oconee County an adult entertainment establishment as defined in this Development Code without first procuring an annual license to do so except as provided in Sec. 1228.07.b when the Planning Director fails to approve or deny an application for an adult entertainment license within 30 days as required by this Section**.** The issuance of such an annual license shall not be deemed to authorize, condone or make legal any activity there under if the same is deemed illegal or unlawful under the laws of the State of Georgia or the United States. No annual license for an adult entertainment establishment shall be issued by the County if the premises to be used also holds a license to sell alcoholic beverages or malt beverages and wine for consumption on the premises. Any premises licensed as an adult entertainment establishment shall not be eligible to apply at any time for a license to sell alcoholic beverages or malt beverages and wine for consumption on the premises. There shall be an annual regulatory fee for each adult entertainment establishment licensed within Oconee County in the amount of $750.00. The annual regulatory fee must be paid to the Planning Director of Oconee County within ten days after the Planning Director approves the initial application for an adult entertainment establishment license or a renewal thereof. In any event, no adult entertainment establishment license or renewal thereof shall be issued until the most recent annual regulatory fee has been paid. All licenses granted hereunder shall expire on December 31st of each year. Licensees who desire to renew their license shall file an application with the Planning Director on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed before November 30 of each year. Any renewal application received after

November 30 shall be assessed, in addition to said annual regulatory fee, a late charge of 20 percent. If a license renewal application is received after January 1, such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If a license application is received after January 1, investigative and administrative costs as hereinafter set forth in this Development Code will be assessed. All licenses granted hereunder shall be for the calendar year and the full annual regulatory fee must be paid for a license renewal application filed prior to July 1 of the license year. One-half (½) of a full annual regulatory fee shall be paid for a license renewal application filed after July 1st of the license year. Any person renewing any license issued hereunder who shall pay the annual regulatory fee, or any portion thereof, after January 1st, shall, in addition to said annual regulatory fee and late charges, pay simple interest on the delinquent balance at the annual rate then charged by the Internal Revenue Service of the United States on unpaid federal income taxes.

Sec. 1228.02. **Application process.**

Any person, association, partnership or corporation desiring to obtain a license to operate, engage in, conduct, or carry on any adult entertainment establishment in the unincorporated areas of Oconee County shall make application to the Planning Director of Oconee County.

a. Such application shall be made on forms furnished by Oconee County, shall be made in the name of the adult entertainment establishment by an applicant who is a natural person and an agent of the adult entertainment establishment and shall include the name(s) of the operator(s) as defined herein and of the owner(s) as defined herein. If the adult entertainment establishment is a corporation, then the agent for purposes of making application for a license hereunder shall be an officer of the corporation. If the adult entertainment establishment is a partnership, the agent for such purposes shall be a general partner.

b. At the time of submitting such application, a nonrefundable fee as may be established by the Board of Commissioners from time to time shall be paid to the Planning Director to defray, in part, the cost of investigation and report required by this Development Code. The Planning Director shall issue a receipt showing that such application fee has been paid.

c. The application for license does not authorize the operation of, engaging in, conduct or carrying on of any adult entertainment establishment.

Sec. 1228.03. **Application contents.**

Each application for an adult entertainment establishment license shall contain the following information:

a. The full true name and any other names used by the applicant, the operator(s) and owner(s);

b. The present address and telephone number of the applicant, the operator(s) and owner(s);

c. The previous addresses of the applicant, the operator(s) and the owner(s), if any, for a period of 5 years immediately prior to the date of the application and the dates of residence at each;

d. Acceptable written proof that the applicant, the operator(s) and the owner(a) are at least 18 years of age;

e. The operator(s)' height, weight, color of eyes and hair and date and place of birth;

f. Two photographs of the operator(s) at least 2 inches by 2 inches taken within the last 6 months;

g. The business, occupation or employment history of the applicant, the operator(s) and owner(s) for the 5 years immediately preceding the date of application;

h. The business license history of the adult entertainment establishment seeking a license and whether such establishment, in previous operations in this or any other location under

license, has had such license or permit for an adult entertainment business or similar type of business revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of revocation or suspension;

i. If the application is made on behalf of a corporation, the name of the corporation, exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation. If the application is on behalf of a limited partnership, a copy of the Certificate of Limited Partnership filed with the County Clerk shall be provided. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply;

j. The names and addresses of the owner and lessor of the real property upon which the adult entertainment establishment is to be operated, engaged in, conducted or carried on and a copy of the lease or rental agreement;

k. With respect to the applicant, the operator(s) and the owner(s), all convictions, (excluding misdemeanor traffic violations unrelated to driving under the influence of drugs or alcohol) within the past 5 years, including a complete description of the crime or violation, the date of the crime or violation, date of conviction (including plea of guilty or *nolo contendere*), jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of disposition have been fully completed. Each person required to disclose convictions hereunder shall also provide a signed and notarized consent, on forms prescribed by the Georgia Crime Information Center, authorizing the release of his or her criminal records to the of the Oconee County Sheriff's Office.

l. A complete set of fingerprints of the applicant and the operator(s);

m. If the person or business entity on whose behalf application for a license is being made is doing business under a trade name, a copy of the trade name as properly recorded. If the application is made on behalf of a corporation, a copy of its authority to do business in Georgia, including articles of incorporation, trade name affidavit, if any, and last annual report, if any;

n. At least 3 character references for the applicant, the operator(s) and owner(s) from individuals who are in no way related to the applicant or any operator(s) or owner(s) and who are not or will not benefit financially in any way from the application if the license is granted. Oconee County shall prepare forms consistent with the provisions of this subsection for the applicant, the operator(s) and owner(s), who shall submit all character references on such forms;

o. The address of the premises where the adult entertainment establishment will be operated, engaged in, conducted, or carried on;

p. A plat by a registered engineer or a registered land surveyor, licensed by the State of Georgia, showing the location of the proposed premises where the adult entertainment establishment will be operated, engaged in, conducted or carried on in relation to the neighborhood, the surrounding zoning, its proximity to any residential area, church, school, public park or children's daycare facility, establishment selling alcoholic beverages or malt beverages and wine or other adult entertainment establishment;

q. Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by;

(1) If application is made on behalf of an individual, the individual;

(2) If application is made on behalf of a partnership, by a general partner;

(3) If application is made on behalf of a corporation, by the president of the corporation;

(4) If application is made on behalf of any other organization or association, by the chief administrative official.

Sec. 1228.04. **Appearance by applicant.**

The applicant shall personally appear before the Planning Director and produce proof that a nonrefundable application fee, in an amount established by resolution of the Board of Commissioners, has been paid and shall present the application containing the aforementioned and described information.

Sec. 1228.05. **Investigation; standards for granting of license.**

The County shall have 30 days from the date of actual receipt of the application to investigate the facts provided in the application and the background of the applicant, the operator(s) and owner(s). The Planning Director of Oconee County shall stamp the date of actual receipt of each application on the first page thereof and notify the applicant of the actual receipt of the application within 5 business days of actual receipt of such application. The Planning Director of Oconee County shall approve or deny any application for an adult entertainment establishment license within 30 days of actual receipt of such application. The application for an adult entertainment establishment license shall be granted if the Planning Director finds;

a. The required $300 investigative fee has been paid;

b. The applicant has not made a material misrepresentation in the application;

c. Neither the applicant nor any of the operator(s) or owner(s) has been convicted or pled guilty or entered a plea of *nolo contendere* to any crime involving keeping a place of prostitution, pandering, pimping, public indecency, prostitution, sodomy**,** solicitation of sodomy, masturbation for hire, sexual battery, rape, child molestation, enticing a child for indecent purposes, or any offense included in the definition of a "criminal offense against a victim who is a minor" as defined in Official Code of Georgia Annotated Section 42-1-12 within a period of five years. For purposes of this Development Code, a conviction or plea of guilty or *nolo contendere* shall be ignored as to any offense for which the applicant was allowed to avail himself of the Georgia First Offender Act unless the applicant is later adjudicated guilty of having violated the terms of his First Offender Treatment;

d. Neither the applicant nor any of the operator(s) or owner(s) has had an adult entertainment establishment license or other similar license or permit revoked for cause by this County or any other county or municipality located in or out of this State prior to the date of application within the preceding 5 years;

e. The building, structure, equipment and location of the premises of the adult entertainment establishment as proposed by the applicant would comply with all applicable laws, including but not limited to health, zoning, distance, fire and safety requirements and standards;

f. The applicant is at least 18 years of age;

g. On the date the business for which a license is required herein commences, and thereafter, there will be an operator(s) as defined herein on the premises at all times during which the business is open;

h. The proposed premises will be located at least the minimum distances set forth in this Development Code from any residential use, church, school, public park or children's daycare facility or establishment licensed to sell alcoholic beverages or malt beverages and wine for consumption on the premises, or another adult entertainment establishment; and

i. The grant of such license will not cause a violation of and will not be in conflict with this Development Code or any other law, ordinance or regulation, of Oconee County, the State of Georgia or the United States.

Sec. 1228.06. **Denial of incomplete applications.**

The Planning Director of Oconee County shall deny the application for an adult entertainment establishment license if the application fails to meet any requirement contained in Oconee

County's requirements regulating adult entertainment establishments. See the Sexually Oriented Adult Uses Section of the Restrictions on Particular Uses Article of this Development Code for such requirements.

Sec. 1228.07. **Denial, Suspension or Revocation; Hearing.**

a. Grounds.

(1) A license may be denied to persons or entities that have submitted an incomplete application or that have failed to satisfy any of the requirements of this Development Code regulating adult entertainment establishments found in the Restrictions on Particular Uses Article of this Development Code.

(2) Any of the following shall be grounds for suspension or revocation of a license:

(a) The making of any statement on an application for a license issued hereunder which is material and is later found to be false;

(b) Violation of any of the regulations or prohibitions of this Development Code;

(c) With respect to the applicant, operator(s) and owner(s), conviction of or a plea of guilty or *nolo contendere* to any of the crimes which would make such person or adult entertainment establishment ineligible to hold a license under Sec. 1228.05 above.

b. Denial; Procedure.

Within 30 days of actual receipt of an application for an adult entertainment establishment license, the Planning Director shall either approve or deny the application. In no event shall the Planning Director's decision whether to approve or deny the adult entertainment establishment license application be withheld for more than 30 days after actual receipt of the application. In the event that such an application is held without decision for a period of more than 30 days, however, the license application shall be deemed approved, and expressive conduct may begin immediately notwithstanding the fact that no license has been issued. The Director of Oconee County's Finance Department shall issue an adult entertainment establishment license to an applicant who informs the Director of Finance of the fact that an application has been submitted, but no decision has been made thereon for a period of more than 30 days following actual receipt of the application. Notwithstanding the fact that the license provided by this sentence shall not be a prerequisite to the commencement of business operations contemplated by the application, the Director of Oconee County's Finance Department shall issue an adult entertainment establishment license under such circumstances within 3 business days of actual receipt of written notice by the applicant of such circumstances. In the event that the Planning Director denies an application for an adult entertainment establishment license, notice of such denial shall be delivered to the applicant in person or by certified mail within 5 business days of such denial. Any person aggrieved by any decision of Oconee County, its officials, employees or agents, pursuant to this Development Code**,** may seek review of such decision by filing an appropriate pleading in the Superior Court of Oconee County or any other court of competent jurisdiction including, but not limited to, a Mandamus Petition pursuant to Official Code of Georgia Annotated Sections 9-6-20 through 9-6-28.

c. Suspension or Revocation; Procedure.

Whenever the Board of Commissioners finds reasonable grounds exist to suspend or revoke a license issued hereunder, the Board shall schedule a hearing to consider such suspension or revocation and shall, at least 20 days prior to the hearing, notify the licensee of the time and date of the hearing and the proposed action and the grounds therefore. The licensee shall be entitled to present evidence and cross-examine any witnesses at the hearing, with or without legal counsel. The Board of Commissioners shall make its decision within 10 days of the hearing and shall notify the licensee in writing within 5 business days of the decision.

Sec. 1228.08. **Automatic license forfeiture for nonuse.**

Any holder of any license hereunder who shall for a period of 3 consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall after the said 3 month period automatically forfeit the license without the necessity of any further action.

DIVISION V. FINAL SUBDIVISION PLATS.

Final plats for major subdivisions must comply with the provisions of this Division. Minor subdivisions must comply with those requirements of this Division as appropriate to the provision of public improvements or land dedications involved in such subdivisions.

Sec. 1229. Procedures for final plat approval.

Sec. 1229.01. General.

a. The final plat shall conform to the preliminary plat as approved except where special conditions make compliance to the preliminary plat impractical, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at that time, provided, however, that such portion conforms to all requirements of this Development Code and to approved phasing lines shown on the preliminary plat.

b. If the proposed water or sewerage system for a subdivision requires the approval of the Georgia Department of Public Health and/or the Georgia Water Quality Control Board, Georgia Environmental Protection Division or other government agency, this approval shall be obtained prior to making application to the Planning Department for approval of the final plat. This approval shall be in writing and shall accompany the application for approval to the Planning Department.

c. As-built data.

As-built data drawings are to be submitted to the Public Works Director (for streets and drainage) and to the Water Resources Director (for water and sewer) as applicable prior to or as part of an application for final plat approval. The final plat shall not be approved prior to review and approval of the as-built data by the Public Works Director and the Water Resources Director, as appropriate. See also Sec. 1231 for digital submission requirements.

d. Changes to an Approved Final Plat.

No change, erasure, or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the Planning Director has been endorsed in writing on the plat or sheets, unless such changes have been reviewed by the Development Review Committee and authorized in writing by the Planning Department. In no case shall the Planning Department approve a revision thereof unless the fact that it is a revised plat is clearly stated thereon.

e. Resubdividing.

Parcels, which are combined or returned to acreage as shown on the Official Tax Appraisal Maps, shall not be resubdivided except in conformance with all provisions of this Development Code.

Sec. 1229.02. Application for final plat approval.

a. After the Preliminary Plat of a proposed land subdivision has been reviewed by the Development Review Committee and given approval by the Planning Department, the subdivider may, within one year from approval (2 years if extension has been approved as specified herein), submit to the Planning Department:

(1) A request for review and approval of a final subdivision plat.

(2) Such application fee as may be established by the Board of Commissioners from time to time.

(3) Copies of the Final Plat and other related documents in a number as established by the Planning Director.

(4) Title opinion from developer's attorney certifying clear title to all streets, rights-of-way, drainage easements, well lots, wells and other areas to be dedicated to

Oconee County, and dedication deeds or easement agreements to be accepted by the Board of Commissioners.

(5) Conservation or natural resources easement, if required by the provisions under the Environmental Protection Article of this Development Code.

(6) Articles of incorporation of any Owners' Association required by this Development Code, including the provisions for transfer of control of the Association to the property owners comprising the Association and provisions to address the requirements of this Code for reserve fund funding.

(7) Covenants and/or provisions for maintenance of open space amenities and storm water detention areas.

(8) Petition for creation of any applicable Special Tax District in compliance with the requirements and provisions of Division VI of this Article.

(9) Maintenance surety and performance surety documents in a form acceptable to the County Attorney, as may be required by Sec. 1229.03, below, or other ordinances of Oconee County.

b. If development construction plans are or were required, the subdivider shall provide one of the following relative to the installation of required improvements (streets, utilities, drainage, etc.):

(1) A registered Engineer, Land Surveyor, or Landscape Architect's report certifying that all improvements meet the requirements of this Development Code. Said report shall include the following:

(a) A copy of all inspection/observation reports performed by the Design Professional of Record or designated representative.

(b) A copy of all material testing/inspection reports performed by the Design Professional of Record or designated representative.

(c) A summary of all design and field changes made to the approved construction plans.

(d) Two sets of plans reflecting the "as-built" condition of all improvements and easements as described in Sec. 1018.03.

(e) As built or planned location of water, sewer, gas, electric, telephone, and cable utilities including appurtenances (transformers, pedestals, poles, street lights, etc.).

(f) Summary of actual (or estimated if performance bonded) construction costs by item utilized as the basis for the computation of maintenance surety.

(g) Certification by surveyor that all lot corner pins have been set, marked, and verified in accordance with Sec. 1232.

(h) Certification and supporting data that the storm water management and drainage systems are in substantial conformance with the approved construction plans.

(i) Signed and sealed "Design and Construction" certification by the Design Professional of Record as contained in Sec. 1232.

(2) If, at the time of application for final plat approval, any of the required improvements listed under Sec. 1229.03.a(3) have not been installed or completed, performance surety must be provided in accordance with Sec. 1229.03.a. A certification report for all other required improvements shall be provided in accordance with Sec. 1229.02.b(1), above.

Sec. 1229.03. **Maintenance and performance surety.**

a. Guarantee in lieu of completed improvements.

No final subdivision plat shall be approved by the County or accepted for recordation by the Clerk of the Superior Court until one of the following conditions has been met:

(1) All public improvements shall have been properly installed and completed in accordance with all requirements and standards of this Development Code (other than traffic signs, street name signs, and signalization) and as-built data drawings of the improvements shall have been approved by the Water Resources Director and Public Works Director, as appropriate; or,

(2) The Board of Commissioners has received performance surety in the form of a letter of credit issued by an acceptable surety licensed to do business in the State of Georgia in the amount of 110% of the estimated cost of installation of the required improvements. Completion of the improvements covered under the performance surety shall be completed within 24 months of approval of the final subdivision plat.

(3) The improvements funded through the performance surety shall be limited to final grassing of street shoulders, landscaping, and sidewalks for residential developments. In the case of commercial and industrial developments and upon written request from the developer to the responsible county department, performance surety can be accepted by the county for all required improvements.

(4) The executed contract shall call for completion of the grassing and landscaping improvements within 12 months of approval of the final subdivision plat, and for completion of sidewalks prior to the end of the continuing maintenance period.

(5) Upon completion of deferred improvements:

(a) The as-built data drawings are to be updated by the developer and submitted to the Public Works Department;

(b) The engineer's report listed under Sec. 1229.02.b(1) above shall be provided prior to release of the Letter of Credit; and

(c) The maintenance surety required under Sec. 1229.03.b shall commence for those deferred improvements.

b. Construction quality assurance.

To insure the quality of construction of the improvements in the project required by this Development Code, the following maintenance surety shall be required:

(1) At the time of acceptance of the improvements by the County for final plat approval, the subdivider or developer shall provide maintenance surety in the form of a Letter of Credit from an acceptable surety licensed to do business in the State of Georgia.

(2) Said Letter of Credit shall be payable to the County, in an amount not less than 20% of the actual cost, or estimated cost as approved by the Public Works Director for street(s), drainage, and other improvements, as appropriate. Where water and/or sewer utilities are installed, a letter of credit in an amount of not less than 10% of the actual estimated cost shall be approved by the Water Resources Director.

(3) Said Letter of Credit shall conform to the continuing maintenance time period established under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code, and must provide for additional time to complete final repairs required of the developer under Sec. 1232.06.e.

(4) For improvements that are deferred at the time of final plat approval pursuant to Sec. 1229.03.a, the requirements of this Sec. 1229.03.a(2) shall commence upon acceptance by the County of said deferred improvements.

Sec. 1229.04. **Review and approval process.**

a. Unless a final plat is filed with the Planning Department within 12 months after the approval of the preliminary plat or within an approved extension of time not to exceed 12 additional months, the preliminary plat shall thereupon become void.

b. The final plat shall be submitted to the Planning Department in a number of copies established by the Planning Director.

c. The Planning Director shall review the application for completeness within 5 business days of submission. Incomplete applications will be returned to the applicant.

d. If the subdivision includes or abuts a U.S. or State numbered highway, unless all of the lots in the subdivision contain 5 acres or more and no new street is involved, review by the Georgia Department of Transportation (GDOT) is required under O.C.G.A. 32-6-151. If the subdivision is a minor subdivision or otherwise was not submitted for review as a preliminary plat, two additional copies of the final plat must be submitted to the Planning Director for forwarding to GDOT. The owner or subdvider must respond to the recommendations of the GDOT prior to final plat recording. If the written recommendations of the GDOT are not made within 30 days of receipt of the plat by GDOT, their approval shall be assumed as provided under State law.

e. Review of final plat.

The final plat, if found to be in conformity with the requirements of law and of this Development Code, shall be approved by the Planning Department and other appropriate government entities within a reasonable period of time, not to exceed 30 days, following the submission of such plat. If the subdivider desires to submit a final plat that does not conform to the preliminary plat, the Planning Department shall have the Development Review Committee review the final plat request. If such request is approved by the Planning Department, the preliminary plat must be modified accordingly and submitted to the Planning Department for the record.

f. Action of the Planning Director.

The Planning Director shall check the final plat for conformance with the approved preliminary plat, and with this Development Code. The Planning Director shall forward the plat to the Water Resources Department, Public Works Director, Health Department, and other appropriate agencies for review. If found to be in conformance with the approved preliminary plat and applicable regulations, the Planning Director shall approve the final plat.

g. Disapproval of a final plat.

(1) If the final plat does not conform to the preliminary plat, the Planning Director shall have the Development Review Committee review the final plat request.

(2) A notation of the action shall be made on all prints of the final plat, including a statement of the reasons thereof, if the final plat is disapproved. If action is not taken by the Planning Director within 60 days after submission of the final plat complete in all details required under this Code, the final plat shall be considered approved and a Certificate of Approval shall be issued on demand subject to other certifications that may be required by this Code. However, the applicant for approval may waive this requirement and consent to an extension of time.

h. Action by the Board of Commissioners.

Upon approval of a final subdivision plat, the Planning Director shall forward the dedication deeds, easement agreements and special tax district documents to the Board of Commissioners for acceptance at their next available meeting.

i. Recording of the final plat.

Upon approval of the final plat, it shall be recorded in the office of the Clerk of Superior Court of Oconee County by the Planning Department. The Developer shall record the Articles of Incorporation of any Owners' Association and any other documents directly

related to the final plat, as applicable and required under this Development Code, upon recordation of the final plat. Copies of the fully executed and recorded documents shall be provided to the Planning Department for the record.

j. Copies of the recorded final plat.

