

**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 II, III, V, VI, VIII, X, XI, XII, XIII in their entirety with Amendments attached hereto as "Exhibit A;" and

WHEREAS, on November 11, 2019, this Amendment was first presented and discussed at the public hearing conducted by the Oconee County Planning Commission in its regular meeting. On December 3, 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, Georgia, 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 Code of Oconee County, Georgia, 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 3rd day of December, 2019.



OCONEE COUNTY BOARD OF COMMISSIONERS

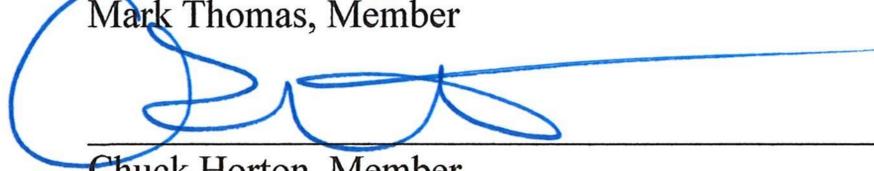
BY:



John Daniell, Chairman



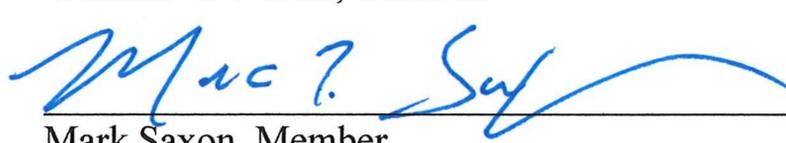
Mark Thomas, Member



Chuck Horton, Member

(absent)

William E. Wilkes, Member



Mark Saxon, Member

ATTEST:



Kathy Hayes

Clerk, Board of Commissioners

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

- (3) Where a Zoning District boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than 50 feet beyond the Zoning District boundary lines.
- (4) In the case of a through lot fronting on two approximately parallel streets, where such lot is divided by a Zoning District boundary line generally paralleling the streets, the restrictions of the Zoning District in which each frontage of the through lot lines shall apply to that portion of the through lot.
- (5) Where a public road, street, alley or other public right-of-way is officially vacated or abandoned, the zoning district of the adjacent property to which the public right-of-way is sold or reverted, along with any applicable special use approval and any applicable conditions of zoning approval on the property, shall apply to such vacated or abandoned road, street, alley or right-of-way between the said adjacent property and the centerline of said right-of-way.

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

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

Sec. 205. Zoning districts.

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

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

a. Purpose and intent of the AG zoning district.

This Zoning District is comprised of land having a predominately rural character. It is the intent of the regulations of this District to preserve prime agricultural areas, allow mini farm estates where appropriate, and discourage the subdivision of land into suburban development which requires significant increases in public services such as schools, fire protection, transportation improvements or waste disposal. The permitted uses are intended to provide a range of use possibilities in keeping with the district definition and the existing and potential land uses of the area.

b. Uses allowed in the AG zoning district.

- (1) Principal uses that are allowed by right are listed in Sec. 205.01(d) and on Table 2.1.
- (2) Principal uses that are allowed by Special Use approval are listed in Sec. 205.01(e) and on Table 2.1
- (3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.

c. Special provisions applicable to the AG zoning district.

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

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

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

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

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- (3) Accessory uses that are allowed by right or by Special Use approval are listed on Table 2.2.
- c. Special provisions applicable to the R-1 zoning district.
- Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and Table 2.2, and are contained in Article 3 of this Development Code.
- d. Principal uses that are allowed by right in the R-1 zoning district are as follows:
- Forestry and Logging
 - Single-Family Detached: Site-Built or Modular Home
 - Recombination Plat
 - Minor Subdivision: 2-Lot Split
 - Major Subdivision: Traditional Subdivision
 - Master Planned Development (MPD)
 - Planned Unit Development (PUD)
 - Neighborhood Recreation Center that is a part of and serves a residential development but located on a separate lot.
 - Private Undeveloped Parks and Other Open Space Amenities, including Squares, Greens and Pocket Parks
 - Electric Power Transmission and Distribution Lines
 - Electric Power Transmission Substations
 - Natural Gas Distribution
- e. Principal uses that are allowed by Special Use approval in the R-1 zoning district are as follows:
- Bed-and-Breakfast Inns
 - Golf Course, with or without a Country Club
 - Neighborhood Scale Churches and Other Places of Worship
 - Community Scale Churches and Other Places of Worship
 - Temporary Event: Religious Assemblies
 - Private Schools: Kindergarten, Elementary and Secondary
 - Private Schools: Junior Colleges
 - Private Schools: Colleges and Universities
 - Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions

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

- a. Purpose and intent of the R-2 zoning district.
- (1) The R-2 Two-Family Residential District is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than normal residential area traffic on minor streets, to meet the demands of two-family residences and to protect the orderly future development of land in accordance with comprehensive development plans for the county.
- (2) This Zoning District is intended primarily for two-family residences and related uses at low-to-medium suburban residential densities on land which is served by public water and/or sewer systems. The development of lots in this District is also permitted with septic tanks provided that the placement of each septic tank shall be approved by the Oconee County Health Department.

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

- (d) The use of visible concrete block, painted block, split face block, poured concrete, metal, or prefabricated wall panels is specifically prohibited on all exterior wall faces. Where walls are structurally formed of such prohibited finish materials they must be completely finished per the guidelines for brick, stone, siding, stucco or glass as provided above.
- (e) No flat or blank wall exceeding 25 feet in length shall be permitted for any structure; wall offsets, architectural details, doorways, windows and contrasting construction materials shall be used to meet this requirement.
- (f) Buildings shall utilize at least two of the following design features to provide visual relief along the front (facade) of the structure:
 - i. Dormers
 - ii. Gables
 - iii. Recessed entries
 - iv. Covered front porches
 - v. Pillars or posts
 - vi. Bay window (min. 24-inch projection).
- (g) Windows shall be provided with trim and molding and shall not be flush with the exterior wall treatment.
- (h) Maximum overall building height shall be 35 feet as measured from the adjoining ground level to the highest point of any part of the building. No individual building shall exceed 20,000 square feet on the ground floor for a single story building nor 6000 square feet on the ground floor for a multi-story building. No individual lease space or aggregate of multiple lease spaces which are occupied by a single business or single use shall exceed 10,000 square feet, except that an office use occupied by a single tenant or user may occupy the entire building.
- (i) Deviations from standards; where allowed.

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

- (4) Service area, loading dock, lighting and dumpster screening and fencing.
 - (a) No service area or loading dock or dumpster shall be permitted adjacent to any roadway unless enclosed such that all sides appear as a primary facade similar to the principal building, including design, detail, finish material, and landscaping.
 - (b) Service areas and dumpsters shall be visually screened from public view by a masonry wall or privacy fence at a minimum of 6 feet high, measured from finished grade. Any masonry wall used to screen service areas and dumpster areas shall be of such material so as to match the exterior of the principal building.

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- (g) Deviations from standards, where allowed.

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

- (8) MPD commercial areas.

A commercial area approved as part of a Master Planned Development shall comply with the following, in addition to all other standards of this Section 206.04.d:

- (a) The commercial uses allowed within any particular MPD must be located in a single area, planned as a unified and cohesive shopping and office area integrated within the MPD.
- (b) The commercial area must comply with all requirements—such as the land use limitations and the operation, architectural, buffer and screening standards—of the B-1 General Business District
- (c) Principal freestanding signs are limited as to type, area and height under Section 206.04.d(6)(b), below.

- (9) Signage.

All signage requirements, restrictions and other provisions of Article 7, Sign Regulations, of this Development Code shall apply to every property within the M-H Mars Hill Overlay District, except as follows:

- (a) Principal freestanding signs—business and office zoning districts:
 - i. Only ground signs are allowed as principal freestanding signs.
 - ii. One commercial or office use on a property: maximum 60 square feet in area, maximum 10 feet high.
 - iii. Planned commercial or office center: maximum 120 square feet in area, maximum 12 feet high.
- (b) Principal freestanding signs—MPDs:
 - i. Only ground signs are allowed as principal freestanding signs.
 - ii. One commercial or office use on a property: maximum 60 square feet in area, maximum 10 feet high.
 - iii. For any building containing two or more individual uses: 1 sign is allowed, maximum 120 square feet in area, maximum 12 feet high.
- (c) Project entrance signs:
 - i. Only ground signs are allowed as project entrance signs.
 - ii. For a single-family subdivision or a master planned development: maximum 64 square feet in area, maximum 8 feet high.
 - iii. For an office or commercial park consisting of two or more lots: maximum 120 square feet in area, maximum 12 feet high.
- (d) Lighting of signs.

Neon lighting of any kind and continuous strips of bulbs or LEDs are prohibited for all signs, including freestanding signs, wall signs, awning signs and window signs. Digital signs composed of LED diodes or similar technology are not allowed.

- (10) Area lighting.

Illumination of any exterior area of a nonresidential development, including parking lots, areas under a canopy or roof, walkways and building entrances, shall be lighted by either illuminated bollards or ground lights, or by full cutoff fixtures.

