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 V in its entirety with Amendments attached hereto as "Exhibit A;" and

WHEREAS, on June 17, 2019, this Amendment was first presented and discussed at the public hearing conducted by the Oconee County Planning Commission in its regular meeting. On July 2, 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 **2nd day of July, 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 1875 SEAL GEORGIA

Article 5. Subdivisions and Planned Developments

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Article 5. Subdivisions and Planned Developments

Sec. 501. Purpose of Article 5.

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

Sec. 502. Definitions related to subdivisions.

Alley: See under "street."

Building Line: The line established by law beyond which a building shall not extend as determined by front, side, and rear yards herein.

Building Permit: A written permit that allows construction issued by the Planning Director.

Condominium: A form of ownership distinguished by the absence of individual lots or lot lines and utilizing instead a system of ownership whereby dwelling or other units are individually owned but where land outside of the building walls is held in common and maintained by a condominium association in accordance with OCGA Section 44-3-70, known and cited as the "Georgia Condominium Act."

Conservation Subdivision: See "Subdivision, Conservation."

Design Professional of Record: The licensed professional whose seal appears on plats or plans subject to these regulations.

Development Review Committee (DRC): An internal review group to provide technical review of zoning applications, construction plans and other related items, and consisting of representatives of the Planning and Code Enforcement, Public Works/Engineering, Water Resources, Health, EMA and/or other County Departments.

Double Frontage Lot: A lot having frontage on two (2) streets as distinguished from a corner lot.

Engineer: A registered, practicing engineer, licensed by the State of Georgia.

GIS: Geographic Information System.

GPS: Global Positioning System.

Interchange: A grade separated intersection, usually on a controlled access or limited access roadway, where access to such roadway is provided by means of bridges and ramps so that traffic entering and exiting the highway can merge into and exit from the highway at the posted speed limit. This definition shall not include at-grade intersections.

Landscape Architect: A registered, practicing landscape architect licensed by the State of Georgia.

Land Disturbance Permit: Authorization from the local or state regulatory agency to perform construction activities or land disturbance activities in conformance with an approved soil erosion and sediment control plan and/or minimum standards as provided by law.

Master Planned Development: An area of land for which an overall development plan has been prepared that meets the requirements of Article 5 and which allows for design flexibility from traditional land use development requirements (such as setbacks, prohibitions against mixing land uses within a development, street design and ownership) and which allows for greater design flexibility in locating buildings and in combining residential and commercial land uses and dwelling and structure types making it possible to achieve certain economics in construction as well as the preservation of green space and the inclusion of amenities. MPDs are designed to be located where adequate infrastructure (such as utilities and transportation) is available or can be easily obtained and on or near major

road corridors near major transportation areas, shopping, schools and employment centers.

Net Density: For the purposes of conservation subdivisions, net density shall be the total contiguous acreage within the boundaries of the subdivision divided by the total number of building lots and shall be expressed in "lots per acre" (e.g., 50 total acres divided by 43 building lots = one lot per 1.1628 acres net density).

Parcel: A general term including all plots of land shown with separate identification on the Official Tax Appraisal Maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.

Parkway: A road or street in which the travelways are separated by a vegetated median; and, within the context of its use, the vegetated median itself within such a road or street.

Paved Roadway Width: The shortest distance as measured from curb face to curb face or, if without curbing, as measured from edge of pavement to edge of pavement.

Planned Unit Development: Any planned concentration, which provides for innovative concepts in large scale residential, commercial, or industrial development, which enables economy in capital expenditures or utilities and streets and in subsequent maintenance.

Plat: A map, plan or layout of a county, town section, subdivision, parcel or lot indicating the location and boundaries of properties.

Plat, Final: A plat of a subdivision of property that is intended to be recorded with the Clerk of the Superior Court of Oconee County.

Plat, Preliminary: A plat showing the layout of a proposed subdivision, submitted for approval prior to submission of the final plat.

Private Access Drive: A driveway that provides access to a public road for not more than 3 parcels of residential property and 5 parcels of commercial or industrial property.

Public Utilities: Water, gas, sanitary sewer, storm sewer, electrical, and communications lines and facilities, and natural or improved drainage facilities.

Right-Of-Way: Access over or across particularly described property for a specific purpose or purposes.

Right-Of-Way Line: The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

Shoulder: That portion of a street or road from the outer edge of the paved surface or the back of curb to the inside edge of the ditch or gutter or original ground surface.

Sidewalk: That portion of a street or road available exclusively for pedestrian traffic.

Site Development Plans: A set of plans, details and technical specifications for the construction of site improvements to a commercial, office, industrial or multi-family lot that includes but is not limited to building footprints, drives, parking, drainage systems, utilities, buffers, landscaping, parking lot lighting, embankments, signage, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

Site Plan, Preliminary: A plan showing the layout of a proposed nonresidential or multi-family development project.

Street: A public right-of-way or private easement for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, drive, expressway, freeway, boulevard, lane, place, circle, alley, or otherwise. Various types of streets may be defined as follows:

1. *Arterial:* A public way which is used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery for intercommunication among large areas. (ADT greater than or equal to 10,000 vehicles per day)

2. *Major Collector:* A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of high classification. (ADT between 2,501 and 9,999 vehicles per day)

3. *Minor Collector:* Principal entrance streets to subdivisions and the main streets for circulation within a subdivision, which serve a network of 4 or more local streets. Minor collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets. (ADT between 251 and 2500 vehicles per day)

4. *Local:* A street used primarily in residential subdivisions or within nonresidential developments for access to abutting properties as opposed to the collection and dispersion of traffic. (ADT less than or equal to 250 vehicles per day)

5. *Cul-De*-Sac: A local street with only one outlet, closed and terminated by a vehicular turnaround.

6. Alley*:* A platted service way providing a secondary means of access to abutting properties.

Street Grade: The grade of the curb or centerline of a street measured at any point along the street.

Street, Half: A street which does not meet the minimum right-of-way widths as set forth in these Regulations.

Subdivider: Any person who undertakes the subdivision of land as herein defined for himself or for another within the confines of Oconee County.

Subdivision: Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and including any division of land involving a new street, public or private, or a change in existing streets, and including resubdivision or recombination of previously platted lots, and where appropriate to the context, relating to the process of subdividing or to the land or areas subdivided.

Subdivision, Conservation: A form of subdivision design which concentrates lots, houses, streets, utilities and related development activities on the more suitable, and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. The net density of the development is equal to or less than that of traditional subdivision design but the lot sizes are smaller in order to preserve the environmentally sensitive areas in dedicated, perpetual open space.

Subdivision Construction Plans: A set of plans, details and technical specifications for the construction of roads, drainage systems, utilities, embankments, signage, traffic control devices, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

Subdivision, Traditional: A form of subdivision design where all land areas within the development are divided into building lots and rights-of-way and where there is little or no open space land set aside outside of said building lots and rights-of-way for preservation in its natural or undeveloped condition.

Surveyor: A registered, practicing surveyor, licensed by the State of Georgia.

Traditional Subdivision: See "Subdivision, Traditional."

Travelway: The paved or otherwise improved portion of a street or road specifically provided and set aside to carry vehicular traffic. Travelways are commonly identified as the pavement between the curbs or between the shoulders of a road if no curbs are provided.

Yield Plan: A subdivision plan, similar to a preliminary plat, showing the maximum number of lots which would be permitted if the subject property was developed as a traditional subdivision under the provisions of the Oconee County Zoning Regulations, Land Subdivision Regulations and other applicable ordinances, specifications and policies. A yield plan shall

be based upon accurate topography, boundary survey, Level Two Soil Scientist Report (or greater) and other information necessary to accurately determine the maximum net density for the subject property under the Oconee County regulations for traditional subdivisions, which may not be exceeded by the conservation subdivision.

Sec. 503. Minor and major subdivisions; defined.

Sec. 503.01. Minor subdivision.

A "minor subdivision" by its very nature is one in which no public improvements (such as new streets, stormwater drainage facilities or public utilities) are to be made. Minor subdivisions are defined as any one of the following:

a. Recombination.

The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with this Development Code and with all ordinances and resolutions of Oconee County.

b. Lot splits.

(1) Two-lot split.

The division of land into two lots, tracts or parcels with each resultant lot, tract or parcel:

(a) Containing at least the minimum lot area required for the zoning district as set for in the Lot and Building Standards Article of this Development Code, or more as may be required by this Development Code;

(b) Fronting on a public street improved to County standards, or on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 35 feet on a paved public street; and

(c) Conforming to this Development Code.

(2) Five-lot split.

The division of land into five or fewer lots, tracts or parcels with each resultant lot, tract or parcel:

(a) Containing five or more acres;

(b) Fronting on a public street improved to County standards, provided however that up to three lots may front on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 35 feet on a paved public street; and

(c) Conforming to this Development Code.

(3) Large lot split.

The division of land into lots, tracts or parcels with each resultant lot, tract or parcel:

(a) Containing 25 or more acres;

(b) Fronting on a public street improved to County standards, provided however that up to three lots may front on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 35 feet on a paved public street; and

(c) Conforming to this Development Code.

(4) Restriction on resubdividing.

Land subdivided under the provisions of this Sec. 503.01.b may not be re-subdivided under the provisions of this Sec. 503.01.b. Any further subdivision of a lot or tract created by approval of a minor subdivision plat under this Sec. 503.01.b must be accomplished following the procedures for a major subdivision in the Permits and Procedures Article of this Development Code.

c. Unpaved road lot splits.

The division of land into two lots, or parcels with each resultant lot, tract or parcel:

(1) Containing at least one acre, or more as may be required by this Development Code;

(2) Fronting on an unpaved County road for a minimum of width of 35 feet; and

(3) Conforming to this Development Code.

d. Non-development land sales.