(1) Seven prints shall be submitted to the Planning Department with other required materials comprising the final plat. After approval, 2 prints shall be returned to the owner or proprietor of the subdivision. Five prints with recording information included thereon, shall be retained and distributed as follows:

(a) Tax Assessor, 1 print.

(b) Clerk of Superior Court, 2 prints.

(c) Planning Department, 1 print.

(d) Public Works, 1 print.

(2) See Sec. 1231 for digital submission requirements.

Sec. 1229.05. **Revised final plat.**

a. Consultation with Planning Department necessary.

When it becomes necessary to revise a recorded final plat due to some error, required adjustment or desired adjustment, the developer shall confer with the Planning Director to verify that such proposed revision will comply with the requirements of this Development Code.

b. Preparation of revised plat.

If it is established that such a revision is feasible, the subdivider shall have such subdivider's engineer make the necessary corrections of that portion of the subdivision involved. The subdivision name, date and book and page number of the original recording shall be noted on the new plat. Revisions and a notation explaining the revisions shall also be shown on the revised plat. The revised plat shall be filed with the Planning Director.

c. Fee for filing revised plat.

At the time of filing an application for revised final plat approval, a fee shall be paid to the County as established by the Board of Commissioners from time to time.

d. Review for revised final plat.

The Planning Director shall review the documents and forward copies to the Development Review Committee members for their technical advice and review. After the Development Review Committee has completed its review of the revised final plat, each department, as applicable, will stamp and sign the revised final plat.

e. Copies of the approved revised final plat.

After the revised final subdivision plat has been approved and stamped and signed by the members of the Development Review Committee, the Planning Director will obtain a plat book and page number for the subdivision for recording with the Clerk of the Superior Court. The subdivider shall submit the stamped, signed plat to the Planning Director, in such number as may be established by the Planning Director, for distribution to the County departments. The original signed final plat shall be kept by the Planning Department.

f. Denial of revised final plat.

Any revised plat that does not receive approval shall be returned to the developer with written notification stating the reasons for denial attached thereto. The developer may appeal any denial by the Development Review Committee under the Appeals Article of this Development Code.

Sec. 1230. Contents of final plat.

The final plat shall be clearly and legibly drawn in permanent ink. Sheet sizes shall be no larger than 17 x 22 inches and, where more than one sheet is required, an index map shall be required on the same size sheet. The final plat shall conform to and meet the specifications of the Preliminary Plat with the following additions:

a. Bearings and distances to the nearest existing street lines or benchmarks or other permanent monuments (not less than three) shall be accurately described on the plat.

b. Municipal, County, and land lot lines accurately tied to the lines of the subdivision by distances and angles when such lines traverse or are reasonably close to the subdivision.

c. Exact boundary lines of the tract, determined by a field survey.

d. Name of subdivision, exact locations, widths, and names of all streets and alleys within and immediately adjoining the plat.

e. GPS/GIS monuments and data.

f. Lot lines with dimensions to the nearest one-tenth foot and bearings to the nearest minute.

g. Lots numbered in numerical order and blocks lettered alphabetically.

h. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.

i. Accurate location, material, and description of monuments and markers.

j. A statement, either directly on the Plat or in an identified attached document, of any private covenants.

k. All requirements set out under this Division V of Article 12.

l. The appropriate certifications listed under Sec. 1232.

m. Georgia Militia District (GMD) lines.

n. All locations of existing graves and cemeteries shall be located and clearly marked on the final plat.

Sec. 1231. Digital submission requirements: as-built data and final plats.

As-built data and final plats submitted to the county shall be assessed an administrative fee based on the format of submission. Plans submitted in hardcopy format only will be assessed an administrative data entry fee on a per-parcel basis that will be set by the county yearly. Plans submitted in hardcopy and digital format (as described in subsections a-c, e & f below), but unprojected (per subsection d), will be assessed an administrative data entry fee on a per-parcel basis that will be 10% of the determined rate for hardcopy only submission. Plans submitted in hardcopy and projected digital format (as described in subsections a-f below) shall have administrative fees waived for their submission.

In addition to the requirements of this Development Code for the submission of printed copies, as-built data drawings and all final plats approved for recordation shall be submitted to the Planning Director in a digital format as follows:

a. Digital drawing files shall be submitted in AutoCAD DWG or DXF format and shall include:

   (1) Final plat as approved.

   (2) Model space drawing of the engineering plans, reflecting any changes approved by the county.

b. The DXF or DWG file shall have data divided into the following distinct and separate layers:

   (1) Parcel Lines (PL)
   (2) Right-Of-Way (ROW)
   (3) Boundary (BL)

(4) Water Lines (WL), when available
(5) Sewer Lines (SL), when available
(6) Electrical Lines (EL), when available
(7) GPS Monuments, when required or available

A digital index spreadsheet in a Microsoft Excel compatible format must also be provided of the pipe chart.

c. In engineering plans, line and arc data must be unbroken where appropriate, such as no breaks in intersecting lot lines at corner pins and no breaks in utility lines.

d. The projection shall be in Georgia State Plane West Coordinate System North American Datum 1983.

e. Control shall be indicated.

f. Such additional information or requirements as may be established by the Planning Director or Oconee County GIS Administrator necessary to convert the DXF or DWG file to ArcGIS format.

Sec. 1232. Final plat statements and certificates.

Sec. 1232.01. Surveyor and owner certificates.

Each final subdivision plat shall carry the following certificates printed or stamped on the plat to read as shown on Figure 12.5. The original certificates on the reproducible copy of the final plat shall be signed and dated.

Sec. 1232.02. Design and Construction Certification.

Each final subdivision plat shall carry a Design and Construction Certification completed by the Design Professional of Record, to read as shown on Figure 12.6.

Sec. 1232.03. Certification by health department.

Certification by the Health Department shall be printed or stamped on the plat, as appropriate to the source of water supply and method of waste disposal approved. For lots not served by public sewerage or public water, the certification by the Health Department is to read as shown on Figure 12.8 and signed in blue ink on the original drawing. For developments with public sewerage and public water systems, this certification may be omitted.

Sec. 1232.04. Certification of water system and sewer system.

The final survey plat must be approved by Oconee County Water Resources Department, as evidenced by the placement of the notation on the final plat as shown on Figure 12.9, which shall be signed by the Department Head or his designee.

Sec. 1232.05. Certificate of final subdivision plat approval.

A certificate of final plat approval shall be stamped or printed on the final subdivision plat. Certificates for minor subdivisions, and for major subdivisions, are shown in Figure 12.7.

Figure 12.6

DESIGN AND CONSTRUCTION CERTIFICATE

I hereby certify that all improvements have been designed and constructed in strict accordance with the approved Development Construction Plans, prepared by me or under my supervision, in full compliance with the Unified Development Code of Oconee County, Georgia, latest edition, and any amendments thereto and/or usual and customary professional practice.

By (name): _____ Professional Registration No. _____

Designer's Signature: _____ P.E. _____ R.L.S. _____ L.A. _____ (Check)

Note: The Design and Construction Certification must be completed by the Design Professional of Record.

Figure 12.5

SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future," and their location, size, type and material are correctly shown.

The field data upon which this plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule.

The following type of equipment was used to obtain the linear and angular measurements used in the preparation of this plat:: _____.

This plat has been calculated for closure and is found to be accurate within one foot in _____ feet.

By (name): _____ Registered Georgia Land Surveyor No. _____

Address: _____ Telephone Number: _____

Surveyor's Signature: _____ Date: _____

OWNER'S CERTIFICATE

The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, and that all state and county taxes or other assessments now due on this land have been paid. The undersigned, in person or through a duly authorized agent, certifies that he or she is the fee simple owner of the land shown on this plat; that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Oconee County Unified Development Code; and by separate deed or agreements dedicates to the use of the public forever all streets, parks, easements and public grounds shown thereon for the purposes thereof expressed.

Owner's name: _____ Owner's address: _____

Owner's Signature: _____ Date_____

Figure 12.7

CERTIFICATE OF FINAL PLAT APPROVAL FOR RECORDATION

All requirements of the Oconee County Unified Development Code having been represented as being fulfilled by this plat [and the related as-built data approved on (date)], this plat is approved subject to all dedications of land to the public shown thereon being accepted by the Oconee County Board of Commissioners. All of the conditions of approval having been completed, this plat is approved for recordation by the Clerk of the Superior Court of Oconee County, Georgia, subject to maintenance and guarantee under the requirements of the Development Code.

[This approval recognizes the receipt of performance surety by Oconee County in the amount of $_____ to assure the completion of all remaining improvements appurtenant to this subdivision.]

_____ Date_____
Planning Director

Figure 12.8

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Oconee County Health Department as noted on each lot of the plat and plat legend. The review was performed based on information submitted by other professionals and any supplemental information provided therein. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a building permit.

Signing Authority: _____
Date: _____
Title: _____

Figure 12.9

CERTIFICATION OF WATER SYSTEM

I hereby certify that the community or public water supply and distribution system installed or to be installed, and/or the plans for private water supplies in the subdivision plat attached hereto meet the requirements of the Oconee County Water Resources Department.

_____ Date_____
Water Resources Department Director

CERTIFICATION OF SEWER SYSTEM

I hereby certify that the community or public sewerage collection and disposal system installed or to be installed in the subdivision shown on the plat attached here to meet the requirements of the Oconee County Water Resources Department.

_____ Date_____
Water Resources Department Director

Sec. 1232.06. **Dedication of public improvements.**

a. The developer shall provide clear title opinion satisfactory to the Oconee County Board of Commissioners from the developer's attorney for all dedicated rights-of-way and easements associated with the development.

b. The developer shall show appropriate provisions for and dedication to a property owners association or other entity that will, to the satisfaction of Oconee County, own and maintain the common areas and/or lakes, dams, storm water detention areas, and access to same including the storm water management of said lakes and dams as well as any required green space.

c. The developer shall maintain the improvements in the development throughout the maintenance period established under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code.

d. Prior to expiration of the maintenance period, final acceptance inspections of the public improvements shall be conducted by the Planning Department and the Water Resources Department, and the subdivider will be notified of any defects or deficiencies observed.

e. The subdivider must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements and to otherwise comply with all requirements of this Development Code.

f. Upon certification by the Planning and Water Resources Directors that the public improvements depicted on the as-built data drawings are in conformance with the specifications of this Development Code and are in good repair, the Board of Commissioners will release the maintenance surety and accept the public improvements into perpetual maintenance.

Sec. 1232.07. **Notice of private driveway and streets.**

a. Private driveway status.

(1) Any driveway or common use easement platted or constructed shall be clearly marked or noted as such on a survey plat filed for recording and used in the description of said property. When more than two parcels are involved, a sign shall be posted at the public road where said driveway intersects stating clearly that said road is private and not maintained by the County. Said sign shall be of the quality and design approved by the County and shall have lettering of no less size than signs identifying County maintained roads.

(2) The final plat of any such subdivision shall include the following statement:

NOTICE OF PRIVATE DRIVEWAY STATUS

The private access drive shown on this plat shall be maintained by the lot owners, having ingress/egress rights over same, and not by Oconee County. Said private drive is platted and shall be maintained by the said lot owners in accordance with the Oconee County Unified Development Code applicable to private access drives.

b. Notice of Private Street Status.

When a subdivision is served by a private street, a notice in at least 12 point bold font shall be placed on the final plat that reads:

A NOTICE OF PRIVATE STREET

The streets designated as “private streets” on this plat are owned and maintained by the Homeowner’s Association of this development and are not owned or maintained by Oconee County. No public funds of Oconee County are to be used to build, repair or maintain these private streets. The owner, purchaser, lender, heirs, assigns or other parties taking title to or otherwise procuring an interest in any portion of this property are hereby notified of this fact.

Sec. 1232.08. **Notice of agricultural activities in the area.**

The final plat of any minor or major subdivision that is zoned for, designed for or intended for residential development shall include the following notice in clearly legible type:

RESPONSIBILITY FOR NOTICE OF AGRICULTURAL ACTIVITIES IN AREA

The seller or leaser of any lot shown on this Final Subdivision Plat shall be responsible to notify any potential buyer or lessee of agricultural activities in the area in accordance with Georgia law, as may be applicable.

Sec. 1232.09. **Procedure when the Design Engineer of Record cannot fulfill Final Subdivision Plat requirements.**

This section describes the requirements and procedure when the design engineer of record can no longer fulfill the certification and inspection requirements of this code for reasons beyond his/her circumstance. In no case, shall non-payment of services by a developer or subsequent owners to the Engineer of record constitute the ability for filing a final plat review under the requirements of the section.

a. Provisions.

The developer or individual seeking to file a final plat application under this code section shall provide to the County:

(1) An affidavit stating the reason(s) the Engineer of Record cannot fulfill certification requirements for the final plat.

(2) Site inspection and material sampling/testing shall be provided for at the discretion and direction of the Public Works Director or his/her designee.

(3) Each final subdivision plat shall carry a Design and Construction Certification completed by the Professional Certifying the final plat to read as shown on Figure 12.10.

(4) All other requirements and certifications of this code and of Division V, Final Subdivision Plat shall have been met.

Figure 12.10

DESIGN AND CONSTRUCTION CERTIFICATE

I hereby certify that all improvements have been designed and constructed in strict accordance with the approved Development Construction Plans, prepared by me or under my supervision, in full compliance with the Unified Development Code of Oconee County, Georgia, latest edition, and any amendments thereto and/or usual and customary professional practice. This certification is based solely on post construction site investigation in accordance with UDC Sec. 1232.09 and specific measurements and core samples reviewed in the field.

By (name): _____ Professional Registration No. _____

Designer's Signature: _____ P.E. _____ R.L.S. _____ L.A. _____ (Check)

DIVISION VI. FIELD CHANGES.

Sec. 1233. Field change; defined.

A "field change" as used in this Code is approval by the County for a developer or builder to deviate from approved development construction plans or architectural building plans necessitated by unanticipated conditions discovered during the project or building construction process.

Sec. 1234. Field change; approval.

Sec. 1234.01. Authority to approve field changes.

a. Field changes may be approved by the Planning Director upon satisfactory review by the Director of the Department responsible the improvement for which the change is proposed.

b. Approval shall not be given for any change that is inconsistent with any provision or requirement of this Development Code. Such a change must be considered as a variance under the provisions of the Appeals Article of this Development Code. Consistency with all other codes, regulations and ordinances is required unless an appeal is granted under the provisions of such applicable code, regulation or ordinance.

c. Approval shall not be given for any change that is inconsistent with the conditions of zoning approval imposed by the Board of Commissioners through the rezoning or Special Use approval process. Such a change must be considered and approved as a change in zoning conditions under Sec. 1210.02.

Sec. 1234.02. Process for approval of field changes.

a. A request for a field change shall be made to the Planning Director. Revised development construction plans or architectural building plans, as applicable, must be submitted with the proposed change clearly indicated.

b. The revised plans shall be distributed to the Director of the Department responsible for plan review and approval related to the improvement for which the change is proposed (i.e., the "responsible Director") and to all department representatives of the Development Review Committee for review and comment. Each DRC department representative must respond within 5 work days of receipt of the plans that either:

(1) They have no comments;

(2) Plan review comments are forwarded;

(3) The information submitted is inadequate to determine consistency with regulations; or

(4) The proposed change is of a magnitude that further review is required.

c. Action on a field change request.

(1) Upon consideration of the plan review comments received (or notification of "no comments") from the responsible Director and other departments, the Planning Director shall take appropriate action to approve, approve with modification, or deny the proposed field change, as appropriate.

(2) If further information or review time is required to consider adequately the proposed field change, the responsible Director shall coordinate the review and assure action on the request at the earliest reasonable time.

(3) The field change, as ultimately approved by the responsible Director and the Planning Director, shall be documented by the developer or builder on revised development construction plans or architectural building plans, as applicable.

Sec. 1234.03. **Emergency field change requests.**

In the case of an emergency field change request, the responsible Director, with consideration to or oral comments from other potentially affected departments, may provisionally approve the proposed field change or provisionally approve it with modification. The provisions of such approval are:

a. The field change subsequently shall be formally requested, documented and reviewed under the process set forth under Sec. 1234.02;

b. The developer or builder requesting the field change accepts all responsibility and liability that may result from emergency approval relative to requirements resulting from the formal review;

c. All requirements resulting from the formal review shall be implemented by the developer or builder that requested the field change in a timely manner; and

d. The field change, as ultimately approved through the formal review, shall be documented on revised development construction plans or architectural building plans, as applicable.

DIVISION VII. SPECIAL TAX DISTRICTS.

Sec. 1235. Provisions for special tax districts.

Sec. 1235.01. Purpose and intent.

a. The Oconee County Board of Commissioners is authorized to create special districts for the provision of local government services within such districts and to levy and collect taxes within such districts to pay the cost of providing such services; and

b. In the allocation of resources and funding, there are certain government services desired by those living in discrete areas that either cannot be funded from general governmental revenues or, if funded, will be delayed by significant lengths of time; and

c. There are certain services which the Board of Commissioners would not find appropriate to fund for one area and not another, but which are nonetheless reasonable and appropriate governmental services; and

d. Some communities, subdivisions or other discrete areas desire such governmental services and may be willing to fund same, but lack an effective mechanism to do so; and

e. It is desirable for the creation and regulation of special tax districts for the construction, establishment, maintenance and operation of public utilities, roads and other governmental services within such districts located in the unincorporated area of Oconee County.

Sec. 1235.02. Appropriate governmental services.

The provisions of this Section may be used in the provision of water, sewer, roads, drainage facilities, street lighting and other necessary similar capital improvements or services as determined by the Board of Commissioners. As it is the intent of the Board that the provisions of this Section shall be used to promote the public health, safety and welfare of the citizens of Oconee County, the Board may from time to time agree that other governmental services may be established and funded through this mechanism. Any request for such other governmental services must be made to the Board prior to the filing of a petition as set out below. Nothing in this Section shall be construed as to require the Board to approve any such request and it shall be in the sole legislative judgment of the Board to make a determination to establish any such special tax district.

Sec. 1235.03. Authority and responsibility.

a. This Section shall be construed together with and subject to this Development Code, the Oconee County Water and Waste Water Ordinance and other relevant County ordinances specifying the responsibilities of those entities developing property. This Section shall be a supplemental means of providing for governmental services including but not necessarily limited to the following:

   (1) Lighting fixtures for the illumination of public streets, roads, sidewalks and alleyways (hereinafter sometimes referred to collectively as "public rights-of-way");

   (2) All public rights-of-way including right-of-way acquisition, street construction, reconstruction, paving, repaving, and similar street improvements;

   (3) All water systems within governmental easements or the public rights of way;

   (4) All sewer lines and systems within governmental easements or the public rights of way; and

   (5) All drainage systems within governmental easements or the public rights of way.

b. Such systems must fully comply with applicable Federal, State and County rules, regulations and ordinances. Additionally, no persons, firms or entities shall be permitted to establish lighting of public rights-of-way in any portion of the unincorporated area of Oconee County without first complying with the provisions of this Section specific to street lighting under Sec. 1235.07.

c. Responsible parties.

(1) The Oconee County Planning Director, his designee or such other person or department as may be designated by the Board of Commissioners from time to time, shall be responsible for administering the special tax district program as set forth in this Section where related to street lighting of public rights-of-way.

(2) The Oconee Public Works Director, his designee or such other person or department as may be designated by the Board of Commissioners from time to time, shall be responsible for administering the special tax district program as set forth in this Section where related to roadway and right-of-way improvements.

(3) The Oconee County Water Resources Department Director, his designee or such other person or department as may be designated by the Board of Commissioners from time to time, shall be responsible for administering the special tax district program as set forth in this Section where related to water and sewerage facilities.

Sec. 1235.04. **Duties.**

In discharging these duties, the Planning Director, Public Works Director or Water Resources Director shall:

a. Advise prospective petitioners for proposed special tax districts of the procedures required for the establishment of such districts pursuant to this Section.

b. Establish the boundaries of proposed special tax districts in accordance with such criteria and in such manner as the Planning Director, Public Works Director, or Water Resources Director may deem necessary and appropriate.

c. Establish an orderly system of numbering special tax districts created pursuant to this Section in conjunction with the Oconee County Tax Assessor and the Oconee County Tax Commissioner.

d. Provide standard form petitions for use by prospective petitioners, which shall require, among such other matters as are set out herein and as may be required by Planning Director, Public Works Director, or Water Resources Director, a professionally prepared estimate of the cost of the project.

e. Advise petition originators of estimated assessment rates for owners of property lying within proposed special tax districts.

f. Examine all filed petitions for accuracy and for compliance with the provisions of this Section.

g. Notify the appropriate County Departments and the County Officials of the petition and secure their review and approval of the petition. Such review and approval should be based on sound engineering and accounting practices and the compatibility of the proposal with existing County facilities and systems.

h. Submit petitions to the Board of Commissioners together with estimated assessment rates to owners of property lying with in such districts and with such recommendations as the Planning Director, Public Works Director, or Water Resources Director, the affected County Departments and the County Officials may deem appropriate.

i. Assign the appropriate County Department the responsibility for coordinating the installation of the governmental service within such districts upon final approval by the Board of Commissioners.

j. Obtain the necessary surveys, engineered designs, plans, specification cost estimates, bid forms, and other documents necessary for installation of the proposed public facilities.

k. Determine the method of financing and budgeting the cost of such public improvements including design, engineering, construction, operation, and debt service.

l. Determine an amortization schedule for the financing of said public improvements including any operational costs.

m. Coordinate the design, construction, and operation of said public improvements.

n. Perform any and all other acts or duties necessary or proper for the attainment of the purposes herein set out.