Table 2.1: Principal Uses Allowed by Zoning District

A	Use is allowed by right in the zoning district indicated
S	Use is allowed in the district if approved as a Special Use

NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
	Religious Retreat (with no buildings or additions to be constructed)	A												336
	Residential Lofts in Mixed-Use Building									S	S			305
623	Nursing and Residential Care Facilities:													
6231	Nursing Care Facilities						S		A			S		
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities								S					
623311	Continuing Care Retirement Community						S		A					
623312	Assisted Living Facility						S		A	A				
6239	Personal Care Homes, Family (up to 6 under care)	S	S			A	A							332
6239	Personal Care Homes, Group (up to 15 under care)	S	S			S	A		A	A				332
6239	Personal Care Homes, Congregate (more than 15 under care)								A	A				332
	Subdivisions													
	Minor Subdivisions:													
	Recombination Plat	A	A	A	A	A	A	A	A	A	A	A	A	503
	Minor Subdivision: 2 - Lot Split	A	A	A	A									503
	Minor Subdivision: 5 - Lot Split	A	A	A										503
	Minor Subdivision: Large Lot Subdivision (minimum 25 acre lots)	A	A	A										503
	Major Subdivisions:													
	Traditional Subdivision		A	A	A	A	A		A	A	A	A	A	504
	Conservation Subdivision		A	A										505
	Manufactured Home Subdivision							A						329
	Recreational Vehicle (RV) Subdivision							S						329
	Planned Developments:													
	Master Planned Development (MPD)				A	A	A			A	A			506
	Planned Unit Development (PUD)				A	A	A		A	A	A		A	507
	Administrative and Professional Offices													
55	Corporate Management Offices								A		A	A	A	
	Publishing and Information Technology:													
5111	Newspaper, Periodical, Book and Directory Publishers								A		A	A	A	
5112	Software Publishers								A			A		
51223	Music Publishers								A			A	A	
516	Internet Publishing and Broadcasting								A	A	A	A		
5181	Internet Service Providers and Web Search Portals								A	A	A	A		
	Credit and Financial Offices:													
5222	Credit Card Issuing and Sales Financing								A			A		

Table 2.1: Principal Uses Allowed by Zoning District

A	Use is allowed by right in the zoning district indicated
S	Use is allowed in the district if approved as a Special Use

NAICS Ref.	PRINCIPAL USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
334	Computer and Electronic Product Manufacturing:													
3341	Computer and Peripheral Equipment Manufacturing											A	A	
3342	Communications Equipment Manufacturing											A	A	
3344	Semiconductor and Other Electronic Component Manufacturing												A	
3345	Navigational, Measuring, Electromedical and Control Instruments Manufacturing											A	A	
3346	Reproducing Software, Compact Disks and Other Magnetic and Optical Media											A	A	
335	Electrical Equipment, Appliance and Component Manufacturing												A	
336	Motor Vehicle and Other Transportation Equipment Manufacturing												A	
337	Furniture and Related Product Manufacturing												A	
339	Miscellaneous Manufacturing:													
33911	Medical Equipment and Supplies Manufacturing, except Dental Laboratories												A	
339116	Dental Laboratories								A			A	A	
33991	Jewelry and Silverware Manufacturing												A	
33992	Sporting and Athletic Goods Manufacturing											A	A	
33993	Doll, Toy, and Game Manufacturing											A	A	
33994	Office Supplies (except Paper) Manufacturing											A	A	
33995	Sign Manufacturing											A	A	
339991	Gasket, Packing, and Sealing Device Manufacturing											A	A	
339992	Musical Instrument Manufacturing											A	A	
339993	Fastener, Button, Needle, and Pin Manufacturing											A	A	
339994	Broom, Brush, and Mop Manufacturing											A	A	
339995	Burial Casket Manufacturing											A	A	
33999	Other Miscellaneous Manufacturing not listed above											S	A	
42	Wholesale Trade:													
42	Wholesale Trade with Customer Showrooms, except Livestock Sale Pavilions											A	A	344
42	Wholesale Trade with Outside Storage, except Junk and Scrap Yards												A	362
42	Wholesale Trade, no Showrooms or Outdoor Storage								A	A	A	A	A	345
4542	Vending Machine Operators										A	A	A	
45431	Fuel Dealers:													
454311	Heating Oil Dealers												S	
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers												S	
454319	Gasoline and Other Fuel Dealers												S	
493	Warehousing and Storage:													

Table 2.2: Accessory Uses Allowed by Zoning District

A	Use is allowed by right in the zoning district indicated
S	Use is allowed in the district if approved as a Special Use

NAICS Ref.	ACCESSORY USES	AG	AR-3	AR	R-1	R-2	R-3	M-H	OIP	B-1	B-2	OBP	I	See Sec:
	Accessory Golf Driving Range to a Golf Course	S	S	S						A	A			325
	Dumpster/Waste Container	S	S	S	S	S	A	A	A	A	A	A	A	
481219	Helicopter Landing Pad	S							S		S	S		359
	Manufacturing of Products for Sale On-Site									A	A		A	355
	Outdoor Display Area									A	A		A	361
	Outdoor Storage Area, except Equipment									S	S	A	A	362
	Outdoor Storage Yard, Equipment												A	362
	Temporary Office for a Development	A	A	A	A	A	A	A	A	A	A	A	A	341
	Temporary Sawmill or Chip Mill	A												

Sec. 304.02. **Landings.**

At each exterior door there must be a landing that is a minimum of 36 inches by 36 inches.

Sec. 304.03. **Exterior siding.**

Exterior siding materials shall consist of any combination of wood, brick, stucco or stone finish, shake shingle siding, custom log construction, vinyl certified by the Vinyl Siding Institute as conforming to the standards of ASTM D3679, or painted wood lap or fiber cement siding. Except for manufactured homes in the M-H zoning district, metal siding, corrugated metal and vinyl-covered metal siding are not permitted.

Sec. 304.04. **Roofs.**

- a. All roof surfaces shall have a minimum pitch of 4:12 (4 inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.
- b. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam metal, clay tiles, slate, baked on enamel, galvanized tin, or similar materials.
- c. Minimum roof overhang shall be 12 inches, excluding gutters, along all sides of the structure.

Sec. 304.05. **Minimum width.**

The minimum width of the entire structure shall be greater than 16 feet. Structure width shall be measured between all parallel exterior walls, with the exception of extensions from the main structure for dormers, bay windows, entrance foyers and similar appurtenances, and extensions of no more than 5 feet for other architectural elements of the structure's design.

Sec. 304.06. **Deviations from standards; where allowed.**

The Planning Director may approve deviations from the standards contained in this Section for a single-family or two-family dwelling or a manufactured home as an administrative variance as outlined in the Appeals article of this Development Code.

Sec. 304.07. **Compliance with codes.**

The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by the County, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) for manufactured homes, or in accordance with State law and regulations for industrialized buildings, whichever apply.

Sec. 304.08. **Qualified manufactured homes.**

For special standards for a manufactured home to be classified as a "qualified manufactured home," see Sec. 329.06.

Sec. 305. Standards for multi-family dwellings (including townhouses).

Sec. 305.01. **Recreation amenity.**

Every townhouse or multi-family development proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of dwelling units, in accordance with this Subsection.

- a. Unless otherwise established as a condition of zoning approval for the development or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table 3.1.

Table 3.1: Recreation Amenities—Multi-Family Developments
Number of Dwellings in the Development

- e. Private, usable open space, such as balconies, sundecks, patios, etc., shall be provided contiguous to each dwelling unit. The area of such open space provided for each unit shall not be less than ten percent of the floor area of the unit served. The location and number of square feet shall be clearly indicated on the site plan.

Sec. 306. Standards for nonresidential uses.

The following standards apply to all office, retail, industrial, institutional and other nonresidential uses except farm structures in the agricultural zoning districts:

Sec. 306.01. Screening of dumpsters.

Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts. Evergreen vegetative screening shall also be provided with a minimum height of 3 feet at time of planting. Plant materials used for such screening must be in compliance with Table 8.2 of this Development Code.

Sec. 306.02. Posting of street address.

All improved buildings or properties shall be posted with a street address number assigned by Oconee County. The street address number must be clearly visible from the street or road.

Sec. 306.03. Building exterior guidelines.

All non-residential principal buildings not exempt under this Section are required to adhere to the following building exterior finish guidelines unless greater restrictions in this Code apply.

- a. Building facades facing towards and visible from a street (other than an alley) shall have an exterior material consisting of the following: brick or brick face, natural or manufactured stone or aggregate stone panels, architecturally treated decorative block, stucco, EFIS (e.g., dryvit™), non-corrugated metal panels with a baked artificial stone finish, wood siding, vinyl siding conforming to the standards of ASTM D3679, or fiber cement lap siding. Plain concrete block and corrugated metal panels are prohibited.
- b. Building facades not facing towards and visible from a street (other than an alley) shall contain a minimum of 20% of the materials listed in Sec. 306.03.a. Except when abutting an existing residential structure, rear-facing walls are permitted to have plain painted, baked or acrylic finish metal panels or painted plain concrete block in addition to the above materials.
- c. For the purpose of this Section, "facing towards a street" means that the façade is parallel or within 45 degrees of being parallel to a street right-of-way line.
- d. Refer to Sec. 355 for location and screening requirements of heating and air conditioning units, incidental storage, and other customary accessory uses for commercial and industrial uses.

Sec. 306.04. Exterior lighting requirements.

All non-residential buildings, sites, and developments are required to direct all exterior lighting away from residential areas and street rights-of-way. Light structures greater than 30 feet in height shall be reviewed by the Planning Director. Illumination of any exterior area of a non-residential development, including parking lots, areas under a canopy or roof, walkways and building entrances, shall be achieved using only full cutoff fixtures as defined in this Development Code. Lighting templates shall show 1.0 foot-candle or less at the property line, except where the adjoining property is commercial or industrial.

Sec. 307. Sexually oriented adult uses.

Sec. 307.01. Purpose

- a. Based on the experiences of other counties and municipalities, including, but not limited to, Austin, Texas and Garden Grove, California, which experiences are found to be relevant to the problems faced by Oconee County, Georgia; and based on the documentary evidence and oral testimony presented by a law enforcement professional and an expert

Sec. 334.05. **State permits.**

A copy of the State permit approval shall be maintained on file with the Code Enforcement Department.

Sec. 335. Radio, television and telecommunications.

Sec. 335.01. **Purposes.**

- a. Provide for the appropriate location and development of communications towers and antennae to serve the residents and businesses of Oconee County, Georgia.
- b. Minimize adverse visual impacts of towers and antennae through careful design, siting, landscaping, screening, and innovative camouflaging techniques.
- c. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- d. Lessen traffic impacts on surrounding residential areas.
- e. Maximize use of any new and existing communications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the County provided however that the use of shorter towers of a height which does not require lighting under FAA Regulations will normally be given preference over the use of taller structures even when the use of unlighted structures may require a larger number of towers to serve the county.
- f. Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers.
- g. Encourage and promote the location of new communications towers in areas which are not zoned for residential use.

Sec. 335.02. **Definitions related to telecommunications.**

Alternative Tower and Antenna Structure: man-made "trees", clock towers, bell steeples, church steeples, light poles, flag poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers so as not to be readily discernible as an antenna or tower. In order to establish quantitative and qualitative standards for determining that an alternative tower structure is "not readily discernible," examples (photographs) of such "non-readily discernible" structures are included in the appendix to this Development Code.

Antenna: any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Height of Telecommunications Tower: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Tower Owner: The owner, permittee or lessee of the tower, antennae or associated equipment as well as any parent or subsidiary companies of the foregoing entities.

Sec. 335.03. **Exemptions.**

Towers and antennae that are exempted from local regulation by the Federal Communications Commission are exempt from the requirements of this Sec. 335. These include the following:

Article 5. Subdivisions and Planned Developments

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Article 5. Subdivisions and Planned Developments

Sec. 501. Purpose of Article 5.

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

Sec. 502. Definitions related to subdivisions.

Alley: See under "street."

