



# Oconee County Planning Department

415 S. Pine Street, Walhalla, SC 29691

Telephone: 864-638-4218  
Fax: 864-638-6158

May 31, 2013

To: Planning Commission Ordinance Review Subcommittee;  
A. Heller (Chairman), R. Honca, W. Gilster  
From: Joshua A. Stephens  
Re: June 10<sup>th</sup> Ordinance Review Subcommittee Meeting, 2-5 PM

Please Note: Each member should receive two packets in the mail.

Packet 1: Agenda, Ch.32 Review Material

Packet 2: Ch. 38 and Misc. Topics Review

The contents contained within the packet stem from discussions between staff and the Commission as well as directives from the Commission. As you review the material keep in mind that we are in the early stages of the review process. Thus, the material will simply read as quick edits and should serve as talking points from which to build more concrete proposals.

Based on your own edits and suggestions combined with our upcoming work sessions, I am confident that real progress can be made.

The material, thus far, is still a work in progress and will be changed further as the Commission works through review process. With that said I would like to make a quick note regarding the material before you. A majority of staff contributions to the material is simply examples and explorations of topics the Commission has discussed during previous meetings. The information does not necessarily represent a formal proposal or recommendation, but merely represents options and discussion points for the Commission to consider.

I encourage each of you to really give your red pen a work out. I also ask for constructive criticism regarding the work staff has performed thus far. If my wording is confusing, the layout is difficult to understand, the presentation is lacking, etc... please offer your suggestions for improvements. Your input is a key part of this process as well as to staff's overall development.

As always please contact me if you have any questions. I look forward to seeing you soon!



Joshua A. Stephens

CC: Planning Commission

**ARTICLE I. - IN GENERAL**

[Sec. 32-1. - Authority of chapter provisions.](#)

[Sec. 32-2. - Jurisdiction and purpose of chapter.](#)

[Sec. 32-3. - Existing regulations and standards; conflicts.](#)

[Sec. 32-4. - County planning commission.](#)

[Sec. 32-5. - Zoning board of appeals.](#)

[Sec. 32-6. - Appeals; generally.](#)

[Sec. 32-7. - Administration of the performance standards and land use regulations.](#)

[Secs. 32-8—32-40. - Reserved.](#)

**Sec. 32-1. - Authority of chapter provisions.**

These performance standards and land development regulations are adopted under authority granted by S.C. Code 1976, § 6-29-310 et seq., otherwise known as the Comprehensive Planning Enabling Act of 1994.

(Ord. No. 1999-14, § 1.1, 4-4-2000)

**Sec. 32-2. - Jurisdiction and purpose of chapter.**

The regulations of this chapter shall apply to new development and to specified uses of land within the unincorporated areas of the county as now or hereafter established, and to municipalities within the county that have adopted the provisions of this chapter and have contracted with the county for the enforcement thereof. The purpose of this chapter is to establish regulations and standards that specify a minimum requirement or maximum limit on the impact of certain land uses and development. The standards of this chapter are based upon consideration of the impact upon adjacent land, residents and the general health, safety, and welfare of the county as a whole.

(Ord. No. 1999-14, § 1.2, 4-4-2000)

**Sec. 32-3. - Existing regulations and standards; conflicts.**

This chapter shall complement existing regulations addressing road standards, manufactured housing, and other design and safety regulations until such time as this chapter is amended to include specific provision for those aspects of development and land use. In the case of any conflict between the performance standards set forth herein and any other rules and regulations, the more restrictive shall apply.

(Ord. No. 1999-14, § 1.4, 4-4-2000)

**Sec. 32-4. - County planning commission.**

(a) *Authority to establish.* The county planning commission (referred to as the "planning commission") is established pursuant to S.C. Code 1976, § 6-29-310 et seq.

- (b) *Functions, powers and duties.* It is the function and duty of the county planning commission to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the county. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of the county. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The county planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of the county to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of the county.