Sec. 1235.05. **Procedures.**

a. The owner or owners of residential lots within either an existing subdivision or a discrete and definable area, or the owner or owners of property lying within an area zoned for purposes other than residential use, may submit to the Planning Director, Public Works Director, or Water Resources Director, for approval, a petition for the creation of a special tax district wherein appropriate governmental services shall be installed and operated. The petition must contain the signatures of at least 66% of the owners of the property lying within the proposed special tax district in favor of such designation and must contain an accurate description of the property to be included by tax map parcel numbers as the same are used by the Oconee County Tax Assessor and the Oconee County Tax Commissioner. The Planning Director, Public Works Director, or Water Resources Director shall, within 90 days from the date of receipt of the petition, submit such petition to the Board of Commissioners for final approval. In the event 100% of the owners within any such proposed district shall fail to sign such petition, a notice of a public hearing to be conducted by the Board shall first be published in the newspaper in which the County advertisements are usually published once a week for 2 weeks immediately preceding the meeting at which the Board shall consider the creation of a special tax district.

b. Any other provision of this Section to the contrary notwithstanding, the Board of Commissioners shall be authorized and empowered to create special tax districts and provide governmental services in areas in which the Board of Commissioners have determined that special conditions exist which uniquely affect such areas so as to warrant the creation of such districts and the provision of such services therein. In making such determination, the special conditions which the Board of Commissioners may consider shall include, but not be limited to, public safety, security and welfare, and the creation of such special tax districts shall be upon such terms and conditions and in such manner as the Board of Commissioners may deem necessary or proper. A notice of a public hearing to be conducted by the Board of Commissioners shall first be published in the newspaper in which County advertisements are usually published once a week for 2 weeks preceding the meeting at which the Board of Commissioners shall consider the creation of a special tax district pursuant to this Section.

Sec. 1235.06. **Costs and assessments.**

a. The cost of providing and maintaining service in special tax districts for street lighting created pursuant to Sec. 1235.07 shall be the actual cost of service provided plus the retirement of any construction costs incurred and an amount equal to 20% of such sum to cover administrative expenses. Each property owner shall be responsible for and pay their pro rata share of such cost which shall be prorated among all property owners on the basis of the number of lots, whether improved or unimproved, owned by each property owner within such district.

(1) The construction costs incurred in the installation for street lighting shall be paid in advance by the petition originators directly to the public utility company responsible for installing such street lights.

(2) The cost of designing, constructing, and maintaining capital facilities and services for water, sewerage, and public road improvements shall be the actual cost of surveying, engineering, design, right-of-way acquisition, construction, financing, and related expenses plus administrative costs amortized over a period of time to be determined for each individual tax district and project.

b. For purposes of this Section, the term "lot" shall be defined as any single tract of land which falls within any of the zoning classifications as defined in this Development Code, and shall include both improved and unimproved property.

c. Any other provision of this Section to the contrary notwithstanding, the Board of Commissioners shall be authorized to establish, by Resolution duly adopted, the cost of providing and maintaining service in special tax districts created pursuant to the provisions of this Section as the Board may deem necessary or proper.

d. The Tax Commissioner of Oconee County shall be responsible for the collection and receipt of monies in payment of the cost incurred in connection with the special tax district from the owners of property lying within same. The cost of such service shall be added to the tax statement issued annually to each such property owner. The Board shall be authorized to establish, by Resolution duly adopted, such other manner or method of billing, accounting, collecting and receiving of monies in payment of the cost of providing and maintaining special tax districts as the Board of Commissioners may deem necessary or proper.

Sec. 1235.07. **Special provisions relating to street lights.**

a. Application procedures.

(1) Street lights in a proposed or existing subdivision.

(a) Street lights in a proposed subdivision.

The owner or owners of property lying within a proposed major subdivision of land zoned AR, R-1, R-2 or R-3, or within a master planned development or conservation subdivision regardless of the underlying zoning district, shall be required to construct and install lighting fixtures for illumination of public rights-of-way to be located within such proposed subdivision, subject to the provisions of this Section.

(b) Street lights in an existing subdivision.

A written request for authorization to construct and install lighting fixtures signed by 66% of all owners of such property shall be submitted to the Planning Director on such forms as may be prescribed from time to time by the Planning Director together with plans and specifications for such lighting fixtures for approval by the Planning Director.

(2) Plans and specifications.

(a) Street light plans and specifications shall be designed and/or approved by the public utility company which will provide electrical service to the subdivision and shall include, but not be limited to, a preliminary plat of the proposed subdivision or subdivision layout of an existing subdivision showing the location of the lighting fixtures within the subdivision as required by the appropriate public utility, and a description of the fixtures, poles, and other components approved for use by such utility company.

(b) The construction and installation of such lighting fixtures shall not commence until:

i. The Board of Commissioners has approved the special tax district; and

ii. The Oconee County Planning Director has approved the street light plans and specifications based on an approved preliminary plat for a proposed subdivision, or such street light plans and specifications for an existing subdivision, which shows the location of all lighting fixtures.

(c) For a proposed or new subdivision, the street light special tax district must be approved by the Board of Commissioners prior to approval of the final subdivision plat.

(3) Appeals.

In the event the Planning Director denies the request by such owner or owners for authorization to construct and install such lighting fixtures in an existing subdivision, the Planning Director shall notify such owner or owners in writing of such denial and the reasons therefore. Any such owner or owners shall have the right to

appeal the decision of the Planning Director by filing a written notice of appeal with the same within 30 days from the date of said notice of denial. The Planning Director shall thereupon submit the notice of appeal to the Board of Commissioners together with all plans, specifications and other documents constituting the record upon which the action appealed from was taken for placement upon the agenda of the Board of Commissioners for its determination. The Board of Commissioners may reverse or affirm, in whole or in part, or may modify the decision from which the appeal is taken.

b. Standards for street lights.

The American National Standard Practice of Roadway Lighting of the Illuminating Engineering Society, as approved by the American Standards Institute, as amended from time to time, is hereby adopted as the standard for the installation and operation of lighting in the unincorporated area of Oconee County, with the following exceptions:

(1) Lighting fixtures installed within public rights-of-way to be operated for the purpose of street illumination shall comply with these standards. The minimum average horizontal foot-candle illumination level by roadway classification shall be:

Table 12.1: Minimum Average Horizontal Foot-Candle Illumination Level for Street Lights

Roadway Classification	Commercial Area	Intermediate Area	Residential Area
Arterial or major collector	2.0	1.2	0.9
Minor Collector	1.2	0.9	0.6
Local Street	1.2	0.6	0.2

The uniformity of illumination shall be such that the point of lowest illumination shall have at least 1/3 of the average horizontal foot-candle required illumination level except that on local residential streets, it may be no less than 1/6 of this average.

(2) At a minimum, lights shall be located in all cul-de-sacs and at all street intersections and at points between intersections as determined by the utility company.

(3) Lighting fixtures installed outside of public rights-of-way for any other purpose shall be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the normal use of public rights-of-way.

c. Responsibility for funding street lights.

(1) A special tax district shall be created for the electrical power and maintenance costs of street lights located on public streets.

(2) On private streets, responsibility for the electrical power, maintenance and all other costs relating to the street lights shall be borne by a duly created Homeowners' Association charged with such powers and responsibilities.

Sec. 1235.08. **Miscellaneous.**

a. The Board of Commissioners shall be authorized to enter into and make contracts with public utility companies and other firms, entities or persons for the purpose of carrying out and effecting the provisions of this Section.

b. The Board of Commissioners shall be authorized to grant special exceptions to the literal terms of this Section where special conditions or hardships exist, in accordance with the Appeals Article of this Development Code.

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Article 13. Appeals

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Article 13. Appeals

Sec. 1301. Purpose of Article 13.

This Article describes the process for addressing unusual situations or unique problems that may arise from the strict interpretation or enforcement of this Development Code, including appeals from an administrative decision, for a special exception, and for unique hardships restricting reasonable use of a property.

Sec. 1302. Types of appeals.

Persons may appeal for relief under the following circumstances:

a. Special exception variance.

When an exception is desired for a particular property from certain requirements of this Development Code, as specified in this Article.

b. Hardship variance.

When compliance with the requirements of this Development Code would create a particular and unique hardship.

c. Flood damage prevention variance.

When the requirements of this Development Code for flood damage prevention would create an exceptional hardship that would adversely affect the use of a property or an historic structure.

d. Administrative decision.

When aggrieved by an action or an interpretation of the Planning Director or any other administrative official of the County made under this Development Code. An administrative official is defined as the head of any department subject to these regulations.

Sec. 1303. Special exception variances.

Sec. 1303.01. Appellant.

A request for a special exception variance on a property shall be brought by the property owner or, with the owner's permission, the holder of or applicant for a permit for development or construction on the property.

Sec. 1303.02. General limitations on relief.

Special exception variances shall be limited to relief from the following requirements of this Development Code:

a. Minimum building setbacks.

b. Maximum building height.

c. Minimum lot width.

d. Minimum floor area requirements for dwellings.

e. Minimum separation between agricultural and residential uses.

f. Public street frontage.

g. Automobile parking requirements.

h. Parking lot improvements for intermittent, occasional or temporary uses.

i. Minimum separation between driveways serving a single property.

j. Inter-parcel access requirements between parking lots.

k. Zoning buffers and screening.

l. Grading and draining requirements for individual building sites.

m. Required improvements to private access drives.

n. Number of lots off a private access drive.

Sec. 1303.03. **Standards for special exception variance approval.**

A special exception variance may be granted upon a finding that the relief, if granted:

a. Would not cause substantial detriment to the public good; and

b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and

c. Would not diminish and impair property values within the surrounding neighborhood; and

d. Would not impair the purpose and intent of this Development Code.

Sec. 1303.04. **Administrative approval.**

a. Special exception variances shall be considered by the Board of Commissioners unless the variance is approved administratively. Only those variances listed in this Subsection, below, and within the parameters stated, may be considered for administrative approval.

b. The Planning Director, upon a finding that a special exception variance meets the standards for approval contained in this Section, may administratively approve such special exception variance within and not exceeding the following parameters:

(1) Minimum building setbacks.

Not to exceed a reduction in the minimum setback required by 10%, except the front setback may be reduced or waived if the parking is located in the side or rear yards.

(2) Maximum building height.

Not to exceed an additional 4 feet above the maximum allowed.

(3) Minimum floor area requirements for dwellings.

For a residence to be constructed by a nonprofit organization only, floor area reduction to no less than 1,000 square feet.

(4) Automobile parking requirements

Not to exceed a change by more than 10% in the number of spaces required, shared parking, or the proximity of spaces to the use served.

(5) Parking lot improvements for intermittent, occasional or temporary uses.

Approval subject to the provisions for such waivers in the Parking and Loading Article of this Code, and to the imposition of such time limits or operational limitations appropriate to the proposed use of the parking lot.

(6) Inter-parcel access.

Modification or waiver of inter-parcel access requirements.

(7) Grading and draining requirements for individual building sites.

Variances from the requirements of the grading and draining requirements for individual building sites under the Erosion Control and Stormwater Management Article of this Development Code may be granted by the Planning Director upon the submission of such information as may be required by the Director, and the Director's satisfaction that the public health, safety and general welfare will be adequately protected if the variance is granted.

(8) Deviations from design standards of Section 206.04.d.7, Architectural requirements of the Mars Hill Overlay District, Section 205.09.c.3, Architectural requirements of

the B-1 zoning district; and Section 304, Standards for single-family and two-family dwellings, of this Development Code.

Sec. 1303.05. **Restriction on re-filing a special exception variance if denied.**

If denied, an appeal for a special exception variance affecting the same property shall not be reconsidered for a period of 6 months from the date of denial; provided, however, that the Board of Commissioners may reduce the waiting period under extenuating circumstances or on its own motion.

Sec. 1303.06. **Limitations on special exception variance approval.**

In no case shall a special exception variance be granted from the conditions of approval imposed on a property through a zoning change granted by the Board of Commissioners.

Sec. 1304. Hardship variances.

Sec. 1304.01. **Appellant.**

A request for a hardship variance on a property shall be brought by the property owner or, with the owner's permission, the holder of or applicant for a permit for development or construction on the property.

Sec. 1304.02. **Hardship variances; general.**

a. The Board of Commissioners may authorize upon appeal in specific cases such variances from the terms of this Development Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the this Development Code will, in an individual case, result in unnecessary hardship, so that the spirit of this Development Code shall be observed, public safety and welfare secured and substantial justice done.

b. The existence of a nonconforming use of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for approval of the requested variance.

c. Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and neither as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

Sec. 1304.03. **Standards for hardship variance approval.**

Such variances may be granted in such individual case of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

b. The application of this development code to this particular piece of property would create an unnecessary hardship.

c. Such conditions are peculiar to the particular piece of property involved.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance.

Sec. 1304.04. **Limitations on hardship variance approval.**

In no case shall a hardship variance be requested or granted for any of the following:

a. A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.

b. A change in the conditions of approval imposed through a zoning change granted by the Board of Commissioners.

c. Reduction of a minimum lot size required by a zoning district.

d. A use of land or buildings or structures that is not allowed by the zoning district that is applicable to the property.

e. Any increase in the number of dwelling units or nonresidential building floor area otherwise allowed by the zoning district that is applicable to the property.

f. Any item or matter regulated under Article 7 of this Development Code.

Sec. 1304.05. **Restriction on re-filing a hardship variance if denied.**

If denied, an appeal for a hardship variance affecting the same property shall not be reconsidered for a period of 6 months from the date of denial; provided, however, that the Board of Commissioners may reduce the waiting period under extenuating circumstances or on its own motion.

Sec. 1305. Flood damage prevention variance.

Sec. 1305.01. **Flood damage prevention variances; general.**

a. A flood damage prevention variance may be considered when there is an alleged error in any requirement, decision or determination made by the County in the enforcement or administration of the flood damage prevention provisions found under the Erosion Control and Stormwater Management Article of this Development Code.

b. A flood damage prevention variance may be considered for the reconstruction, rehabilitation or restoration of a building listed on the National Register of Historic Places or the State Inventory of Historic Places provided that the proposed reconstruction, rehabilitation or restoration will not result in the building losing its historical designation.

c. A flood damage prevention variance may be considered for the construction of a use or structure that otherwise could not be used for its intended purpose unless located or carried out in close proximity to water (such as a dock), provided that no reasonable alternative exists, the development is protected by methods that minimize flood damage during the base flood, and the use will not pose a threat to public safety.

Sec. 1305.02. **Standards for approval.**

In passing upon a flood damage prevention variance, the Board of Commissioners shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Development Code relating to flood damage prevention, and the:

a. Danger that materials may be swept onto other lands to the injury of others;

b. Danger to life and property due to flooding or erosion damage;

c. Susceptibility of the facility and its contents to flood damage and the effect of such damage on the individual owner;

d. Importance of the services provided by the facility to the community;

e. Necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

f. Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. Compatibility of the use with existing and anticipated development;

h. Relationship of the use to the comprehensive plan and flood plain management program for that area;

i. Safety of access to the property in times of flood for ordinary and emergency vehicles;

j. Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

Sec. 1305.03. **Limitations on approval.**

a. Upon consideration of the standards listed above, and the purposes of this Development Code, the Board of Commissioners may attach such conditions to the granting of the variance as it deems necessary to further the purposes of flood damage prevention.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. Conditions for variances are as follows:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historical character and design of the building.

(2) Variances shall only be approved upon:

(a) Showing of good and sufficient cause;

(b) Determination that failure to grant the variance would result in exceptional hardship; and

(c) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Development Codes.

Sec. 1305.04. **Requirements if approved.**

a. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

b. The Planning Department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Sec. 1305.05. **Restriction on re-filing a flood damage prevention variance if denied.**

If denied, an appeal for a hardship variance affecting the same property shall not be reconsidered for a period of 6 months from the date of denial; provided, however, that the Board of Commissioners may reduce the waiting period under extenuating circumstances or on its own motion.

Sec. 1306. Appeals of an administrative decision.

Sec. 1306.01. **Appellant.**

Any person aggrieved by an administrative action or interpretation of an administrative official may initiate an appeal to the Board of Commissioners.

Sec. 1306.02. **Initiation of administrative appeal.**

a. An administrative appeal shall be taken within 30 days of the action or interpretation appealed from, by filing the appeal in writing with the Planning Director. The Planning Director shall transmit a notice of said appeal to the Board of Commissioners specifying the grounds thereof.

b. The holder of or applicant for a development permit or a building permit may appeal any action taken by an administrative official, including the following:

(1) The suspension, revocation, modification or approval with conditions of a development permit or building permit upon finding that the holder is not in compliance with the approved erosion and sedimentation control plan or other approved plans.

(2) The determination that the holder is in violation of development permit or building permit conditions.

(3) The determination that the holder is in violation of any other provision of this Development Code.

Sec. 1306.03. **Temporary suspension of legal proceedings.**

An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is made certifies to the Board of Commissioners, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in such administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Commissioners or by a court of record on application, on notice of the Planning Director and on due cause shown.

Sec. 1306.04. **Action by the Board of Commissioners.**

a. The Board of Commissioners, upon an administrative appeal by an aggrieved party or at the request of the Planning Director, shall:

(1) Decide appeals from any order, determination, decision or other interpretation by any person acting under authority of this Development Code, where a misinterpretation or misapplication of the requirements or other provisions of this Development Code is alleged.

(2) Interpret the use of words or phrases within the context of the intent of this Development Code.

(3) Determine the boundaries of the various zoning districts where uncertainty exists.

(4) Interpret such other provisions of this Development Code as may require clarification or extension in specific or general cases.

b. Decisions of the Board of Commissioners.

In exercising its powers on administrative appeals, the Board of Commissioners may, in conformity with the provisions of this Development Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination and to that end shall have all the powers of the official from whom the appeal is taken and may issue or direct the issuance of a permit.

Sec. 1307. Process for granting an appeal.

Sec. 1307.01. **Application and initial actions.**

a. Upon receiving a notice of an appeal, the Planning Director shall assemble such memos, papers, plans, or other documents from the appellee as may constitute the record for the appeal or as may provide an understanding of the issues involved.

b. An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The Planning Director may request such additional information from the appellant as necessary to provide a full understanding of the appellant’s request. For guidance, see the application checklist in the Appendix to this Development Code that contains the Oconee Departmental Checklists.

c. Once the record has been assembled, the Planning Director shall:

(1) Review appeals for a special exception variance eligible for administrative approval;

(2) Schedule unresolved appeals for consideration at the next meeting of the Board of Commissioners for which adequate public notice can be given; and

(3) Notify the appellate of either 1) administrative resolution of the matter or 2) the date, time and place of the public hearing

Sec. 1307.02. **Public notice.**

a. At least 15 days prior to the public hearing, notice shall be published in a newspaper of general circulation within the county. The notice shall state the time, place and purpose of the hearing.

b. A request for an unresolved special exception variance, a hardship variance or a flood damage prevention variance shall be heard at a public hearing only upon:

(1) The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the nature of the requested action; and

(2) At least 15 days prior to the public hearing, the Planning Director shall post a sign or signs providing the date, time and place for the public hearing. One such sign shall be placed in a conspicuous location on the property frontage in such manner as to be legible from the public road. On lots with more than one road frontage, a sign will be placed facing each public road. If the property has no road frontage, the sign shall be placed on each road at the location from which access will be gained to the property.

Sec. 1307.03. **Withdrawal.**

Any applicant wishing to withdraw an appeal prior to final action by the Board of Commissioners shall file a written request for withdrawal with the Planning Director.

a. The withdrawal request must be in writing and signed by the owner, the applicant, or the owner's authorized agent.

b. If the request for withdrawal is received prior to the publication of notice for the public hearing as required under Sec. 1307.02 and 5 work days prior to the Board of Commissioners' Public Hearing, the application shall be withdrawn administratively by the Planning Director.

c. Should any request for withdrawal be within 5 work days of the Board of Commissioners Public Hearing, the application shall remain on the Board of Commissioners' public hearing agenda and the withdrawal request shall be considered for approval or denial by the Board of Commissioners.

Sec. 1307.04. **Attendance requirements.**

The appellant or representative of the appellant shall be required to attend all public hearings on the appeal. The failure to attend may result in dismissal with prejudice, rejection of the appeal, or continuance of the hearing at the board's sole discretion. In the case of continuance, failure of the appellant or appellant's representative to appear at the second scheduled hearing shall result in automatic dismissal with prejudice.

Sec. 1307.05. **Board of Commissioners public hearing.**

a. The Chair or the Board of Commissioners' designee, who shall act as the Presiding Official, shall convene the public hearing at the scheduled time and place.

b. The Presiding Official may administer oaths and compel the attendance of witnesses by subpoena.

c. The Planning Director shall submit the assembled record of the appeal to the Board of Commissioners. The Planning Director, or other appropriate party if the appeal was taken from an administrative action or interpretation, shall provide such information or explanation as appropriate to the circumstances of the appeal.

d. At the public hearing, the appellant may appear in person or may be represented by counsel. The following rules shall apply in the conduct of the public hearing:

(1) The presiding official shall conduct the public hearing informally, as strict adherence to the rules of evidence is not required. The goal is a fair hearing.

(2) The appellant shall first present evidence to the Board. After the appellant has completed the presentation of evidence, opponents shall present such relevant evidence as they think appropriate after being recognized by the presiding official.

(3) All parties participating in the public hearing shall introduce only relevant evidence.

(4) All parties participating shall have the right to present witnesses and to cross-examine witnesses.

(5) The appellant shall have an opportunity to present rebuttal evidence, but such evidence shall be limited to points or issues raised by the opponents.

(6) The public hearing shall be tape recorded, either by videotape or by audiotape, in order to provide a verbatim record of the hearing.

e. Following the public hearing, the Board of Commissioners shall make a decision and adopt reasons supporting the decision. Such decision shall reflect the vote of the Board, as follows:

(1) A motion to approve or deny an appeal must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.

(2) If a motion to approve an appeal fails, the appeal is automatically denied. If a motion to deny an appeal fails, another motion would be in order.