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

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

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

Conservation Subdivision: See "Subdivision, Conservation."

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

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

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

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

GIS: Geographic Information System.

GPS: Global Positioning System.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. **Major Collector:** A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of high classification. (ADT between 2,501 and 9,999 vehicles per day)
3. **Minor Collector:** Principal entrance streets to subdivisions and the main streets for circulation within a subdivision, which serve a network of 4 or more local streets. Minor collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets. (ADT between 251 and 2500 vehicles per day)
4. **Local:** A street used primarily in residential subdivisions or within nonresidential developments for access to abutting properties as opposed to the collection and dispersion of traffic. (ADT less than or equal to 250 vehicles per day)
5. **Cul-De-Sac:** A local street with only one outlet, closed and terminated by a vehicular turnaround.
6. **Alley:** A platted service way providing a secondary means of access to abutting properties.

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

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

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

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

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

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

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

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

Traditional Subdivision: See "Subdivision, Traditional."

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

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

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

Sec. 503. Minor and major subdivisions; defined.

Sec. 503.01. Minor subdivision.

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

a. Recombination.

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

b. Lot splits.

(1) Two-lot split.

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

- (a) Containing at least the minimum lot area required for the zoning district as set forth in the Lot and Building Standards Article of this Development Code, or more as may be required by this Development Code;
- (b) Fronting on a public street improved to County standards, or on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 40 feet on a paved public street; and
- (c) Conforming to this Development Code.

(2) Five-lot split.

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

- (a) Containing five or more acres;
- (b) Fronting on a public street improved to County standards, provided however that up to 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 40 feet on a paved public street; and
- (c) Conforming to this Development Code.

(3) Large lot split.

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

- (a) Containing 25 or more acres;
- (b) Fronting on a public street improved to County standards, provided however that up to 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 40 feet on a paved public street; and
- (c) Conforming to this Development Code.

(4) Restriction on resubdividing.

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

c. Unpaved road lot splits.

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

- (1) Containing at least one acre, or more as may be required by this Development Code;
- (2) Fronting on an unpaved County road for a minimum of width of 40 feet; and
- (3) Conforming to this Development Code.

d. Non-development land sales.

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

e. Eligibility

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

Sec. 503.02. **Major subdivision.**

- a. A "major subdivision" is any subdivision that does not qualify as a "minor subdivision." A major subdivision commonly involves the construction of a new street or widening or other improvement of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or building sites or other divisions.
- b. Major subdivisions fall into the following categories for the purpose of development regulation:
 - (1) Traditional subdivisions, in which the minimum lot size allowed for the zoning district determines the maximum number of lots in the subdivision, and all of the lots meet the minimum lot size for the zoning district as shown on Table 4.1 of Article 4. Open space outside of the lots may be created, but is not required.
 - (2) Conservation subdivisions, in which the maximum number of lots that would be allowed in a traditional subdivision under the property's zoning determines the maximum number of lots in the subdivision, but the minimum lot size is reduced to a certain extent in response to a higher level of development standards and in order to create open space and recreational amenities for the residents.
 - (3) Master planned developments (MPDs), in which the zoning district density limitation controls, but the minimum lot size is further reduced in response to a higher level of development standards and in order to create open space and recreational amenities for the residents. Depending on the zoning district in which a master planned development is located, flexibility in housing types, mixed-use projects and certain commercial uses are allowed.
 - (4) Planned unit developments (PUDs). A new planned unit development may no longer be approved under this Development Code. Provisions related to PUDs are included in this Article to regulate the build-out of existing PUDs.
- c. Conservation easement required.

- (1) All primary conservation areas in a traditional subdivision, conservation subdivision or master planned development that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use, by a conservation easement in an conservation subdivision or master planned development, or a natural resources easement for traditional subdivisions.
- (2) Land within natural resource easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.
- (3) See the Environmental Protection Article of this Code regarding conservation and natural resource easements.

Sec. 504. Traditional subdivisions.

Sec. 504.01. Maximum number of lots.

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

Sec. 504.02. Minimum lot size.

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

Sec. 504.03. Minimum lot width, setbacks.

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

Sec. 504.04. Traditional subdivisions in the Agricultural (AG) Zoning District

Traditional subdivisions in the AG zoning district shall be limited to the Suburban Neighborhood, Country Estates, and Rural Places Character Areas as shown on the most recently adopted Oconee County Future Land Use Map.

Sec. 505. Conservation subdivisions.

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

Sec. 505.01. Purpose.

The purposes of a Conservation Subdivision include:

- a. To provide residential subdivisions which permit flexibility of design in order to preserve environmentally sensitive areas and create efficient uses of the land.
- b. To preserve open space and unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitats, historic features and unique topography.
- c. To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces, utilities, earthwork and other land disturbing activities.
- d. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential developments.
- e. To conserve a portion of the otherwise developable property as open space in perpetuity. This option is not necessarily intended to allow applicant to conserve only the portion of the tract that is already unbuildable due to factors such as steep slopes, wetlands, or land adjacent to undesirable areas such as landfills or livestock farming.
- f. To promote interconnected greenways and corridors throughout Oconee County.

- g. To promote linking of greenways and corridors between Oconee County and neighboring jurisdictions.
- h. To encourage interaction of persons living in the resulting residential community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- i. To encourage street designs that reduce traffic speeds and reliance on main arteries.
- j. To incorporate aesthetic design standards that will increase the value of the neighborhood and create a sense of place.
- k. To conserve scenic views and reduce perceived density by promoting views to open space from roads and houses, and reducing views to housing clusters from roadways.
- l. To promote other purposes of this Development Code.

Sec. 505.02.

Minimum lot sizes and buffer widths, conservation subdivisions.

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

Table 5.1: Conservation Subdivisions—Minimum Lot Size*		
	AR-3	AR
Traditional Subdivision	3 acres	2 acre
Conservation Subdivision	2 acres with public sewer	1 acre with public sewer
	2.5 acres without public sewer	1.5 acres without public sewer
*See the Lot and Building Standards Article for minimum lot area required above the flood level.		

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

Table 5.2: Conservation Subdivisions—Minimum Buffer Width along Public Road		
	AR-3	AR
Traditional Subdivision	None	None
Conservation Subdivision	200 feet	100 feet unless approved otherwise by Oconee County

Sec. 505.03.

Yield plan.

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

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

- b. Exact boundary lines of the tract with bearings and distances
- c. The location, width and names of all existing or platted streets, easements or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, wetlands, utilities and other significant natural and man-made features;
- d. Proposed street rights-of-way and pavement locations and widths;
- e. Proposed lot locations with preliminary lot dimensions noted and designed to the requirements of the Oconee County Zoning Ordinance;
- f. Designation on each proposed lot of a minimum of 25,500 square feet (not including house and pavement footprints) of soil areas suitable for residential septic systems based on a Level II Soil Scientist Report or higher, prepared by a Georgia licensed Soil Scientist or other professional licensed by the State of Georgia to perform soil analysis;
- g. Proposed location of storm water detention or retention facilities;
- h. Graphic scale and north arrow;
- i. Notation as to the number of lots on the Yield Plan, the total acreage of the property, minimum lot size, average lot size;
- j. Any additional information as maybe reasonably required to permit an adequate evaluation of the proposed Yield Plan to accurately determine the maximum number of lots.

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

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

- a. Topographic contours at 5-foot intervals. Rock outcrops and slopes of more than 15% shall be emphasized;
- b. Soil types, locations and characteristics (Level III Report) such as depth to bedrock, seasonal high water table and suitability for waste water disposal systems;
- c. Hydrologic characteristics including surface water bodies, floodplains, wetlands (including those considered buildable by federal, state and local standards), aquifers and their recharge areas, and natural swales and drainage tributaries;
- d. Wildlife habitats and corridors;
- e. Vegetation in terms of general cover type (woodlands, pasture, etc.), boundaries of woodland areas and any stand-alone trees with a diameter breast height, (DBH) of more than 36 inches;
- f. Current land use and land cover, such as cultivated areas and paved areas, all building and structures, and all encumbrances;
- g. Scenic views onto the tract and from within the tract;
- h. Known cultural resources including a brief description of historical and archeological features and structures;
- i. Existing streets and utility easements; and
- j. Existing storm drainage facilities and public and private water and sewer lines.

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

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

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

- a. Minimum area.
The minimum area of open space preserved shall be determined by the net density from the yield plan and the actual lot size. For example: if the net density for a 50-acre AR property computes to be one lot per 2.38 acres (21 lots) and the average lot size is one acre, then 21 acres will be in lots, about 2.5 acres in right-of-way and the remaining 26.5 acres will be in perpetual open space. This will vary from one subdivision to the next but open space shall be at least 50% or more of the total site.
- b. Physiographic characteristics:
The types of land area included in the open space shall include all primary conservation areas and such secondary conservation areas as appropriate. See the Environmental Protection Article of this Development Code for descriptions of conservation areas.
- c. The open space shall be an integrated part of the project rather than an isolated element and fragmentation of the open space shall be minimized. Individual open space parcels generally shall be larger than three acres, have a length to width ratio of no less than 4:1 and a width of at least 75 feet. Exceptions may be made for entrances to trails and other particular uses as deemed appropriate by the county.
- d. The open space shall be directly accessible to the largest practical number of lots within the subdivision. Non-adjointing 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 Districts¹	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 than 50 feet wide in its narrowest dimension, except as follows:
 - i. The open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.
 - ii. Parkways between road travelways, which must be at least 26 feet in width to be counted as part of the minimum 20% common open space.
- (e) No portion of the residential lots shall be credited toward the minimum open space requirement unless the portion is included within a conservation easement. No portion of any street right-of-way (other than a parkway between road travelways) or public or private utility easement shall be credited toward the minimum open space requirement.
- (f) The required common open space shall be platted at the same time that adjacent residential lots are platted, in whole or in phases, in accordance with the phasing approved as part of the Concept Plan for the MPD.

(2) Residential development standards.

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

(b) Recreation amenity.

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

(c) Private open space required.

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

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

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

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

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

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

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

(3) Nonresidential development standards.

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

(a) Through-road corridor defined.

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

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

i. Building setbacks.

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

- ii. Signage. Canopy signs are prohibited.
- iii. Landscaping.

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

- iv. Building materials.

