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

WHEREAS, on September 16, 2019, this Amendment was first presented and discussed at the public hearing conducted by the Oconee County Planning Commission in its regular meeting. On October 1, 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 **1st day of October, 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

Article 14. Administration and Enforcement

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Article 14. Administration and Enforcement

Sec. 1401. Purpose of Article 14.

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

DIVISION I. ADMINISTRATION.

Sec. 1402. Administrative roles.

The following summarizes the roles of those involved in the administration and enforcement of the Oconee County Unified Development Code, as more specifically detailed in the appropriate Articles of this Development Code. See particularly the Responsible Parties for Application Processing Section of the Procedures and Permits Article of this Development Code.

Sec. 1402.01. Planning Director.

a. The Planning Director is responsible for the receipt, review and processing of all applications for rezoning, special use approval, project approval of preliminary subdivision plats and site plans, approval of final subdivision plats, text amendments, and for applications for all permits required by this Code.

b. The Planning Director is responsible for all administrative activities related to the use or occupancy of land and buildings under this Development Code.

c. The Planning Director serves as the Secretary to the Planning Commission.

d. The Planning Director shall receive and process all Special Exception Variances, Hardship Variances, Flood Damage Prevention Variances, and Appeals of Administrative Decisions filed with the County under the provisions of the Appeals Article of this Development Code.

e. It shall be the duty of the Planning Director, and he or she is hereby given the authority, to administer and enforce the provisions of this Development Code.

f. All inspections of building construction and land development activities, other than water or sewer installation but including erosion control measures and stormwater facilities, shall be performed by inspectors under the direction of the Planning Director.

g. For specific administrative duties related to flood damage prevention, see the Flood Damage Prevention Section of the Erosion Control and Stormwater Management Article of this Development Code.

h. It shall be the duty of the Oconee County Planning Director, and he or she is hereby given the authority, to administer and enforce the provisions of the Sign Regulations Article of this Development Code and to issue building permits for signs.

Sec. 1402.02. Public Works Director.

a. The Public Works Director is responsible for the review of all applications related to the construction of development projects, the construction of streets, driveways, and related facilities, and recommendations to the Planning Director relating to the issuance of development permits.

b. The Public Works Director is responsible for technical advice and assistance to the Planning Director in the enforcement of all requirements and restrictions of this Development Code relating to the engineering design of subdivision improvements and development projects, the construction of streets, their continued maintenance and operation, and coordination of the installation of public and private utilities by others.

Sec. 1402.03. **Water Resources Director.**

a. The Director of the Oconee County Water Resources Department oversees plan review and approval, and all inspections during installation, of all water and sanitary sewer lines and appurtenances during the land development process, pursuant to the *Oconee County Water and Wastewater Standards* adopted by the Board of Commissioners.

b. The Water Resources Director administers and enforces all codes and ordinances relating to potable water supply and distribution, and wastewater collection and treatment, adopted by the Board of Commissioners.

Sec. 1402.04. **Environmental Services Division.**

The Environmental Services Division of the Oconee County Health Department is responsible for the review and approval of individual on-site sewage disposal systems (septic tanks) and community water and sewerage systems (subject to agreement by the Water and Sewerage Authority), inspection during installation, and enforcement of its rules and regulations.

Sec. 1402.05. **Planning Commission.**

The Oconee County Planning Commission shall hear and make recommendations on applications for zoning changes and, at the discretion of the Planning Director, amendments to the text of this Development Code, and shall carry out such other duties as delegated to it by the Board of Commissioners.

Sec. 1402.06. **Development Review Committee.**

The Development Review Committee shall provide technical review of zoning applications, construction plans and other related items, and consist of representatives of the Planning and Code Enforcement, Public Works/Engineering, Water Resources, Health, EMA and/or other County Departments

Sec. 1403. Required action; time period.

In each case in this Development Code where the issuance of a permit or other action by any official of Oconee County, Georgia, is required and a time period for such action is specified by this Development Code or by applicable state law, then the failure of the official responsible for same to take such action or issue such permit shall be deemed an approval of the matter or the issuance of the permit, as the case may be. If at any place in the Development Code an action is required by any such official and no time frame is provided herein, then such timeframe shall be deemed to be 45 days and the failure to act to either approve or deny same shall be deemed an approval of the matter or the issuance of the permit, as the case may be.

Sec. 1404. Schedules and fees.

From time to time, the Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Development Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Development Code.

DIVISION II. TEXT AMENDMENTS.

This Development Code may be amended from time to time in whole or in part by the Board of Commissioners. Any amendment to or insertion of a new Article, Section, Subsection or Paragraph that is not subject to the Georgia Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.) shall be considered and acted upon by the Board of Commissioners following applicable requirements and procedures for the adoption of acts, resolutions or ordinances, as applicable under the County's Charter. Any amendment to or insertion of a new Article, Section, Subsection or Paragraph that is subject to the Georgia Zoning Procedures Law shall be considered and acted upon by the Board of Commissioners under the provisions of this Division.