(3) A tie vote on a motion for approval of an appeal shall be deemed a denial of the appeal. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.

f. In taking action on an appeal, the Board of Commissioners may:

(1) Approve, approve with changes, or deny the request; or,

(2) Table the appeal for consideration at its next scheduled meeting; or,

(3) Allow withdrawal of the appeal at the request of the appellant.

Sec. 1308. Decisions by the Board of Commissioners.

Sec. 1308.01. Written decision.

On all appeals brought before the Board of Commissioners, the appellant shall be informed in writing of the Board's decisions within 10 days of the date of the decision. Failure to receive notice within 10 days shall not constitute a procedural error on the part of the County, nor affect the decision of the Board in any manner.

Sec. 1308.02. Conditional approval.

In approving an appeal, the Board of Commissioners may impose conditions of approval which it deems necessary in order to make the requested action acceptable and consistent with the purposes of this Development Code and of the zoning district(s) involved, to ameliorate negative issues identified through evaluation of the appeal, or to further the goals and objectives of any County adopted plans.

Sec. 1308.03. Decision final.

a. A decision of the Board of Commissioners shall be final and may be appealed only to a court of competent jurisdiction. Such appeal must be taken within 30 days of the decision of the Board of Commissioners.

b. Alternative actions.

Based on these proceedings and the decision of the court, Oconee County may, within the time specified by the court, elect to:

(1) Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land,

(2) Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or,

(3) Institute other appropriate actions ordered by the court that fall within the jurisdiction of Oconee County.

Sec. 1309. Temporary suspension of permitting.

Upon submission of a valid application for the granting of an appeal on a property, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

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Article 14. Administration and Enforcement

Sec. 1401. Purpose of Article 14.

This Article sets out the structure, procedures and responsibilities of the various administrative officers for administering, amending and enforcing this Development Code, and set out penalties for violations.

DIVISION I. ADMINISTRATION.

Sec. 1402. Administrative roles.

The following summarizes the roles of those involved in the administration and enforcement of the Oconee County Unified Development Code, as more specifically detailed in the appropriate Articles of this Development Code. See particularly the Responsible Parties for Application Processing Section of the Procedures and Permits Article of this Development Code.

Sec. 1402.01. **Planning Director.**

a. The Planning Director is responsible for the receipt, review and processing of all applications for rezoning, special use approval, project approval of preliminary subdivision plats and site plans, approval of final subdivision plats, text amendments, and for applications for all permits required by this Code.

b. The Planning Director is responsible for all administrative activities related to the use or occupancy of land and buildings under this Development Code.

c. The Planning Director serves as the Secretary to the Planning Commission.

d. The Planning Director shall receive and process all Special Exception Variances, Hardship Variances, Flood Damage Prevention Variances, and Appeals of Administrative Decisions filed with the County under the provisions of the Appeals Article of this Development Code.

e. It shall be the duty of the Planning Director, and he or she is hereby given the authority, to administer and enforce the provisions of this Development Code.

f. All inspections of building construction and land development activities, other than water or sewer installation but including erosion control measures and stormwater facilities, shall be performed by inspectors under the direction of the Planning Director.

g. For specific administrative duties related to flood damage prevention, see the Flood Damage Prevention Section of the Erosion Control and Stormwater Management Article of this Development Code.

h. It shall be the duty of the Oconee County Planning Director, and he or she is hereby given the authority, to administer and enforce the provisions of the Sign Regulations Article of this Development Code and to issue building permits for signs.

Sec. 1402.02. **Public Works Director.**

a. The Public Works Director is responsible for the review of all applications related to the construction of development projects, the construction of streets, driveways, and related facilities, and recommendations to the Planning Director relating to the issuance of development permits.

b. The Public Works Director is responsible for technical advice and assistance to the Planning Director in the enforcement of all requirements and restrictions of this Development Code relating to the engineering design of subdivision improvements and development projects, the construction of streets, their continued maintenance and operation, and coordination of the installation of public and private utilities by others.

Sec. 1402.03. **Water Resources Director.**

a. The Director of the Oconee County Water Resources Department oversees plan review and approval, and all inspections during installation, of all water and sanitary sewer lines and appurtenances during the land development process, pursuant to the *Oconee County Water and Wastewater Standards* adopted by the Board of Commissioners.

b. The Water Resources Director administers and enforces all codes and ordinances relating to potable water supply and distribution, and wastewater collection and treatment, adopted by the Board of Commissioners.

Sec. 1402.04. **Environmental Services Division.**

The Environmental Services Division of the Oconee County Health Department is responsible for the review and approval of individual on-site sewage disposal systems (septic tanks) and community water and sewerage systems (subject to agreement by the Water and Sewerage Authority), inspection during installation, and enforcement of its rules and regulations.

Sec. 1402.05. **Planning Commission.**

The Oconee County Planning Commission shall hear and make recommendations on applications for zoning changes and, at the discretion of the Planning Director, amendments to the text of this Development Code, and shall carry out such other duties as delegated to it by the Board of Commissioners.

Sec. 1402.06. **Development Review Committee.**

The Development Review Committee shall provide technical review of zoning applications, construction plans and other related items, and consist of representatives of the Planning and Code Enforcement, Public Works/Engineering, Water Resources, Health, EMA and/or other County Departments

Sec. 1403. Required action; time period.

In each case in this Development Code where the issuance of a permit or other action by any official of Oconee County, Georgia, is required and a time period for such action is specified by this Development Code or by applicable state law, then the failure of the official responsible for same to take such action or issue such permit shall be deemed an approval of the matter or the issuance of the permit, as the case may be. If at any place in the Development Code an action is required by any such official and no time frame is provided herein, then such timeframe shall be deemed to be 45 days and the failure to act to either approve or deny same shall be deemed an approval of the matter or the issuance of the permit, as the case may be.

Sec. 1404. Schedules and fees.

From time to time, the Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Development Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Development Code.

DIVISION II. TEXT AMENDMENTS.

This Development Code may be amended from time to time in whole or in part by the Board of Commissioners. Any amendment to or insertion of a new Article, Section, Subsection or Paragraph that is not subject to the Georgia Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.) shall be considered and acted upon by the Board of Commissioners following applicable requirements and procedures for the adoption of acts, resolutions or ordinances, as applicable under the County's Charter. Any amendment to or insertion of a new Article, Section, Subsection or Paragraph that is subject to the Georgia Zoning Procedures Law shall be considered and acted upon by the Board of Commissioners under the provisions of this Division.

Sec. 1405. Initiation of text amendments.

The Board of Commissioners may propose a change to the text of this Development Code when public necessity, general welfare or good zoning practice justifies such action.

Sec. 1406. Text amendment process.

At the discretion of the Planning Director, text amendments may be submitted to the Planning Commission for review and recommendations. No text amendment shall become effective unless it has been considered and acted upon by the Board of Commissioners.

Sec. 1406.01. **Public notice.**

Before enacting an amendment to this Development Code, the county shall hold a public hearing thereon.

At least 15 days but not more 45 days prior to the public hearing, notice is to be published in a newspaper of general circulation within the county. The notice is to state the time, place and purpose of the hearing.

Sec. 1406.02. **Public hearings; procedures.**

A public hearing for a text amendment shall be conducted in the following manner:

a. The public hearing is to be convened at the scheduled time and place by the Chair or an appointed designee, who will act as the Presiding Official.

b. The Presiding Official will call for each proposed text amendment to be presented.

c. No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state their name and home address.

(1) The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change.

(2) No less than 10 minutes shall be provided for all of those speaking in support of a text amendment and no less than 10 minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.

(3) If reasonable time limitations permit, any member of the general public may speak at a hearing.

During the public hearing, the Planning Commission and the Board of Commissioners members may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

Sec. 1406.03. **Decision on a text amendment.**

a. The Planning Commission shall review any text amendments on its agenda and forward a recommendation for each amendment to the Board of Commissioners.

b. Following the Planning Commission's public hearing (if applicable), the Board of Commissioners shall consider the text amendment at the next meeting scheduled for the purpose of considering text amendments for which adequate notice has or can be published.

c. In considering a text amendment, action shall be considered by vote of a quorum of the members present and voting, in accordance with the following rules of order:

(1) If a motion to approve an amendment fails, the amendment is automatically denied. If a motion to deny an amendment fails, another motion would be in order.

(2) A tie vote on a motion for approval of an amendment shall be deemed a denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.

(3) If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting.

d. In taking final action on an amendment, the Board of Commissioners may:

(1) Approve, approve with changes, or deny the proposal; or

(2) Table the proposal for consideration at its next scheduled meeting; or

(3) Send the proposed amendment to the Planning Commission for consideration.

Sec. 1407. Standards for text amendments.

The Planning Commission and the Board of Commissioners shall consider the following standards in considering any proposal that would result in a change to the text of this Development Code, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

a. Is the proposed amendment consistent with the purpose and intent of this Development Code as stated under Article 1?

b. Does the proposed amendment further or is it compatible with the purpose and intent of the Community Agenda?

c. Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Community Agenda?

d. Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?

Sec. 1408. Effect of text amendment approval.

a. Approval of a text amendment shall be in full force and effect upon its approval by the Board of Commissioners or upon the stated effective date thereof.

b. For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed by the provisions for Nonconformities under Article 1 of this Development Code, as applicable.

c. Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed by the provisions for Nonconformities under Article 1 of this Development Code, as applicable.

DIVISION III. ENFORCEMENT.

Sec. 1409. Permit required.

It shall be unlawful to commence the excavation or filling of any lot for any construction of any building, or to commence construction of any building, or to commence the moving or alteration of any building, or to commence the development of any land for a use not requiring a building permit, until the necessary permit for the construction, land disturbance or development of the property has been issued under the Procedures and Permits Article of this Development Code.

Sec. 1410. Inspection and enforcement.

Sec. 1410.01. Enforcement; general.

Oconee County or its designee, their agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Development Code and may take or cause to be made such examination, surveys, or sampling as Oconee County or its designee deems necessary.

a. The Oconee County Planning Director is hereby designated as the administrator and enforcement officer for this Development Code.

b. The Oconee County Planning Director shall have authority to enforce this Development Code; issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

c. Law enforcement officials or other officials having police powers shall have authority to assist the Oconee County Planning Director in enforcement.

Sec. 1410.02. Enforcement; land development activities.

For provisions relating to inspection and enforcement activities relating to soil sedimentation and erosion control and storm drainage and stormwater management enforcement, see the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1410.03. Enforcement; land use and other provisions.

a. Inspection.

If the Planning Director finds that a provision of this Development Code is being violated relating to the use or occupancy of land or structures, lot standards, landscaping, buffers, parking, signage, street construction or any other standard or provision, or relating to a condition of approval established in connection with a grant of variance or zoning change, he or she shall notify the person responsible for such violation in writing (which notification may consist of an order to cease and desist the violation). The notification shall indicate the nature of the violation and order the action necessary to correct it. Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the Planning Director shall have authority to prosecute violations in court.

b. Notice of Violation.

If the Planning Director determines that a property owner, occupant or other responsible person has failed to comply with the requirements and provisions of this Development Code, he or she shall issue a written notice of violation to such owner, occupant or other responsible person. Where a person is engaged in activity covered by this Code without having first secured a permit therefore, the notice of violation shall be served on the owner, occupant or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

(1) The name and address of the owner, occupant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with this Code and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the Board of Commissioners by filing a written notice of appeal within 10 days after the notice of violation (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

Sec. 1410.04. **Enforcement; removal of illegal signs.**

The Planning Director may order the removal of any sign in violation of this Development Code by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within 7 days after the County gives written notice of non-compliance.

a. Procedure following removal order.

An aggrieved party may appeal the removal order within 10 days from the date that the notice was mailed. Such appeal shall be made to the Board of Commissioners. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the Planning Director is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

b. Removal without notice.

(1) The Planning Director or any other agent of the County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Development Code, without giving notice to any party, if:

(a) Said sign is upon the public right-of-way or upon other public property; or

(b) Said sign poses an immediate safety threat to the life or health of any members of the public.

(2) Following such removal, the County may collect the costs as provided in the following section.

c. Costs of removal.

(1) Removal of any sign found in violation shall be without liability to the County, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of the sign erector and any party that procured the erection of the sign.

(2) If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the Planning Director shall certify the amount thereof for collection to the County Attorney. In the event the removed sign(s) remains unclaimed for more than one year from the date of impound, the sign(s) shall be disposed of in accordance with state law.

(3) Costs of removal shall be charged in accordance with a fee schedule adopted by the Board of Commissioners from time to time, or at the actual cost to the County, whichever is more appropriate to the action taken.

Sec. 1411. Violation and penalties.

Any person violating any provision of this Development Code shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense according to law. Each day such violation continues shall constitute a separate offense.

Sec. 1411.01. Violations; action.

In the case of any violation or attempted violation of the provisions of this Development Code, the County may institute any appropriate action or proceeding to prevent such violation or attempted violation.

a. Illegal subdivision.

(1) Any owner or proprietor of any tract of land who subdivided that tract of land and who violates the provisions of this Development Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by the law.

(2) Any subdivision hereafter established shall be designed, developed, and recorded in accordance with the provisions of this Development Code. Failure to comply with the regulations herein shall result in the following:

(a) The County shall not accept the subdivision, nor shall it improve, maintain, grade, or pave any street within such subdivision unless such street shall have met the specifications described herein.

(b) No public agency shall authorize the extension of water service, sewer service, or other publicly operated services into such subdivisions.

b. Removal of illegal structures.

When a building or other structure has been constructed in violation of this Development Code, the violator shall be required to remove the structure or bring said structure into compliance with this Development Code, at the discretion of the Planning Director.

c. Restoration of vegetative cover.

When removal of vegetative cover, excavation or fill has taken place in violation of this Development Code, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practical, at the discretion of the Planning Director.

d. Clean Water Act notifications.

If the Planning Director discovers a violation of this Development Code that also constitutes a violation of provisions of the Clean Water Act as amended, the Planning Director may issue written notification of the violation to the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers and the landowner.

e. Suspension, revocation or modification of permit.

The Planning Director may suspend or revoke a permit if he or she finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

f. Cease and desist order.

The Planning Director shall have the authority to issue cease and desist orders in the event of any violation of this Development Code. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in the Appeals Article of this Development Code.

g. Stop-work order.

The Planning Director may issue a stop-work order, which shall be served on the owner, occupant or other responsible person. The stop-work order shall remain in effect until the owner, occupant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described

therein, provided the stop-work order may be withdrawn or modified to enable the owner, occupant or other responsible person to take the necessary remedial measures to cure such violation or violations.

Sec. 1411.02. **Citations.**

Any violation of this Development Code may be tried upon a citation issued by the Planning Director or any other authorized representative of the County pursuant to the provisions of this Development Code and State law. Without limitation, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Development Code.

Sec. 1411.03. **Penalties; land development activities.**

For provisions relating to penalties resulting from soil sedimentation and erosion control enforcement and storm drainage and stormwater management enforcement, see the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1411.04. **Penalties; land use and other provisions.**

a. Any person who commits, takes part in, or assists in any violation of any provision of this Development Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

b. Injunction of activities.

   Any violation of any provision or requirement of this Development Code shall constitute a nuisance. Oconee County may institute an action or proceeding as provided by law or ordinance to restrain, correct or abate the violation; to prevent occupancy of a building, structure or land or to prevent any illegal act, conduct or use on property in violation.

c. Additional remedies.

   If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure or land is used in violation of this development Code, the Board of Commissioners of Oconee County, the Planning Director, or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

d. Remedies not exclusive.

   (1) The remedies listed in this Development Code are not exclusive of any other remedies available under any applicable Federal, State or local law and the County may seek cumulative remedies.

   (2) The County may recover all attorneys' fees, court costs and other expenses associate with enforcement of this Development Code.

Sec. 1412. Liability.

a. Neither the approval of a plan under the provisions of this Code, nor the issuance of a permit, nor the compliance with provisions of this Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the County for damage to any person or property.

b. The fact that a land-disturbing activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Code or the terms of the development permit.

c. No provision of this Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, or the

rules and regulations promulgated and approved under such laws or pollute any waters of the State as defined by said Acts.

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Article 15. Interpretation and Definitions

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Article 15. Interpretation and Definitions

Sec. 1501. Purpose of Article 15.

This Article describes how figures, words and phrases used in this Development Code are to be interpreted, and provides a glossary of all definitions specifically used in the text of this Development Code.

Sec. 1502. Interpretation.

Sec. 1502.01. Responsibility for interpretation.

a. The Planning Director shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this Development Code. The Planning Director and the Public Works Director may be consulted or relied upon for interpretations relative to their areas of responsibility, and shall assist the Planning Director in the appeal of any such interpretation.

b. Interpretations of the Planning Director may be appealed under the provisions of this Development Code relating to Appeals.

Sec. 1502.02. Use of figures and examples for illustration.

a. Figures associated with defined terms or regulatory paragraphs in this Development Code are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

b. When an example of the application of a specific provision is given, or other explanatory text is provided, such example or text is identified by placement in a shaded box separate from the regulatory paragraphs in this Development Code. Such examples or explanatory text are provided for illustration only and do not limit or change the meaning of the provision or the requirements of this Development Code as written.

Sec. 1502.03. Use of words and phrases.

Except as specifically defined herein, all words used in this Development Code have their customary dictionary definitions.

For the purposes of this Development Code, certain words or terms used herein shall be defined as follows:

a. Words used in the singular include the plural and words used in the plural include the singular.

b. Words used in the present tense include the future tense.

c. The word “structure” includes the word “building”; a “building” is a type of structure.

d. The word “erected” includes the words “constructed,” “moved,” “located” or “relocated.”

e. The word “lot” includes the words “plot” or “parcel.”

f. The words “zoning map” or “zoning atlas” means the Official Zoning Map of Oconee County, Georgia.

g. The words “road,” “street,” “highway” and “thoroughfare” have the same meaning with regard to the requirements and restrictions of this Code.

h. The word “person” includes the words “individuals,” “firms,” “partnerships,” “corporations,” “associations,” “governmental bodies,” and all other legal entities.

i. The words “shall,” “will,” “is to” and “must” are always mandatory and never discretionary.

j. The words “may” and “should” are discretionary.

k. The word "and" indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement or factor so connected must be met.

l. The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean "including but not limited to the following."

m. The terms "include" or "including" when used to introduce a list of items is not intended to be exclusive only to the items on the list, but is intended to mean "including but not limited to the following."

n. The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Development Code.

o. The nouns "zone," "zoning district" and "district" have the same meaning and refer to the zoning districts established under this Development Code.

p. The word "day" means a calendar day unless otherwise specified as a "work" day or "business" day, which mean Monday through Friday exclusive of County-recognized holidays.

q. The words "used" or "occupied" include the words "intended, arranged or designed exclusively to be used or occupied by a particular use or function."

r. References to the "County" and to the Board of Commissioners and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in this Development Code shall always mean Oconee County, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:

(1) ***The Planning Commission***, created as such and appointed as such by the Oconee County Board of Commissioners.

(2) ***The County Administrator***, appointed as such by the Oconee County Board of Commissioners, or the County Administrator's designee.

(3) ***The County Attorney***, appointed as such by the Oconee County Board of Commissioners, or the County Attorney's designee.

(4) ***The Planning Director***, the County official appointed as such, or the Planning Director's designee.

(5) ***The Public Works Director***, the County official appointed as such, or the Public Works Director's designee.

(6) ***The Water Resources Director****,* the County official appointed as such, or the Utilities Director's designee.

(7) ***Other County officials or employees***, such as a "building inspector" or "road & bridges inspector," shall mean the County official or employee appointed as such by their respective department director.

s. References to an administrative department or committee of Oconee County shall always mean the department or committee created by the Board of Commissioners as such. These include:

(1) ***Planning Department****:* References to action by the "Planning Department" shall mean action by the Planning Director or by that administrative official to whom responsibility for that action has been assigned by the Planning Director.

(2) ***Public Works Department****:* A reference to action by the "Public Works Department" shall mean action by the Public Works Director by that administrative official to whom responsibility for that action has been assigned by the Public Works Director.

(3) ***County Engineer****:* A reference to action by the "County Engineer" shall mean action by that administrative official to whom responsibility for that action has been assigned by the Public Works Director.

(4) ***Utilities Water Resources Department****:* A reference to action by the "Water Resources Department" shall mean action by that administrative official to whom responsibility for that action has been assigned by the Utilities Director.

(5) ***Development Review Committee****:* The body composed of representatives from the Planning and Code Enforcement Department, Public Works Department, Water Resources Department, Health Department, EMA and other County departments as appointed by the Board of Commissioners.

t. References to other public officials, departments or appointed bodies, unless otherwise specified, shall always mean such persons or bodies having jurisdiction over or relative to Oconee County, Georgia. These include:

(1) The Clerk of the Superior Court of Oconee County, Georgia.

(2) The Oconee County Health Department, and its Environmental Services Division.

(3) The Oconee River Soil and Water Conservation District.

(4) The Northeast Georgia Regional Development Center (RDC).

(5) The Georgia Departments of Community Affairs (DCA), Transportation (GDOT), Human Resources (DHR), Natural Resources (DNR) and DNR's Environmental Protection Division (EPD).

(6) The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA), the Federal Communications Commission (FCC) and the Environmental Protection Agency (EPA).

Sec. 1502.04. **Meaning of words and phrases.**

a. All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section and Article in which they occur.

b. Words and phrases specifically relating to a category of use of land or a structure that are defined in this Development Code shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by use of the word or phrase in the North American Industrial Classification System (NAICS) published by the U.S. Department of Commerce, 2002 Edition. See also the Interpretation of Uses Section of the Use of Land and Structures Article of this Development Code.

c. Other words and phrases specifically defined in this Development Code shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation.

d. Definitions are clearly identified as such and are located throughout this Development Code in the Articles or Sections to which they most readily refer. All definitions, regardless of location within a particular Article of this Code, apply equally to the use of such terms throughout the Code. A glossary of all defined terms is included in this Article for convenience. However, if differences in wording occur between definitions of a term in a particular Article and in the glossary of terms in this Article, below, the definition contained within a particular Article of this Code shall control.