1. The exterior walls of any building that is located within a through-road corridor and/or is visible from a through road corridor shall be of masonry and/or stucco-type-construction, or shall otherwise be consistent with and complementary to existing architecture in the general area. These finish building materials shall be applied to all sides of the building visible from the through road. Colors and materials shall be harmonious and compatible with colors of other buildings within and immediately adjacent to the district. Material colors shall be natural, muted earth tones, gray or muted red color brick, stone, and/or neutral shades of concrete. Bright or accent colors may be used with discretion where appropriate on ornamental locations on the building's exterior, but shall not be used as the primary building material color.
2. No buildings with metal exterior facades will be permitted within the corridor nor shall any metal façade buildings be visible from the corridor. Metal roofs, including mansard roofs, are not considered part of a facade.

- o. Owner's association.

- (1) Homeowner's association; when required.

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

- (a) Membership in the Homeowner's Association must be mandatory for each property in the development.
- (b) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
- (c) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.
- (d) The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act." ((Code 1981, § 44-3-220, et seq. enacted by Ga. L. 1994, p. 1879, § 1) and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Act, if it is to act as a holder of the conservation easement.
- (e) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the Association. In lieu of a reserve fund, documents creating the

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

- (f) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:
 - i. Equal access and right of use to all shared facilities;
 - ii. Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;
 - iii. Tax liability in the case of default;
 - iv. The method of assessment for dues and related costs;
 - v. Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
 - vi. Exterior items such as fences, lawn ornaments, and landscape areas and buffers;
 - vii. Building improvements;
 - viii. Outside storage;
 - ix. Overnight parking of vehicles; and
 - x. Trash collection containers.
- (g) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with an application for final subdivision plat approval.

(2) Owners' association.

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

(3) Condominium association.

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

- (a) Specific maintenance responsibilities for storm water detention facilities are included; and
- (b) The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association.

p. Open space management.

- (1) No later than the time of Concept Plan approval, as part of the draft covenants proposed for the MPD, the applicant shall submit a written management plan for the open space areas shown on the plan. The management plan shall include:
 - (a) Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the open space areas;
 - (b) Allocation of responsibility and establishing guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

- (c) Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and an outline of the means by which such funding will be obtained or provided.
- (2) The common open space required herein shall be permanently protected in perpetuity by a conservation easement conveyed to the homeowners' association, or other entity approved by Oconee County prior to the sale of the first lot in such subdivision. The conservation easement shall be created subject to the provisions of Article I of Chapter 10 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Uniform Conservation Easement Act." (Code 1981, § 44-10-1, et seq., enacted by Ga. L. 1992, p. 2227, § 1). All such conservation easements shall provide for either enforcement rights or third party enforcement rights, as the case may be, vested in the homeowners' association and in Oconee County and shall provide that the conservation easement may not be terminated or otherwise modified without the consent of all entities having either a property right or enforcement right therein.
- (3) The common open space areas shall be owned and maintained in accordance with the following criteria provided that the record title to the property and the conservation easement shall be held by different entities:
 - (a) Record title may be held by:
 - i. Equal share of undivided interest by each lot owner;
 - ii. The homeowners' association, or
 - iii. Other entity approved by Oconee County
 - (b) Conservation easement may be held by:
 - i. The homeowners' association;
 - ii. Oconee County, or
 - iii. Other entity approved by Oconee County, qualified to be a holder under the Georgia Uniform Conservation Easement Act.
 - (c) Maintenance:
 - i. Homeowners' association, or
 - ii. Other entity approved by Oconee County
- q. Special Platting and Development Requirements.
 - (1) All commercial sections of an MPD project must be platted separately from the parent parcel no later than the time of the recording of the final plat of the first phase of the development.
 - (2) On commercial sections of an MPD project, at least one establishment (building) must be built prior to recording of the final plat for the last phase of the development except in the case of single phase developments where the schedule shall be determined per the rezone documents.

Sec. 507. Planned unit developments (PUD).

Sec. 507.01. Purpose.

The provisions contained in this Article shall apply to all properties approved as Planned Unit Developments prior to December 31, 2002. **As of January 1, 2003, no applications will be accepted for approval of a new Planned Unit Development.** Applications may be accepted for modification of a Planned Unit Development created prior to December 31, 2002, provided that no increase in land area shall be approved. Such modification shall comply with the PUD regulations in effect on December 3rd, 2002.

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

- a. The purpose of Planned Unit Developments is to encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The County gains the advantages of variety in building types, compatibility of uses and optimum community development. Review of the development plan by the Oconee County Planning Commission provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located.
- b. The Planned Residential Development is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning and to assure the provision of park and recreation facilities for the use of the occupants of the development.

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

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

- a. Planned Residential Development with shopping facilities -- 100 acres. Planned Residential Development without shopping facilities -- 20 acres.
- b. Planned Shopping Centers -- 5 acres.
- c. Planned Industrial Parks -- 10 acres.
- d. Planned Institutional Developments -- 15 acres.

Sec. 507.04. **Ownership control.**

- a. All of the land in a Planned Unit Development shall be owned initially by an individual, by a corporation or by some legal entity.
- b. The owner may sell to another person a portion of the Planned Unit Development to be developed by said person, provided a preliminary plat, in accordance with the original Planned Unit Development, of said portion of property has been approved by the Oconee County Planning Commission and a performance bond, to assure construction of streets and utilities, has been posted for said property.
- c. Individual lots or units in a Planned Unit Development may be sold after a Final Plat has been recorded with the lots and units subject to private deed covenants that assure the continuance of the Planned Unit Development as originally approved and planned.
- d. This paragraph shall not apply to Planned Institutional Developments. Planned Institutional Developments shall be owned in perpetuity by a non-profit organization or non-profit establishment as defined under "Institution" herein.

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

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

- a. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
- b. The development, as planned, shall not adversely affect developed or undeveloped neighboring properties.
- c. The development shall utilize design and development features that would not be possible by the application of lot-by-lot Zoning District regulations.
- d. Water, sewerage, highways, garbage collection, and school facilities shall be adequate as required by State regulations for the proposed development or there shall be a definite proposal for making them so.

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

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

- a. Location. A Planned Residential Unit Development may be located within an R Zoning District if it meets all of the requirements specified for Planned Residential Unit Developments.
- b. Minimum acreage required and permitted uses. The following are the minimum acreage requirements and uses permitted in Planned Residential Unit Developments:
 - (1) A Planned Residential Unit Development with a minimum of 100 contiguous acres may contain single-family detached dwellings (including modular homes but not mobile homes), two-family dwellings, multi-family dwellings, condominiums, or a combination of said dwellings plus customary home occupations and customary residential accessory buildings and uses.
 - (2) A maximum of five percent of the development's acreage which may be B-1 General Business District Uses.
 - (3) Permitted uses for Planned Residential Unit Developments with less than 100 acres shall be the same as those listed for Planned Residential Unit Developments with 100 or more acres, except that they shall not include any B-1 General Business District uses.
- c. Common open space requirements. A minimum of 10 percent of the land area in a Planned Residential Development shall be reserved for open space, parks, other recreation or other public uses.
- d. Not more than thirty percent of the land so reserved may lie in a Flood Plain.
- e. The required yards and parking areas shall not be credited toward the minimum open space requirements.
- f. General private deed covenants. The transfer of ownership of individual properties in the Planned Residential Development may be made only after a final plat has been approved and recorded and with the said properties subject to private deed covenants that will assure the continuance of the Planned Residential Development as originally approved and developed.
- g. Minimum lot sizes. The minimum lot sizes for single-family detached houses in the Zoning District in which the Planned Residential Development is located may be waived but each single-family residential structure shall be placed on a separate lot.
- h. The minimum lot sizes for condominiums, townhouses, or multi-family houses in the Zoning District in which the Planned Residential Development is located may be waived, as well as the requirements that each structure shall be placed on a separate lot.
- i. Individual lot lines. The requirements that individual lot lines be delineated for condominiums, townhouses, or multi-family developments may be waived when it is obviously impossible to delineate lot lines in a reasonable manner.
- j. Yards. The yard requirements of the Zoning District in which the Planned Unit Development is located may be waived except along the exterior boundaries of the development. On the exterior boundaries of the development, side yards of appropriate widths shall be provided but in no case shall a side yard be less than five (5) feet in width.
- k. Height. The height limitations of the Zoning District in which the Planned Unit Development is located may be waived.
- l. Off-street parking requirements. The off-street parking requirements for Planned Residential Unit Developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

- m. Street frontage requirements. In a Planned Residential Development, the street frontage requirements for townhouses or multi-family houses may be waived.
- n. Gross density. The maximum density of a Planned Residential Development shall not exceed 2 dwelling units per acre, based on the gross average.
- o. Area requirements for retail sales and services. If a retail sales and services area is provided, a maximum of 4800 square feet of floor space for retail sales and services is permitted for each 100 dwelling units in a Planned Residential District. All Commercial areas shall be located within the confines of the Planned Unit Development for the purpose of serving primarily those people living within the development. There shall be not less than 4 square feet of business lot area for each one (1) square foot of permitted retail sales and service floor area.
- p. Structures for retail sales and services. Retail sales and services shall be conducted entirely within a wholly and permanently enclosed building or buildings which shall be of an architectural design compatible with the residential structures within the Planned Residential Development.
- q. Relation to residentially developed property lying outside the planned residential development. The sides, rear or front of a lot developed for retail sales and services, multi-family dwellings or condominiums shall neither abut nor lie across the street from property lying outside the Planned Residential Development that is developed or zoned for single-family houses.
- r. Development in stages. The development of the entire Planned Residential Development may be divided into logical geographical sections for construction purposes, subject to the approval of the Oconee County Planning Commission. In such cases, a schedule, designating a reasonable time period in which the construction of each section of said development must be completed, shall be submitted to the Oconee County Planning Commission for approval. (The developer may submit plans of individual sections or phases of development of the entire Planned Residential Development as set forth and approved in the development schedule by the Oconee County Planning Commission.) After the plan of an individual section has been approved by the Oconee County Planning Commission, their recommendation shall go to the Oconee County Board of Commissioners for final approval. Said commission may permit deviations within a section from the number of dwelling units per acre established for the entire Planned Residential Development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire Planned Residential Development is not affected.
- s. Performance guarantee for public improvements required. A performance guarantee must be provided for public infrastructure improvements as required by the Oconee County Land Subdivision Regulations.

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

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

- a. Location. A Planned Shopping Center shall have paths of access and egress only on a major or collector street or a County road or State highway. If deemed necessary by the Oconee County Planning Commission, adequate acceleration and deceleration lanes shall be provided by the developer.
- b. Minimum acreage. A Planned Shopping Center development shall have a minimum area of five (5) acres.
- c. Use regulations. Any use permitted in the B Zoning District in which the development is located may be included in the Planned Shopping Center.
- d. Yards. The yard requirements of the Zoning District in which the Planned Shopping Center is located may be waived.

