

The Oconee County Board of Zoning Appeals



May 17, 2012

Establishing Authority

- SC state Planning Act
- Section 6-29-780, 790, 800
- Spells out powers and duties as limited by state law
- Oconee County Board of Zoning Appeals
- Municode Chapter 32, Article 1. Sec. 32-5
- Established BZA

Special Exceptions

- Uses that are permitted through the Board of Zoning Appeals as a Special Exception
- Board must follow standards in the ordinances just as staff would.

Criteria for granting the Special Exception

- Decision should be based on the Comprehensive Plan and the Performance Standard or Zoning ordinance being considered;
- best interest of the County, the convenience of the community and the public welfare;
- Appropriate for the property location;
- Constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the community;
- Should be safe for highway traffic and parking with adequate access arrangements to protect streets from undue congestion and hazard.

Performance Standards

- Requires SE for permit;
 - Group Homes
 - Communication Towers
- Other Performance Standards not necessarily require SE
 - Sexually Oriented Business
 - Tattoo Facility
 - Sign Control
 - Building Height Requirement

Special Exceptions in Zoning Ordinance

- Various Uses within certain Base Zoning Districts require a Special Exception
- All “non-residential” uses inside the Lake Keowee/Jocassee Overlay District require a Special Exception
 - ...”for good cause shown they may waive the strict application of [Appendix A].”

Various Uses requiring SE

zoning Use Matrix

Use	UR1	AD	AR1	LD	BR1	PH1D	R1	OR1	OX1	OC1P	D1	MC1
Agricultural production, crops, livestock, and poultry	P	P	X	P	P	N	1	N	X	N	N	N
Amusement, entertainment, and public (excluding commercial children's uses, temporary or big top tents, and circuses or tent tents)	P	P	P	P	P	X	P	N	P	P	P	N
Agricultural support services, veterinarians, kennels, feed stores, supply stores, implements, etc.	N	P	P	X	P	N	N	X	P	P	P	N
Auto shops	S	M	N	N	S	N	N	N	N	S	S	N
Auto repair	P	P	S	N	P	N	N	N	U	C	N	C
Auditorium / Indoor Public Assembly	P	S	N	N	N	N	N	N	P	P	N	N
Food and retail use	P	C	P	S	P	N	S	S	P	P	N	N
Building and Trade Services - including restaurants and supply uses	P	P	S	N	N	1	N	N	P	P	P	P
Caterers and accessory uses	P	P	P	P	P	N	P	X	U	P	P	P
Child, infant, pre-school, & public day care centers	P	P	P	N	P	1	S	P	P	P	N	P
Commercial fishing, boating & boating	P	P	S	S	S	S	N	X	N	N	N	N
Communications services	S	S	N	N	N	N	N	N	P	S	S	S
Construction and related uses	C	S	C	C	C	N	C	C	N	C	N	C
Convenience stores, including multi-use centers	P	S	S	N	S	N	N	N	P	P	P	P
Conferences, facilities and related uses	N	N	N	N	N	N	N	N	N	N	P	N
Dry Cleaning and related uses	P	P	S	N	S	N	S	S	P	P	N	S
Electronics and other warehouses	H	P	N	N	N	N	N	N	S	P	P	S
Educational facilities, not including facilities for adults	S	S	N	S	N	P	S	N	P	P	P	S
Emergency services	P	P	P	N	P	N	P	P	P	P	P	P
Ferry and related uses	P	P	P	P	P	P	N	N	P	P	N	N
Financial Services	P	S	N	N	N	N	N	N	P	P	N	P
Farmers' Markets	P	P	P	P	P	P	P	P	P	P	P	P
Food supply services	N	P	N	N	N	N	N	N	P	P	P	S
Freight yards & services	N	N	N	N	N	N	N	N	P	P	N	P
Gas stations, energy and driving ranges	S	X	S	P	X	X	P	P	X	P	N	X