Sec. 1503. Definitions.

A

Accessory Structure to a Manufactured Home: A structure incidental to occupancy of the property by a manufactured home, such as one-story non-habitable room, storage building, garage or carport; or a patio, deck or similar structure that may include window screens, knee walls, and other partial enclosures.

Accessory Structure to a Recreational Vehicle: A storage building, deck, awning, carport, patio, patio enclosure and similar structures incidental to occupancy of the property by a recreational vehicle.

Accessory Use or Structure: A use or structure customarily incidental and subordinate to the principal use of the building and located on the same lot in the rear or side yard.

Active Recreational Facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or all-purpose fields; community picnic pavilion (including covered facilities with grills and/or fire pits); and community buildings for recreational events. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Addition to an Existing Building: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load bearing walls, is new construction.

Adult Bookstore: Any commercial establishment in which more than ten square feet of floor space is used for the display or offer for sale of any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Entertainer: Any person employed by an adult entertainment establishment who exposes his or her "specified anatomical areas," as defined herein. For purposes of this section, adult entertainers include employees as well as independent contractors.

Adult Entertainment: A retail business establishment that includes, but is not limited to, one of the following items as defined in the Adult Entertainment Establishments Ordinance of Oconee County, Georgia: adult bookstore, adult entertainment establishment, adult hotel or motel, adult mini-motion picture theater, adult motion picture arcade, adult motion picture theater, and/or adult video store.

Adult Entertainment: Entertainment that is characterized by an emphasis on the depiction, display or the featuring of "specified anatomical areas."

Adult Entertainment Establishment shall be defined to include the following types of business:

1. Any commercial establishment that employs or uses any person live, in any capacity in the sale or service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his or her "specified anatomical areas," as defined herein.

2. Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her "specified anatomical areas" as defined herein or where such performances are distinguished or characterized by an emphasis on "specified sexual activities," as defined herein.

3. Any commercial establishment which holds, promotes, sponsors or allows any contest, promotion, special night, event or any other activity where live patrons of the

establishment are encouraged or allowed to engage in any of the conduct described in paragraphs 1 and 2 of this definition.

4. Any commercial establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" as defined herein or "specified anatomical areas" as defined herein or having a segment or section comprising more than ten square feet of its total floor space, devoted to the sale or display of such material or which derives more than 5% of its net sales from the sale or rental of such material.

5. Any commercial establishment utilizing an enclosed building with a capacity of fifty (50) or more persons used for cinematographic or videographic presentation of material distinguished by or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein.

6. Any adult motion picture theater, adult motion picture arcade, adult mini-motion picture theater, adult bookstore, adult video store, adult hotel, or adult motel, as defined herein.

7. The definition of "adult entertainment establishment" shall not include traditional or live theater (mainstream theater) which means a theater, concert hall, museum, educational institution or similar establishment which regularly features live performances which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of "specified anatomical areas" or "specified sexual activities" in that the depiction, display, description or featuring is incidental to the primary purpose Of any performance.

Adult Hotel or Motel: A hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motion Picture Arcade: Any place to which the public is permitted to be invited wherein paper currency, coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Video Store: Any establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are characterized or distinguished or relating to specified sexual activities or specified anatomical areas.

Agricultural Land: Land, including necessary buildings and structures, used for the raising of crops or animals.

Agricultural: See under "Land Use Categories."

***Agritourism**:* Any activity carried out on a farm that allows members of the general public for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, or harvest-your-own activities, and excluding any competitions utilizing motorized vehicles. An activity is an agritourism activity whether or not a fee is collected to participate.

Airport: A transportation facility, terminal or similar location where commercial aircraft take off and land as distinguished from an "Airstrip, Private" as defined herein.

Airstrip, Private: A facility or location where fixed-wing private non-commercial aircraft take off and land.

Alley: See under "street."

Alteration of a Building: Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams or girders, any change that results in an addition to the enclosed floor area of a building, or the movement of the building from one location to another.

Alternative Tower and Antenna Structure: man-made "trees", clock towers, bell steeples, church steeples, light poles, flag poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers so as not to be readily discernible as an antenna or tower. In order to establish quantitative and qualitative standards for determining that an alternative tower structure is "not readily discernible," nine examples (photographs) of such "non-readily discernible" structures are included in the appendix to this Development Code..

Antenna: any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Apartment: See "Dwelling, Multi-family"

Applicant: A property owner or their authorized representative who has petitioned the County for approval of a zoning change, development permit, building permit, hardship or special exception variance, appeal, or any other authorization for the use or development of their property under the requirements of this Development Code, or a person submitting a post-development stormwater management application and plan for approval.

Application: A petition for approval of a zoning change, development permit, building permit, hardship or special exception variance, appeal, or any other authorization for the use or development of a property under the requirements of this Development Code.

***Aquifer Recharge Area District*:** All lands within unincorporated Oconee County which is indicated as "most significant groundwater recharge areas..." on the Ground-Water Pollution Susceptibility Map of Georgia.

Aquifer Recharge Area: (synonymous with Groundwater Recharge Area) An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer.

Aquifer: A layer or formation of rock beneath the Earth's surface that bears significant amounts of groundwater.

***Architectural Features**:* Ornamental or decorative features attached to or protruding from an exterior wall, including cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Area of Shallow Flooding: A designated AO or AH zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet, or where a clearly deemed channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

As-Built Data Drawings: Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed.

Awning Sign: See "Building Sign."

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

Axle: assembly of a vehicle consisting of two or more wheels whose centers are in one horizontal plane, by means of which a portion of the weight of a vehicle and its load, if any, is continually transmitted to the roadway. An axle is any such assembly whether or not it is load-bearing only part of the time. For example, a single-unit truck with a steering axle and two axles in a rear-axle assembly is a truck even though one of the rear axles is a so-called dummy, drag, tag, or pusher type axle.

B

Banner: A sign other than a flag, made of paper, cloth, thin plastic, or similar lightweight pliable material, and usually containing a message or logo.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year (i.e., 100-year flood).

Base Flood Elevation: The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: The lower level of a building having a floor-to-ceiling height of at least 6½ feet and a portion of its floor subgrade (below ground level) on at least one side. See also "Cellar."

Bay Window: A window assembly whose maximum horizontal projection is not more than two feet from the vertical plane of an exterior wall and is elevated above the floor level of the home.

Bed and Breakfast Inn: A business establishment operated within a dwelling by the owner or occupant, offering temporary lodging and one or more meals to guests while away from their normal places of residence. In contrast, see "Rooming or Boarding House" and "Hotel or Motel."

Beneficial Owner(s): All property owners in a subdivision that derive benefit from a stormwater management facility, detention facility, retention facility, or drainage easement may be considered owners of that facility or easement.

Best Management Practices (BMP's)—Erosion and Sedimentation Control: A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control and are designed in accordance with the specifications contained in the *Manual for Erosion and Sediment Control in Georgia*.

Best Management Practices (BMPs)—Stormwater Management: Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Biomedical Waste Disposal or Transfer Facility: A facility engineered and designed for the collection and/or transfer of biomedical waste products such as used gauze, syringes, needles, bandages, test tubes and surgical wastes from a collector vehicle to a transport vehicle for conveyance to another destination for incineration or disposal.

Biomedical Waste: Any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated in accordance with the rules of the Georgia Environmental Protection Division.

Block: A piece or parcel of land entirely surrounded by public highways or streets (other than alleys), railroads or other rights-of-way, or boundaries of the development within which the block is located.

Bridge: A structure having a clear span of more than twenty feet designed to convey vehicles and/or pedestrians over a water course, railroad, public or private right-of-way, or any depression.

Buffer, Landscape: A landscape buffer is an area of natural/planted vegetation and/or man-made construction that is intended to provide a visual and dimensional separation between dissimilar land uses. In contrast, see "Buffer, Stream."

1. ***Natural Buffer:*** A visual screen created by undisturbed vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
2. ***Structural Buffer:*** A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with existing or planted vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Buffer, Stream: A strip of natural indigenous vegetation adjacent and parallel to the bank of a regulated stream designed to preserve and improve the quality of water within the regulated stream and its watershed. In contrast, see "Buffer, Landscape."

Buildable Area of Lot: That portion of a lot bounded by and interior to the minimum required rear, side and front yards as established by the minimum building setback lines for a principal building.

Building: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or chattels.

Building Code: The technical codes approved for enforcement or otherwise adopted or adopted as amended by the County under the Georgia Uniform Codes Act, which regulate the construction of buildings and structures.

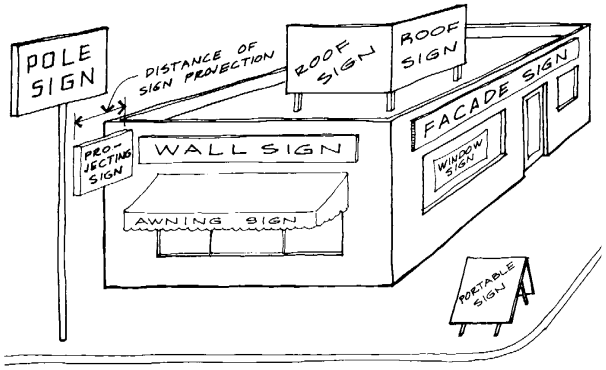
Building Line: The line established by law beyond which a building shall not extend as determined by front, side, and rear yards herein.

Building Permit: A written permit that allows construction issued by the Planning Director.

Building, Alterations of*:* See "Alteration of a Building."

Building, Main: A building in which is conducted the principal use of the lot on which it is situated. Also referred to as a "Principal Building."

Building Sign: A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes but is not limited to the following:



SIGN TYPES

1. ***Awning Sign:*** A sign imposed, mounted or painted upon an awning.
2. ***Mansard Sign:*** A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.
3. ***Marquee Sign:*** Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.
4. ***Parapet Sign:*** A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.
5. ***Projecting Sign:*** A sign affixed to a wall and extending more than 12 inches from the surface of such wall, usually perpendicular to the wall surface.
6. ***Roof Sign:*** A sign that is mounted on, applied to, painted on, or otherwise structurally supported by the roof of a building.
7. ***Under-Canopy Sign:*** A display attached to the underside of a marquee or canopy and protruding over public or private sidewalks.
8. ***Wall (Or Façade) Sign:*** A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 12 inches.
9. ***Window Sign:*** A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.

C

Caliper: The diameter of a tree (usually nursery stock) measured at a point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Canopy: A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

Caretaker's Residence: A permanent, secondary, or accessory dwelling for person's employed principally on-site for the purposes of care and protection of persons, property, maintenance responsibilities, etc., and his or her spouse and children.

Cellar: The lower level of a building with more than one-half of its floor-to-ceiling height below the average finished grade of the adjoining ground on all sides, or with a floor-to-ceiling height of less than 6½ feet. See Also "Basement."

Cemetery: Any plot of ground, churchyard, building, mausoleum, or other enclosure used for the burial of the dead.

Changeable Copy Sign:

1. ***Automatic Changeable Copy Sign:*** A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units. Copy shall mean words and numbers.
2. ***Manual Changeable Copy Sign:*** A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters. Copy shall mean words and numbers.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Channeled Letters:

1. ***Internally Channeled Letters:*** Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.
2. ***Reverse Channeled Letters:*** Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.

Children's Day Care Facility: A "day care facility," as defined in this Code, for children. For the purpose of this Development Code the term "children's day care facility" shall include but not be limited to the terms "nursery school," "early learning center, "pre-kindergarten," "private kindergarten," "play school," or "pre-school."

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C § 1251 et seq.), and any subsequent amendments thereto.

Clinic: An establishment where patients, who are not lodged overnight, are admitted for medical examination and treatment.

Cluster Box Unit (CBU): A structure or shelter housing multiple mailbox units to serve each residential dwelling of the development for the express purpose of regular mail delivery provided by the United States Post Office (USPS).

Commercial: See under "Land Use Categories."

Common Open Space: See "Open Space."

Compatibility: With regard to buildings, compatibility means achieving harmony in appearance of architectural features in the same vicinity.

Composting Center: A site or facility in which composting activities take place under controlled conditions.

Composting: The controlled biological decomposition of organic matter into a stable, odor free humus.

Condition of Zoning Approval: A requirement adopted by the Board of Commissioners at the time of approval of a rezoning or Special Use, placing greater or additional requirements or restrictions on the property than provided in this Development Code in order to reduce an adverse impact of the rezoning or Special Use and to further the protection of the public health, safety, morals, aesthetics, convenience, order, prosperity, and general welfare.

Condominium: A form of ownership distinguished by the absence of individual lots or lot lines and utilizing instead a system of ownership whereby dwelling or other units are individually owned but where land outside of the building walls is held in common and maintained by a condominium association in accordance with OCGA Section 44-3-70, known and cited as the "Georgia Condominium Act."

Conservation Subdivision: See "Subdivision, Conservation."

Construction Activity: Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES Construction Permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Construction/Demolition Waste: Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

Construction/Demolition Waste Landfill: A discrete area of land that receives construction/demolition waste as defined above.

Critical Facility: Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

a. structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;

b. hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events

c. emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and

d. generating plants, and other principal points of utility lines.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

D

Dam: A structure or wall constructed for the purpose of stopping water, whether constructed as An earthen, embankment, reinforced concrete, or other material.

Day Care Facility: The use of a building or premises for the care and supervision of children or elderly adults who do not reside on the property, for periods of less than 24 hours.

1. ***Family Day Care Home:*** An accessory use within a private residence operated by the occupant of the dwelling that enrolls for pay, supervision and non-medical care, 5 or fewer children or elderly adults with no overnight stays, or no more than 6 children or elderly adults if the structure meets the Building Code requirements for institutional uses.

2. ***Group Day Care Home:*** A day care facility that enrolls for pay, supervision and non-medical care, up to 18 children or elderly adults with no overnight stays.

3. ***Day Care Center:*** A day care facility that enrolls for pay, supervision and non-medical care, 19 or more children or elderly adults with no overnight stays.

Dead Tree Or Plant: Any living plant material that has lost 33% or more of its branches or leaves, as determined by the Planning Director or other qualified designee, shall be considered dead.

Design Professional of Record: The licensed professional whose seal appears on plats or plans subject to these regulations.

Detention: The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention Facility: A basin or structure used for the temporary storage of stormwater runoff for the purpose of controlling the peak discharge and which is designed to completely drain after a specified period of time.

Developer: A person who undertakes land development activities.

Development Permit: The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

Development Review Committee (DRC): An internal review group to provide technical review of zoning applications, construction plans and other related items, and consisting of representatives of the Planning and Code Enforcement, Public Works/Engineering, Water Resources, Health, EMA and/or other County Departments

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and permanent storage of materials or equipment; a land development or land development project.

Diameter Breast Height (Dbh): The diameter of an existing tree trunk measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

Dormer: A window projecting from a roof.

Double Frontage Lot: A lot having frontage on two (2) streets as distinguished from a corner lot.

Double-Faced Sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

Drainage Easement: An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control or flood control purposes.

Drip Line: A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Driveway Grade: the grade of the centerline of driveway measured at its steepest point.

Driveway: A travelway improved for vehicular access to a property for the primary purpose of providing access between a street and automobile parking facilities or truck loading areas on the property, or for providing a connection between distinct parking or loading areas on the property.

Drug Store/Pharmacy: A retail business establishment which, A) dispenses prescription and non-prescription medications and B) has more than 2,500 square feet of floor space or which offers for sale products from more than three of the following product categories:

1. Bulk consumption food or drink products such as multiple serving food or drink packages or containers, (but not including single serving packages or containers).
2. Photographic film developing or processing services.
3. Tobacco products such as cigarettes, cigars, snuff, pipe tobacco, or chewing tobacco, (but not including nicotine gum, patches or similar products marketed as stop smoking aids).
4. Small appliances and personal electronics such as toasters, radios, cassette tape and CD players, calculators, cameras, video games, hair dryers or electric razors, (but not including digital medical thermometers, blood pressure or blood oxygen monitors, humidifiers, heating pads and medication delivery systems.
5. Cosmetics such as makeup, lipsticks or perfumes, (but not including mouthwashes, toothpastes, foot powders, first aid supplies or medical prostheses).

6. Alcoholic beverages such as beer, wine or spiritous liquors, (but not including medicines containing alcohol).
7. Housewares such as light bulbs, cooking utensils, cleaning fluids, drain cleaners, mops, garden hoses or lawn sprinklers.
8. Hardware such as hand tools, power tools, nails, screws, or electrical extension cords, (but not including durable medical equipment such as wheelchairs, braces, splints, crutches, walkers and similar equipment).
9. Seasonal items such as Christmas decorations, Halloween costumes and candy, lawn chairs, barbeque grills or picnic coolers, (but not including seasonal flu vaccine or other seasonal medicines).
10. School and office supplies such as staplers, three ring binders, file folders, desk calendars or pencil sharpeners.
11. Sporting goods and toys.
12. Automobile products including motor oil, gas treatment, jumper cables, wiper blades or fuses, (but not including prostheses or other device to assist a disabled person with driving).

Dumpster/Waste Container: A container used solely for the temporary collection and periodic transfer of garbage, household waste or trash excluding sanitary waste in septic tanks, yard trimmings, construction and demolition wastes, and hazardous wastes.

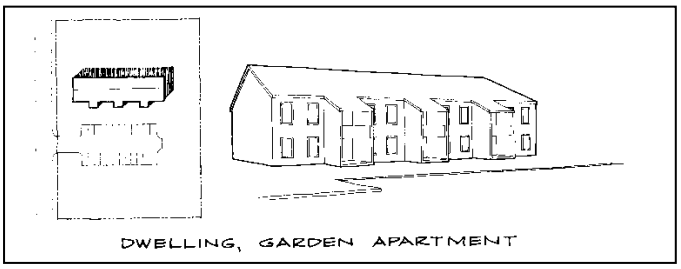
Dwelling: Any building or portion thereof which is designed for or used for residential purposes.

Dwelling Unit: An enclosure of one or more interconnected rooms, including separate bathroom and kitchen facilities, designed and constructed as a unit for permanent residential occupancy by one family.

Dwelling, Single Family: A building designed for and occupied exclusively by one family. See also "Site Built Single-Family Dwelling," "Manufactured Home," "Mobile Home" and "Modular Home."

Dwelling, Multi-Family: A residential building designed exclusively for occupancy by three or more families in separate dwelling units living independently of each other.

1. ***Townhouse:*** A multi-family dwelling in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another, as shown in the following illustration.
2. ***Apartment:*** A multi-family dwelling in which a dwelling unit may be located above another, as shown in the illustration.



Dwelling, Tenant: A residential structure located on a farm, said structure being owned by the farmer or property owner and occupied by a non-transient farm worker who is employed by the owner or operator of the farm. Said employment shall be directly associated with a

bona fide agricultural operation on the same property as the tenant dwelling.

Dwelling, Two-Family (Duplex): A building designed for and occupied exclusively by two families living independently of each other in separate dwelling units within the same building.

E

Earthen Fill Landfill: An inert waste landfill, as defined in this Code, limited to earth, yard trimmings, stumps, limbs, and leaves.

Easement: A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Elevated Building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Engineer: A registered, practicing engineer, licensed by the State of Georgia.

EPD Director: The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources.

Erosion and Sedimentation Control Plan: A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Erosion: The process by which land surface is worn away by the action of wind, water, ice, or gravity.

Excavation and Trenching Certificate Holder: The holder of the "excavation and trenching certificate" identified above.

Excavation and Trenching Certificate: The certificate issued upon satisfactory completion of a mandatory training/educational program regarding excavation and trenching safety practices, such program to be provided by or approved by the Oconee County Fire Department.

Excavation: (1) The mechanical removal of earth material. (2) Any manmade cavity or depression in the earth's surface, including its sides, wall, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

Existing Construction: For the purposes of flood damage prevention requirements, any structure for which the start of construction commenced before adoption of the first flood damage prevention ordinance or regulation in the county (July 17, 1989).

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before July 17, 1989.

Expansion to an Existing Manufactured Home Park or Subdivision:

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

F

FAA: Federal Aviation Administration.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined.

FCC: Federal Communications Commission.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flag: A sign made of paper, woven natural or synthetic fabric, thin plastic, or similar light-weight pliable material that is normally displayed by flying from a pole as a wind-activated device.

Flood and Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): The official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM): The official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Flood Plain: Any land area susceptible to flooding.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area, Gross Leasable: The gross floor area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.

Floor Area, Gross: The total area of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings, but not including attic space providing headroom for less than 7 feet; unusable basement or cellar space; uncovered steps or fire escapes; open porches; accessory water or cooling towers; and accessory off-street parking spaces or accessory off-street loading berths within the building.

Floor Area, Heated: The gross floor area of all spaces within a building that are heated by mechanical means, known also in dwelling units as "living area." Heated floor area does not include garages, unheated basements or cellars, attic storage areas, partially unenclosed decks or lanais, and areas open to the sky.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected

size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Freestanding Sign: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:

1. ***Pole Sign:*** A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.
2. ***Ground Sign:*** A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign."

Frontage, Lot: The distance over which the boundary line of the lot and the street line are coincident.

Functionally Dependent Use*:* A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water.

G

Garage Apartment: A dwelling unit for one family erected above a private garage detached from the main dwelling.

Garage, Parking: A building or portion thereof designed or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with may be performed general automotive servicing as distinguished from automotive repairs.

Garage, Private: An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport would be considered as a private garage.

Garage, Repair*:* A building or portion thereof, other than a private or parking garage, designed or used for the storage, servicing, repairing, equipment and hiring of motor driven vehicles.

Garbage: Food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

Generalized Wetland Map: The most recently published Generalized Wetland Map shall include all portions of the National Wetlands Inventory Maps produced by the U.S. Department of the Interior that are pertinent to lands within the jurisdictional boundaries of Oconee County, GA.