- e. Height. The height limitations of the Zoning District in which the Planned Shopping Center is located may be waived.
- f. Off-street parking and loading and unloading requirements. The off-street parking and unloading requirements for Planned Shopping Center developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.
- g. Buffer areas. A landscape buffer area is required where a commercial area adjoins a residential area zoned in accordance with the provisions of these regulations.

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

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

- a. Location. A Planned Industrial Park shall have paths of access and egress only on a major street, County road or State highway. If deemed necessary by the Oconee County Planning Commission, adequate acceleration and deceleration lanes shall be provided by the developer.
- b. Minimum acreage. A Planned Industrial Park development shall have a minimum area of 10 acres.
- c. Minimum lot size. The minimum lot sizes of the Zoning District in which the Planned Industrial Park is located may be waived.
- d. Use regulations. Any uses permitted in the I District in which the Planned Industrial Park is located may be included.
- e. Height. The height limitations of the Zoning District in which the Planned Industrial Park is located shall be observed.
- f. Yards. The yard requirement of the Zoning District in which the development is located may be waived, except along the exterior boundaries of the Planned Industrial Development.
- g. Off-street parking and loading and unloading requirements. The off-street parking requirements for Planned Industrial Park developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.
- h. Buffer areas. A landscape buffer area is required where a commercial area adjoins a residential area zoned in accordance with the provisions of these regulations.

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

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

- a. Location. A Planned Institutional Development shall be located within an OIP Zoning District and shall have access and egress points only on a major collector street or arterial road which is maintained by the County or by the State D.O.T.
- b. Minimum acreage. A Planned Institutional Development shall have a minimum area of at least 15 acres.
- c. Use regulations. A Planned Institutional Development may contain "Institutional" uses as defined herein including but not necessarily limited to:
 - (1) Churches, schools, hospitals, nursing homes, clinics and personal care homes owned and operated by a for-profit entity or by non-profit organizations as defined under "Institution" herein.
 - (2) Planned retirement communities consisting of a mix of single family, two-family and multi-family dwellings, personal care and nursing care facilities.
 - (3) Customary accessory uses such as recreation facilities, food service facilities, office and administrative functions and in some cases pharmaceutical facilities.

- d. Common open space requirements. Within a Planned Institutional Development, a minimum of ten percent (10%) of the total land area shall be reserved for common open space, parks or outdoor recreational facilities for use by the residents and/or clients of the development.
- e. Lots. The requirement that each building or use be placed on a separate lot may be waived within a PID.
- f. Yards. The yard requirements of the Zoning District in which the Planned Institutional Development is located may be waived except along the exterior boundaries of the development. On the exterior boundaries of the development, front, side and rear yards of appropriate widths shall be provided but in no case shall a yard be less than five (5) feet in width. These shall be determined at the time of rezoning or Planned Unit Development (PUD) plan approval and shall be based on the highest yard requirements for similar uses in other zoning districts (i.e., for single family dwellings, see AR-1 or R-1 zone; for hospitals, see OIP zone; etc.)
- g. Gross density. For PID retirement communities, the density of the residential units shall not exceed that permitted by applicable rules for septic systems. For PID retirement communities on central sewer systems, the gross density of the residential units shall not exceed eight (8) units per acre where:
 - (1) Multi-family dwellings of 1, 2 or 3 bedrooms = one dwelling unit/apartment.
 - (2) Two-family dwellings of 1, 2 or 3 bedrooms = one dwelling unit/apartment.
 - (3) Single-family dwellings up to 3 bedrooms = one dwelling unit/house.
- h. Nursing homes and hospitals with full-time comprehensive medical staff shall not be considered as residential units for calculation of gross density. Instead, such facilities shall be governed by the maximum height restrictions, off-street parking and loading requirements, buffer and green space requirements and any applicable yard requirements for the permitted use. The land area necessary for these requirements shall then be subtracted from the gross land area within the PID prior to calculating the gross residential density.
- i. Off-street parking requirements. The off-street parking requirements for the various uses within PID developments shall be met in accordance with the Parking and Loading Requirements Article of this Development Code.

Sec. 508. Open space ownership and management.

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

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

- a. Homeowner's association.

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

 - (1) Membership in the Homeowner's Association must be mandatory for each property in the development.
 - (2) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
 - (3) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.

- (4) The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act." (Code 1981, ¶ 44-3-220, *et seq.* enacted by Ga. L. 1994, p. 1879, ¶ 1).
- (5) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development; that no debt shall transfer to the Association; and that any facilities required under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code, the operation and maintenance of which are the legal responsibility of the Homeowners' Association, shall at the time of transfer meet the standards of and properly function under the requirements of this Development Code. The reserve fund must be equal to no less than one year's expenses reasonably expected for the association's minimum operations and maintenance as required by this Development Code. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all the association's minimum operations and maintenance as required by this Development Code for the one year period following transfer of control.
- (6) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:
 - (a) Equal access and right of use to all shared facilities;
 - (b) Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;
 - (c) Tax liability in the case of default;
 - (d) The method of assessment for dues and related costs;
 - (e) Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
 - (f) Exterior items such as fences, lawn ornaments, and landscape areas and landscape buffers;
 - (g) Building improvements;
 - (h) Outside storage;
 - (i) Overnight parking of vehicles; and
 - (j) Trash collection containers.
- (7) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with applications for final subdivision plat approval.

b. Owners' association.

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

c. Condominium association.

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

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

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

d. Transfer of responsibility.

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

e. Association contact.

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

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

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

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

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

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

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

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

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

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

b. The common open space required in a conservation subdivision or MPD shall be permanently protected in perpetuity by a conservation easement 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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Sec. 607.05. Lighting of parking areas.

If the off-street parking facilities are to be used at night, they shall be properly illuminated for the safety of pedestrians and vehicles and for policing.

- b. Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring dwellings and approaching vehicles.
- c. A lighting plan and details shall be submitted to the Planning Director showing light templates (lighting footprints) for the proposed fixtures for review and verification of compliance with this provision.
- d. Any lights used to illuminate a parking area shall be arranged, located or screened to direct light away from any adjoining residential use and shall not cause glare on any abutting property or street. "Shoe box" recessed lighting fixtures or similar full cutoff lighting devices shall be utilized for this purpose.
- e. Lighting fixtures on the underside of a canopy shall be installed in such a manner that the lighting fixture is recessed or flush with the canopy surface and the source of the light is not directly visible from any abutting street or residential use.
- f. Parking areas shall not be illuminated between the hours of 12:00 midnight and 6:00 A.M. if the uses on the property are not open for business and employees are not on the premises, although temporary activation by motion detectors may be allowed to provide security lighting for periods not to exceed 15 minutes.

Sec. 607.06. Waiver from off-street parking requirements for intermittent, occasional or temporary uses.

An administrative special exception variance may be granted from certain requirements of this Article for buildings or uses which are only subject to incidental, occasional or temporary parking needs, such as cemeteries, recreation facilities, agritourism uses, or other buildings and uses where parking is not required on a regular or daily basis. See the Appeals Article of this Code for procedures.

- b. Said variance may:
 - (1) Allow substitution of gravel or similar hard surface material in lieu of asphalt or concrete; and
 - (2) Waive the requirement for striping on the interior of the lot; and
 - (3) Waive the requirements for lighting.
 - (4) Provided, however, that the minimum area and number of parking spaces and driveways required by this Development Code shall be met and provided that said required parking area and drives shall be properly graded, surfaced and maintained so as to provide safe vehicular and pedestrian access and to prevent erosion, siltation and movement of mud, soil or debris and excessive or detrimental storm water runoff onto public or private lands.
 - (5) Prior to issuance of a special exception variance under this exemption, the applicant for building permit, subdivision plat or zoning amendment shall first submit for Planning Department approval, the appropriate site development plan(s) required by this Development Code. Said plan shall show the proposed layout, dimensions, grading, and access for the parking area for which exemption(s) are sought and shall indicate all requested exemptions and proposed improvements.

Sec. 608. Inter-parcel access.

Inter-parcel access shall be required as follows:

Sec. 608.01. Internal access easements required.

For any office or retail sales or services use, the property owner shall grant a "cross" or internal access easement as described in this Subsection to each adjoining property that is zoned or

Mulch: Pine straw, pine bark, pebbles, lava rock, or processed cypress trees acceptable to the Planning Director may be used. By products of unprocessed grinding operations may not be used for mulching under landscape plants or trees.

Natural Buffer: See under "Buffer, Landscape."

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Open Space: An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment. Open space can be defined as:

1. *Common Open Space:* Land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public or private rights-of-way, or yard areas or landscape areas located on private property.
2. *Public Open Space:* Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.
3. *Greenspace:* Permanently protected areas of a site that are preserved in a natural state.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Structural Buffer: See under "Buffer, Landscape."

Structural Soil: Highly porous engineered aggregate mix designed to be used under asphalt and concrete pavements as the load-bearing and leveling layer as a means to providing a soil component beneath impervious surfaces to facilitate the root growth of trees.

Tree Harvesting: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree, Large: A shade tree that has a single trunk and which will reach at least 35 feet in height and 35 feet in spread at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Tree, Medium: A medium tree has a single trunk and which will reach at least 25 feet in height at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Tree, Small: A small tree may have single or multiple trunks and which will reach at least 15 feet in height at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Vehicle Use Area: Vehicle use areas include any areas designated as automobile, truck, or van parking spaces, including access aisles and driveways. Vehicle use areas also include the driveways and access aisles associated with mini storage warehouses, truck loading and unloading spaces, and impoundment yards.

Visual Screen: Vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the Planning Director: Fencing constructed of cedar, redwood, treated

DIVISION I. VEHICLE USE AREA LANDSCAPING.

Sec. 803. Vehicle Use Area Plantings.

Any vehicle use area designed or intended as a parking lot to accommodate 5 cars or more for any purpose, or to accommodate the parking of any number of light trucks or vans, which is located adjacent to any residential zoning district or located adjacent to a public or private street, must provide visual screening from such street in accordance with the requirements of this Section. Landscaped planting areas are also required throughout the vehicle use area under the requirements of this Section.

Sec. 803.01. Landscape planting and maintenance plan required.

A Landscape Planting and Maintenance Plan including provisions for watering, maintenance and replacements is to be submitted to the Planning Director and approved prior to the issuance of a building permit. Installation of plant materials shall have been completed or bonded prior to the issuance of a certificate of occupancy. If bonded, such plant materials shall be installed within 30 days of the bond date.

Sec. 803.02. Vehicle use area screening.