The sale of a parcel or tract of land for which no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any plat for such sale that is filed for recordation by the Clerk of the Superior Court must contain a certification signed and sealed by a licensed surveyor that approval of the plat is not required under the provisions of O.C.G.A. 15-6-67(d), and the plat shall be clearly captioned "The tract or tracts depicted on this plat are not eligible for connection to a sanitary sewer system or for septic tank approval."

e. Eligibility

The minor subdivision requirements defined in this section are effective as of November 1, 2006. All minor subdivisions considered for approval after this date must adhere to the restrictions of this section.

Sec. 503.02. **Major subdivision.**

a. A "major subdivision" is any subdivision that does not qualify as a "minor subdivision." A major subdivision commonly involves the construction of a new street or widening or other improvement of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or building sites or other divisions.

b. Major subdivisions fall into the following categories for the purpose of development regulation:

(1) Traditional subdivisions, in which the minimum lot size allowed for the zoning district determines the maximum number of lots in the subdivision, and all of the lots meet the minimum lot size for the zoning district as shown on Table 4.1 of Article 4. Open space outside of the lots may be created, but is not required.

(2) Conservation subdivisions, in which the maximum number of lots that would be allowed in a traditional subdivision under the property's zoning determines the maximum number of lots in the subdivision, but the minimum lot size is reduced to a certain extent in response to a higher level of development standards and in order to create open space and recreational amenities for the residents.

(3) Master planned developments (MPDs), in which the zoning district density limitation controls, but the minimum lot size is further reduced in response to a higher level of development standards and in order to create open space and recreational amenities for the residents. Depending on the zoning district in which a master planned development is located, flexibility in housing types, mixed-use projects and certain commercial uses are allowed.

(4) Planned unit developments (PUDs). A new planned unit development may no longer be approved under this Development Code. Provisions related to PUDs are included in this Article to regulate the build-out of existing PUDs.

c. Conservation easement required.

(1) All primary conservation areas in a traditional subdivision, conservation subdivision or master planned development that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use, by a conservation easement in an conservation subdivision or master planned development, or a natural resources easement for traditional subdivisions.

(2) Land within natural resource easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.

(3) See the Environmental Protection Article of this Code regarding conservation and natural resource easements.

Sec. 504. Traditional subdivisions.

Sec. 504.01. **Maximum number of lots.**

The maximum number of lots (or dwelling units) in a traditional subdivision shall be determined by the minimum lot size required for the zoning district where the subdivision is located.

Sec. 504.02. **Minimum lot size.**

In a traditional subdivision, the minimum total lot area and the minimum lot area per dwelling unit required by Table 4.1 of Article 4 establishes the minimum lot sizes for each lot.

Sec. 504.03. **Minimum lot width, setbacks.**

The lot width and setback requirements of Article 4 apply to each lot in a traditional subdivision.

Sec. 505. Conservation subdivisions.

Conservation Subdivisions, as defined herein, are permitted within the AR-3 and AR Zoning Districts provided that a conservation subdivision concept plan has been approved by the Board of Commissioners at the time of rezoning of the property.

Sec. 505.01. **Purpose.**

The purposes of a Conservation Subdivision include:

a. To provide residential subdivisions which permit flexibility of design in order to preserve environmentally sensitive areas and create efficient uses of the land.

b. To preserve open space and unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitats, historic features and unique topography.

c. To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces, utilities, earthwork and other land disturbing activities.

d. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential developments.

e. To conserve a portion of the otherwise developable property as open space in perpetuity. This option is not necessarily intended to allow applicant to conserve only the portion of the tract that is already unbuildable due to factors such as steep slopes, wetlands, or land adjacent to undesirable areas such as landfills or livestock farming.

f. To promote interconnected greenways and corridors throughout Oconee County.

g. To promote linking of greenways and corridors between Oconee County and neighboring jurisdictions.

h. To encourage interaction of persons living in the resulting residential community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.

i. To encourage street designs that reduce traffic speeds and reliance on main arteries.

j. To incorporate aesthetic design standards that will increase the value of the neighborhood and create a sense of place.

k. To conserve scenic views and reduce perceived density by promoting views to open space from roads and houses, and reducing views to housing clusters from roadways.

l. To promote other purposes of this Development Code.

Sec. 505.02. **Minimum lot sizes and buffer widths, conservation subdivisions.**

a. The following Table 5.1 shows the minimum lot sizes required in the AR zoning districts in traditional subdivisions, and the minimums allowed in a conservation subdivision in the same zoning districts.

Table 5.1: Conservation Subdivisions—Minimum Lot Size*

			AR-3		AR
Traditional Subdivision			3 acres		2 acre
Conservation Subdivision			2 acres with public water or sewer 2.5 acres without public water or sewer		1 acre with public water or sewer 1.5 acres without public water or sewer

*See the Lot and Building Standards Article for minimum lot area required above the flood level.

b. The following Table 5.2 shows the minimum landscape buffer area width required in a conservation subdivision between the lots within the subdivision and an adjoining existing public road right-of-way.

Table 5.2: Conservation Subdivisions—Minimum Buffer Width along Public Road

			AR-3		AR
Traditional Subdivision			None		None
Conservation Subdivision			200 feet		100 feet unless approved otherwise by Oconee County

Sec. 505.03. **Yield plan.**

No later than the time of rezone (or preliminary plat submittal, in the case of property which was rezoned prior to the date of adoption of these requirements), the applicant for a Conservation Subdivision shall submit a yield plan at the same size as the conservation concept plan, prepared by a Georgia registered Landscape Architect, Engineer or Land Surveyor for the purpose of determining the maximum allowable net density for the development. Said plan shall contain the following information with respect to the tract:

a. A topographic map prepared from aerial or field data of a contour interval of two feet or less;

b. Exact boundary lines of the tract with bearings and distances

c. The location, width and names of all existing or platted streets, easements or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, wetlands, utilities and other significant natural and man-made features;

d. Proposed street rights-of-way and pavement locations and widths;

e. Proposed lot locations with preliminary lot dimensions noted and designed to the requirements of the Oconee County Zoning Ordinance;

f. Designation on each proposed lot of a minimum of 25,500 square feet (not including house and pavement footprints) of soil areas suitable for residential septic systems based on a Level II Soil Scientist Report or higher, prepared by a Georgia licensed Soil Scientist or other professional licensed by the State of Georgia to perform soil analysis;

g. Proposed location of storm water detention or retention facilities;

h. Graphic scale and north arrow;

i. Notation as to the number of lots on the Yield Plan, the total acreage of the property, minimum lot size, average lot size;

j. Any additional information as maybe reasonably required to permit an adequate evaluation of the proposed Yield Plan to accurately determine the maximum number of lots.

Sec. 505.04. **Site analysis map.**

No later than the time of rezone (or preliminary plat submittal, in the case of property which was rezoned prior to the date of adoption of this amendment) applicant shall submit a site analysis map which demonstrates that the tract is suitable for development in terms of size, environmental conditions and configuration. Said map shall contain the following information with respect to the tract:

a. Topographic contours at 5-foot intervals. Rock outcrops and slopes of more than 15% shall be emphasized;

b. Soil types, locations and characteristics (Level III Report) such as depth to bedrock, seasonal high water table and suitability for waste water disposal systems;

c. Hydrologic characteristics including surface water bodies, floodplains, wetlands (including those considered buildable by federal, state and local standards), aquifers and their recharge areas, and natural swales and drainage tributaries;

d. Wildlife habitats and corridors;

e. Vegetation in terms of general cover type (woodlands, pasture, etc.), boundaries of woodland areas and any stand-alone trees with a diameter breast height, (DBH) of more than 36 inches;

f. Current land use and land cover, such as cultivated areas and paved areas, all building and structures, and all encumbrances;

g. Scenic views onto the tract and from within the tract;

h. Known cultural resources including a brief description of historical and archeological features and structures;

i. Existing streets and utility easements; and

j. Existing storm drainage facilities and public and private water and sewer lines.

Sec. 505.05. **Preliminary plat; conservation subdivision.**

Based on the density determined by the yield plan, and based on open space areas from the site analysis plan, applicant shall submit a conservation subdivision preliminary plat in accordance with the Procedures and Permits Article of this Development Code, showing the lots, streets, open space, recreation areas and other requirements for preliminary plats.

Sec. 505.06. **Open space standards.**

a. Minimum area.

The minimum area of open space preserved shall be determined by the net density from the yield plan and the actual lot size. For example: if the net density for a 50-acre AR property computes to be one lot per 2.38 acres (21 lots) and the average lot size is one acre, then 21 acres will be in lots, about 2.5 acres in right-of-way and the remaining 26.5 acres will be in perpetual open space. This will vary from one subdivision to the next but open space shall be at least 50% or more of the total site.

b. Physiographic characteristics:

The types of land area included in the open space shall include all primary conservation areas and such secondary conservation areas as appropriate. See the Environmental Protection Article of this Development Code for descriptions of conservation areas.

c. The open space shall be an integrated part of the project rather than an isolated element and fragmentation of the open space shall be minimized. Individual open space parcels generally shall be larger than three acres, have a length to width ratio of no less than 4:1 and a width of at least 75 feet. Exceptions may be made for entrances to trails and other particular uses as deemed appropriate by the county.

d. The open space shall be directly accessible to the largest practical number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

e. Where practical, open space areas shall also be configured to provide a landscape buffer between adjoining property outside the conservation subdivision and the house sites within the subdivision. With the exception of approved fences and signs, a 50 foot landscape buffer shall be maintained between structures and the exterior boundaries of the subdivision. The intent is to decrease potential conflicts between various land uses (e.g., residential vs. agricultural uses).

f. See also the open space ownership and management requirements of Sec. 508.