Georgia D.O.T. Standards/Specifications: *State of Georgia Standard Specifications – Construction of Transportation Systems*, latest edition.

Georgia Stormwater Management Manual, Volume 2**:** Technical Handbook, produced as a result of a collaborative effort between the Atlanta Regional Commission (ARC), the Georgia Department of Natural Resources-Environmental Protection Division (EPD), and 35 cities and counties from across Georgia that provides guidance on the techniques and measures that can be implemented to meet a set of stormwater management minimum standards for new development and redevelopment, as amended from time to time.

GIS: Geographic Information System.

GPS: Global Positioning System.

Gradient Formula: d = gxl/100 where d is vertical difference in elevation in feet; l is horizontal distance in feet; and g is slope or gradient expressed as a percent.

Gradient: Slope.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

Greenspace: Permanently protected areas of the site that are preserved in a natural state. See also under "Open Space."

Gross Floor Area (GFA): See "Floor Area, Gross."

Gross Leasable Area (GLA): See "Floor Area, Gross Leasable."

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Guest House: A habitable living unit that is an accessory use to a dwelling and is designed and intended for the temporary housing of visitors to a property at the behest of the property residents for no fee or other consideration, and meeting or exceeding the Standards for Single-Family and Two-Family Dwellings under this Code.

H

Habitable Room: Any room designed and used for sleeping or living purposes, or combinations thereof. Enclosed places intended for common use, such as, bathrooms, toilet compartments, halls, closets, kitchens, storage or utility spaces, and other similar areas are not considered a habitable room.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous or Toxic Waste Transfer Station: A facility in which toxic or hazardous wastes are brought in to the site exclusively for transferal to another vehicle that will transport the wastes to another facility for disposal.

Hazardous Waste: Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material that may be a hazard to the public health, safety or environment, except radioactive waste materials as defined by the State of Georgia.

Heated Floor Area: See "Floor Area, Heated."

Heavily Landscaped Area: An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25% of its area covered in turf (seed or sod). The remaining 75% shall contain shade trees (2 inch caliper minimum), flowering trees (2 inch caliper minimum), evergreen shrubs (3 gallon minimum), deciduous shrubs (3 gallon minimum), and perennials or non-turf groundcovers (2½ inch pot minimum). All plant materials shall be mulched.

Heavy Truck**:** Any vehicle, except recreational vehicles, vehicles displaying restricted plates, buses used in transportation of chartered parties, and government owned vehicles, used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property and which is:

1. A power unit having a gross vehicle weight in excess of 26,000 pounds;
2. A power unit having three or more axles, regardless of weight; or
3. Used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Height of Telecommunications Tower: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Helipad: An accessory facility where helicopters take off and land in the normal course of business, delivery or service to a principal use. A helipad consists only of the takeoff/landing facility and its attendant safety structures, and does not include service, maintenance and repair, or fueling facilities. See also "Heliport."

Heliport: A takeoff and landing area for helicopters which also provides service, storage, maintenance and repair, and fueling for private or commercial helicopters.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either: a) By an approved state program as determined by the Secretary of the Interior, or b) Directly by the Secretary of the Interior in states without approved programs.

Home Business: See "Home Occupation."

Home Occupation: Any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit. A home occupation is further defined as one of the following:

1. ***Home Office:*** A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
2. ***Home Business:*** A home occupation that is limited to the use of a practicing professional or artist, or to the office use of the operator of a business, and may involve very limited visits or access by clients or customers and the maintenance, repair, storage or transfer of merchandise received at the home.
3. ***Family day care home:*** A home occupation in which the occupant of the dwelling provides supervision and non-medical care for up to 6 children or elderly adults with no overnight stays. See definition under "Day Care Facilities."

Home Office: See "Home Occupation."

Horse Riding Stable: A building in which horses are housed, kept, fed or maintained for personal enjoyment or commercial recreation.

1. ***Horse Riding Stables, Commercial:*** A horse riding stable in which the horses are available for riding or riding instruction for compensation to persons other than the owners of the horses or the owners' guests.
2. ***Horse Riding Stables, Private:*** A horse riding stable in which some or all of the horses that are housed, kept, fed or maintained, whether or not for compensation, may not be owned by the owner of the stable, and horse riding is limited to the owners of the horses or the owners' guests.

3. **Horse *Riding Stables, Personal:*** A horse riding stable that is an accessory use to a residence and in which the horses that are housed, kept, fed or maintained are owned by the occupants of the residence.

Hotel or Motel: A business establishment offering short term lodging (30 days or fewer) to the traveling public while away from their normal places of residence, and often including a restaurant as an accessory use. In contrast, see "Bed and Breakfast Inn" and "Rooming or Boarding House."

Hotspot: A land use or activity on a site that produces higher concentrations of trace materials, hydrocarbons or other pollutants than are normally found in urban stormwater runoff. Examples of hotspots include, but are not limited to: gas stations, vehicle service and maintenance areas, salvage yards, material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Household Waste: Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

Hydric Soils: Soils that form as a result of saturated soils conditions. A list of these soils is maintained by the Soil Conservation Service.

Hydrophytic Vegetation: Macrophytic plants tolerant of or dependent on saturated soil conditions.

I

Illegal Connection: An illegal connection is defined as either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water, regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency; or
2. Any pipe, open channel, drain or conveyance connected to the Oconee County separate storm sewer system that has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge: Any direct or indirect non-stormwater discharge to the Oconee County storm drain system, except as exempted in the Storm Drainage and Stormwater Management Division of the Erosion Control and Stormwater Management Article of this Development Code.

Illuminated Signs:

1. ***Internally Illuminated Sign:*** Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face.
2. ***Externally Illuminated Sign:*** Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Impervious Cover: A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, disturbed and compacted soil, and any concrete or asphalt surface.

Incidental Sign: A small sign, emblem, or decal no larger than one square foot. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

Industrial: See under "Land Use Categories."

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40CFR, Section 122.26 (b) (14).

Industrialized Building: A building manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner.

Inert Waste Landfill: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

Infiltration: 1) The use of pervious surfaces to allow rainfall to soak into the ground on site. 2) The process of percolating stormwater runoff into the subsoil.

Inspection and Maintenance Agreement: A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records, constitutes a restriction on the title to a site or other land involved in a land development project.

Institution: A non-profit corporation or non-profit establishment.

Intensity of Rainfall Event: The rate at which rain is falling at any given instant during the life of a rainfall event expressed in inches per hour.

Interchange: A grade separated intersection, usually on a controlled access or limited access roadway, where access to such roadway is provided by means of bridges and ramps so that traffic entering and exiting the highway can merge into and exit from the highway at the posted speed limit. This definition shall not include at-grade intersections.

Intermodal Container: A six-sided container used for the storage and/or transportation of goods and designed for transport or capable of being transported by a variety of transportation modes, i.e. on semi-trailer beds, rail cars or ships.

Internally Channeled Letters: See under "Channeled Letters."

J

Junk Vehicle: A wrecked, damaged, inoperable, or dismantled or partially dismantled motor vehicle in such a condition that the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle.

Junk Yard: Any establishment which is maintained or used for storing, buying, or selling junk, or for an automobile graveyard, in contrast to a "recycling or materials recovery facility.

Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste; junked, dismantled, or wrecked automobiles, or parts thereof; or iron, steel, and old scrap ferrous or nonferrous material.

Jurisdictional Determination: An official, written statement or map signed by the U.S. Army Corps of Engineers.

Jurisdictional Wetland: A wetland area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

K

Kennels: Any location where raising, grooming, caring for or boarding of dogs, cats or other small animals for commercial purposes is carried on.

Kindergarten: A school for pre-elementary school children ranging in age from 4 through 6 years; which operates for less than 8 hours per day.

Kiosk: A freestanding sign structure, usually cylindrical in shape, intended to be viewed from all sides and erected for the purpose of posting signs, notices or other public announcements. Kiosks that are composed of flat faces are treated as multi-faced signs.

L

Land Development: Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Development Activities: Those actions or activities that comprise, facilitate, or result in land development.

Land Development Project: A discrete land development undertaking.

Land Disturbance Permit: Authorization from the local or state regulatory agency to perform construction activities or land disturbance activities in conformance with an approved soil erosion and sediment control plan and/or minimum standards as provided by law.

Land-Disturbing Activity: Any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including those practices that are exempt under the Soil Erosion and Sedimentation Control provisions of this Development Code.

Land Use Categories *(for Sign Regulations under Article 7):*

1. ***Agricultural:*** A property used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property zoned or offered for sale or lease for such purpose.
2. ***Single- and Two-Family Residential:*** A property occupied primarily by one or more single-family dwellings or duplex dwellings, or a vacant property zoned or offered for sale or lease for such purpose.
3. ***Multi-Family Residential:*** A property occupied primarily by one or more residential buildings containing three or more dwelling units, or a mobile home park, or a vacant property zoned or offered for sale or lease for such purposes.
4. ***Commercial:*** A property occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel); or a vacant property zoned or offered for sale or lease for such purposes.
5. ***Industrial:*** A property occupied by one or more business establishments that are primarily engaged in the fabrication, manufacture or production of durable or nondurable goods, or a vacant property zoned or offered for sale or lease for such purpose.
6. ***Public or Community Use:*** A property occupied by a nonprofit religious, recreational or philanthropic organization, club or institution.

Landing Area: The area of an airport used for landing, taking off, or taxiing of aircraft.

Landscape Architect: A registered, practicing landscape architect licensed by the State of Georgia.

Landscape Buffer: See "Buffer, Landscape."

Landscape Materials: Any combination of living plant materials and nonliving materials such as rock, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools. Synthetic landscaping materials acceptable to the Director of Planning may also be used.

Larger Common Plan of Development or Sale: A contiguous area where multiple, separate and distinct construction activities are or may be occurring at different times on different

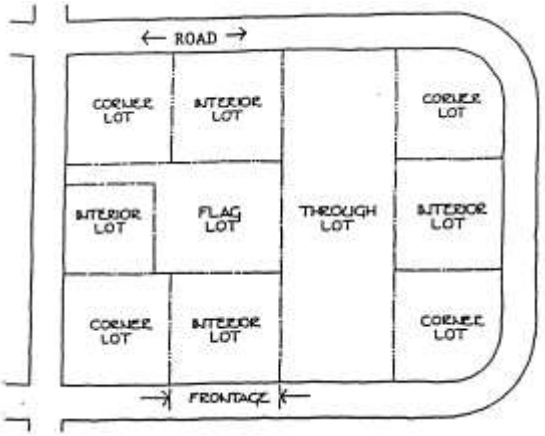
schedules under one plan of development or sale. For purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Lateral Expansion: A horizontal expansion of the waste boundaries of an existing MSWLF unit or landfill unit.

Laundry and Dry Cleaning Pick Up: A business that provides only for the convenience of taking and picking up of laundry, such as establishments not having any equipment for processing of the laundry.

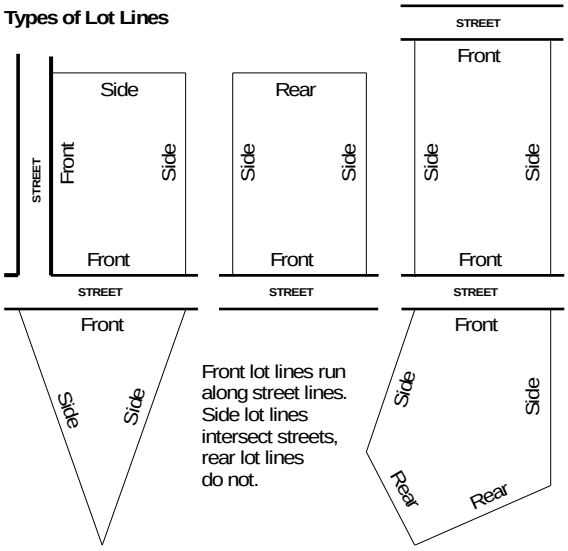
Loading Space: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

Local Issuing Authority: The Oconee County Board of Commissioners or its assigned or designated representative, which shall be responsible for administering this Article and has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as the issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended.



Lot: A parcel or tract of land held in single or undivided ownership devoted to a common use or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

1. ***Corner Lot:*** A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 120 degrees.
2. ***Double-Frontage Lot (i.e., a "Through Lot"):*** A lot bounding on 2 or more streets, but not at their intersection, so that it is not a corner lot unless said corner lot has frontage on 3 or more sides.
3. ***Interior Lot:*** A lot having frontage on only one street.
4. ***Flag Lot:*** A lot having a street frontage and initial lot width notably less wide than the body of the lot (usually where the principal building is intended to be located), such that the lot appears to be a "flag" on a "pole" extending to the street frontage.



Lot Area: The computed ground area inside the lot lines.

Lot Coverage: The computed ground area occupied by all impervious surface within a lot.

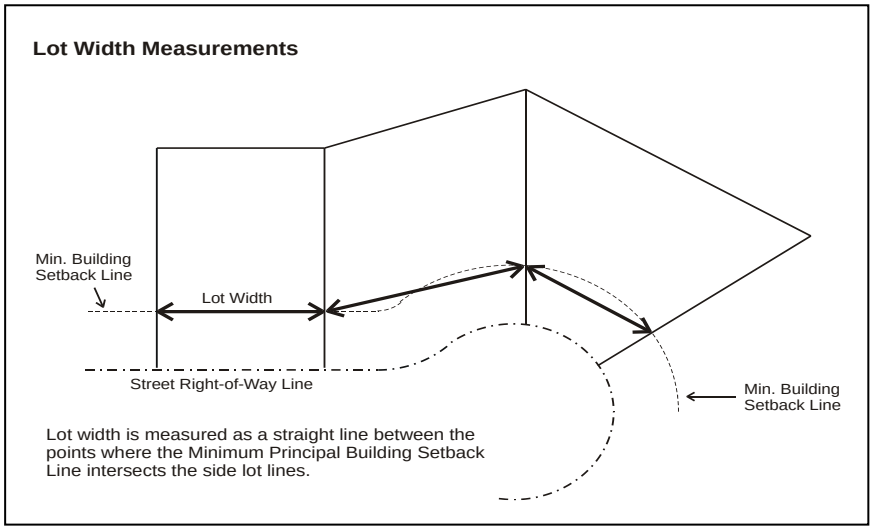
Lot, Depth Of: The distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.

Lot Line: The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.

1. ***Front Lot Line:*** Any boundary line of a lot that abuts a street. A lot adjacent to more than one street will have more than one front lot line.
2. ***Rear Lot Line:*** Any boundary line of a lot that does not intersect with a street right-of-way line and is not a front lot line.
3. ***Side Lot Line:*** Any boundary line of a lot that intersects with a street right-of-way line and is not a front lot line.

Lot of Record: A lot or parcel of land whose existence, location and dimensions have been recorded in the Office of the Clerk of the Superior Court of Oconee County.

Lot Width: The distance measured along the front minimum building setback line between intersecting lot lines. The lot width shall be measured along a straight line between such points of intersection.



Lot, Depth Of: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.

Lowest Floor: The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

M

Mansard: A steeply sloped, roof-like facade architecturally similar to a building wall.

Manufactured Home Installation: The construction of a foundation system and the placement or erection of a manufactured home or a mobile home on the foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such home and connecting multiple or expandable sections of such home.

Manufactured Home Installer: A person responsible for performing an installation and who has obtained a license pursuant to the provisions of Georgia Law.

Manufactured Home Park: A single, un-subdivided property on which two or more manufactured homes are located or intended to be located for purposes of residential rental occupancy as permanent places of residence.

Manufactured Home Park or Subdivision (Per Floodplain Management requirements): A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Space: A designated area within a manufactured home park, distinguished from a lot in a subdivision under fee-simple ownership, upon which a single manufactured home is or may be placed, along with its accessory structures and uses.

Manufactured Home Subdivision: A residential subdivision, designed and approved in accordance with the subdivision regulations, in which individual ownership of a lot is permitted, for the placement of a manufactured home for dwelling unit purposes.

Manufactured Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq*.

Manufactured Home (Per Floodplain Management requirements): A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Marquee Sign: See under "Building Sign."

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Massage Therapy Establishment: An establishment where body massages are provided by State licensed massage therapists.

Master Planned Development: An area of land for which an overall development plan has been prepared that meets the requirements of Article 5 and which allows for design flexibility from traditional land use development requirements (such as setbacks, prohibitions against mixing land uses within a development, street design and ownership) and which allows for greater design flexibility in locating buildings and in combining residential and commercial land uses and dwelling and structure types making it possible to achieve certain economics in construction as well as the preservation of green space and the inclusion of amenities. MPDs are designed to be located where adequate infrastructure (such as utilities and transportation) is available or can be easily obtained and on or near major road corridors near major transportation areas, shopping, schools and employment centers.

Materials Recovery Facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 *et seq*., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Minimum Street-Side Setback: The minimum distance required by the zoning on a property between an adjoining street and the façade of a principal building on the property.

Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976 or otherwise does not comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq*.

Modular Building: See "Industrialized Building."

Modular Home: A dwelling manufactured in accordance with the Georgia Industrialized Building Act (see "Industrialized Building").

Monument Sign: See "Ground Sign" under "Freestanding Sign."

Motel: See "Hotel or Motel."

Motor Vehicle Safety Commissioner: The Georgia Commissioner of Motor Vehicle Safety or the Oconee County Tax Commissioner when so authorized by the Georgia Commissioner of Motor Vehicle Safety to act on his or her behalf in carrying out the responsibilities of O.C.G.A. 8-2-180 *et seq*.

Mulch: Pine straw, pine bark, pebbles, lava rock, or processed cypress trees acceptable to the Director of Planning may be used. By products of unprocessed grinding operations may not be used for mulching under landscape plants or trees.

Multi-Faced Sign: A single sign structure consisting of two sign faces (see "double-faced sign) or three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

Multi-Family Residential: See under "Land Use Categories."

Municipal Solid Waste Landfill (MSWLF) Unit: A discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impounding, injection well, or waste pile, as those terms are defined under 40 CFR Part 257.2. A MSWLF unit also may receive other types of solid waste, such as commercial solid waste, non-hazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or private owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by Georgia EPD under authority delegated pursuant to 33 USC § 1342 (b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Natural Buffer: See under "Buffer, Landscape."

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

Net Density: For the purposes of conservation subdivisions, net density shall be the total contiguous acreage within the boundaries of the subdivision divided by the total number of building lots and shall be expressed in "lots per acre" (e.g., 50 total acres divided by 43 building lots = one lot per 1.1628 acres net density).

New Construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced after April 17. 1995 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after July 17, 1989, and includes any subsequent improvements to such structures.

New Development: A land development activity on a previously undeveloped site.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after adoption of the first flood damage prevention ordinance or regulation in the county (July 17, 1989).

New MSWLF Unit: Any municipal solid waste landfill unit that has not received waste prior to October 9, 1993.

Nonpoint Source Pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such a sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural Stormwater Management Practice or Nonstructural Practice: Any natural or planted vegetation or any other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Non-Urbanized Area: The area of unincorporated Oconee County not regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit.

Nursing Care Facility: A home for aged or ill persons in which 3 or more persons not of the immediate family are provided with food, shelter, and care for compensation but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment, and not including personal care homes. Nursing homes usually have comprehensive medical staff including RNs and LPNs or other state licensed health care providers.

Oconee County Separate Storm Sewer System: Any facility, owned or maintained by the county, designed or used for collecting and/or conveying stormwater, including but not limited to roads with drainage systems, Oconee County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

One-Hundred-Year Flood Plain: A land area subject to a 1 percent or greater statistical occurrence probability of flooding in any given year.

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Open Space: An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment. Open space can be defined as:

Common Open Space: Land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public or private rights-of-way, or yard areas or landscape areas located on private property.

Public Open Space: Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.

Greenspace: Permanently protected areas of a site that are preserved in a natural state.

Operator: The manager or other person principally in charge of an adult entertainment establishment.

Operator: The party or parties that have: 1) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or 2) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

OSHA: The U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.

Owner (of an Adult Entertainment Establishment): Any individual or entity holding more than a 30 percent interest in an adult entertainment establishment.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in land or other real estate to commence and maintain proceedings for approval of a zoning change, permit or other approval under this Development Code. The term "owner" includes the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of a site. See also "Beneficial Owner."

Parapet: The extension, false front or wall above a roof line.

Parcel: A general term including all plots of land shown with separate identification on the Official Tax Appraisal Maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.

Parcel: See "Lot of Record."

Parking Aisle: The traveled way, which is not the public right-of-way, by which cars directly enter and depart parking spaces.

Parking Bay: Three or more parking spaces adjacent to one another and aligned side-by-side.

Parking Lot Island: A landscaping strip located in a parking lot. Such islands must be sized to allow the plants and trees located within it to grow to their mature size.

Parking Lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking Space: A space identified and set aside for the temporary parking of an automobile or other motor vehicle.

Parkway: A road or street in which the travelways are separated by a vegetated median; and, within the context of its use, the vegetated median itself within such a road or street.

Paved Roadway Width: The shortest distance as measured from curb face to curb face or, if without curbing, as measured from edge of pavement to edge of pavement.

Pennant: Any lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a "banner" or an "official or personal flag" as regulated in this Development Code.

Perennial Stream: A stream that flows throughout the whole year. Perennial streams may be identified as shown as such on a United States Geologic Service Quad map.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State, any interstate body or other legal entity.

Personal Care Home: A profit or nonprofit facility, home or structure providing protective care and watchful oversight for residents. Such home, however, shall not provide chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the residents while inside the building. Personal care may include daily awareness by the management of the residents' functioning and whereabouts, the reminding of residents of their appointments, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care. The residents and staff shall live together as a single housekeeping unit and in a long-term, family-like environment. Personal care homes are distinguished from Nursing Homes in that personal care homes do not have a comprehensive or full-time medical staff.