- a. Required vehicle use area screening.
 - (1) Any vehicle use area which is visible from a public or private street, must provide a landscaped visual screen that meets the requirements of this Section. Any vehicle use areas planned as a parking lot designed or intended to accommodate less than 5 cars for any purpose is exempt from this code section.
 - (2) Decorative visual screening shall be provided to a height of 3 feet above the elevation of the vehicle use area (measured at the edge or top of curb nearest the adjacent street) or the adjacent street (measured at the right-of-way line), whichever is highest.
 - (3) The screening may be included within any frontage landscape strip required by this Development Code, but in no case shall be less than 10 feet wide.

- b. Screening alternatives.

The decorative visual screening may be provided in any of (or any combination of) the following ways that achieves a total height of 3 feet:

- (a) Structural buffers shall be vegetated throughout the minimum area required for the buffer including around any fences, walls and upon any earthen berms. This vegetation may include ground covers, grasses, shrubs and trees.
 - (b) Trees shall be located or planted within all structural buffers at a density of no less than one large tree for each 40 feet of buffer length or portion thereof. Exclusions to this include areas where topographical, geotechnical, soil constraints, or utility corridors (above or below ground) exist that would prohibit material to be installed or newly planted material to become established. Examples of such locations include rocky outcrops, floodplains, wetlands/low lying areas. Newly planted deciduous large trees shall have a caliper of no less than two inches upon planting and newly planted evergreen trees grown full to the ground shall be at least six feet tall and a minimum of 1 inch caliper when planted. In no case shall any large tree be placed within 25 feet of any other large tree.
- (2) A structural buffer, as defined herein, shall incorporate all of the following components:
- (a) The required width as shown in Table 8.1
 - (b) Trees as specified in 808.04.b.1.b.
 - (c) At least one of the following components:
 - (i) Fence
 - (ii) Berm
 - (iii) Free-standing wall
 - (iv) Evergreen plant material
- (3) Requirements as they relate to the specific structural buffer components.
- (a) Fences
 - i. Fences shall present a finished and decorative appearance to the abutting property and shall be located no closer to the property line than three feet.
 - ii. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.
 - iii. Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.
 - iv. Fences may not be woven wire mesh (chain link).
 - v. Fences shall be a minimum of 6 feet tall.
 - (b) Berms
 - i. All earthen berms shall have a maximum side slope of 50 percent [one foot of vertical rise to two feet of horizontal run].
 - ii. Earthen berms shall be 2-6 feet tall and varying in height, except where the berm tapers and in areas necessary for drainage purposes.
 - iii. Berms may be tapered and offset to create a visual aesthetic. In the gaps created, 6 foot tall evergreen shrubs are required to create a visual screen.

- e. Dedication of easements as required by this Development Code.

Sec. 1004.03. **Required improvements in major subdivisions, multi-family, and nonresidential developments.**

The following improvements shall be provided by the developer or at the developer's expense in every major subdivision or individual multi-family or nonresidential development in accordance with the requirements and standards contained in this Article.

- a. Survey monumentation in accordance with Sec. 1005.
- b. Streets providing access to such a development and to all lots in such a subdivision, including the extension of streets required to provide access to adjoining properties, in accordance with Sec. 1008.
 - (1) Streets contained wholly within such a subdivision shall be improved to the full standards contained in this Article. For existing streets that adjoin such a development, right-of-way shall be dedicated as a project improvement meeting the minimum standards of Sec. 1008.04 and as further necessary for deceleration and turn lanes required under Sec. 1013, measured from the centerline of the street along the development's frontage.
 - (2) Curb and gutter where required along all roadways, or drainage swale where allowed.
- c. Street name signs, stop bars, striping and traffic control signs as approved by the County shall be installed by the developer in accordance with Sec. 1009.
- d. Street lights in accordance with Sec. 1010.
- e. Driveway access to each lot, shall be installed by the developer in accordance with Sec. 1012.
- f. Project access improvements (deceleration, turn lanes, etc.) as deemed necessary by the Public Works Director under the provisions of Sec. 1013.
- g. Sidewalks, if required under Sec. 1014.
- h. Storm water drainage and detention facilities in accordance with the Erosion Control and Stormwater Management Article of this Development Code.
- i. Public or private water supply as required under Sec. 1016.02.
- j. Fire hydrants as required under Sec. 1016.03.
- k. Public or private sanitary waste disposal and/or reuse water system as required under Sec. 1016.04.
- l. Dedication of easements as required by this Development Code.
- m. If any portion of the subdivision contains a primary conservation area as defined in the Environmental Protection Article of this Code, a natural resource easement or conservation easement, as applicable, is to be provided in accordance with the requirements of the Environmental Protection Article.

Sec. 1004.04. **Continuing maintenance period.**

- a. Continuing maintenance period established.

A subdivider or developer shall maintain and keep in good repair all improvements required under Sec. 1004 and constructed by him from the date of completion and acceptance of the work by the County for a period of 1 year for water, sanitary sewer and reuse water system improvements, and for a period of 2 years for streets, drainage and all other improvements. In the event that the development has not completed at least 90 percent build out by the end of the original guarantee period, the guarantee shall be renewed in 18-month intervals until 90 percent build out is achieved.

- c. Multi-family and nonresidential development projects projected to generate an ADT less than 500 vehicles per day and having an entrance on a minor collector, major collector or arterial street shall install offset radii and 50 foot tapers.
- d. The Public Works Director may require a traffic study to determine if a center turn lane, a longer deceleration lane, an acceleration lane or other improvements will be necessary. If the traffic study determines that the traffic generated by the project warrants it, the Public Works Director will require the additional improvements or other mitigating measures.

Sec. 1013.05. Deceleration and turn lane construction standards.

- a. A minimum 100 foot long (150 feet where possible) deceleration lane with 50 foot taper and a minimum 25 foot taper on the acceleration side.
- b. The length of the deceleration lane, (and acceleration side taper), shall be measured from the radius return point.
- c. The width of the lane shall be no less than 24 feet from the centerline of existing two lane road to outside edge of new asphalt (26 feet to back of new curb).
- d. Curb and gutter along all deceleration lanes and tapers are required, unless otherwise waived or modified by the Public Works Director due to site, drainage or continuity considerations.
- e. Associated drainage improvements as deemed necessary by the construction of the deceleration or turn lane shall be required.
- f. Other project access improvements may be required by the Public Works Director in addition to or in lieu of a required deceleration lane in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public, based on a traffic study prepared by a professional engineer.
- g. The developer will pay the cost of any catch basins that must be constructed along an existing County road as a result of the deceleration lane.
- h. Utilities and drain pipes shall be relocated at the developer's expense outside of the deceleration lane.

Sec. 1013.06. Median breaks.

If the street has an existing or proposed median, and the developer is approved by the County or Georgia DOT, as applicable, to construct a median break to serve the development, a left turn lane leading to the median break shall be provided by the developer meeting the design standards of the County. Other improvements may be identified by the Public Works Director that are needed to ensure safe and efficient operation of traffic.

Sec. 1014. Sidewalks.

Sec. 1014.01. Sidewalks; requirements

If the installation of sidewalks within public right-of-way is desired or required, sidewalks shall be shown on the construction plans for the development. Sidewalks shall be installed on both sides of the street on an individual lot basis at the time of construction of the individual home, apartment building, commercial, or other use. The developer shall install all handicap ramps and transitions as required by the County for Americans with Disabilities Act compliance at the time of development construction. The Planning Director shall inspect the location and construction of the sidewalk, and shall not issue a Certificate of Occupancy until the required sidewalk is properly installed.

- a. Sidewalks shall be 4 inches thick, with a minimum width of 5 feet on all streets.
- b. A grass planting strip with a minimum width of 3 feet shall be provided between the back of curb and the sidewalk, with a 10 foot wide planting strip required for major collector and arterial streets.

- c. All sidewalks shall be sloped at the rate of ¼ inch per foot toward the street, unless otherwise approved.

Sec. 1014.02. Sidewalks; where required.

Sidewalks shall be provided for developments as follows:

- (1) Along all rights of way in all commercial zones.
- (2) In all non-conservation subdivisions in all zones except in the AG, AR-3, and AR districts, unless approved otherwise by the Board of Commissioners.
- (3) In all conservation subdivisions in all zones, except that sidewalks do not have to be built along the frontage of all green space lots as long as pedestrian access is provided for to get from the residential lots to the green space lots.

Sec. 1015. Storm drainage.

See the Erosion Control and Stormwater Management Article of this Development Code for design requirements relating to storm drainage.

Sec. 1016. Utilities.

Sec. 1016.01. Utilities required.

Except for minor subdivisions otherwise exempt from the construction of utilities, the improvements listed below are required. Where installed upon property within the county at the time of construction, all such improvements shall be dedicated and conveyed or transferred to and the title shall vest in the county unless otherwise indicated on the recorded plat of subdivision. Nothing contained in this Section is in any way intended to affect matter of litigation pending between the county and/or their agencies at the time of enactment of this Development Code before courts of competent jurisdiction relating to the ownership of improvements required by this Section.

- a. Developer shall provide sanitary sewer or septic capacity, fire protection lines and necessary flows for the project as required by applicable codes. Said capacity shall be demonstrated to the satisfaction of the Utilities department in accordance with established codes prior to issuance of land disturbance and building permits.
- b. Developer shall be responsible for providing and paying for necessary water and sewer extensions including the addition of necessary capacity required to serve the development.

Sec. 1016.02. Water supply.

- a. Water supply and/or distribution system in accordance with the latest edition of Oconee County Water and Wastewater Standards or other such documents as adopted by the Board of Commissioners.
- b. All potable water systems shall be subject to applicable to the current "Rules for Safe Drinking Water: Chapter 391-3-5, Revised June 1989, Georgia Environmental Protection Division" and applicable county regulations, policies and construction standards
- c. Public water service shall be provided to every lot in every subdivision and to every development for both domestic use and fire protection if public water is available or under bid or contract to be available within 1,000 feet of the subdivision or development.

Sec. 1016.03. Fire hydrants.

- a. Fire hydrants are required in all subdivisions and development projects served by a public water system.
- b. Fire hydrant spacing shall be in accordance with the water system specifications of Oconee County. Placement of fire hydrants is subject to approval by the Oconee County Fire Department and Water Resources Department.

- c. In the event deficiencies constitute an immediate danger to public health or public safety, the County, or its agent, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the function of the stormwater system at the owners' expense.