Sec. 505.07. **Permitted uses of open space.**

a. Uses of open space may include the following:

(1) Conservation of natural, archeological or historical resources;

(2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

(3) Walking or bicycle trails;

(4) Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests;

(5) Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;

(6) Easements for drainage, access, and sewer or water lines, or other public purposes;

(7) Underground utility rights-of-way; and

(8) Other conservation-oriented uses if approved by the Board of Commissioners.

b. Non-permitted uses of open space include the following:

(1) Roads and non-permeable paved surfaces unless approved otherwise by Oconee County;

(2) Above-ground utility rights-of-way unless approved otherwise by Oconee County; and

(3) Other uses inconsistent with the purposes of these regulations and the Zoning Ordinance.

Sec. 506. Master planned developments.

Sec. 506.01. General requirements.

a. The provisions contained in this Article shall apply to all properties approved as Master Planned Developments (MPD) prior to July 2, 2019. **As of July 2, 2019, no applications will be accepted for approval of a new Master Planned Development.** Applications may be accepted for modification of a Master Planned Development created prior to July 2, 2019, provided that no increase in land area shall be approved. No property rezoned to a Master Planned Development classification prior to July 2, 2019, shall be expanded, amended, or modified so as to allow an increase in the total number of building units, lots, density, nor to reduce the amount of greenspace or open space required by this Section. All such property shall otherwise be subject to the provisions of and in compliance with the MPD regulations of this Development Code.

b. All master planned developments require Concept Plan approval by the Board of Commissioners as a zoning change.

c. A Concept Plan for a master planned development shall be reviewed by the Development Review Committee for recommendations, and shall follow the procedures for concept plan review under the Procedures and Permits Article of this Development Code for approval or modification.

d. The provisions of this Section apply to all master planned developments in lieu of the requirements of the zoning district in which the MPD is located. Where no provisions to the contrary are included in this Article, the requirements of the applicable zoning district shall apply.

Sec. 506.02. Criteria for approval.

a. A master planned development must comply with the open space, residential development standards and nonresidential development standards of Sec. 506.14 as a prerequisite for approval.

b. The provisions of this Article are intended to encourage the development of master planned developments in appropriate locations that allow the use of innovative techniques, such as traditional neighborhood design, open space subdivisions, village concepts and mixed use development. Such master planned developments should be brought together as a compatible and unified development by allowing flexibility within the current zoning regulations.

c. Benefits of master planned developments include innovative design, the protection and accommodation of important natural resources and open space within the county, and the cost savings of less infrastructure. MPDs are reviewed individually to determine compatibility, suitability, and health, safety and welfare issues. Individual requirements relating to such developments become part of the site through conditions of Concept Plan approval.

d. Review criteria.

The following is a list of criteria that will be used by the County to determine the suitability of a proposed master planned development:

(1) The uses proposed will not be detrimental to present surrounding uses and potential surrounding development as shown on the Future Land Use Map;

(2) Exceptions from the lot area, setback and other development standards of the zoning district applicable to the subject property are warranted by the design and amenities incorporated in the development plan;

(3) Land surrounding the proposed development can be planned in coordination with the proposed development and will be compatible in use;

(4) Water and sewer system extensions and improvements must be proposed in a manner consistent with the County's strategies for water & sewer and the development must be compatible with the transportation master plans at the time of application; and

(5) The master planned development must be in conformance with the general intent of this Development Code and the Comprehensive Plan. Proposed MPDs must have a portion of their gross land area within the Comprehensive Plan Future Land Use Map land use categories as shown on Table 5.3, and have its primary entrance located within ¾ road miles of the Future Land Use Map land use categories shown on the same table.

Table 5.3: Comprehensive Plan Consistency

Proposed Underlying Zoning District of Proposed MPD	Future Land Use Map Land Use Categories	
	Portion of MPD must be located within:	**MPD property must be located within ¾ road miles of:**
R-1	Residential	Government or Public/Institutional or Office Professional or Retail/General
R-2	Residential or Office Professional	Office Professional or Retail/General
R-3	Residential or Office Professional or Retail/General	Office Professional or Retail/General
B-1	Office Professional or Retail/General	Office Professional or Retail/General
B-2	Retail/General	Retail/General
Note: "Residential" does not include the "Low Density Residential" category.		

(6) Every master planned development must be deemed by the Board of Commissioners to incorporate features of exceptional architectural, landscaping or site design prior to master planned development approval. Such plans upon which this determination is made shall be incorporated into the master planned development approval of the project.

Sec. 506.03. **Development parameters.**

The following general conditions apply to master planned developments according to the zoning district of the property:

a. General requirements.

(1) A master planned development must contain at least 50 contiguous acres provided however that nothing herein shall preclude the expansion of an MPD which has been approved after the date of adoption of this amendment by the addition of contiguous properties which are smaller than 50 acres provided the rezoning of said contiguous properties and the original MPD is approved in accordance with applicable regulations.

(2) The primary access (i.e., main entrance) to the master planned development must be from an arterial or major collector road as defined in this Development Code.

(3) The master planned development must be served by public water and a sanitary sewerage and treatment system approved by the Board of Commissioners.

b. The proportion and distribution of nonresidential to residential uses in a master planned development is determined by the zoning category of the property and the maximum density proposed. The underlying zoning district also determines the maximum number of dwelling units and the type of commercial development that can be allowed in the master planned development. These limitations and the distribution of housing types are shown on Table 5.4.

Table 5.4: Land Use Distribution in a Master Planned Development

Zoning District	Maximum Density and Minimum FAR[1]	Use Distribution (Percent of Total Site Area)	Percent of Total Units by Housing Type
R-1	Up to 1.24 du/a	No less than 20% open space No more than 70% residential	Min. 80% Single-family detached units Max. 20% Townhouse units
	Min. 0.15 FAR	No less than 10% general commercial Max. 15% general commercial	
R-2	Up to 2.40 du/ac	No less than 20% open space No more than 65% residential	Min. 20%, Single-family detached units Max. 80% Duplex dwelling units Max. 30% Townhouse units
	Min. 0.15 FAR	No less than 15% general commercial Max. 20% general commercial	
R-3	Up to 4.40 du/ac	No less than 20% open space No more than 60% residential	Min. 20% Single-family detached or Duplex units Max. 80% Townhouse or Apartment units
	Min. 0.15 FAR	No less than 20% general commercial Max. 30% general commercial	
B-1	Up to 3.70 du/ac	No less than 20% open space No less than 30% residential	Min. 40% Single-family detached, Duplex units or Townhouses Max. 60% Apartments[2]
	Min. 0.15 FAR	No less than 30% general commercial Max. 50% general commercial	
B-2	Up to 4.20 du/ac	No less than 20% open space No less than 20% residential	Min. 25% Single-family detached, Duplex units or Townhouses Max. 75% Apartments[2]
	Min. 0.15 FAR	No less than 50% highway commercial Max. 60% highway commercial	

[1] Du/ac: Dwelling units per gross residential acre. The gross residential acreage is the total acreage of the property excluding any acreage to be used for commercial development.

FAR (Floor Area Ratio): The gross floor area of the commercial buildings divided by the net area of the commercial site. The net area of the commercial site excludes public and private rights-of-way and buffers.

[2] "Apartments" include Loft Apartments over ground floor office or commercial space.

c. Commercial uses.

(1) When "general commercial" is allowed, development of the commercial area shall be controlled by the B-1 zoning district provisions, except as modified by this Article and restricted by Table 5.5.

(2) When "highway commercial" is allowed, development of the commercial area shall be controlled by the B-2 zoning district provisions, except as modified by this Article and restricted by Table 5.5.

(3) Accessory commercial uses, such as a sales office, maintenance office or resident manager, are allowed within any individual development to which they are normally incidental.

(4) Commercial structures and uses that are incorporated into a master planned development must be located and designed as an integral part of the unified development. As an addition to the B-1 and B-2 district provisions, residential and commercial uses may either be located in freestanding buildings within a site, or combined together within the same building.

(5) Development of the commercial floor area shall precede or occur in conjunction with residential development of the MPD in direct proportion to the number of dwelling units approved for each development phase as follows:

(a) No more than one half of the total number of residential lots, houses or units may be final platted or permitted (building permits issued) until at least one

half of the commercial lots or commercial buildings (floor space) have been final platted and constructed (including the completion of all infrastructure, exterior walls, roofs, exterior building finish, parking areas, sidewalks, landscaping, lighting and buffers associated with said one half of the commercial use).

(b) Upon final platting and construction of a least one half of the commercial lots and buildings (floor space) (including the completion of all infrastructure, exterior walls, roofs, exterior building finish, parking areas, sidewalks, landscaping, lighting and buffers associated with said one half of the commercial use), the remainder of the residential component of the MPD may be final platted and building permits issued.

Table 5.5: Restrictions on Commercial Uses

Underlying Zoning District of the MPD	Minimum % Retail*
R-1	30%
R-2	40%
R-3	50%
B-1	60%
B-2	70%
*Establishments primarily engaged in the selling of goods or merchandise.	

d. Development is to be carefully planned to ensure that the benefits of master planned developments are fully realized and potential negative impacts of one use on another are minimized, both within the development and along its periphery. Factors include separation of mixed-use areas from single-use areas, pedestrian access linkages, placement of open space and community amenities to define neighborhoods and provide community focus, peripheral buffers and transitions in use or intensity approaching the MPD boundary. The denser portions of the residential component and the active amenity areas such as pools, tennis, basketball and other recreational uses should be located internally and the less dense residential areas should be on the periphery of the developed areas.

e. All master planned developments must provide internal pedestrian access, including connections to external access points. The type of access such as sidewalks, bike paths, lanes, and trails will be established during the review period to determine the best way to serve a particular development.

Sec. 506.04. **Maximum number of dwelling units.**

The total number of dwelling units for all types of housing allowed in a master planned development is determined by multiplying the maximum density shown on Table 5.4 for the underlying zoning district times the gross residential acreage of the property (excluding any acreage to be used for commercial development). Individual portions may exceed this density in accordance with the approved Concept Plan for the MPD, provided that the maximum density of the entire project is not exceeded.