Personal care homes shall not provide services to any person who would constitute a direct threat to the health and safety of other individuals. The term "personal care home" shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. All personal care homes must have a permit from the Georgia Department of Human Resources.

Personal Care Home, Congregate: A personal care home which offers care to 16 or more persons.

Personal Care Home, Family: A personal care home in a family residence setting, non-institutional in character, which offers care to 2 through 6 persons.

Personal Care Home, Group: A personal care home in a residence or other type building or buildings, non-institutional in character, which offers care to 7 through 15 persons.

Pervious Pavement: A hardened surface capable of supporting automobiles and light trucks, constructed of cast-in-place concrete or precast modular concrete pavers, which contains voids that are filled with pervious materials such as sand or grass turf.

Pet Grooming: Pet bathing, grooming, clipping, dipping and other care of domestic animals that does not include overnight boarding.

Photovoltaic (PV) System: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever

sunlight strikes them. Included in a PV system are the solar energy generation mechanisms (e.g., panels or other assemblies of solar electric cells), inverters (devices that convert Direct Current electricity produced by the system to usable Alternating Current), batteries and battery systems that store electrical energy from the PV system for future use, meters, and electric transmission wires and conduits that facilitate connections with users and/or the local power grid.

Planned Center: A single office, commercial, or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately owned and have no corporate relationship.

Planned Unit Development: Any planned concentration, which provides for innovative concepts in large scale residential, commercial, or industrial development, which enables economy in capital expenditures or utilities and streets and in subsequent maintenance.

Plat, Final: A plat of a subdivision of property that is intended to be recorded with the Clerk of the Superior Court of Oconee County.

Plat, Preliminary: A plat showing the layout of a proposed subdivision, submitted for approval prior to submission of the final plat.

Plat: A map, plan or layout of a county, town section, subdivision, parcel or lot indicating the location and boundaries of properties.

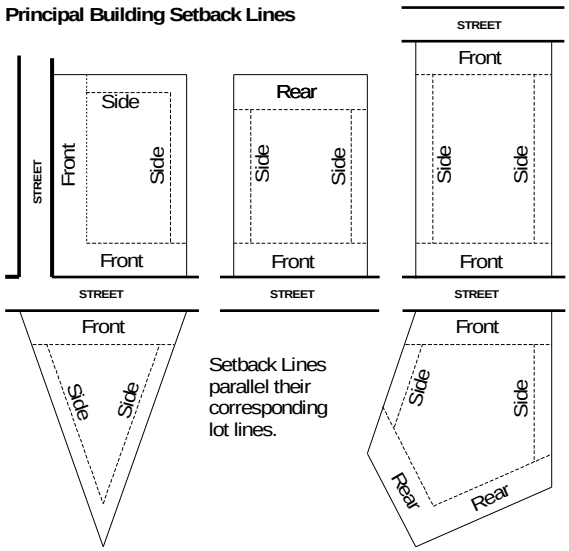
Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution: Contamination or other alteration of any water's physical, chemical, or biological properties by addition of any constituent including but not limited to a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Pollution Susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in a groundwater recharge area.

Principal Building Setback Line: A line delineating the minimum allowable distance between a property line (or the right-of-way line) of an abutting street and a principal building on a lot.

1. ***Front Building Setback:*** The minimum allowable distance between the right-of-way line of any abutting street and any part of a principal building on a lot. The front setback distance is applied along the full length of the right-of-way line and is parallel to it.
2. ***Rear Building Setback:*** The minimum allowable distance between a rear lot line and any part of a principal building on a lot. The rear building setback extends along and is parallel to the full length of the rear lot line.
3. ***Side Building Setback:*** The minimum allowable distance between a side lot line and any part of a principal building on a lot. The side building setback extends along and is parallel to the side lot line between the front building setback and a rear building setback (if any).



Principal Freestanding Sign: The main or largest freestanding sign or signs on a property.

Principal Use: The primary purpose for which land or a building is used.

Private Access Drive: A driveway that provides access to a public road for not more than 5 parcels of residential, commercial, or industrial property.

Private Bridge: A bridge owned by an individual or individuals in common which is closed to public use and in no way the responsibility of Oconee County for maintenance, over which a roadway passes.

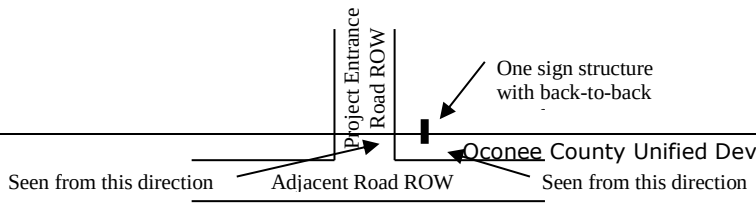
Private Dam: A dam owned by an individual or individuals in common which is closed to public use and in no way the responsibility of Oconee County for maintenance, over which a roadway passes.

Private Walkway: that portion of "on-site" development that provides pedestrian access through the site to a building or other destination.

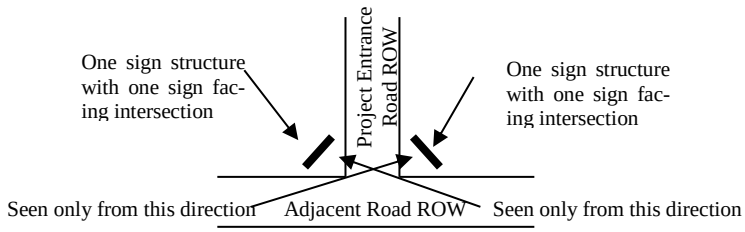
Project: 1) The entire proposed development project regardless of the size of the area of land to be disturbed. 2) For stormwater management, see "Land Development Project."

Project Entrance Sign: A permanent freestanding sign located at an entrance designed and permitted for vehicular access into a multi-family development, or into a development containing multiple lots or condominium units, or into a public or community use property, such as but not limited to a particular residential or commercial subdivision, business center, office park or industrial park. Designs for project entrance signs are classified as two types:

Single Sign: A project entrance sign designed as a single sign structure with two back-to-back faces, oriented to be seen from both directions on the road adjacent to the development.



Dual Sign: A project entrance sign designed as two separate sign structures (each up to the maximum allowed size), each with a single sign face (each up to the maximum allowed size) individually oriented toward the intersection so as to be viewed from only one direction on the road adjacent to the development, and each located on opposite sides of the project entrance. Projecting sign: See under "Building Sign."



Public Announcement Sign: A notice of an event or action made by a government or governmental entity that may be of interest to the general public.

Public Improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the public, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control and street name sign, or other roadway appurtenance other than a driveway apron connection; domestic water supply system main, fire hydrant, valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance other than a drain line from a building.

Public or Community Use: See under "Land Use Categories."

Public Utilities: water, gas, sanitary and storm sewer, electrical and communications lines and facilities, and improved drainage facilities.

Public Utilities: Water, gas, sanitary sewer, storm sewer, electrical, and communications lines and facilities, and natural or improved drainage facilities.

Putrescible Wastes: Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

Qualified Personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

Ramp: (1) A sloping roadway or passage used to join two different levels of streets, structures or buildings; (2) Driveways leading to parking aisles.

Recharge Area: Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Recovered Materials Processing Facility\Materials Recovery Facility (MRF): A facility engaged in the storage, processing, and resale or reuse of recovered materials regardless of whether such facility is principal or accessory use. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recovered Materials: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recreational Vehicle: A vehicle type unit that is one of the following:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.
2. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis, or on a chassis cab or van that is an integral part of the completed vehicle.
3. A park trailer built on a single chassis, mounted on wheels, and designed to be connected to utilities necessary for operation of installed fixtures and appliances, and has a gross trailer area of less than when it is set up, except that it does not include fifth wheel trailers. For units 320 square feet or larger, see the definition of "mobile home."
4. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than 320 square feet. This type includes fifth wheel trailers. Should a unit require a size or weight permit, it shall be manufactured to the standards for park trailers A119.5 of the American National Standards Institute Code.

Recreational Vehicle (Per Floodplain Management requirements): A vehicle, which is: built on a single chassis; 320 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Lot: A parcel of land within an approved recreational vehicle subdivision, which was designed and intended for the accommodation of one recreational vehicle and its accessory structures and uses.

Recreational Vehicle Park: A residential development in which individual spaces are provided for the parking of recreational vehicles for temporary housing purposes for persons traveling away from their permanent places of residence. A campground designed to serve recreational vehicles is also included in this definition.

Recreational Vehicle Space: A site within a recreational vehicle park, which is designed and intended for the accommodation of one recreational vehicle.

Recreational Vehicle Subdivision: A residential subdivision, designed and approved in accordance with the subdivision regulations, in which individual ownership of a lot is permitted for the placement of a recreational vehicle for temporary housing purposes for persons traveling away from their permanent places of residence.

Recycling Center: Any facility that involves any process by which materials which would otherwise become solid waste are collected, separated, and reused or shipped off site to be used in the form of raw materials or products.

Recycling Collection Locations: Metal or heavy-duty plastic containers designed for short term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled, minimum monthly pickup with no on-premise sorting.

Recycling: Any process by which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Redevelopment: A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

***Regulated Activity*:** Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States excepting those activities exempted under provisions of this Article and exempted in Section 404 of the Federal Clean Water Act.

Regulated Stream: A natural, free-flowing watercourse that meets certain criteria as established within the Environmental Protection Article of this Code.

Religious Retreat: Lodging facilities operated by religious or non-secular organizations for their members and not open to the general public. Includes convents and monasteries.

Rental, Short Term*:* The renting or leasing of a detached, attached or semi-detached single-family dwelling unit or portion thereof, not including a rooming or boarding house, where the term of occupancy, possession, or tenancy is less than thirty (30) consecutive calendar days. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other bargained for consideration in exchange for occupancy, possession or use of the property. In contrast, see "Bed and Breakfast Inns," "Hotel and Motel," and "Rooming or Boarding House." ***Residential Subdivision:*** See "Subdivision, Residential."

Restaurant, Custom Service: An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a fast food restaurant.

Restaurant, Drive-In: An eating and/or drinking establishment which caters to motor-driven vehicle business where the patron is served and consumes his food and/or drink while sitting in a motor-driven vehicle in a parking space on the property provided specifically for such service and consumption.

Restaurant, Family: A Custom Service Restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than 1 hour.

Restaurant, Fast Food: See "Restaurant, Limited Service."

Restaurant, Limited Service: Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where drive-through or take-out service is provided incidental to a Custom Service Restaurant.

Restaurant, Quality: A Custom Service Restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of 1 hour or more.

Retention Facility: A basin or structure designed to contain a permanent pool of water with sufficient freeboard to provide for temporary storage and water quality treatment of stormwater runoff.

Return Frequency Storm: The statistically expected time interval between recurrences of a storm of an equal or greater intensity for a given duration.

Reverse Channeled Letters: See under "Channeled Letters."

Right-Of-Way Line: The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

Right-Of-Way: Access over or across particularly described property for a specific purpose or purposes.

River Bank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

River: A natural, free-flowing watercourse that is typically of greater volume than a stream or creek. See also "State Protected River."

Road, Controlled Access: A state or federal highway (usually median divided) that, by design, may only be accessed from:

1. Public streets where such access is provided by grade separated interchanges consisting of bridge(s) and ramps so that traffic entering and exiting said highway can safely merge into and exit from the highway at the posted speed limit, or
2. Public streets where such access is provided at grade level intersections which are designed and permitted by the Georgia DOT as part of the highway construction project, or
3. Right in/right out only private drives without median cuts and where such private drives are permitted by the Georgia DOT due to extenuating circumstances such as no other means of access.

Controlled access roads are distinguished from other state and federal roads in that the private driveway access is the exception to the rule rather than the norm. This definition does not include "limited access roads."

Road, Limited Access: A median divided state or federal highway which, by design, may only be accessed from public streets and where such access is provided by grade separated interchanges consisting of bridge(s) and ramps so that traffic entering and exiting said highway can safely merge into and exit from the highway at the posted speed limit, (an example would be an interstate highway). This definition does not include "controlled access roads."

Roadway Drainage Structure: A device such as a bridge, culvert or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Roof Sign: See under "Building Sign."

Rooming or Boarding House: A dwelling within which a resident family or manager offers lodging (rooming) or lodging and meals (boarding) to two or more persons not under the resident's parental or protective care in exchange for monetary compensation or other consideration, as a place of residence on a permanent or long term (more than 30 days) basis. In contrast, see "Bed and Breakfast Inn," "Hotel or Motel," and "Rental, Short Term."

Safety Fire Commissioner: The Safety Fire Commissioner of Georgia.

Scrap Yard: See "junk yard."

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Semi-Trailer: A trailer with a set or sets of wheels at the rear, the forward portion of which is designed to be supported by the truck tractor or towing vehicle. For the purpose of this definition, flatbeds designed to be hauled by truck tractors are included as semi-trailers.

Setback, Minimum: The shortest distance allowed between a street right-of-way line or any other lot line and any principal or accessory building on a lot. Minimum setback

requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

Setback: The shortest straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom, measured at 90 degrees to the street or lot line. The "nearest point of a building" includes such projections as sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps and roof overhangs of 18 inches or less.

Shopping Center: A group of two or more commercial establishments planned and developed as a unit with common off-street parking provided on the property.

Shoulder: That portion of a street or road from the outer edge of the paved surface or the back of curb to the inside edge of the ditch or gutter or original ground surface.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Sidewalk: That portion of a street or road available exclusively for pedestrian traffic.

Sign Face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign Module: Each portion or unit of a sign face that is clearly separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

Sign Structure: A structure exclusively or primarily intended to support a sign face and which, in combination with the sign face, comprises a sign as defined in this Article. A sign structure comprises all elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports. A structure that incidentally supports a sign face but whose primary purpose is other than providing such support, such as, but not limited to, an exterior wall of a building, a roof, a structural retaining wall or a decorative freestanding fence or wall at a project entrance is not considered a sign structure.

Sign: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

Significant Aquifer Recharge Areas: Areas mapped by DNR in Hydrologic Atlas 18 (1989 Edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type, and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves, and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Silviculture: The art of producing, reproducing and growing a forest of distinctive stands of trees.

Single- And Two-Family Residential: See under "Land Use Categories."

Site: The parcel of land being developed, or the portion thereof on which the land development project is located.

Site Development Plans: A set of plans, details and technical specifications for the construction of site improvements to a commercial, office, industrial or multi-family lot that includes but is not limited to building footprints, drives, parking, drainage systems, utilities, buffers, landscaping, parking lot lighting, embankments, signage, soil

erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

Site Plan, Preliminary: A plan showing the layout of a proposed nonresidential or multi-family development project.

Site-Built Single-Family Detached Dwelling: A single-family detached dwelling constructed on the building site from basic materials delivered to the site (in contrast to assembly of pre-constructed modules), and which is constructed in accordance with all requirements of the Building Code as adopted by the County.

Slaughterhouse: An establishment where animals are butchered for market or for other commercial reasons.

Sludge: Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Soil & Water Commission: The State Soil and Water Conservation Commission.

Soil & Water District: The Oconee River Soil and Water Conservation District.

Soil and Water Conservation District Approved Plan: An erosion and sedimentation control plan approved in writing by the Oconee River Soil and Water Conservation District.

Solar Array: A number of photovoltaic modules or panels that generate solar electricity, assembled or connected together to provide a single electrical output.

Solar Array, Tracking: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device. A tracking solar array may be ground mounted or building mounted.

Solar Access Easement: A recorded easement, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector or solar energy system.

Solar Energy Facility: The area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture. Includes the term "solar farm."

Solar Energy System: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

Solar Energy System, Building Mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

Solar Energy System, Ground Mounted: A solar energy system that is directly installed on (mounted to) the ground and is not attached or affixed to any structure.

Solar Energy System, Thermal: A solar energy system that directly heats water or other liquid using sunlight, including the use of heated liquid for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Solar Farm: A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

Solid Waste Disposal Facility: Any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

Solid Waste Handling Facility: Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

Solid Waste Handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

Solid Waste Transfer Station: A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Solid Waste: Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Specified Anatomical Areas shall include the following:

1. Less than completely and opaquely covered human genitals or pubic region, cleft of the buttocks, or female breast below a point immediately above the top of the areola; or
2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities shall be defined to mean and include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
3. Fondling or other erotic touching of nude human genitals, pubic region, buttocks or female breast; or
4. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
5. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being.

Speed Bump: A raised section of a paved surface or roadway designed to slow down and deter speeding traffic.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Start of Construction: The initiation of new construction or a substantial improvement, as follows: (1) **For New Construction**: The date the development permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a building, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. (Note: accessory structures are not exempt.) (2) **For a Substantial Improvement**: The date the building permit was issued provided the actual start of construction was within 180 days of the permit date. The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

State General Permit: The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. 12-5-30.

State Protected River: A "State protected river" is any perennial river or watercourse that has an average annual flow of at least 400 cubic feet per second as determined by the State.

State Waters: Those waters of the State of Georgia as defined under the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. 12-7-1 *et seq*.).

Stockyard: An enclosure with pens, sheds or buildings for the temporary keeping or shelter of cattle, sheep, horses or other animals intended for market.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Better Site Design: Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater Discharge: The flow rate of surface water resulting from precipitation.

Stormwater Management: The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater Management Facility: Any infrastructure that controls or conveys stormwater runoff.

Stormwater Management Measure: Any stormwater management facility, structure, or nonstructural stormwater management practice.

Stormwater Management Plan: A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this Division.

Stormwater Management System: The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey, and control the quantity and quality of the stormwater runoff from a site.

Stormwater Management Retrofit: A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater Runoff: The quantity of surface water resulting from precipitation.

Stream Bank: The point where vegetation has been wrested by normal stream flow or wave action.

Stream Buffer: See "Buffer, Stream."

Stream, Regulated: *S*ee "Regulated Stream."

Stream: A natural, free-flowing watercourse with either constant or intermittent flow of moderate volume typically less than that of a river.

Street: A public right-of-way or private easement for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, drive, expressway, freeway, boulevard, lane, place, circle, alley, or otherwise. Various types of streets may be defined as follows:

Arterial: A public way which is used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery for intercommunication among large areas. (ADT greater than or equal to 10,000 vehicles per day)

Major Collector: A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of high classification. (ADT between 2,501 and 9,999 vehicles per day)

Minor Collector: Principal entrance streets to subdivisions and the main streets for circulation within a subdivision, which serve a network of 4 or more local streets. Minor collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets. (ADT between 251 and 2500 vehicles per day)

Local: A street used primarily in residential subdivisions or within nonresidential developments for access to abutting properties as opposed to the collection and dispersion of traffic. (ADT less than or equal to 250 vehicles per day)

Cul-De-Sac: A local street with only one outlet, closed and terminated by a vehicular turnaround.

Alley: A platted service way providing a secondary means of access to abutting properties.

Street Grade: The grade of the curb or centerline of a street measured at any point along the street.

Street, Half: A street which does not meet the minimum right-of-way widths as set forth in these Regulations.

Structural Buffer: See under "Buffer, Landscape."

Structural Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Structural Soil: Highly porous engineered aggregate mix designed to be used under asphalt and concrete pavements as the load-bearing and leveling layer as a means to providing a soil component beneath impervious surfaces to facilitate the root growth of trees.

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, the velocity of flow, or the rate of discharge of such runoff.

Structure: Anything constructed or erected, the use of which requires a location on the ground, including but not necessarily limited to, signs, buildings, parking lots, patios, pools, decks, well houses and canopies.

Subdivider: Any person who undertakes the subdivision of land as herein defined for himself or for another within the confines of Oconee County.

Subdivision: Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and including any division of land involving a new street, public or private, or a change in existing streets, and including resubdivision or recombination of previously platted lots, and where appropriate to the context, relating to the process of subdividing or to the land or areas subdivided.

Subdivision Construction Plans: A set of plans, details and technical specifications for the construction of roads, drainage systems, utilities, embankments, signage, traffic control devices, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

Subdivision, Conservation: A form of subdivision design which concentrates lots, houses, streets, utilities and related development activities on the more suitable, and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. The net density of the development is equal to or less than that of traditional subdivision design but the lot sizes are smaller in order to preserve the environmentally sensitive areas in dedicated, perpetual open space.

Subdivision, Residential: An area with streets designed primarily for residential and accessory traffic that are primarily interior subdivision streets and specifically including all residential areas platted and regulated under this Development Code.

Subdivision, Traditional: A form of subdivision design where all land areas within the development are divided into building lots and rights-of-way and where there is little or no open space land set aside outside of said building lots and rights-of-way for preservation in its natural or undeveloped condition.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, rehabilitation, alteration, or improvements to a building, taking place during a 5-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to the start of construction of the improvement. The market value of the building should be: (1) The appraised value of the building prior to the start of the initial repair or improvement; or (2) In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred "substantial damage," regardless of the actual amount of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a building required

to comply with existing violations of state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement official through enforcement of this Development Code and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure" .

Substantially Improved Existing Manufactured Home Parks or Subdivisions: is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Subtitle D Landfill: Any municipal solid waste landfill unit that meets the minimum requirements of (part II), 40 CFR parts 257 & 258, as amended, for Solid Waste Disposal Facility Criteria, Final Rule, and that has not received waste prior to October 9, 1993.

Surface Water: the surface drainage of water, its management, control, transportation, storage, and disposal.

Surveyor: A registered, practicing surveyor, licensed by the State of Georgia.

Swale: a shallow lineal depression with a parabolic cross-section and gently sloped sides.

Swimming Pools, Private: Any permanent container of watertight construction which is built for the purpose of wading, informal swimming and diving and other water recreation uses, and is restricted to private use of the property owner and guests.

Swimming Pools, Public: Any permanent container of watertight construction, which is built for the purpose of wading, informal or competitive swimming and diving, and team sports, and is open to the public. This definition shall include pools for associations, clubs and neighborhood pools where membership is required and/or fees are paid for use of the facility.

