RESOLUTION
TO ADOPT AMENDMENTS TO THE
UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA

WHEREAS, the Oconee County Board of Commissioners has adopted a Unified Development Code on October 4, 2006; and

WHEREAS, it is necessary to make certain Amendments to the Unified Development Code (UDC): to delete and replace UDC Article XII in its entirety with Amendments attached hereto as "Exhibit A;" and

WHEREAS, on May 20, 2019, this Amendment was first presented and discussed at the public hearing conducted by the Oconee County Planning Commission in its regular meeting. On June 4, 2019, this amendment was presented and discussed at a public hearing conducted by the Oconee County Board of Commissioners;

NOW THEREFORE, be it resolved that the Oconee County Board of Commissioners adopts the amendments to the Unified Development Code of Oconee County which are attached hereto in said "Exhibit A" and incorporated herein by reference, to become effective on adoption; and

BE IT FURTHER RESOLVED, that the Oconee County Planning Director is directed to make the changes set forth in Amendments to the Unified Development Code as provided for in said "Exhibit A" and to renumber any such sections, paragraphs, or pages as are necessary to reflect said amendments; and

BE IT FURTHER RESOLVED, that the Unified Development Code of Oconee County, Georgia, as Amended, is hereby Ratified, Confirmed and Readopted as of this **4th day of June, 2019.**

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____
John Daniell, Chairman

_____
Mark Thomas, Member

_____
Chuck Horton, Member

_____
William E. Wilkes, Member

_____
Mark Saxon, Member

ATTEST:

_____
Kathy Hayes
Clerk, Board of Commissioners

Oconee County Memorandum

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Planning and Code Enforcement Department

DATE: May 29, 2019

TO: Oconee County Board of Commissioners

CC: Kathy Hayes
Gabriel Quintas
Deanna Ruark

FROM: Guy Herring, Director of Planning & Code Enforcement

RE: Text Amendments to Articles 12 and 13 of the UDC

Attached is a copy of the proposed amendments to Article 12 and Article 13 of the Unified Development Code for consideration at the June 4, 2019, BOC meeting.

In Article 12, the following edits have been made:

- Update development review and zoning processes
- Amend zoning review standards
- Replacement of outdated terms and department labels with the updated terms and labels

In Article 13, the following edits have been made:

- Replacement of outdated terms and department labels with the updated terms and labels
- Amend limitations for special exception variances

Comments from the County Attorney have been incorporated into the proposed amendments, and all proposed changes are highlighted in the attached text. On May 20, 2019, the Planning Commission recommended approval of the proposed text amendments subject to six suggested revisions. The Planning Commission's recommended revisions and corresponding staff comments are attached to this memo. Please feel free to contact me should you have any questions or if you would like to discuss the proposed amendments.

Planning Commission Recommendations – Proposed Text Amendments to Articles 12 and 13

Number	Planning Commission Recommendation	Staff Notes
1.	Section 1202: retain the current definition of "Condition of Zoning Approval"	Objection
2.	Section 1207.01.a, 1207.01.b, & 1207.01.d: retain the current version of this text.	Objection
3.	Throughout Article 12: the number of days allowed for staff plan review should mirror the state standards.	Objection
4.	Section 1208.02: retain current version of this text.	Objection
5.	Section 1209.01.c.1: The Planning Department should be required to notify adjacent property owners of proposed zoning changes no less than 15 days prior to the public hearing.	No objection
6.	1223.07.c: change from "Written notice of pending expiration of the building permit or development permit may be issued by the Planning Director" to " Written notice of pending expiration of the building permit or development permit will be issued by the Planning Director"	Objection
7.	Section 1208.05.d: strike "or for other purposes deemed to be in the best interests of the public by the Board of Commissioners."	Objection

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.