Sec. 506.05. **Minimum lot size.**

The following establishes the amount of land to be set aside for each dwelling unit, whether in individual lots or within a property containing condominium or multi-family units. Street rights-of-way, private street easements, landscape buffers and stream buffers, and utility easements are not to be included in lot areas when calculating minimum lot sizes.

a. For a single-family detached or duplex dwelling average 15,000 (minimum 5,000) square feet per dwelling unit in the R-1 zoning district, average 7,500 (minimum 5,000) square feet per dwelling unit in the R-2 zoning district, and minimum 5,000 square feet per dwelling unit in the R-3, B-1 and B-2 zoning districts.

b. For multi-family dwellings (including townhouses) the average lot area shall be 4,000 square feet. For a townhouse condominium or apartment development intended to occupy a single property, the property shall contain a minimum total area equal to the number of dwelling units times 4,000 square feet.

Sec. 506.06. **Minimum lot widths.**

The minimum lot widths for lots in any master planned development shall be as established on the Concept Plan approved for the MPD.

Sec. 506.07. **Minimum setbacks.**

The minimum setbacks for principal buildings in any master planned development shall be as established on the Concept Plan approved for the MPD.

Sec. 506.08. **Minimum dwelling unit floor area.**

The minimum floor area for dwelling units in any master planned development shall be as established on the Concept Plan approved for the MPD.

Sec. 506.09. **Internal orientation required.**

All single-family residential lots within a master planned development must front upon and gain their access from a proposed street within the development, provided that any lot fronting upon and gaining its access from an existing County street or road shall comply with the dimensional standards of the zoning district within which the master planned development is located.

Sec. 506.10. **Minimum separation from adjoining streets.**

The single-family residential lots within an R-1 master planned development meeting the reduced dimensional standards for a master planned development must be separated from every existing County road or street right-of-way that adjoins the development by a buffer described in Sec. 506.11. All townhouse projects within an R-1 or R-2 master planned development must be separated from every existing County road or street right-of-way that adjoins the development by a 100-foot wide landscape buffer if no single family detached residential or commercial uses are located between the townhouses and the existing County road or street.

Sec. 506.11. **Buffer requirements.**

a. A permanent landscape buffer area shall be established along the perimeter of any master planned development where it adjoins an agricultural or residential zoning district. Except for a fence, wall or earthen berm along the property line, and necessary utility crossings generally perpendicular, the buffers shall remain undisturbed and no structure of any type shall be permitted in the buffer area. Buffers shall conform to the buffer design standards (except for width) of the Landscaping and Buffers Article of this Development Code. Buffer widths along the perimeter of the MPD shall be no less than the dimensions shown on Table 5.6. Where supplemental planting, berms, walls, fences or other installations are provided in order to meet the buffer performance standards, then said improvements shall be installed at the same time as the infrastructure, (roads, water & wastewater facilities, earthwork and storm water improvements) in each phase of the development.

Table 5.6: MPD Minimum Buffer Requirements (in feet)

Underlying Zoning District of Proposed MPD	Underlying Zoning District of Adjoining Property					
	AG	AR Zoning Districts[1]	R-1 +	R-2 +	R-3 +	Other Zoning Districts
R-1[2]	50	50	50	50[3]	50[3]	N/A
R-2[2]	75	75	75	50[3]	50[3]	N/A
R-3[2]	100	100	100	100	50[3]	N/A
B-1	100	100	100	100	100	See Sec. 806
B-2	100	100	100	100	100	See Sec. 806

[1] AR-3 and AR.
[2] Or as required by the Landscaping and Buffers Article if greater than the buffer shown on this table.
[3] Buffer required only between commercial component of MPD and adjacent property.
+ includes districts with overlays such as R-1 PUD and R-2 MPD etc.

b. Internal landscape buffers as would otherwise be required by this Development Code between land use areas within a master planned development may be waived, subject to conditions of approval for the master planned development Concept Plan. However, conservation corridors shown on the Future Land Use Plan shall be protected by a 100-foot wide natural undisturbed buffer except that necessary crossings for roads and utility lines shall be permitted if approved by the Board of Commissioners on rezone concept plans. Storm water detention areas shall not be constructed within said undisturbed buffers.

Sec. 506.12. **Ownership control.**

a. All of the land in a master planned development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.

b. See the open space ownership and management requirements of Sec. 508.

Sec. 506.13. **Concept plan.**

Development of a master planned development shall be guided by an approved Concept Plan for the overall project. See the Procedural Requirements for MPDs in the Procedures and Permits Article of this Development Code for details.

Sec. 506.14. **Quality development standards.**

In order for a master planned development to be approved, the development must meet or exceed the standards of this Section.

a. Common open space.

Acreage not utilized for residential lots, roadway access and utilities shall be placed in common open space or devoted to recreation amenities.

(1) A minimum percent of the gross project site area shall be reserved for common open space, as follows: no less than 20% of the total site must be set aside as open space for conservation, preservation or passive recreational use, such as walking trails and picnicking. Valuable natural resources and required stream buffers are to be given preference for inclusion in the minimum required open space. Land devoted to stormwater detention facilities may not be counted toward the 20% minimum unless the facility is a permanent lake or pond and is designed and intended for recreational access and use by the occupants of the development.

(2) Additional common open space may be provided and may include active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, basketball, field sports etc. However, these areas shall not be counted towards the 20% open space required above.

(3) Required buffers on the perimeter of the property may be included in the minimum open space requirement.

(4) While common open space shall not be required to be contiguous, no individual portion of the open space that counts toward the 20% minimum shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows: the open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.

(5) No portion of the residential lots shall be credited toward the minimum open space requirement unless the portion is included within a conservation easement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum open space requirement.

(6) The required common open space shall be platted at the same time that adjacent residential lots are platted, in whole or in phases, in accordance with the phasing approved as part of the Concept Plan for the MPD.

(7) Jurisdictional wetlands shall be included in the protected open space areas but the area of said wetlands shall not be counted toward the percentage of required open space area for the MPD.

b. Residential development standards.

(1) The subdivision must be served by a sanitary sewerage collection and treatment system approved by the County Water Resources and Public Works Departments.

(2) Recreation amenity.

In addition to the minimum required common open space, every subdivision must contain a community recreation amenity of adequate size or variety to serve the development, such as a community pool, picnic pavilion, tennis courts, children's playground or basketball courts, as deemed appropriate by the developer and Board of Commissioners and approved as part of the MPD Concept Plan. Such amenities should be substantial in nature and should include a major component such as a swimming pool and accessory uses such as parking, children's play areas, tennis or other similar improvements and landscaping.

(3) Private open space required.

Every single-family or two-family dwelling unit on a lot of less than 10,000 square feet shall have a minimum 400 square foot private yard or patio. Every townhouse unit shall have a minimum 200 square foot private yard or patio.

(a) The private yard or patio shall be arranged for use by the occupants of the dwelling and located in the side or rear yard.

(b) The private yard or patio must be enclosed by any combination of the following: a masonry wall, wood fence, trellis or lattice with a minimum height of 6 feet; or an evergreen hedge, shrubs or trees that will achieve a height of 6 feet within 3 years of planting under normal growing conditions.

(4) Lots within the development shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.).

(5) The developer shall provide architectural renderings of proposed structures to be reviewed and approved by the Board of Commissioners as part of the Concept Plan or prior to each preliminary subdivision plat or preliminary site plan approval.

(6) All dwelling units shall have facades that consist primarily of brick, stucco or stone finish, with minimal lap siding consisting of premium vinyl (subject to the standards of Sec. 506.14.d), painted wood lap or fiber cement board siding; or as otherwise approved as part of the MPD approval by the Board of Commissioners.

(7) Each single-family detached and duplex dwelling unit shall include at least a 2-car garage. Unless waived by the Board of Commissioners as part of the MPD approval, each townhouse unit must also include a minimum two car garage. Wider streets with on-street parking may be considered on private streets in lieu of on-site parking.

c. Nonresidential development standards.

Restrictions within through-road corridors apply to all commercial and institutional uses within a master planned development.

(1) Through-road corridor defined.

Land lying along and within 200 feet of the right-of-way of a public street or highway that adjoins or traverses a MPD and that provides for movement of through traffic (in contrast to internal local streets) shall constitute a through-road corridor.

(2) Any commercial, office or institutional property or portion of a property within the MPD that is located within a through-road corridor shall comply with the following special design standards:

(a) Building setbacks.

No principal or accessory building shall be located less than 50 feet from the right-of-way of a through road unless a reduced setback is approved by the Board of Commissioners as part of the MPD Concept Plan. This entire setback area shall be landscaped and may not include any parking or other accessory uses other than access driveways.

(b) Signage. Canopy signs are prohibited.

(c) Landscaping.

Any property or portion of a property that is located within a through-road corridor shall provide at least 20 percent of its gross land area in landscaping. Landscape areas and treatments shall be identified on the site plan for the development, subject to approval by the County.