Temporary Event: An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

1. The offering of a property or premises for sale or rent.
2. An election, political campaign, referendum, or ballot proposition put to the voters as part of city, county, state, or federal governance.
3. Special business promotions, such as but not limited to "grand openings," "close-out sales," and seasonal sales events.
4. A yard sale.
5. The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building.
6. A special event by a nonprofit organization.

Tenant: A natural person, business or other entity that occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

Tower Owner: The owner, permittee or lessee of the tower, antennae or associated equipment as well as any parent or subsidiary companies of the foregoing entities.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Townhouse: See "Dwelling, Multi-Family"

Toxic Waste: Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

Traditional Subdivision: See "Subdivision, Traditional."

Transfer Station: A combination of structures, machinery, or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another solid waste management facility or processing operation.

Trash: All worthless or discarded material, objects, or refuse derived from residential, commercial, industrial, or other generators. This includes waste building materials and rubble resulting from construction, remodeling, repair, and demolition activities on pavement, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing wastes, hazardous wastes, paper and paper products, plastic bags and plastic products, waste tires, wood, bricks, metal, concrete, asphalt, wallpaper, wallboard, inert waste material, white goods, furnishings, yard clippings and trimmings, and other putrescible and nonputrescible wastes.

Travelway: The paved or otherwise improved portion of a street or road specifically provided and set aside to carry vehicular traffic. Travelways are commonly identified as the pavement between the curbs or between the shoulders of a road if no curbs are provided.

Tree Harvesting: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree, Large: A shade tree that has a single trunk and which will reach at least 35 feet in height and 35 feet in spread at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Tree, Medium**:** A medium tree has a single trunk and which will reach to least 25 feet in height at maturity. In defining such trees reference may be made to the latest editions of Landscape Plant Material for Georgia [Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625] and the Manual of Woody Landscape Plants [Michael Dirr, 1983, Castel Books].

Tree, Small**:** A small tree may have single or multiple trunks and which will reach at least 15 feet in height at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia [Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625] and the Manual of Woody Landscape Plants [Michael Dirr, 1983, Castle Books]

Trench: A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

Trout Streams: All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of O.C.G.A. 12-5-20 et. seq. Streams designated as primary trout waters are defined as supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Truck Tractor: A heavy motor vehicle consisting of a truck cab designed to tow semi-trailers.

Under-Canopy Sign: See under "Building Sign."

Urbanized Area: The area of unincorporated Oconee County regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.
4. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Vehicle Use Area: *V*ehicle use areas include any areas designated as automobile, truck, or van parking spaces, including access aisles and driveways. Vehicle use areas also include the driveways and access aisles associated with mini storage warehouses, truck loading and unloading spaces, and impoundment yards.

Vehicular Sign: Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner as to be viewed or intended to be viewed from the public right(s)-of-way except that this definition shall not apply when:

1. Such conveyances are actively being used to transport persons, goods or services in the normal course of business;
2. When such conveyances are parked in an inconspicuous area; or
3. When such conveyances are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said conveyances are located within designated storage areas.

Veterinary Clinic or Animal Hospital: A facility or establishment where animals are regularly given medical care or treatment under the supervision of a licensed veterinarian.

Violation (Per Floodplain Management requirements): The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Visual Screen: Vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the Planning Director: Fencing constructed of cedar, redwood, treated wood, vinyl replicating wood, or other suitable all-weather material; masonry walls of brick or stone; planted or natural vegetation; or earthen berms.

Wall Sign: See under "Building Sign."

Warehouse, Mini, Self-Storage: A facility with multiple storage compartments where each compartment has an individual separate door accessed directly from the exterior vehicular use area and where the person(s) leasing the individual spaces, (usually on a monthly basis) keep the key in their possession. Such compartments are usually not more than 14 feet by 14 feet in size.

Warehouse: A building use primarily for the bulk storage, transfer or distribution of goods and materials.

Wastewater: Any water or other liquid discharged from a facility, that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products.

Water Supply Reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned drinking water

systems. This definition specifically excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water Supply Watershed: The portion of a watershed upstream of a governmentally owned public drinking water supply intake.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed: The total area of land that is drained by a river or stream and its tributaries.

Wetland Delineation: The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.

Wetland Functions: The beneficial roles that wetlands serve, including: storage, conveyance, and attenuation of floodwater and storm water; protection of water quality and reduction of erosion; habitat for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical, and archeological value protection; and scenic, aesthetic, and recreational amenities.

Wetland Protection Area: All wetlands within the jurisdiction of Oconee County which are indicated on the Generalized Wetland Map as "wetlands providing significant wildlife habitat and/or which may be subject to extensive mitigation."

Wetland, Jurisdictional: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs, and similar areas.

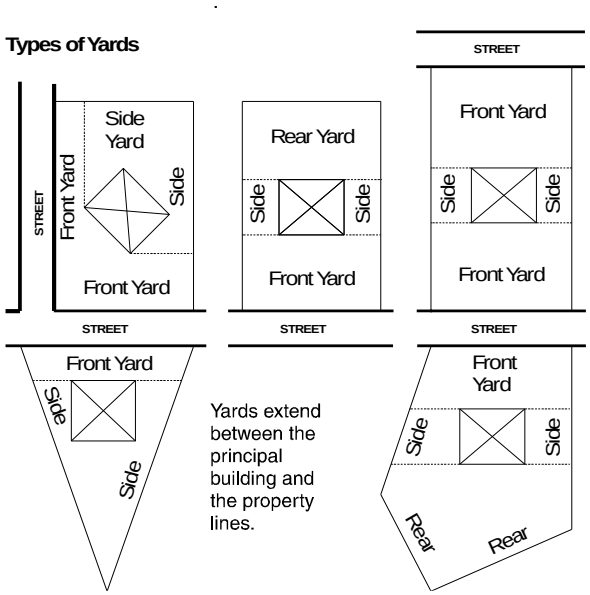
Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Window Sign: See under "Building Sign."

Yard: An area that lies between the principal building on a lot and the nearest lot line.

1. ***Front Yard:*** a yard extending the full width of the lot, located between the street line and the front line of a principal building, projected to the side lines of the lot.

2. ***Rear Yard:*** a yard extending the full width of the lot and situated between the rear lot line of the lot and the rear of a principal building projected to the side lines of the lot.
3. ***Side Yard:*** a yard located between the side of a principal building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
4. ***Court Yard:*** A yard that is semi-enclosed on two or more sides by the walls of a building or structure or the extension of such walls.



Yard Trimmings: Leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvacultural operations.

Yield Plan: A subdivision plan, similar to a preliminary plat, showing the maximum number of lots which would be permitted if the subject property was developed as a traditional subdivision under the provisions of the Oconee County Zoning Regulations, Land Subdivision Regulations and other applicable ordinances, specifications and policies. A yield plan shall be based upon accurate topography, boundary survey, Level Two Soil Scientist Report (or greater) and other information necessary to accurately determine the maximum net density for the subject property under the Oconee County regulations for traditional subdivisions, which may not be exceeded by the conservation subdivision.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line, such as “patio homes” or “townhouses.”

Zoning Change: An amendment to the Zoning Map (rezoning), approval of a Special Use, or approval of a change in the conditions of approval associated with a rezoning or Special Use.

Appendix A

Examples of Design Elements: B-1 (General Business District)

The following illustrate particular examples of design elements regulated under the NSS zoning district and are provided **FOR INFORMATIONAL PURPOSES ONLY.** These examples are not adopted as regulations under the Unified Development Code. An applicant is encouraged to refer to the specific requirements relating to the NSS district as adopted in the UDC for specifics.

1

Combination of parapet roof and sloped roof

Architectural detailing

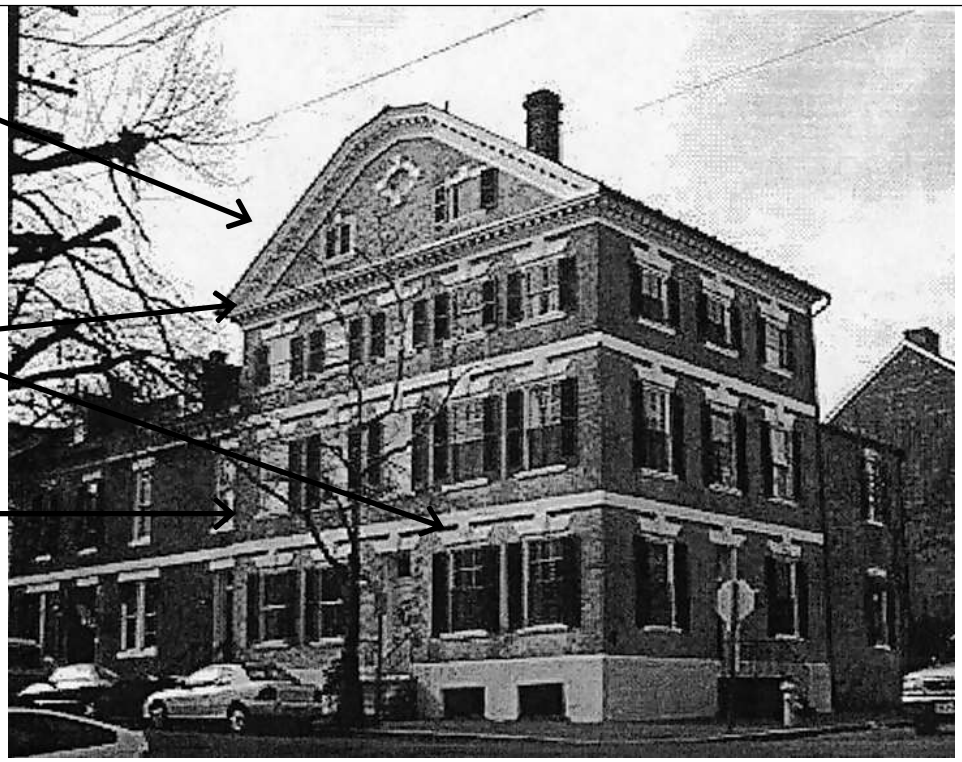
Seating on sidewalk

2

Sloped Roof

Architectural detailing

Masonry exterior



3

Street trees

Balcony and porch

Decorative lamp posts

Exterior lighting on signs

Signs are not dominant architectural feature

Architectural detailing

Seating at sidewalk

Landscaped beds in sidewalk

4

Street trees

Balcony and porch

Decorative lamp posts

Signs are not dominant architectural feature

Architectural detailing

Landscaped beds in sidewalk

Seating at sidewalk

5

Balcony and porch

Street trees

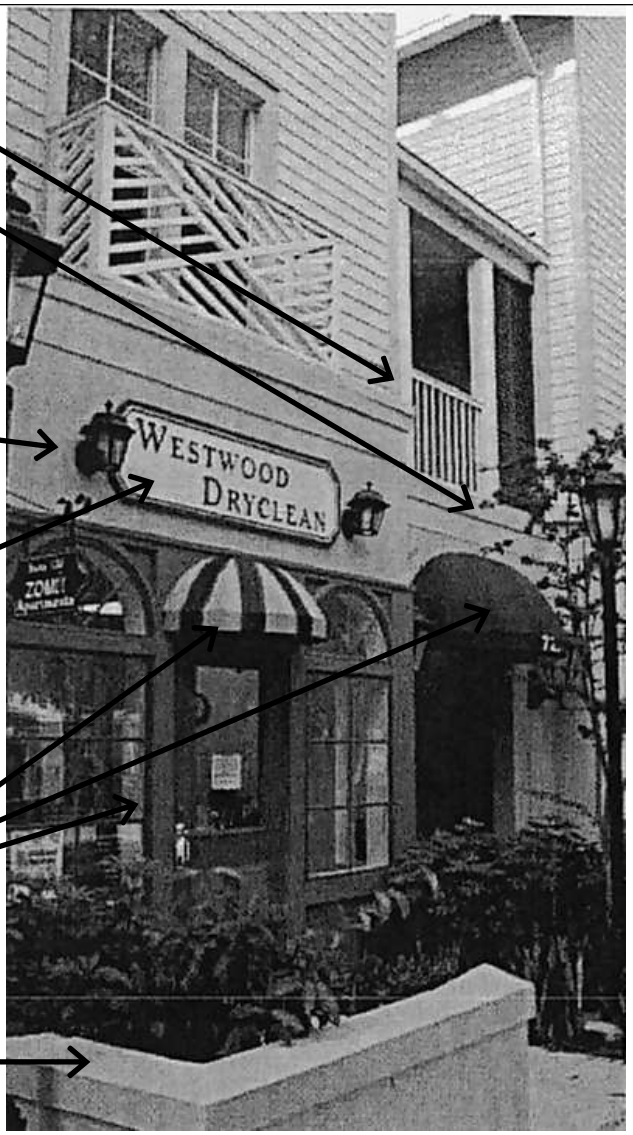
Decorative lamp posts

Exterior lighting on signs

Signs are not dominant architectural feature

Architectural detailing including window mullions, awnings, railings, and arches

Landscaped beds in sidewalk



6

Stone exterior

Sloped roof with architectural shingles

Decorative lamp posts

Street trees

Sidewalk pavers

7

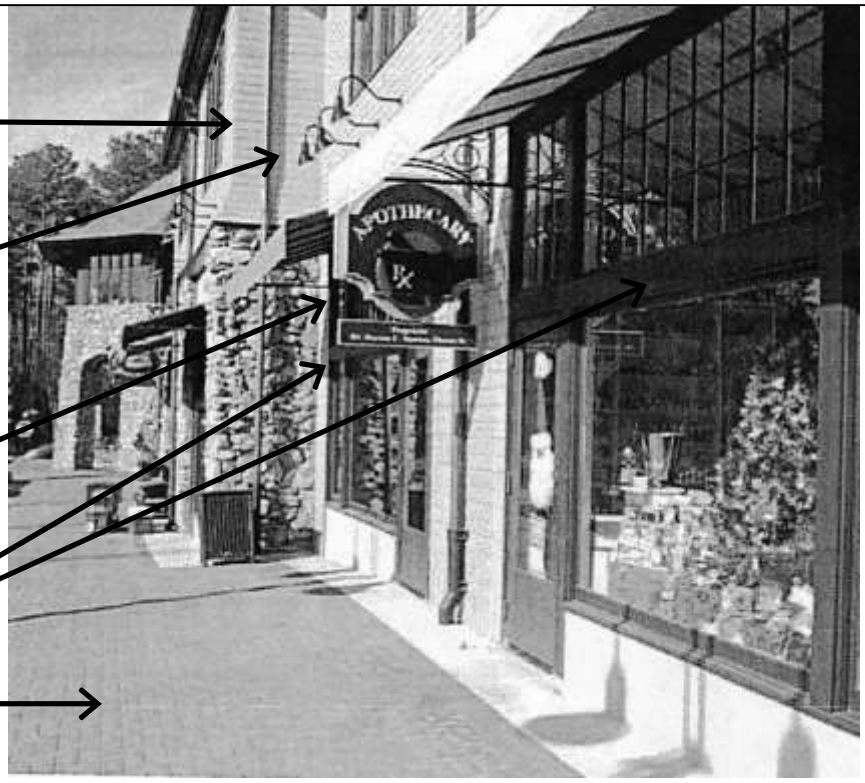
Facade material changes on inside corner - Not outside corner

Exterior lighting of signs

Signs are not dominant architectural feature

Architectural detailing of both signs and buildings

Sidewalk pavers



8

Sloped roofs with architectural tab shingles or shakes

Awnings

Stone exterior

Multiple planes on building facades

Window mullions and trim

Sidewalk pavers

9

Sloped roofs with architectural tab shingles

Covered porches

Columns

Landscape beds in sidewalks

Sidewalk pavers

10

Brick exterior

Decorative clock and lamp posts

Planting beds in sidewalks

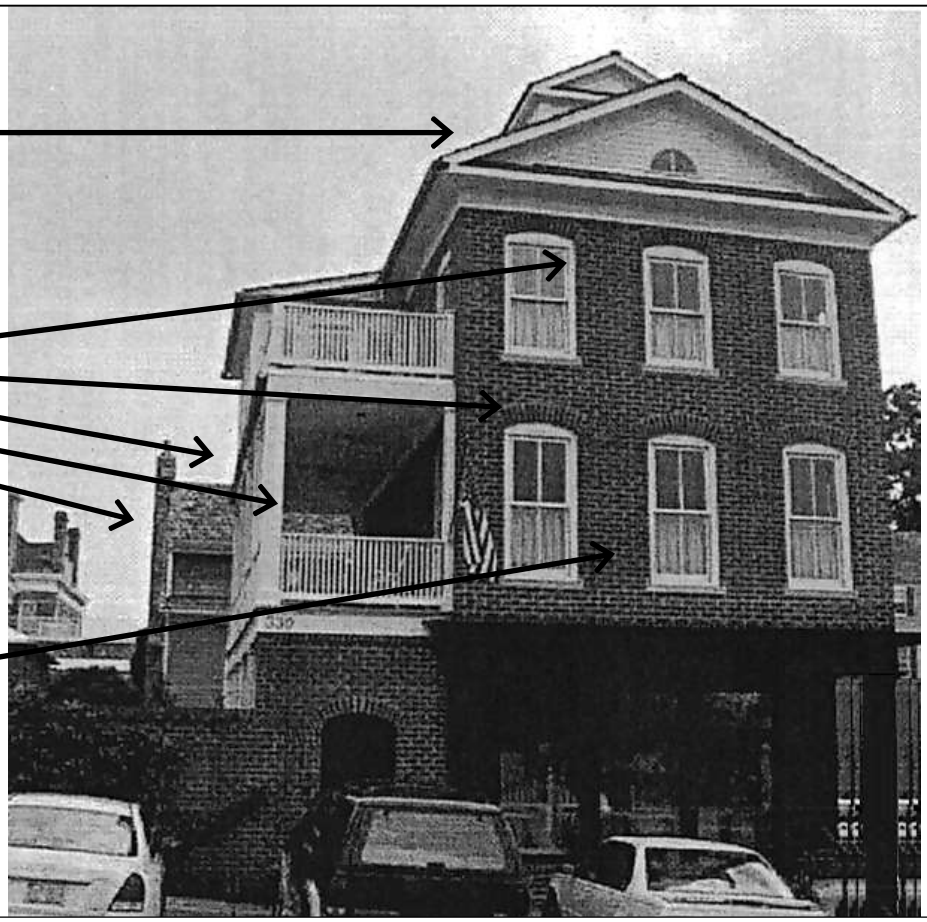
Outdoor seating

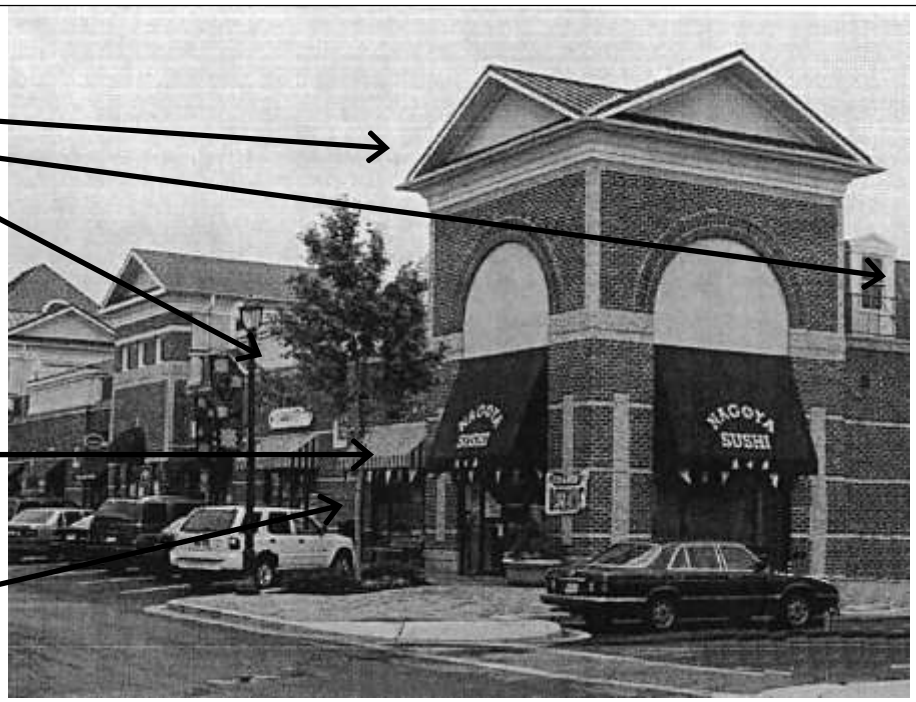
11

Sloped Roofs with architectural tab shingles or shakes

Architectural detailing including window mullions, brick arches, porches, columns, and chimneys

Brick exterior



12 Mix of roof types Sloped Mansard Parapet (see text for minimum percentage of slope by type) Architectural detailing including awnings, columns and soffit treatment Street trees	
13 Bricked and roofed dumpster enclosure with architectural detailing such as columns and custom brick work. (Note: set gate posts three feet from structure per text)	

Appendix B

Alternative Tower and Antenna Structures

Roof Tops

Silos

Man-Made Trees

Church Steeples

Bell/Clock Towers

Water Towers

Flag Poles

Light Poles

Images courtesy of Raycap | STEALTH

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Appendix C

Oconee County Departmental Checklists

Checklists are used by Oconee County Department Staff when determining that an application is complete. These checklists are provided **FOR INFORMATIONAL PURPOSES ONLY** and are not adopted as regulations under the Unified Development Code. An applicant is encouraged to refer to the checklist applicable to their particular type of application to assure that all information requested by the County and required by the Unified Development Code is included within the application. Checklists are not to be used by the applicant, those representing the applicant or the applicant's consultants in lieu of design and other regulatory requirements set forth in the text of the Unified Development Code, which requirements shall apply in all cases regardless of the contents of the checklists.

Checklists are available at the Oconee County Planning Department or online at www.oconeecounty.com.