Sec. 1115.03. **Easements.**

The owner of property containing a drainage easement shall not allow or cause to be deposited any material which causes a physical obstruction, including, but not limited to: structures; landscaping; fences; yard waste such as grass clippings, tree trimmings, and leaves; impervious cover; or any other material that may block the flow of water or otherwise disrupt proper function of the stormwater management system. All drainage easements shall be kept clear of obstructions along the entire length of the easement whether it be a buried pipe, ditch, or other facility contained within the easement. The property owner shall remove any such materials existing prior to, or installed after, the effective date of this Division.

Sec. 1115.04. **Access and inspection of properties and facilities.**

- a. The owners of property containing private stormwater management facilities, detention facilities, or retention facilities shall allow unimpeded access for the County to conduct inspections of the facilities. Inspections may be conducted by the Oconee County Public Works Department at any time for any reasonable basis, including, but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws.
- b. Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected shall be promptly removed at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

Sec. 1116. Stormwater management in the urbanized area.

Sec. 1116.01. **General.**

Whenever and wherever conditions, as are caused or aggravated by reason of the subdivision of land hereunder, adversely affect the proper use or drainage of streets, highways, pedestrian ways, slopes or natural watercourses, or adversely affect the public health, safety, or welfare, the following improvements may be required to be provided and installed by the subdivider:

- a. On-tract and/or off-tract drainage or drainage structures necessary for the proper use and drainage of slopes, streets, highways and pedestrian ways, or for public safety.
- b. Erosion control planting and/or structural controls.

Sec. 1116.02. **Stormwater application and permit.**

- a. All persons proposing development and/or construction in Oconee County shall submit a stormwater management plan to the county for approval. This plan shall comply with the requirements set forth in Sec. 1116.03 below.
- b. The plan shall be prepared by a Registered Professional Engineer or Georgia Registered Landscape Architect to ensure compliance with all regulations.
- c. A stormwater management plan incorporated into the approved construction plans shall constitute a permit that will satisfy the requirements of this Section.

Sec. 1116.03. **Standards for stormwater management.**

- a. All development and/or construction within urbanized area of Oconee County shall meet requirements of the *Georgia Stormwater Management Manual, Vol. 2*, unless otherwise specified in this Division.
- b. Facilities for the management of stormwater discharges shall be designed and constructed in a manner that enhances and protects the natural beauty and aesthetic qualities of Oconee County as follows:

- (1) Any required retention and/or detention areas shall not be developed.
 - (2) Any required retention and/or detention areas shall be incorporated into the common areas of the residential development or incorporated into individual lots.
 - (3) The local government maintains the right, but not the responsibility, to access retention and/or detention areas for purposes of maintenance and inspection
 - (4) Appropriate vegetation shall be planted in all retention and/or detention areas.
 - (5) Where fencing is required under Section 1116.03.c, evergreen vegetative screening shall be provided with a minimum height of 3 feet at time of planting. Plant materials used for such screening must be in compliance with Table 8.2 of this Development Code.
- c. Fences a minimum of 4 feet in height with a minimum 8 foot wide gate will be required on all detention ponds where:
- (1) The sides of the pond have a slope greater than 3 horizontal to 1 vertical, or
 - (2) The depth of water in the pond is greater than 3 feet at one hour after the duration of any storm event up to the 50-year event.
- d. Drainage easement requirements.
- (1) The minimum easement width for an open ditch where a pipe is feeding into the ditch will be determined as follows:

Table 11.1: Drainage Ditch Easement Widths	
Pipe Size Feeding Into Ditch	Minimum Easement Width
15 to 30 inches	20 feet
36 to 66 inches	30 feet
72 inches and greater	40 feet

- (2) Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be a drainage and access easement conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of drainage and maintenance, taking into account possible future development of higher land in the same drainage area, in accordance with Table 11. above, or bank plus 20 feet. Such drainage way shall be piped when the Public Works Director shall find that it is a hazard or that a continual maintenance problem might exist.
 - (3) If the drainage way is totally piped, the easement width shall be based on the associated pipe size above.
- e. If any stormwater management system proposes to utilize the roadway embankment for the temporary impoundment (detention) of stormwater then additional engineering analysis and approved mitigation measures as determined on a case-by-case basis by the Public Works Director will be required to ensure the protection of the roadway system during all storm events in order to qualify for the exemption contained in the Private Bridges and Dams on Roadways Section of the Project Design and Construction Standards Article of this Development Code.

Said analysis and mitigation measures shall include but are not limited to;

- (1) No impounded surface water elevation shall encroach into any portion of the public right-of-way, any utility easement/corridor, or any utility easement/corridor on private street easements

Sec. 1117. Stormwater management in the non-urbanized area.

Sec. 1117.01. General.

Whenever and wherever conditions, as are caused or aggravated by reason of the subdivision of land hereunder, adversely affect the proper use or drainage of streets, highways, pedestrian ways, slopes or natural watercourses, or adversely affect the public health, safety, or welfare, the following improvements may be required to be provided and installed by the subdivider:

- a. On-tract and/or off-tract drainage or drainage structures necessary for the proper use and drainage of slopes, streets, highways and pedestrian ways, or for public safety.
- b. Erosion control planting and/or structural controls.

Sec. 1117.02. Stormwater application and permit.

- a. All persons proposing development and/or construction in Oconee County shall submit a stormwater management plan to the county for approval. This plan shall comply with the requirements set forth in Sec. 1117.03 below.
- b. The plan shall be prepared by a Registered Professional Engineer or Georgia Registered Landscape Architect to ensure compliance with all regulations.
- c. A stormwater management plan incorporated into the approved construction plans shall constitute a permit that will satisfy the requirements of this Section.

Sec. 1117.03. Standards for stormwater management.

- a. A combination of storage and controlled release of stormwater runoff on-site detention or retention shall be required when the proposed development shall increase the peak rate of runoff by more than 1 cubic feet per second (CFS) for a 10-year frequency storm. The Rational Method or the Soil Conservation Method shall be used to determine the runoff rate in accordance with sound engineering practice and shall be acceptable to the Public Works Director and Planning Director. Developments may be exempt from this provision if the design professional can demonstrate that the runoff can be adequately transmitted through existing downstream storm drain structures and will not result in increased flood heights or additional threats to public safety, and will not adversely affect downstream properties, and compliance with Sec. 1117.04 is demonstrated.
- b. Should on-site retention or detention be required, the outlet device(s) of the retention/detention facility shall be designed to limit post-development runoff rates to less than or equal to the pre-development rates for the 2, 5, 10, 25, and 50 year storm event.
- c. The retention or detention storage volume to be provided shall be calculated on the basis of the appropriate return frequency rainfall, as published by the National Weather Service or other acceptable service for the affected site. The retention or detention volume required shall be calculated based on the DeKalb hydrograph for inflow and standard reservoir routing at the approved release rates as specified above. However, the design calculation shall include the routing of the 100-year frequency storm event through the retention/detention facility. Said calculations shall indicate that the 100-year frequency storm event can be safely routed through the facility.
- d. Applicants in non-urbanized areas that choose to handle stormwater management using the standards of urbanized areas may do so as long as all aspects of stormwater management meet the urbanized standards.
- e. The storm drainage system shall be designed in accordance with Sec. 1117.04 of this Ordinance. At a minimum, the storm drainage system shall be sized to adequately convey the runoff from the 25-year frequency storm event to the retention/detention facility.
- f. Facilities for the management of stormwater discharges shall be designed and constructed in a manner that enhances and protects the natural beauty and aesthetic qualities of Oconee County as follows:
 - (1) Any required retention and/or detention areas shall not be developed.

- (2) Any required retention and/or detention areas shall be incorporated into the common areas of the residential development or incorporated into individual lots.
 - (3) The local government maintains the right, but not the responsibility, to access retention and/or detention areas for purposes of maintenance and inspection.
 - (4) Appropriate vegetation shall be planted in all retention and/or detention areas.
 - (5) Where fencing is required under Section 1117.03.g, evergreen vegetative screening shall be provided with a minimum height of 3 feet at time of planting. Plant materials used for such screening must be in compliance with Table 8.2 of this Development Code.
- g. Fences a minimum of 4 feet in height with a minimum 8 foot wide gate will be required on all detention ponds where:
- (1) The sides of the pond have a slope greater than 3 horizontal to 1 vertical, or
 - (2) The depth of water in the pond is greater than 3 feet at one hour after the duration of any storm event up to the 50-year event.
- h. Drainage easement requirements.
- (1) The minimum easement width for open ditch where pipe is feeding into the ditch will be determined as follows:

Table 11.3: Drainage Ditch Easement Widths	
Pipe Size Feeding Into Ditch	Minimum Easement Width
15 to 30 inches	20 feet
36 to 66 inches	30 feet
72 inches and greater	40 feet

- (2) Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be a drainage and access easement conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of drainage and maintenance, taking into account possible future development of higher land in the same drainage area, in accordance with Table 11.3 above, or bank plus 20 feet. Such drainage way shall be piped when the Public Works Director shall find that it is a hazard or that a continual maintenance problem might exist.
 - (3) If the drainage way is totally piped, the easement width shall be based on the associated pipe size above.
- i. If any stormwater management system proposes to utilize the roadway embankment for the temporary impoundment (detention) of stormwater then additional engineering analysis and approved mitigation measures as determined on a case-by-case basis by the Public Works Director will be required to ensure the protection of the roadway system during all storm events in order to qualify for the exemption contained in the Private Bridges and Dams on Roadways Section of the Project Design and Construction Standards Article of this Development Code.

Said analysis and mitigation measures shall include but are not limited to;

- (1) No impounded surface water elevation shall encroach into any portion of the public right-of-way, any utility easement/corridor, or any utility easement/corridor on private street easements
- (2) The 100-year water surface elevation must maintain a minimum of 3 vertical feet of freeboard from the lowest roadway elevation traversing the embankment.