(d) Building materials and architectural standards.

i. The exterior walls of any building that is located within a through-road corridor and/or is visible from a through road corridor shall be of masonry, stucco, or lap siding consisting of premium vinyl (subject to the standards of Sec. 506.14.d), painted wood lap or fiber cement board siding; or shall otherwise be consistent with and complementary to existing architecture in the general area. These finish building materials shall be applied to all sides of the building visible from the through road. Colors and materials shall be harmonious and compatible with colors of other buildings within and immediately adjacent to the district. Material colors shall be natural, muted earth tones, gray or muted red color brick, stone, and/or neutral shades of concrete. Bright or accent colors may be used with discretion where appropriate on ornamental locations on the building's exterior, but shall not be used as the primary building material color.

ii. No buildings with metal exterior facades will be permitted within the corridor nor shall any metal facade buildings be visible from the corridor. Metal roofs, including mansard roofs, are not considered part of a facade.

iii. Quality architectural standards and site design elements shall be given high priority in the design of the commercial portions of the MPD. Emphasis on brick exteriors is encouraged. Architectural accents utilizing brick, premium vinyl (subject to the standards of Sec. 506.14.d), wood and cement board siding details, bay windows, sloped roofs, dormers, columns, covered porches, vertical accent details, variations in the plane of the front building walls and other similar amenities are examples of such desirable architectural features. Quality site design features include but are not necessarily limited to textured and colored paving accents, sidewalk planters in front of the buildings, outdoor seating areas, decorative site furnishings and lighting fixtures, fountains, arbors, numerous large shade trees and substantial shrub, ground cover and flowering plants.

d. Standards for vinyl siding.

Vinyl siding used for any application in an MPD must meet or exceed the following requirements and standards:

(1) Materials.

Vinyl siding shall consist of PVC (rigid poly(vinyl chloride)) or polypropylene material that is no less than 0.044 inches thick (whether or not foam backed) and shall be certified by the manufacturer as otherwise meeting or exceeding the standard specifications of ASTM D3679 for rigid poly(vinyl chloride) (PVC) siding, as most currently adopted or revised by the American Society for Testing and Materials (ASTM).

(2) Vinyl siding products.

Vinyl siding products shall have the following specifications:

(a) 5/8-inch or greater panel projection;

(b) enhanced panel locking system with features to help straighten the wall appearance;

(c) reinforced nail hem curl or double nail hem designed to increase panel wind load resistance;

(d) polypropylene sidings; and

(e) product and color retention certification approvals by the Vinyl Siding Institute.

(3) Installation.

Vinyl siding shall be installed in accordance with the manufacturer's instructions applicable to the specific product and in accordance with ASTM D4756, Standard Practice for Installation of Rigid Poly (Vinyl Chloride) (PVC) Siding and Soffit. If any provision of the installation instructions of the ASTM or the manufactured conflict with the Building Codes of Oconee County, the Oconee County Codes shall control.

Sec. 506.15. **Master Planned Developments Existing Prior to April 2005.**

No property rezoned to a Master Planned Development classification prior to April 5, 2005 shall be expanded, amended, or modified so as to allow an increase in the total number of building units, lots, density, nor to reduce the amount of greenspace or open space required by this Section. All such property shall otherwise be subject to the provisions of and in compliance with the MPD regulations in effect on April 4, 2005, which are provided in this Section.

a. General Requirements.

(1) A master planned development (MPD) may be approved in any of the zoning districts shown on Table 5.7.

(2) All master planned developments require Concept Plan approval by the Board of Commissioners as a zoning change.

(3) A Concept Plan for a master planned development shall be reviewed by the Development Review Committee for recommendations, and shall follow the procedures for concept plan review as outlined in Division I of the Procedures and Permits Article of this development code for Planning Commission recommendation and Board of Commissioners approval.

(4) The provisions of this Section apply to all master planned developments in lieu of the requirements of the zoning district in which the MPD is located. Where no provisions to the contrary are included in this Section, the requirements of the applicable zoning district shall apply.

b. Criteria for approval.

(1) A master planned development must comply with the open space, residential development standards and nonresidential development standards of this Section as a prerequisite for approval.

(2) The provisions of this Article are intended to encourage the development of master planned developments in appropriate locations that allow the use of innovative techniques, such as traditional neighborhood design, open space subdivisions, village concepts and mixed use development. Such master planned developments should be brought together as a compatible and unified development by allowing flexibility within the current zoning regulations.

(3) Benefits of master planned developments include innovative design, the protection and accommodation of important natural resources and open space within the county, and the cost savings of less infrastructure. MPDs are reviewed individually to determine compatibility, suitability, and health, safety and welfare issues. Individual requirements relating to such developments become part of the site through conditions of Concept Plan approval.

(4) Review criteria.

The following is a list of criteria that will be used by the County to determine the suitability of a proposed master planned development:

(a) The uses proposed will not be detrimental to present surrounding uses and potential surrounding development as shown on the Future Land Use Map;

(b) Exceptions from the lot area, setback and other development standards of the zoning district applicable to the subject property in this development code are warranted by the design and amenities incorporated in the development plan;

(c) Land surrounding the proposed development can be planned in coordination with the proposed development and will be compatible in use; and

(d) The master planned development is in conformance with the general intent of this development code and the Comprehensive Plan.

(e) Every master planned development must be deemed by the Board of Commissioners to incorporate features of exceptional architectural, landscaping or site design prior to master planned development approval. Such plans upon which this determination is made shall be incorporated into the master planned development approval of the project.

c. Development Parameters.

The following general conditions apply to master planned developments according to the zoning district of the property:

(1) The proportion and distribution of nonresidential to residential uses in a master planned development is determined by the zoning category of the property and the maximum density proposed. The underlying zoning district also determines the maximum number of dwelling units and the type of commercial development that can be allowed in the master planned development. These limitations and the distribution of housing types are shown on Table 5.7.

(2) When "general commercial" is allowed, development of the commercial area shall be controlled by the B-1 zoning district provisions, except as modified by this Section.

(3) When "highway commercial" is allowed, development of the commercial area shall be controlled by the B-2 zoning district provisions, except as modified by this Section.

(4) Accessory commercial uses, such as a sales office, maintenance office or resident manager, are allowed within any individual development to which they are normally incidental.

(5) Commercial structures and uses that are incorporated into a master planned development must be located and designed as an integral part of the unified development. As an addition to the B-1 and B-2 district provisions, residential and commercial uses may either be located in freestanding buildings within a site, or combined together within the same building.

(6) Development is to be carefully planned to ensure that the benefits of master planned developments are fully realized and potential negative impacts of one use on another are minimized, both within the development and along its periphery. Factors include separation of mixed-use areas from single-use areas, pedestrian access linkages, placement of open space and community amenities to define neighborhoods and provide community focus, peripheral buffers and transitions in use or intensity approaching the MPD boundary.

(7) All master planned developments must provide internal pedestrian access, including connections to external access points. The type of access such as sidewalks, bike paths, lanes, and trails will be established during the review period to determine the best way to serve a particular development.

Table 5.7: Land Use Distribution in a Master Planned Development□

Zoning District	Maximum Density (du/acre ★)	Use Distribution	
		Percent of Total Site Area	Percent of Total Units by Housing Type
R-1	Up to 1.5	No less than 20% open space No more than 80% residential No more than 5% general commercial	Min. 80% Single-family detached Max. 20% Townhouses
	Over 1.5 to 1.9	No less than 20% open space No more than 78% residential Min. 2% to max. 5% general commercial	Min. 60% Single-family detached Max. 40% Townhouses
R-2	Up to 2.9	No less than 20% open space No more than 80% residential No more than 10% general commercial	Min. 20% Single-family detached Max. 80% Duplex Dwelling Units Max. 30% Townhouses
	Over 2.9 to 3.6	No less than 20% open space No more than 75% residential Min. 5% to max. 10% general commercial	Min. 20% Single-family detached Max. 80% Duplex Dwelling Units Max. 30% Townhouses
R-3	Up to 5.6	No less than 20% open space No more than 80% residential No more than 20% general commercial	Min. 20% Single-family detached or Duplex Units Max. 80% Townhouses or Apartments★★
	Over 5.6 to 5.8	No less than 20% open space No more than 70% residential Min. 10% to max. 20% general commercial	Min. 20% Single-family detached or Duplex Units Max. 80% Townhouses or Apartments★★
B-1	Up to 3.0	No less than 20% open space No more than 30% residential No more than 50% general commercial	Min. 40% Single-family detached, Duplex units, or Townhouses Max. 60% Apartments★★
B-2	Up to 3.5	No less than 20% open space No more than 30% residential No more than 50% general commercial	Min. 25% Single-family detached, Duplex units, or Townhouses Max. 75% Apartments★★

✧ Applicable to Master Planned Developments existing prior to April 5, 2005
★ Dwelling Units Per Gross Acre
★★ "Apartments" include Loft Apartments over ground floor office or commercial space

d. Maximum number of dwelling units.

The total number of dwelling units for all types of housing allowed in a master planned development is determined by multiplying the maximum density shown on Table 5.7 for the underlying zoning district times the gross acreage of the entire property. Individual portions may exceed this density in accordance with the approved Concept Plan for the MPD, provided that the maximum density of the entire project is not exceeded.

e. Minimum lot size.

The following establishes the amount of land to be set aside for each dwelling unit, whether in individual lots or within a property containing condominium or multi-family units:

(1) A single-family detached or duplex dwelling on an individual well and septic tank or on public water and septic tank must provide the lot area per dwelling unit required by Article 4, or a larger area per dwelling unit if required to meet Health Department standards.

(2) For a single-family detached or duplex dwelling on public water and a sanitary sewer collection and treatment system – average 15,000 (minimum 5,000) square feet per dwelling unit in the R-1 zoning district, average 7,500 (minimum 5,000) square feet per dwelling unit in the R-2 zoning district, and average 5,000 square feet per dwelling unit in the R-3, B-1 and B-2 zoning districts.

(3) For multi-family dwellings (including townhouses) the average lot area shall be 4,000 square feet. For a townhouse condominium or apartment development intended to occupy a single property, the property shall contain a minimum total area equal to the number of dwelling units times 4,000 square feet. A sanitary sewer collection and treatment system is required for any such project.

f. Minimum lot widths.

The minimum lot widths for lots in any master planned development shall be as established on the Concept Plan approved for the MPD.

g. Minimum setbacks.

The minimum setbacks for principal buildings for any master planned development shall be as established on the Concept Plan approved for the MPD.

h. Internal orientation required.