In the discharge of its responsibilities, the county planning commission has the power and duty to:

- (1) Prepare and revise periodically plans and programs for the development and redevelopment of the county as provided in S.C. Code 1976, § 6-29-310 et seq.; and
- (2) Prepare and recommend for adoption to the county council as a means for implementing the plans and programs:
  - a. Performance (performance zoning) standards and zoning ordinances to include zoning district maps and appropriate revisions thereof;
  - b. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted;
  - c. An official map and appropriate revisions on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces;
  - d. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
  - e. A capital improvements program setting forth capital projects (as such term is defined in [chapter 2](#), article IV, division 8, [section 2-392](#) of this Code of Ordinances) required to implement or in conformity with plans which have been prepared and adopted, including an annual listing of priority capital projects for consideration by county council prior to preparation of its capital budget;
  - f. Policies or procedures to facilitate implementation of planning elements; and

Appeals regarding alleged errors by the ~~planning director~~ **community development director, or designee** concerning a decision on a land development plan or subdivision may be heard by the planning commission. The planning commission shall act on the appeal within 60 days and the action of the planning commission is final. An appeal from the decision of the planning commission may be taken to circuit court within 30 days after actual notice.

- (3) Coordinate with, and receive scored proposals for capital projects from, the Oconee County Capital Projects Advisory Committee pursuant to [chapter 2](#), article IV, division 8 of this Code of Ordinances.

- (c) *Membership.*

- (1) The membership of the county planning commission shall be seven in number, selected and appointed by a majority vote of the membership of the county council voting in any meeting of county council, duly assembled, with one member being selected from each of the five county council districts in existence and as delineated at the time of the adoption of this section, nominated by the respective member of county council from each district, together with two members appointed by county council from the county at-large. County council may receive recommendations for the two at-large seats from the county planning commission, the county soil and water conservation district commission, the county school board, and any other interested organization or agency, and county council welcomes any such recommendations; however, county council is not required to wait on such recommendation(s) before county council selects and appoints one or both at-large members, nor is county council obligated to select and appoint any person recommended. Notwithstanding any other provision hereof, the complete selection and appointing authority for the entire county planning commission, including, without limitation, the at-large members, rests with county council, and the ultimate decision of whom to select and appoint for any of the membership positions is that of county council, by a majority vote of the membership of the county council voting in any meeting of county council, duly assembled, with or without any recommendation.
  - (2) If after an appointment of a member to represent a particular council district of the county to the planning commission, such district is altered, then such commission member shall continue to serve thereon for the remainder of the term to which said member is appointed, regardless of his/her place of residence within the county.
  - (3) In the event the county is further divided into additional county council districts, additional appointments of members to the commission to represent the newly created district(s) may be made by county council through amendment of this section.
  - (4) Should any member of this commission move and establish residence outside of the county or the district where such member was residing at the time of the appointment to this commission, such move shall constitute a resignation by the member, and a replacement member shall be appointed to fill the unexpired term of such resigned member, in the same manner as the original appointment.
  - (5) No member of the planning commission may hold an elected public office within the boundaries of the county.
- (d) *Terms of members.*
- (1) The length of the regular term served by each member shall be four (4) years, beginning on January 1 of the year of appointment.
  - (2) For the purposes of implementing the standards of this section, and thereby returning the reappointment/replacement schedule of the membership of the commission to staggered lengths in as fair and equitable manner as possible, the following shall apply:
    - a. All members appointed by county council district shall serve for the same term as the length of the remaining term of the council member who appointed them, after which the term of such district members shall be equal to and coincidental with the term of the council member appointing or reappointing them, with all terms or parts thereof starting as of January 1 of the year of appointment or reappointment.
    - b. The first at-large member appointed by county council after adoption of the restatement of this section shall serve for four years and the second such at-large member shall serve for two years, after which the term of each such at-large member shall be four years following appointment/reappointment, with all terms or parts thereof starting as of January 1 of the year of appointment or reappointment.
  - (3) In the event the regular term of a member in good standing expires prior to reappointment or replacement by county council, said member shall continue to serve until his/her replacement is

appointed and qualified. The date of reappointment or replacement, however, in no way alters the scheduled length of the term.