Sec. 1405. Initiation of text amendments.

The Board of Commissioners may propose a change to the text of this Development Code when public necessity, general welfare or good zoning practice justifies such action.

Sec. 1406. Text amendment process.

At the discretion of the Planning Director, text amendments may be submitted to the Planning Commission for review and recommendations. No text amendment shall become effective unless it has been considered and acted upon by the Board of Commissioners.

Sec. 1406.01. Public notice.

Before enacting an amendment to this Development Code, the county shall hold a public hearing thereon.

At least 15 days but not more 45 days prior to the public hearing, notice is to be published in a newspaper of general circulation within the county. The notice is to state the time, place and purpose of the hearing.

Sec. 1406.02. Public hearings; procedures.

A public hearing for a text amendment shall be conducted in the following manner:

a. The public hearing is to be convened at the scheduled time and place by the Chair or an appointed designee, who will act as the Presiding Official.

b. The Presiding Official will call for each proposed text amendment to be presented.

c. No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state their name and home address.

(1) The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change.

(2) No less than 10 minutes shall be provided for all of those speaking in support of a text amendment and no less than 10 minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.

(3) If reasonable time limitations permit, any member of the general public may speak at a hearing.

During the public hearing, the Planning Commission and the Board of Commissioners members may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

Sec. 1406.03. Decision on a text amendment.

a. The Planning Commission shall review any text amendments on its agenda and forward a recommendation for each amendment to the Board of Commissioners.

b. Following the Planning Commission's public hearing (if applicable), the Board of Commissioners shall consider the text amendment at the next meeting scheduled for the purpose of considering text amendments for which adequate notice has or can be published.

c. In considering a text amendment, action shall be considered by vote of a quorum of the members present and voting, in accordance with the following rules of order:

(1) If a motion to approve an amendment fails, the amendment is automatically denied. If a motion to deny an amendment fails, another motion would be in order.

(2) A tie vote on a motion for approval of an amendment shall be deemed a denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.

(3) If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting.

d. In taking final action on an amendment, the Board of Commissioners may:

(1) Approve, approve with changes, or deny the proposal; or

(2) Table the proposal for consideration at its next scheduled meeting; or

(3) Send the proposed amendment to the Planning Commission for consideration.

Sec. 1407. Standards for text amendments.

The Planning Commission and the Board of Commissioners shall consider the following standards in considering any proposal that would result in a change to the text of this Development Code, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

a. Is the proposed amendment consistent with the purpose and intent of this Development Code as stated under Article 1?

b. Does the proposed amendment further or is it compatible with the purpose and intent of the Community Agenda?

c. Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Community Agenda?

d. Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?

Sec. 1408. Effect of text amendment approval.

a. Approval of a text amendment shall be in full force and effect upon its approval by the Board of Commissioners or upon the stated effective date thereof.

b. For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed by the provisions for Nonconformities under Article 1 of this Development Code, as applicable.

c. Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed by the provisions for Nonconformities under Article 1 of this Development Code, as applicable.

DIVISION III. ENFORCEMENT.

Sec. 1409. Permit required.

It shall be unlawful to commence the excavation or filling of any lot for any construction of any building, or to commence construction of any building, or to commence the moving or alteration of any building, or to commence the development of any land for a use not requiring a building permit, until the necessary permit for the construction, land disturbance or development of the property has been issued under the Procedures and Permits Article of this Development Code.

Sec. 1410. Inspection and enforcement.

Sec. 1410.01. Enforcement; general.

Oconee County or its designee, their agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Development Code and may take or cause to be made such examination, surveys, or sampling as Oconee County or its designee deems necessary.

a. The Oconee County Planning Director is hereby designated as the administrator and enforcement officer for this Development Code.

b. The Oconee County Planning Director shall have authority to enforce this Development Code; issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

c. Law enforcement officials or other officials having police powers shall have authority to assist the Oconee County Planning Director in enforcement.

Sec. 1410.02. Enforcement; land development activities.

For provisions relating to inspection and enforcement activities relating to soil sedimentation and erosion control and storm drainage and stormwater management enforcement, see the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1410.03. Enforcement; land use and other provisions.

a. Inspection.

If the Planning Director finds that a provision of this Development Code is being violated relating to the use or occupancy of land or structures, lot standards, landscaping, buffers, parking, signage, street construction or any other standard or provision, or relating to a condition of approval established in connection with a grant of variance or zoning change, he or she shall notify the person responsible for such violation in writing (which notification may consist of an order to cease and desist the violation). The notification shall indicate the nature of the violation and order the action necessary to correct it. Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the Planning Director shall have authority to prosecute violations in court.

b. Notice of Violation.

If the Planning Director determines that a property owner, occupant or other responsible person has failed to comply with the requirements and provisions of this Development Code, he or she shall issue a written notice of violation to such owner, occupant or other responsible person. Where a person is engaged in activity covered by this Code without having first secured a permit therefore, the notice of violation shall be served on the owner, occupant or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

(1) The name and address of the owner, occupant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with this Code and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the Board of Commissioners by filing a written notice of appeal within 10 days after the notice of violation (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

Sec. 1410.04. **Enforcement; removal of illegal signs.**

The Planning Director may order the removal of any sign in violation of this Development Code by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within 7 days after the County gives written notice of non-compliance.

a. Procedure following removal order.