All single-family residential lots within a master planned development must front upon and gain their access from a proposed street within the development, provided that any lot fronting upon and gaining its access from an existing County street or road shall comply with the dimensional standards of the zoning district within which the master planned development is located.

i. Minimum separation from adjoining streets.

The single-family residential lots within an R-1 master planned development meeting the reduced dimensional standards for a master planned development must be separated from every existing County road or street right-of way that adjoins the development by a 50-foot wide buffer or 200-foot wide building setback. All townhouse projects within an R-1 or R-2 master planned development must be separated from every existing County road or street right-of-way that adjoins the development by a 100-foot wide buffer if no residential or commercial uses are located between the townhouses and the existing County road or street.

j. Buffer requirements.

(1) A permanent 50-foot buffer area shall be established around the perimeter of any master planned development where it adjoins an agricultural, agricultural/residential or residential zoning district. Except for a fence, wall or earthen berm along the property line, no structure of any type shall be permitted in the buffer area.

(2) Internal buffers as would otherwise be required by this development code between land use areas within a master planned development may be waived, subject to conditions of approval for the master planned development Concept Plan.

k. Ownership Control.

(1) All of the land in a master planned development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.

(2) The use of common open space and other common areas shall be governed by an owner's association meeting the requirements of Sec. 506.15.n(3)(b)iv.2.

l. Concept plan.

(1) Concept plan; administration.

(a) Development of a master planned development shall be guided by an approved Concept Plan for the overall project. Prior to any land development activity or the issuance of a building permit, the Concept Plan shall have been approved by the Board of Commissioners, and subsequent development must substantially conform to the approved Concept Plan.

(b) The level of detail to be shown on a master planned development Concept Plan shall reflect the scale of the proposed project. For a mixed-use master planned development, the various areas by housing type and land use category are to be identified and the parameters of development identified for each area. A master planned development involving only one type of housing would present more detail regarding the layout of the development.

i. The Concept Plan for a master planned development involving only one type of housing shall conform to the requirements for a "concept plan" set forth under Division I of the Procedures and Permits Article of this development code.

ii. The Concept Plan for a mixed-use master planned development must designate the type of development planned for each area. The Concept Plan shall illustrate the individual lot lines within each subdivision and the building outlines in each condominium, multi-family or nonresidential project, and must conform to the requirements for a "concept plan" set forth under Division I of the Procedures and Permits Article of this development code.

m. Impact analyses.

(1) Zoning impact analysis.

Every initially proposed master planned development Concept Plan shall be accompanied by a narrative specifically addressing each of the standards set forth under Division I of the Procedures and Permits Article of this development code.

(2) Traffic impact analysis.

(a) Every initially proposed master planned development Concept Plan that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic analysis prepared under guidelines available from the County Engineer. Anticipated vehicle trips may be based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers.

(b) A traffic analysis shall also be required for a proposed modification to a previously approved Concept Plan if the average daily vehicle trips will increase by 10% or more than calculated for the original Concept Plan, or average daily vehicle trips will exceed 1,000 for the first time.

(c) For MPDs with less than 1,000 average daily vehicle trips or increases of less than 10%, the County Engineer may require a traffic analysis when conditions on the public street system warrant.

(3) Site plans and subdivision plats.

(a) Approvals of individual projects within a master planned development are to follow the County's normal development approval process, based on preliminary site plans or preliminary subdivision plats as normally required. Each preliminary site plan or preliminary subdivision plat is to be consistent with the approved Concept Plan for the master planned development.

(b) Approval for construction of individual projects within a master planned development are to follow the County's normal approval process of engineering drawings through the development review committee.

(4) Modifications to the concept plan.

Development of each portion of a master planned development must substantially conform to the Concept Plan approved by the Board of Commissioners. If any preliminary site plan or preliminary subdivision plat is proposed that does not substantially conform, the Concept Plan must first be modified before the preliminary site plan or preliminary subdivision plat can be approved. Modifications of the Concept Plan can only be approved by the Board of Commissioners, following the same procedure as the initial approval of the original Concept Plan as outlined in Division I of the Procedures and Permits Article of this development code.

(5) Concept plan updates required.

The master planned development Concept Plan is to be updated as individual site plans are approved for construction or final subdivision plats are recorded. Updating is an administrative process for submission to the Planning Department, and is intended to provide a record of the master planned development as build-out progresses. No update will be allowed that does not substantially conform to the approved Concept Plan, or that has not been approved as a modification to the Concept Plan by the Board of Commissioners.

n. Quality development standards.

In order for a master planned development to be approved, the development must meet or exceed the standards of this Section.

(1) Common open space.

Acreage not utilized for residential lots, roadway access and utilities shall be placed in common open space or devoted to recreation amenities.

(a) A minimum percent of the gross project site area shall be reserved for common open space, as follows: no less than 20% of the total site must be set aside as open space for conservation, preservation or passive recreational use, such as walking trails and picnicking. Valuable natural resources and required stream buffers are to be given preference for inclusion in the minimum required open space. Land devoted to stormwater detention facilities may not be counted toward the 20% minimum unless the facility is a permanent lake or pond and is designed and intended for recreational access and use by the occupants of the development.

(b) Additional common open space may be provided and may include active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.

(c) Required buffers on the perimeter of the property may be included in the minimum open space requirement.

(d) While common open space shall not be required to be contiguous, no individual portion of the open space that counts toward the 20% minimum shall be less than 1 acre in size, nor less that 50 feet wide in its narrowest dimension, except as follows:

i. The open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.

ii. Parkways between road travelways, which must be at least 26 feet in width to be counted as part of the minimum 20% common open space.

(e) No portion of the residential lots shall be credited toward the minimum open space requirement unless the portion is included within a conservation easement. No portion of any street right-of-way (other than a parkway between road travelways) or public or private utility easement shall be credited toward the minimum open space requirement.

(f) The required common open space shall be platted at the same time that adjacent residential lots are platted, in whole or in phases, in accordance with the phasing approved as part of the Concept Plan for the MPD.

(2) Residential development standards.

(a) The subdivision may be served by a sanitary sewerage collection and treatment system approved by the County Water Resources and Public Works Departments, or a community sanitary septic system approved by the Health Department. Public sewer must be approved by the County Water Resources and Public Works Departments, and private sewer must be approved by the Board of Commissioners.

(b) Recreation amenity.

In addition to the minimum required common open space, every subdivision must contain a community recreation amenity of adequate size or variety to serve the development, such as a community pool, picnic pavilion, tennis courts, children's playground or basketball courts, as deemed appropriate by the developer and approved as part of the MPD Concept Plan.

(c) Private open space required.

Every single-family or two-family dwelling unit on a lot of less than 10,000 square feet shall have a minimum 400 square foot private yard or patio. Every townhouse unit shall have a minimum 200 square foot private yard or patio.

i. The private yard or patio shall be arranged for use by the occupants of the dwelling and located in the side or rear yard.

ii. The private yard or patio must be enclosed by any combination of the following: a masonry wall, wood fence, trellis or lattice with a minimum height of 6 feet; or an evergreen hedge, shrubs or trees that will achieve a height of 6 feet within 3 years of planting under normal growing conditions.

(d) Lots within the development shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.).

(e) The developer shall provide architectural renderings of proposed structures to be reviewed and approved by the Board of Commissioners as part of the Concept Plan or prior to each preliminary subdivision plat or preliminary site plan approval.

(f) All dwelling units shall have façades that consist primarily of brick, stucco or stone finish, with minimal painted wood lap or fiber cement board siding; or as otherwise approved as part of the MPD approval by the Board of Commissioners.

(g) Each single-family detached or duplex dwelling unit must include at least a 2-car garage, unless waived by the Board of Commissioners as part of the MPD approval. Wider streets with on-street parking may be considered on private streets in lieu of on-site parking.

(3) Nonresidential development standards.

Restrictions within through-road corridors apply to all commercial and institutional uses within a master planned development.

(a) Through-road corridor defined.

Land lying along and within 200 feet of the right-of-way of a public street or highway that adjoins or traverses a MPD and that provides for movement of through traffic (in contrast to internal local streets) shall constitute a through-road corridor.

(b) Any commercial, office or institutional property or portion of a property within the MPD that is located within a through-road corridor shall comply with the following special design standards:

i. Building setbacks.

No principal or accessory building shall be located less than 50 feet from the right-of-way of a through road unless a reduced setback is approved by the Board of Commissioners as part of the MPD Concept Plan. This entire setback area shall be landscaped and may not include any parking or other accessory uses other than access driveways.

ii. Signage. Canopy signs are prohibited.

iii. Landscaping.

Any property or portion of a property that is located within a through-road corridor shall provide at least 20 percent of its gross land area in landscaping. Landscape areas and treatments shall be identified on the site plan for the development, subject to approval by the County.

iv. Building materials.

1. The exterior walls of any building that is located within a through-road corridor and/or is visible from a through road corridor shall be of masonry and/or stucco-type-construction, or shall otherwise be consistent with and complementary to existing architecture in the general area. These finish building materials shall be applied to all sides of the building visible from the through road. Colors and materials shall be harmonious and compatible with colors of other buildings within and immediately adjacent to the district. Material colors shall be natural, muted earth tones, gray or muted red color brick, stone, and/or neutral shades of concrete. Bright or accent colors may be used with discretion where appropriate on ornamental locations on the building's exterior, but shall not be used as the primary building material color.

2. No buildings with metal exterior facades will be permitted within the corridor nor shall any metal façade buildings be visible from the corridor. Metal roofs, including mansard roofs, are not considered part of a facade.

o. Owner's association.

(1) Homeowner's association; when required.

For any residential development containing common open space or other lands in common ownership, a Homeowner's Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

(a) Membership in the Homeowner's Association must be mandatory for each property in the development.

(b) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.

(c) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.