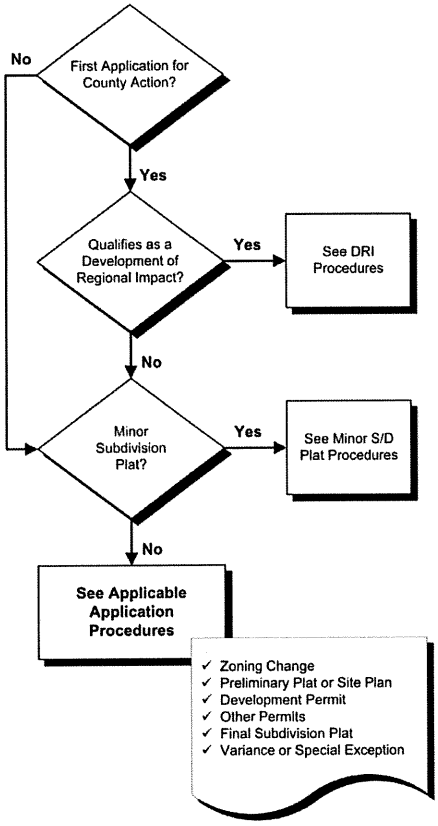
c. A Building Permit is issued by the Planning Department based on review and approval of architectural plans. Buildings falling under the authority of the State Fire Marshal shall be approved by the Fire Marshal prior to issuance of the building permit.

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.

Application Intake Process



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.	✓	✓		~~Code Enforcement concurs~~	Planning Dept.
■ Special Exception	Planning Dept.	Planning Dept.	✓	✓		~~Code Enforcement concurs~~	BOC
■ Hardship Variance	Planning Dept.	Planning Dept.	✓	✓	✓	~~Code Enforcement concurs~~	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, with an 11 inch x 17 inch reduction provided. 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 addressing each of the standards set forth in this Development Code under Sec. 1207, as applicable to a rezoning or Special Use approval.

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. The application number, date of application and action taken on all prior applications filed for a zoning change affecting all or part of the subject property;

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) As an attachment, 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) As an attachment, an outline of the proposed methods for controlling and maintaining any common open space or community facilities.

(6) As an attachment, representative architectural sketches or renderings and proposed locations of signs, landscaping screening and/or fencing.

(7) Such other submissions/plans 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.

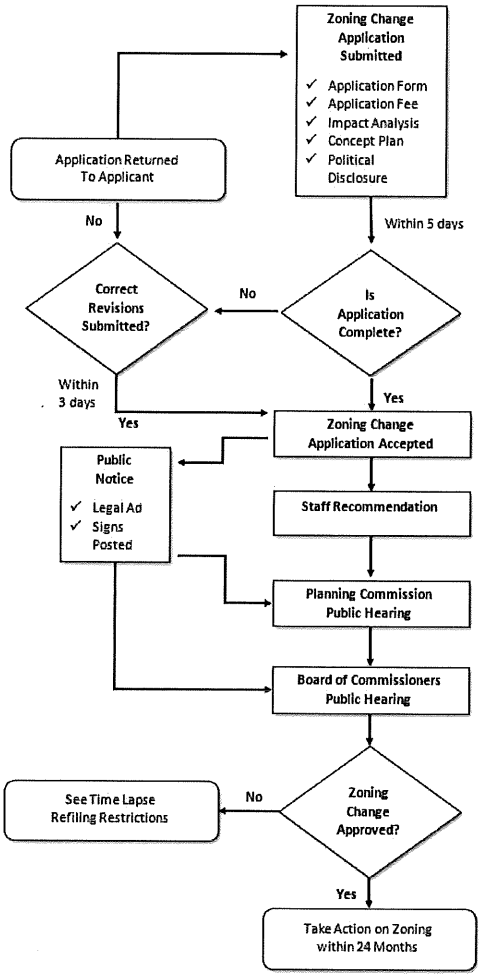
Sec. 1208.03. **Board of Commissioners.**

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, and AR 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).