An aggrieved party may appeal the removal order within 10 days from the date that the notice was mailed. Such appeal shall be made to the Board of Commissioners. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the Planning Director is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

b. Removal without notice.

(1) The Planning Director or any other agent of the County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Development Code, without giving notice to any party, if:

(a) Said sign is upon the public right-of-way or upon other public property; or

(b) Said sign poses an immediate safety threat to the life or health of any members of the public.

(2) Following such removal, the County may collect the costs as provided in the following section.

c. Costs of removal.

(1) Removal of any sign found in violation shall be without liability to the County, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of the sign erector and any party that procured the erection of the sign.

(2) If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the Planning Director shall certify the amount thereof for collection to the County Attorney. In the event the removed sign(s) remains unclaimed for more than one year from the date of impound, the sign(s) shall be disposed of in accordance with state law.

(3) Costs of removal shall be charged in accordance with a fee schedule adopted by the Board of Commissioners from time to time, or at the actual cost to the County, whichever is more appropriate to the action taken.

Sec. 1411. Violation and penalties.

Any person violating any provision of this Development Code shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense according to law. Each day such violation continues shall constitute a separate offense.

Sec. 1411.01. Violations; action.

In the case of any violation or attempted violation of the provisions of this Development Code, the County may institute any appropriate action or proceeding to prevent such violation or attempted violation.

a. Illegal subdivision.

(1) Any owner or proprietor of any tract of land who subdivided that tract of land and who violates the provisions of this Development Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by the law.

(2) Any subdivision hereafter established shall be designed, developed, and recorded in accordance with the provisions of this Development Code. Failure to comply with the regulations herein shall result in the following:

(a) The County shall not accept the subdivision, nor shall it improve, maintain, grade, or pave any street within such subdivision unless such street shall have met the specifications described herein.

(b) No public agency shall authorize the extension of water service, sewer service, or other publicly operated services into such subdivisions.

b. Removal of illegal structures.

When a building or other structure has been constructed in violation of this Development Code, the violator shall be required to remove the structure or bring said structure into compliance with this Development Code, at the discretion of the Planning Director.

c. Restoration of vegetative cover.

When removal of vegetative cover, excavation or fill has taken place in violation of this Development Code, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practical, at the discretion of the Planning Director.

d. Clean Water Act notifications.

If the Planning Director discovers a violation of this Development Code that also constitutes a violation of provisions of the Clean Water Act as amended, the Planning Director may issue written notification of the violation to the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers and the landowner.

e. Suspension, revocation or modification of permit.

The Planning Director may suspend or revoke a permit if he or she finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

f. Cease and desist order.

The Planning Director shall have the authority to issue cease and desist orders in the event of any violation of this Development Code. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in the Appeals Article of this Development Code.

g. Stop-work order.

The Planning Director may issue a stop-work order, which shall be served on the owner, occupant or other responsible person. The stop-work order shall remain in effect until the owner, occupant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described

therein, provided the stop-work order may be withdrawn or modified to enable the owner, occupant or other responsible person to take the necessary remedial measures to cure such violation or violations.

Sec. 1411.02. **Citations.**

Any violation of this Development Code may be tried upon a citation issued by the Planning Director or any other authorized representative of the County pursuant to the provisions of this Development Code and State law. Without limitation, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Development Code.

Sec. 1411.03. **Penalties; land development activities.**

For provisions relating to penalties resulting from soil sedimentation and erosion control enforcement and storm drainage and stormwater management enforcement, see the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1411.04. **Penalties; land use and other provisions.**

a. Any person who commits, takes part in, or assists in any violation of any provision of this Development Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

b. Injunction of activities.

Any violation of any provision or requirement of this Development Code shall constitute a nuisance. Oconee County may institute an action or proceeding as provided by law or ordinance to restrain, correct or abate the violation; to prevent occupancy of a building, structure or land or to prevent any illegal act, conduct or use on property in violation.

c. Additional remedies.

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure or land is used in violation of this development Code, the Board of Commissioners of Oconee County, the Planning Director, or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

d. Remedies not exclusive.

(1) The remedies listed in this Development Code are not exclusive of any other remedies available under any applicable Federal, State or local law and the County may seek cumulative remedies.

(2) The County may recover all attorneys' fees, court costs and other expenses associate with enforcement of this Development Code.

Sec. 1412. Liability.

a. Neither the approval of a plan under the provisions of this Code, nor the issuance of a permit, nor the compliance with provisions of this Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the County for damage to any person or property.

b. The fact that a land-disturbing activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Code or the terms of the development permit.

c. No provision of this Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, or the

rules and regulations promulgated and approved under such laws or pollute any waters of the State as defined by said Acts.

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