(d) The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act." ((Code 1981, § 44-3-220, et seq. enacted by Ga. L. 1994, p. 1879, § 1) and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Act, if it is to act as a holder of the conservation easement.

(e) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the Association. In lieu of a reserve fund, documents creating the

Homeowner's Association may provide for a contract committing the developer to pay for all reasonable expenses of the Association for the one year period following transfer of control.

(f) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:

i. Equal access and right of use to all shared facilities;

ii. Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;

iii. Tax liability in the case of default;

iv. The method of assessment for dues and related costs;

v. Where appropriate, party wall maintenance and restoration in the event of damage or destruction;

vi. Signs;

vii. Exterior items such as fences, lawn ornaments, and landscape areas and buffers;

viii. Building improvements;

ix. Outside storage;

x. Overnight parking of vehicles; and

xi. Trash collection containers.

(g) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with an application for final subdivision plat approval.

(2) Owners' association.

For nonresidential development projects, an association of the property owners that is consistent with the requirements for a homeowners' association will serve in lieu of the requirements of this Section.

(3) Condominium association.

For condominium projects, incorporation of a Condominium Association consistent with state law will serve in lieu of the requirements of this Section, provided that:

(a) Specific maintenance responsibilities for storm water detention facilities are included; and

(b) The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association.

p. Open space management.

(1) No later than the time of Concept Plan approval, as part of the draft covenants proposed for the MPD, the applicant shall submit a written management plan for the open space areas shown on the plan. The management plan shall include:

(a) Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the open space areas;

(b) Allocation of responsibility and establishing guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(c) Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and an outline of the means by which such funding will be obtained or provided.

(2) The common open space required herein shall be permanently protected in perpetuity by a conservation casement conveyed to the homeowners' association, or other entity approved by Oconee County prior to the sale of the first lot in such subdivision. The conservation easement shall be created subject to the provisions of Article I of Chapter 10 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Uniform Conservation Easement Act." (Code 1981, § 44-10-1, et seq.. enacted by Ga. L. 1992, p. 2227, § 1). All such conservation easements shall provide for either enforcement rights or third party enforcement rights, as the case may be, vested in the homeowners' association and in Oconee County and shall provide that the conservation easement may not be terminated or otherwise modified without the consent of all entities having either a property right or enforcement right therein.

(3) The common open space areas shall be owned and maintained in accordance with the following criteria provided that the record title to the property and the conservation easement shall be held by different entities:

(a) Record title may be held by:

i. Equal share of undivided interest by each lot owner;

ii. The homeowners' association, or

iii. Other entity approved by Oconee County

(b) Conservation easement may be held by:

i. The homeowners' association;

ii. Oconee County, or

iii. Other entity approved by Oconee County, qualified to be a holder under the Georgia Uniform Conservation Easement Act.

(c) Maintenance:

i. Homeowners' association, or

ii. Other entity approved by Oconee County

q. Special Platting and Development Requirements.

(1) All commercial sections of an MPD project must be platted separately from the parent parcel no later than the time of the recording of the final plat of the first phase of the development.

(2) On commercial sections of an MPD project, at least one establishment (building) must be built prior to recording of the final plat for the last phase of the development except in the case of single phase developments where the schedule shall be determined per the rezone documents.

Sec. 507. Planned unit developments (PUD).

Sec. 507.01. Purpose.

The provisions contained in this Article shall apply to all properties approved as Planned Unit Developments prior to December 31, 2002. **As of January 1, 2003, no applications will be accepted for approval of a new Planned Unit Development.** Applications may be accepted for modification of a Planned Unit Development created prior to December 31, 2002,

provided that no increase in land area shall be approved. Such modification shall comply with the PUD regulations in effect on December 3rd, 2002.

Sec. 507.02. **Criteria for development.**

a. The purpose of Planned Unit Developments is to encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The County gains the advantages of variety in building types, compatibility of uses and optimum community development. Review of the development plan by the Oconee County Planning Commission provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located.

b. The Planned Residential Development is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning and to assure the provision of park and recreation facilities for the use of the occupants of the development.

Sec. 507.03. **Types of planned unit developments.**

The following types of Planned Unit Developments are authorized by these Regulations. They are required to have the minimum acreage indicated.

a. Planned Residential Development with shopping facilities -- 100 acres. Planned Residential Development without shopping facilities -- 20 acres.

b. Planned Shopping Centers -- 5 acres.

c. Planned Industrial Parks -- 10 acres.

d. Planned Institutional Developments -- 15 acres.

Sec. 507.04. **Ownership control.**

a. All of the land in a Planned Unit Development shall be owned initially by an individual, by a corporation or by some legal entity.

b. The owner may sell to another person a portion of the Planned Unit Development to be developed by said person, provided a preliminary plat, in accordance with the original Planned Unit Development, of said portion of property has been approved by the Oconee County Planning Commission and a performance bond, to assure construction of streets and utilities, has been posted for said property.

c. Individual lots or units in a Planned Unit Development may be sold after a Final Plat has been recorded with the lots and units subject to private deed covenants that assure the continuance of the Planned Unit Development as originally approved and planned.

d. This paragraph shall not apply to Planned Institutional Developments. Planned Institutional Developments shall be owned in perpetuity by a non-profit organization or non-profit establishment as defined under "Institution" herein.

Sec. 507.05. **Standards applying to all planned unit developments.**

All Planned Unit Developments shall meet the following standards and such other requirements as set forth with respect to each of the four permitted types of Planned Unit Developments.

a. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.

b. The development, as planned, shall not adversely affect developed or undeveloped neighboring properties.

c. The development shall utilize design and development features that would not be possible by the application of lot-by-lot Zoning District regulations.

d. Water, sewerage, highways, garbage collection, and school facilities shall be adequate as required by State regulations for the proposed development or there shall be a definite proposal for making them so.

Sec. 507.06. **Standards applying to planned residential unit developments.**

The following standards, in addition to the above-mentioned standards for all Planned Unit Developments, apply to Planned Residential Unit Developments:

a. Location. A Planned Residential Unit Development may be located within an R Zoning District if it meets all of the requirements specified for Planned Residential Unit Developments.

b. Minimum acreage required and permitted uses. The following are the minimum acreage requirements and uses permitted in Planned Residential Unit Developments:

(1) A Planned Residential Unit Development with a minimum of 100 contiguous acres may contain single-family detached dwellings (including modular homes but not mobile homes), two-family dwellings, multi-family dwellings, condominiums, or a combination of said dwellings plus customary home occupations and customary residential accessory buildings and uses.

(2) A maximum of five percent of the development's acreage which may be B-1 General Business District Uses.

(3) Permitted uses for Planned Residential Unit Developments with less than 100 acres shall be the same as those listed for Planned Residential Unit Developments with 100 or more acres, except that they shall not include any B-1 General Business District uses.

c. Common open space requirements. A minimum of 10 percent of the land area in a Planned Residential Development shall be reserved for open space, parks, other recreation or other public uses.

d. Not more than thirty percent of the land so reserved may lie in a Flood Plain.

e. The required yards and parking areas shall not be credited toward the minimum open space requirements.

f. General private deed covenants. The transfer of ownership of individual properties in the Planned Residential Development may be made only after a final plat has been approved and recorded and with the said properties subject to private deed covenants that will assure the continuance of the Planned Residential Development as originally approved and developed.

g. Minimum lot sizes. The minimum lot sizes for single-family detached houses in the Zoning District in which the Planned Residential Development is located may be waived but each single-family residential structure shall be placed on a separate lot.

h. The minimum lot sizes for condominiums, townhouses, or multi-family houses in the Zoning District in which the Planned Residential Development is located may be waived, as well as the requirements that each structure shall be placed on a separate lot.

i. Individual lot lines. The requirements that individual lot lines be delineated for condominiums, townhouses, or multi-family developments may be waived when it is obviously impossible to delineate lot lines in a reasonable manner.

j. Yards. The yard requirements of the Zoning District in which the Planned Unit Development is located may be waived except along the exterior boundaries of the development. On the exterior boundaries of the development, side yards of appropriate widths shall be provided but in no case shall a side yard be less than five (5) feet in width.

k. Height. The height limitations of the Zoning District in which the Planned Unit Development is located may be waived.

l. Off-street parking requirements. The off-street parking requirements for Planned Residential Unit Developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

m. Street frontage requirements. In a Planned Residential Development, the street frontage requirements for townhouses or multi-family houses may be waived.

n. Gross density. The maximum density of a Planned Residential Development shall not exceed 2 dwelling units per acre, based on the gross average.

o. Area requirements for retail sales and services. If a retail sales and services area is provided, a maximum of 4800 square feet of floor space for retail sales and services is permitted for each 100 dwelling units in a Planned Residential District. All Commercial areas shall be located within the confines of the Planned Unit Development for the purpose of serving primarily those people living within the development. There shall be not less than 4 square feet of business lot area for each one (1) square foot of permitted retail sales and service floor area.

p. Structures for retail sales and services. Retail sales and services shall be conducted entirely within a wholly and permanently enclosed building or buildings which shall be of an architectural design compatible with the residential structures within the Planned Residential Development.

q. Relation to residentially developed property lying outside the planned residential development. The sides, rear or front of a lot developed for retail sales and services, multi-family dwellings or condominiums shall neither abut nor lie across the street from property lying outside the Planned Residential Development that is developed or zoned for single-family houses.

r. Development in stages. The development of the entire Planned Residential Development may be divided into logical geographical sections for construction purposes, subject to the approval of the Oconee County Planning Commission. In such cases, a schedule, designating a reasonable time period in which the construction of each section of said development must be completed, shall be submitted to the Oconee County Planning Commission for approval. (The developer may submit plans of individual sections or phases of development of the entire Planned Residential Development as set forth and approved in the development schedule by the Oconee County Planning Commission.) After the plan of an individual section has been approved by the Oconee County Planning Commission, their recommendation shall go to the Oconee County Board of Commissioners for final approval. Said commission may permit deviations within a section from the number of dwelling units per acre established for the entire Planned Residential Development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire Planned Residential Development is not affected.

s. Performance guarantee for public improvements required. A performance guarantee must be provided for public infrastructure improvements as required by the Oconee County Land Subdivision Regulations.