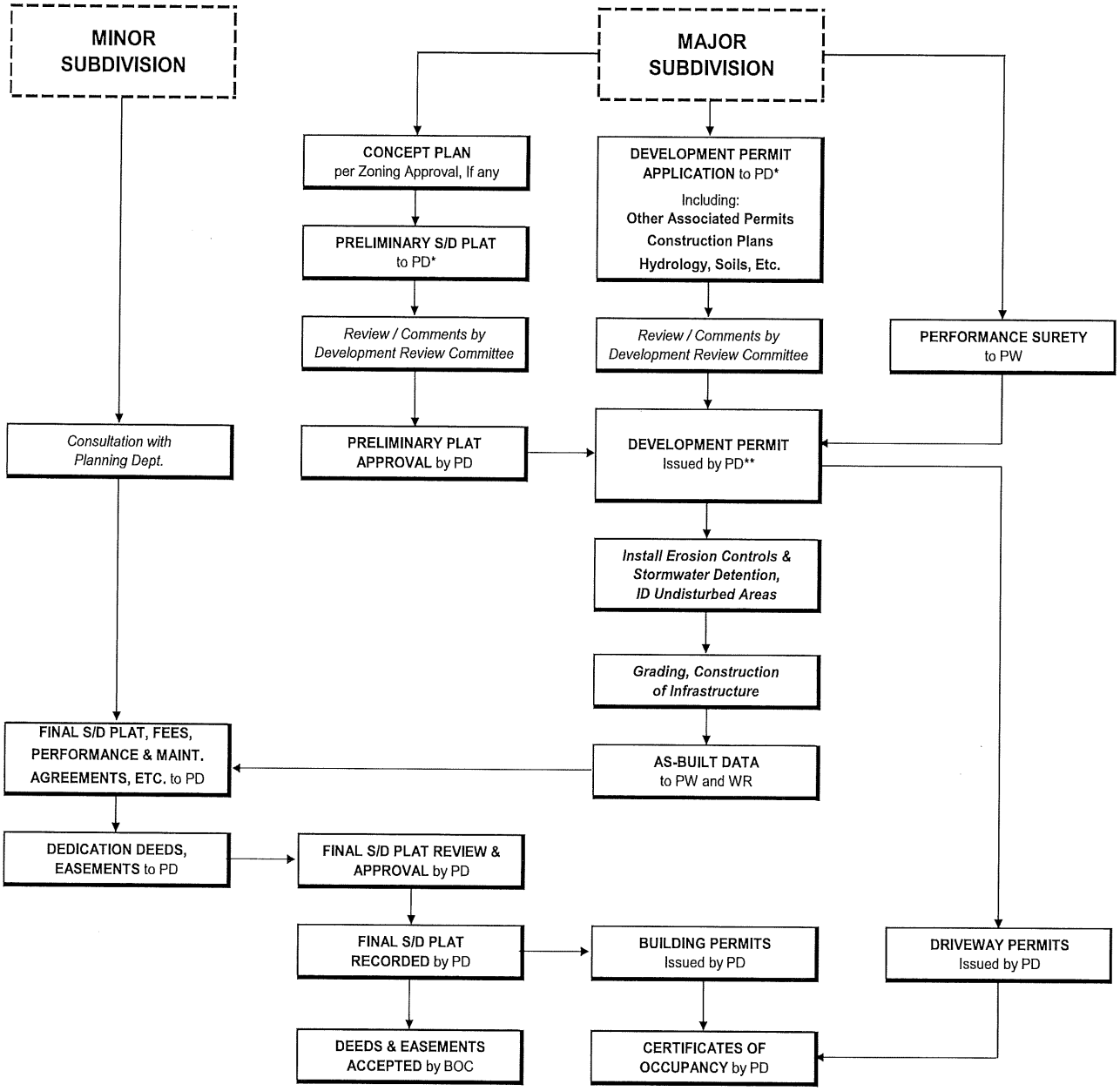
(b) For those properties proposed to be served by a public sanitary sewerage system, a completed Sanitary Sewer Extension Submittal pre-approved by the Water Resources Department (as required by the Water and Wastewater Standards) and the Public Works Department is to be included.