Uses	TRD	AG	ARC	CD	RSD	PRD	RD	LRD	CCD	ICD	ID	MSD
	Zoning Use Matrix, etc.											
Government buildings (excluding correctional facilities)	P	X	N	S	P	P	F	N	P	P	P	P
Group Homes	X	X	N	N	N	N	S	N	N	N	N	S
Greenhouses, nurseries, and landscape commercial services	F	#	P	S	P	N	X	N	P	P	P	F
Golf courses, clubs and driving ranges	S	X	N	S	N	N	N	N	N	S	N	N
Health care services, service retail, and emergency short-term lodging	F	P	X	N	P	N	N	N	P	P	N	F
Home occupations and businesses	C	C	C	C	C	N	C	C	C	C	N	C
Hotels, motels, & inns	S	X	N	N	N	N	N	N	P	P	N	N
Laundry Mats	P	#	P	N	N	N	N	N	P	P	N	P
Laundry & dry cleaning services	P	X	X	N	N	N	N	N	P	P	N	S
Light Manufacturing	P	N	X	N	N	N	N	N	S	P	P	S
Liquor stores and bars	N	N	N	N	N	N	N	N	S	S	N	S
Lumber & saw mills (permitted)	F	P	N	N	N	N	N	N	N	S	P	N
Lumber & saw mills (prohibited)	F	#	P	P	P	P	P	F	P	P	P	F
Manufactured Home Parks	N	N	X	N	N	N	N	N	N	P	P	N
Heavy Manufacturing	N	X	N	N	N	N	N	N	N	S	P	N
Motels	S	S	S	N	S	S	S	P	P	P	P	N
Mini storage, or mini warehouses	N	N	N	N	N	N	N	N	P	P	P	N
Mining	S	X	N	N	N	N	N	N	N	N	N	N
Motor Vehicle Dealership and Service	F	P	N	N	P	N	S	N	P	P	N	F
Motor vehicle parking & storage (see permitted business use)	N	N	X	N	N	N	N	N	P	P	P	R
Motor vehicle sales and rental	S	N	X	N	N	N	N	N	P	P	P	R
Motor vehicle services and repair	F	P	P	N	N	N	N	N	C	P	P	C
Motor vehicle services and gas stations (excluding auto shops)	F	P	N	N	P	N	N	N	P	P	P	F
Motorsports	F	X	N	N	N	N	N	N	S	P	N	N
Multi-family, mixed and diverse rental structures containing 1 or more residential units	F	X	S	N	N	N	S	S	S	P	N	S
Multi-family residential development (other than containing no more than 4 residential units)	P	X	S	N	N	N	P	F	S	S	N	P
Museums, cultural centers, historical sites, engineering, & similar institutions	F	#	P	S	P	P	F	N	P	P	N	P
Office uses, general	F	X	N	N	N	N	S	N	P	P	N	F
Outdoor Retail	S	#	P	N	P	N	X	S	P	P	R	C

(Case)	TDR	AG	AR1	CO	FR	PHD	RT	UR	CC	RC	U	AG	
							Zoning Use Matrix, cont.						
Place of worship	P	P	P	P	P	P	P	P	P	P	S	N	
Public, private, and community parks and recreation, including outdoor facilities	P	P	P	S	P	P	P	S	P	P	N	A	
Public & private utilities	P	P	P	P	P	P	N	N	P	P	P	P	
Railroad stations	P	N	N	N	S	N	N	N	P	P	P	N	
Recreation facilities	S	N	N	N	S	N	S	N	P	P	N	S	
Restaurants (up to 1,500 square feet)	C	P	S	N	C	N	N	N	P	P	S	P	
Restaurants (greater than 2,500 square feet)	S	S	N	N	S	N	N	N	P	P	S	H	
Retail uses (up to 5,000 square feet)	P	S	S	N	P	N	N	N	P	P	P	P	
Retail uses (5,000-99,999 square feet)	S	N	N	N	S	N	N	N	N	P	P	S	
Retail uses (greater than 10,000 square feet), outside streets	N	N	N	N	N	N	N	N	N	P	S	N	
Storage yard, junkyard, & recycling operations	S	S	N	N	N	N	N	N	N	P	P	P	
Single-family detached residential	P	P	P	P	P	N	P	P	P	P	N	A	
Single-family subdivisions (10 units or less)	T	S	P	N	P	N	P	P	P	N	N	P	
Single-family subdivisions (more than 10 units)	S	N	N	N	N	N	P	P	S	N	N	S	
solid waste landfill and waste management services, including hazardous waste	S	S	N	N	N	N	N	N	N	N	S	N	
Temporary, shanty houses & wigwags, pre-empting	P	P	S	S	P	N	N	N	S	S	N	N	
Waste management services, including hazardous waste	S	N	N	N	N	N	N	N	N	N	P	N	

N=not permitted

P=permitted

C=conditional use-permitted if conditions are met

S=special exception-approved by Board of Zoning Appeals

SEs required in the Lake Keowee/Jocassee Overlay District

- Approval required for new non residential projects
- Same questions must be answered for other Special Exception approval
- Additionally, Appendix A is to be used as a guide and for good cause the Board may waive its strict application

Appendix A sections

- Building Standards
- Signage Standards
- Lighting Standards
- Parking Standards
- Landscape Standards

Context of Appendix A

- Initially written for I-85 Overlay to guide industrial development
- Some sections, or parts of sections, may not be appropriate to apply to projects within the Lake Keowee/Jocassee Overlay District
- Planning Department staff will work with developer to have a plan ready for approval or minor adjustment before meeting
- If someone does not have a sufficient plan the matter should be tabled until they have one prepared, agree?
- Appendix A is 12 pages and it would be difficult for the Board to work through those standards during an evening meeting.
- Goal of Special Exception Hearing is to ensure project fits in with the community

Be sure to not be a BAR

- Board of Architectural Review is the third body established in the state Planning Act
- Oconee County does not have a BAR
- BZA needs to be attentive to not act as a BAR
- Do not require specific architectural styles
- [Appendix A] design requirements are only to reduce negative impacts to surrounding community
- [Appendix A] design requirements are not to maintain building stock of certain architectural style (Rainbow Row in Charleston)

Map of the
Keowee/Jocassee Overlay