Sec. 507.07. **Standards applying to planned shopping centers.**

Within any B Zoning District, a Planned Shopping Center may be permitted if it meets the following standards and conditions:

a. Location. A Planned Shopping Center shall have paths of access and egress only on a major or collector street or a County road or State highway. If deemed necessary by the Oconee County Planning Commission, adequate acceleration and deceleration lanes shall be provided by the developer.

b. Minimum acreage. A Planned Shopping Center development shall have a minimum area of five (5) acres.

c. Use regulations. Any use permitted in the B Zoning District in which the development is located may be included in the Planned Shopping Center.

d. Yards. The yard requirements of the Zoning District in which the Planned Shopping Center is located may be waived.

e. Height. The height limitations of the Zoning District in which the Planned Shopping Center is located may be waived.

f. Off-street parking and loading and unloading requirements. The off-street parking and unloading requirements for Planned Shopping Center developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

g. Buffer areas. A landscape buffer area is required where a commercial area adjoins a residential area zoned in accordance with the provisions of these regulations.

Sec. 507.08. **Standards applying to planned industrial parks.**

Within any I Zoning District, a Planned Industrial Park may be permitted if it meets with the following standards and conditions:

a. Location. A Planned Industrial Park shall have paths of access and egress only on a major street, County road or State highway. If deemed necessary by the Oconee County Planning Commission, adequate acceleration and deceleration lanes shall be provided by the developer.

b. Minimum acreage. A Planned Industrial Park development shall have a minimum area of 10 acres.

c. Minimum lot size. The minimum lot sizes of the Zoning District in which the Planned Industrial Park is located may be waived.

d. Use regulations. Any uses permitted in the I District in which the Planned Industrial Park is located may be included.

e. Height. The height limitations of the Zoning District in which the Planned Industrial Park is located shall be observed.

f. Yards. The yard requirement of the Zoning District in which the development is located may be waived, except along the exterior boundaries of the Planned Industrial Development.

g. Off-street parking and loading and unloading requirements. The off-street parking requirements for Planned Industrial Park developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

h. Buffer areas. A landscape buffer area is required where a commercial area adjoins a residential area zoned in accordance with the provisions of these regulations.

Sec. 507.09. **Standards applying to planned institutional developments.**

Within the OIP zoning district, a Planned Institutional Development (PID) may be permitted if it meets with the following standards and conditions:

a. Location. A Planned Institutional Development shall be located within an OIP Zoning District and shall have access and egress points only on a major collector street or arterial road which is maintained by the County or by the State D.O.T.

b. Minimum acreage. A Planned Institutional Development shall have a minimum area of at least 15 acres.

c. Use regulations. A Planned Institutional Development may contain "Institutional" uses as defined herein including but not necessarily limited to:

(1) Churches, schools, hospitals, nursing homes, clinics and personal care homes owned and operated by a for-profit entity or by non-profit organizations as defined under "Institution" herein.

(2) Planned retirement communities consisting of a mix of single family, two-family and multi-family dwellings, personal care and nursing care facilities.

(3) Customary accessory uses such as recreation facilities, food service facilities, office and administrative functions and in some cases pharmaceutical facilities.

d. Common open space requirements. Within a Planned Institutional Development, a minimum of ten percent (10%) of the total land area shall be reserved for common open space, parks or outdoor recreational facilities for use by the residents and/or clients of the development.

e. Lots. The requirement that each building or use be placed on a separate lot may be waived within a PID.

f. Yards. The yard requirements of the Zoning District in which the Planned Institutional Development is located may be waived except along the exterior boundaries of the development. On the exterior boundaries of the development, front, side and rear yards of appropriate widths shall be provided but in no case shall a yard be less than five (5) feet in width. These shall be determined at the time of rezoning or Planned Unit Development (PUD) plan approval and shall be based on the highest yard requirements for similar uses in other zoning districts (i.e., for single family dwellings, see AR-1 or R-1 zone; for hospitals, see OIP zone; etc.)

g. Gross density. For PID retirement communities, the density of the residential units shall not exceed that permitted by applicable rules for septic systems. For PID retirement communities on central sewer systems, the gross density of the residential units shall not exceed eight (8) units per acre where:

(1) Multi-family dwellings of 1, 2 or 3 bedrooms = one dwelling unit/apartment.

(2) Two-family dwellings of 1, 2 or 3 bedrooms = one dwelling unit/apartment.

(3) Single-family dwellings up to 3 bedrooms = one dwelling unit/house.

h. Nursing homes and hospitals with full-time comprehensive medical staff shall not be considered as residential units for calculation of gross density. Instead, such facilities shall be governed by the maximum height restrictions, off-street parking and loading requirements, buffer and green space requirements and any applicable yard requirements for the permitted use. The land area necessary for these requirements shall then be subtracted from the gross land area within the PID prior to calculating the gross residential density.

i. Off-street parking requirements. The off-street parking requirements for the various uses within PID developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

Sec. 508. Open space ownership and management.

The provisions of this Section apply whenever common open space is required or provided in a subdivision, a master planned development or a multi-family or nonresidential development. Refer also to the provisions of the Environmental Protection Article of this Development Code regarding natural resource conservation areas and easements.

Sec. 508.01. Owner's association; when required.

a. Homeowner's association.

For any residential development consisting of individual lots and containing common open space or other lands in common ownership, a Homeowner's Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

(1) Membership in the Homeowner's Association must be mandatory for each property in the development.

(2) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.

(3) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.

(4) The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act." (Code 1981, ¶ 44-3-220, *et seq.* enacted by Ga. L. 1994, p. 1879, ¶ 1).

(5) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development; that no debt shall transfer to the Association; and that any facilities required under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code, the operation and maintenance of which are the legal responsibility of the Homeowners' Association, shall at the time of transfer meet the standards of and properly function under the requirements of this Development Code. The reserve fund must be equal to no less than one year's expenses reasonably expected for the association's minimum operations and maintenance as required by this Development Code. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all the association's minimum operations and maintenance as required by this Development Code for the one year period following transfer of control.

(6) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:

(a) Equal access and right of use to all shared facilities;

(b) Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;

(c) Tax liability in the case of default;

(d) The method of assessment for dues and related costs;

(e) Where appropriate, party wall maintenance and restoration in the event of damage or destruction;

(f) Signs;

(g) Exterior items such as fences, lawn ornaments, and landscape areas and landscape buffers;

(h) Building improvements;

(i) Outside storage;

(j) Overnight parking of vehicles; and

(k) Trash collection containers.

(7) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with applications for final subdivision plat approval.

b. Owners' association.

For nonresidential development projects, an association of the property owners that is consistent with the requirements for a residential homeowners' association will serve in lieu of the requirements of this Section.

c. Condominium association.

For condominium projects, incorporation of a Condominium Association consistent with state law will serve in lieu of the requirements of this Section, provided that:

(1) Specific maintenance responsibilities for storm water detention facilities are included; and

(2) The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association.

d. Transfer of responsibility.

During the period of time that majority control is retained by the developer of a homeowners', owners' or condominium association, the developer shall retain such records as tax forms, bank statements, expense records or other data relevant to establishing the minimum operations costs of the association to support compliance with the reserve fund requirements of Sec. 508.01.a(5).

e. Association contact.

Owners associations of developments that contain stormwater management facilities subject to Sec. 1116.13 and Sec. 1117.13, shall appoint a representative as a point of contact to Oconee County. The representative shall provide a report of all maintenance activities, submit copies of any maintenance records, and coordinate inspections to be performed by Oconee County personnel. The contact information and reports shall be provided to Oconee County annually, no later than July 1st.

Sec. 508.02. **Open space management.**

a. No later than the time of Concept Plan approval for an MPD, for Project Approval for a conservation or other subdivision, or for Project Approval for a Site Development, the applicant shall submit a written management plan for the common open space areas shown on the plan, if any. The management plan shall include:

(1) Identification of the entity proposed as the "holder" of the conservation or natural resources easement, as applicable (see the Environmental Protection Article of this Development Code).

(a) For an MPD, a letter of intent from the holder approved at the time of Concept Plan approval by the Board of Commissioners shall be submitted no later than the time of application for the first preliminary subdivision plat or building permit for any portion of the MPD.

(b) For a conservation or other subdivision, a letter of intent from the proposed holder shall be submitted and approved prior to approval of the Preliminary Plat.

(c) For a multi-family or nonresidential development, a letter of intent from the proposed holder shall be submitted and approved prior to approval of the Preliminary Site Plan.

(2) Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the open space areas;

(3) Allocation of responsibility and establishing guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(4) Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and an outline of the means by which such funding will be obtained or provided.

b. The common open space required in a conservation subdivision or MPD shall be permanently protected in perpetuity by a conservation casement conveyed to a nonprofit conservation land trust or other entity approved by Oconee County prior to the sale of the first lot in such subdivision. The conservation easement shall be created subject to the provisions of Article I of Chapter 10 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Uniform Conservation Easement Act." (Code 1981, ¶ 44-10-1, *et seq*. enacted by Ga. L. 1992, p. 2227, ¶ 1). All such conservation easements shall provide for either enforcement rights or third party enforcement rights, as the case may be, vested in the holder of the easement, the homeowners' association and in Oconee County and shall provide that the conservation easement may not be terminated or otherwise modified without the consent of all entities having either a property right or enforcement right therein.

c. The common open space areas shall be owned and maintained in accordance with the provisions of the Conservation Easements Section of the Environmental Protection Article of this Development Code.

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