(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.

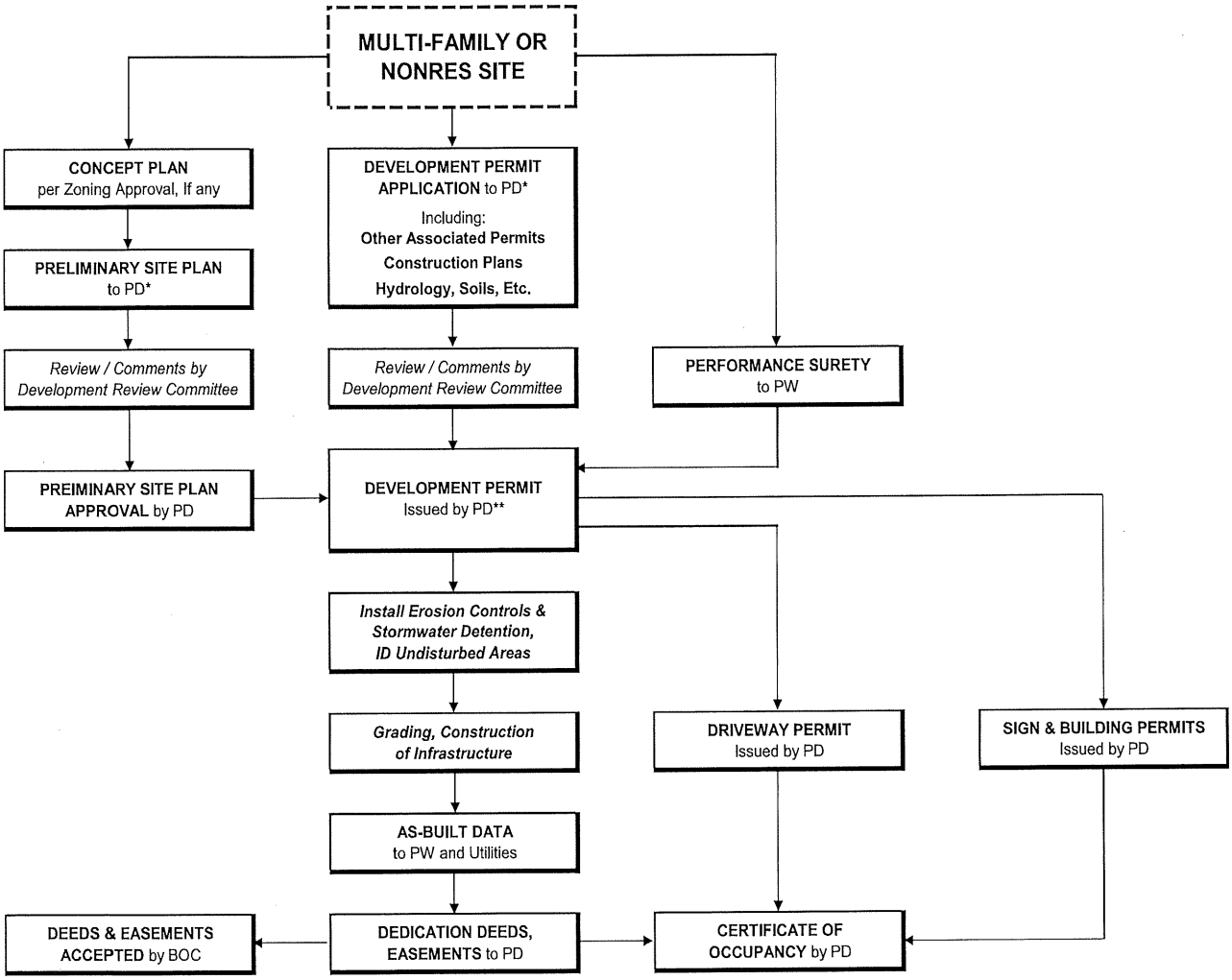
Subdivision Development Approval Process



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-1, 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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