- a. An application form as available from the Planning Department, complete in all respects.
- b. If the applicant is not the owner of the property, an authorization form as available from the Planning Department, executed by the owner, authorizing the applicant to represent and act on behalf of the owner. Approval or authorization is required of each owner of each parcel included in an application if two or more parcels in separate ownership are included.
- c. An application fee as required by the Board of Commissioners to cover administrative and advertising costs.
- d. The location of the subject property, including street number, if any.
- e. Copy of warranty deed, including a typed legal description of the subject property by metes and bounds, and reference to a final plat if applicable, including the tax identification number.
- f. Statement of political contributions by the applicant and the applicant's attorney, as described under Sec. 1206.03.
- g. Impact analysis, as described under Sec. 1206.04.
- h. Concept plan, as described under Sec. 1206.05. The requirement for a concept plan may be waived by the Planning Director if the application does not propose any new construction or expansion of existing development, such as an application for special use approval for a new tenant in an existing shopping center, and no exterior improvements, such as an increase in the number of parking spaces, will be required by this Development Code.
- i. A narrative statement from the applicant is required specifically describing the proposed use of the property and including all other information as necessary to provide a full understanding of the applicant's request.
- j. If the subject property or any portion of the subject property is proposed to be served by public water or sewer, a letter of availability is required from the Water Resources Department. Said letter shall state the proposal does or does not meet the policies of the Board of Commissioners for water and sewer distribution, delivery, expansion, and service.
- k. The Character Areas Map category in which the property is located. If more than one category applies, the areas in each category are to be illustrated on a map.
- l. Architectural sketches, photos, or renderings of all proposed structures depicting all elevations.
- m. Proof that all property taxes for the parcel(s) in question have been paid in full.
- n. Such other information as may be pertinent and required by the Planning Director. For guidance, see the application checklist in the Appendix to this Development Code that contains the Oconee Departmental Checklists.

Sec. 1206.03. **Disclosure of interest and campaign contributions.**

- a. A local government official, including members of the Planning Commission and members of the Board of Commissioners, who has a property interest in any real property affected by a rezoning action or has a financial interest in any business entity which has a property interest, or has a member of his family having such an interest, shall immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners as set out in OCGA Subsection 36-67A-2.
- b. When any applicant for a zoning change has, within two years immediately preceding the filing of that applicant's application for the rezoning action, made campaign contributions or made gifts aggregating \$250.00 or more to a local government official involved in the rezoning action, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the Board of Commissioners as set out in OCGA Subsection 36-67A-3.

- (6) Adjacent Properties: Names of adjacent property owners and zoning, driveway locations and other improvements having a relationship to the subject site, and natural or manmade drainage features are to be indicated on plan.
 - (7) Title Block: Indicating the name of the development, the type of plan (rezoning, special use or variance concept plan), the owner, the developer, and the person or firm preparing the plan.
- b. The Concept Plan shall include the following information:
- (1) A proposed Land Use Plan for the site and including the acreage to be devoted to each land use category, existing and proposed zoning.
 - (2) The existing and proposed location of streets, bikeways, pedestrian ways, parking areas, drainage and storm water detention facilities, utilities, public facilities, parks, recreation areas, tree areas to be retained or added and other open spaces, and including notations as to existing or proposed dimensions, capacities and/or volumes.
 - (3) Statistical or technical data as necessary to accurately describe the proposed development including, but not limited to the following:
 - (a) Total land area.
 - (b) Amount of land to be used for public or semi-public uses.
 - (c) Amount of land to be used for recreational or open space purposes.
 - (d) Amount of land to be occupied by streets and parking areas.
 - (e) Amount of any submerged or flood prone land within the project boundary.
 - (f) The total ground coverage and floor area of all buildings.
 - (g) Breakdown of the number and kinds of proposed buildings, including square footage, and the number and range of lot sizes and proposed setback and yard dimensions for typical lots and/or building types.
 - (4) A report setting forth the proposed development schedule, indicating the sequence of development of the various sections thereof, and the approximate time period required for completion of each phase.
 - (5) An outline of the proposed methods for controlling and maintaining any common open space or community facilities.
 - (6) Proposed locations of signs, landscape screening, buffers, and/or fencing.
 - (7) Such other information as may be required to evaluate the project.
- c. Compliance with the unified development code.
- The Concept Plan shall meet all requirements of this Development Code. Any inconsistency between the Concept Plan and any requirement of this Development Code shall not be deemed as approved by the Board of Commissioners at the time of approval of the zoning change, unless approval of the inconsistency has been granted as a variance under the applicable provisions of the Appeals Article of this Development Code.
- d. Compliance with concept plan.
- (1) The Planning Director shall review plans for compliance with this Development Code and for compliance with Concept Plan review criteria. The recommendations of both the Planning Director and the Planning Commission shall be transmitted to the Board of Commissioners.
 - (2) If the requested rezoning or Special Use application is approved, a revised Concept Plan meeting all regulations of this Development Code and incorporating all conditions of approval imposed by the Board of Commissioners, if necessary or applicable to conform to this Code or said conditions of approval, must be submitted to the

DIVISION II. PROJECT APPROVAL.

This Division presents the procedures and requirements to obtain approval of a subdivision or other development project, including planned developments such as PUDs and MPDs, as a precedent to authorization by the County to begin construction.

Sec. 1215. Minor subdivisions.

Minor subdivisions, as defined in the Subdivisions and Planned Development Article of this Development Code, are exempt from the requirements of this Division and may be administratively approved for recording under the following provisions:

- a. Plats for said subdivisions shall comply with all other requirements of this Code, and with State Law, provided however that such plats may be prepared by a Georgia Registered Land Surveyor.
- b. These exemptions shall apply only in AG, AR-3, AR, and R-1 zoning districts. Exemptions under these provisions shall be verified by the Planning Director and each plat of any such minor subdivision shall be stamped as follows:
 - (1) "Exempt under the provisions of Sec. 1215.b of the Unified Development Code of Oconee County, Georgia", prior to being recorded by the Clerk of Superior Court of Oconee County Georgia.
 - (2) Such plats shall be prepared as "Administrative Subdivision Plats" or "Administrative Recombination Plats" in accordance with the applicable requirements for final subdivision plats under Division V of this Article.
- c. The Planning Director may however, at his or her discretion, forward such plats to the Development Review Committee for review and action, should such plats, in the opinion of the Planning Director, warrant further consideration due to the nature of the subdivision.
- d. Health Department approval of sewage disposal method and water supply shall be required for each individual lot, tract or parcel prior to the issuance of a building permit or mobile home location permit for said lot, except as provided under Sec. 1215.e.
- e. Administrative Subdivision Plats and Administrative Recombination Plats may be approved for recording without first being approved or signed by the Health Department provided that each and every one of the following conditions is met:
 - (1) Each lot, tract, or parcel resulting from the recording of said plat is at least 3.00 acres or larger.
 - (2) The surveyor preparing the plat shall certify in writing on the plat that at least 3 acres of each lot, tract or parcel resulting from the recording of the plat are above the 100 year flood plain as indicated on the current FEMA maps, (including the parent parcels or remainders resulting therefrom).
 - (3) The surveyor preparing the plat shall determine by examination of the most recently published USDA Soil Survey and note in writing on the plat that at least 3 acres of each lot, tract or parcel resulting from the recording of the plat will not lie within the following soil types as shown on said USDA survey (including parent parcels and remainders):
 - (a) Buncombe
 - (b) Chewacla
 - (c) Colfax
 - (d) Congaree
 - (e) Musella
 - (f) Wehadkee

- l. Grading and draining requirements for individual building sites.
- m. Required improvements to private access drives.
- n. Number of lots off a private access drive.

Sec. 1303.03. **Standards for special exception variance approval.**

A special exception variance may be granted upon a finding that the relief, if granted:

- a. Would not cause substantial detriment to the public good; and
- b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and
- c. Would not diminish and impair property values within the surrounding neighborhood; and
- d. Would not impair the purpose and intent of this Development Code.

Sec. 1303.04. **Administrative approval.**

- a. Special exception variances shall be considered by the Board of Commissioners unless the variance is approved administratively. Only those variances listed in this Subsection, below, and within the parameters stated, may be considered for administrative approval.
- b. The Planning Director, upon a finding that a special exception variance meets the standards for approval contained in this Section, may administratively approve such special exception variance within and not exceeding the following parameters:
 - (1) Minimum building setbacks.
Not to exceed a reduction in the minimum setback required by 10%, except the front setback may be reduced or waived if the parking is located in the side or rear yards.
 - (2) Maximum building height.
Not to exceed an additional 4 feet above the maximum allowed.
 - (3) Minimum floor area requirements for dwellings.
For a residence to be constructed by a nonprofit organization only, floor area reduction to no less than 1,000 square feet.
 - (4) Automobile parking requirements
Not to exceed a change by more than 10% in the number of spaces required, shared parking, or the proximity of spaces to the use served.
 - (5) Parking lot improvements for intermittent, occasional or temporary uses.
Approval subject to the provisions for such waivers in the Parking and Loading Article of this Code, and to the imposition of such time limits or operational limitations appropriate to the proposed use of the parking lot.
 - (6) Inter-parcel access.
Modification or waiver of inter-parcel access requirements.
 - (7) Grading and draining requirements for individual building sites.
Variances from the requirements of the grading and draining requirements for individual building sites under the Erosion Control and Stormwater Management Article of this Development Code may be granted by the Planning Director upon the submission of such information as may be required by the Director, and the Director's satisfaction that the public health, safety and general welfare will be adequately protected if the variance is granted.
 - (8) Deviations from design standards of Section 206.04.d.7, Architectural requirements of the Mars Hill Overlay District, Section 205.09.c.3, Architectural requirements of

the B-1 zoning district; and Section 304, Standards for single-family and two-family dwellings, of this Development Code.

Sec. 1303.05. **Restriction on re-filing a special exception variance if denied.**

If denied, an appeal for a special exception variance affecting the same property shall not be reconsidered for a period of 6 months from the date of denial; provided, however, that the Board of Commissioners may reduce the waiting period under extenuating circumstances or on its own motion.

Sec. 1303.06. **Limitations on special exception variance approval.**

In no case shall a special exception variance be granted from the conditions of approval imposed on a property through a zoning change granted by the Board of Commissioners.

Sec. 1304. Hardship variances.

Sec. 1304.01. **Appellant.**

A request for a hardship variance on a property shall be brought by the property owner or, with the owner's permission, the holder of or applicant for a permit for development or construction on the property.

Sec. 1304.02. **Hardship variances; general.**

- a. The Board of Commissioners may authorize upon appeal in specific cases such variances from the terms of this Development Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the this Development Code will, in an individual case, result in unnecessary hardship, so that the spirit of this Development Code shall be observed, public safety and welfare secured and substantial justice done.
- b. The existence of a nonconforming use of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for approval of the requested variance.
- c. Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and neither as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

Sec. 1304.03. **Standards for hardship variance approval.**

Such variances may be granted in such individual case of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
- b. The application of this development code to this particular piece of property would create an unnecessary hardship.
- c. Such conditions are peculiar to the particular piece of property involved.
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance.

Sec. 1304.04. **Limitations on hardship variance approval.**

In no case shall a hardship variance be requested or granted for any of the following:

- a. A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
- b. A change in the conditions of approval imposed through a zoning change granted by the Board of Commissioners.
- c. Reduction of a minimum lot size required by a zoning district.