- (e) *Removal of members.* Members of the county planning commission may be removed at any time by a majority vote of the county council, for cause (defined herein as dereliction of duty, as duties are defined herein, conviction of any felony or any crime of moral turpitude, or violation of the South Carolina Ethics Act, all as determined by county council). If, or in the event, any member of the commission shall fail to attend 50 percent or more of the regularly scheduled meetings of the commission within any period of 12 calendar months without excuse of the commission chairman, such member may be replaced without notice by action of the county council.
- (f) *Organization, meetings, procedural rules, records, and purchases.* The county planning commission shall organize itself, electing one of its members as chairman and one as vice-chairman, whose terms must each be for one-year. The chairman and vice-chairman shall have the right to vote. The commission shall appoint a secretary, who may be a member or an employee of the county council or of the commission. If the secretary is a member of the commission, he/she shall also have the right to vote. The commission shall meet at the call of the chairman, and at such times as the chairman or commission may determine. Vacancies in such offices by reason of death, resignation or replacement shall be filled for the unexpired term of the officer whose position becomes vacant, in the same manner as the original election or appointment.

The commission shall adopt rules of organizational procedure, and maintain a record of its resolutions, findings, determinations, recommendations, and other actions as required by state and federal requirements.

Typical operational expenses of the commission shall be provided for in the budget of the planning department; however, the commission may from time to time employ or contract for professional services with funds appropriated by county council.

- (g) *Powers and duties.* The county planning commission shall have those powers and duties provided for in Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended, to be exercised with respect to the total unincorporated area of Oconee County, South Carolina, and to include the function to undertake a continuing planning program for the physical, social, and economic growth and development, and redevelopment, throughout its area of responsibility. The commission shall, within the bounds of standards established in state law, draft and periodically review a comprehensive plan for the county, which shall be the basis for a planning process consisting of those elements considered critical, necessary, and desirable to guide the development and redevelopment for the county. It shall also be the duty of the planning commission to provide advice to the county council on any and all matters related to growth and development within the unincorporated areas of the county.
- (h) *Salaries and funding.* Each member of the county planning commission shall be paid the sum of \$25.00 per meeting of the commission attended, or as county council shall subsequently direct by ordinance or resolution. Additionally, members shall be compensated at the same rate, and in the same manner, as county employees for expenses incurred as a result of attending schools, seminars, meetings, and other normal activities associated with membership, provided said trips and activities are approved in advance by the chairman of county council.

(Ord. No. 1999-14, § 1.4, 4-4-2000; Ord. No. 2009-10, § 1, 5-19-2009; Ord. No. 2010-14, §§ 2(Exh. B), 3(Exh. C), 8-17-2010; Ord. No. 2011-06, § 2, 3-15-2011)

**Cross reference—** Boards, commissions and committees, § 2-241 et seq.

### **Sec. 32-5. - Zoning board of appeals.**

- (a) *Authority to establish.* The county zoning board of appeals shall be established and shall be referred to as "the board," as defined in S.C. Code 1976, § 6-29-780 et seq.

- (b) *Membership.* The board shall consist of seven members, a majority of which shall constitute a quorum. Members shall be appointed by the county council, and shall serve overlapping terms of three years, except that original appointees shall serve for staggered terms. Members whose terms have expired shall continue serving until a successor has been appointed by the county council. Members may serve an unlimited number of consecutive terms. A vacancy in membership shall be filled for the unexpired term in the same manner in which the original appointment was made. The county council shall have the authority to remove any member of the board for cause or for violating any of the bylaws, as adopted by the board. The county council shall have the authority to approve a budget for the board and to appropriate funds for the board's activities. Members shall serve without compensation, unless authorized by the county council. No board member shall hold any other public office or position in the county or a municipality in the county.
- (c) *Initial appointments.* Upon concluding the appointment of the initial seven members of the board, members shall determine terms through a random drawing, with two members to have a term of one year, two members to have a term of two years, and three members to have a term of three years.
- (d) *Organization.* The board shall elect one of its members as chair, who shall serve for one year or until reelected or until a successor is elected and qualified. The board shall appoint a secretary who may be an employee of the county or who may be a member of the board. The board shall adopt rules of procedures to be contained in bylaws. Meetings shall be held at the call of the chair. Public notice of meetings shall be provided by publication in a newspaper of general circulation in the county. The chair may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each question.
- (e) *Public meetings and public records.* All meetings of the board shall be open to the public, unless an executive session is declared to receive advice from legal counsel. All meeting minutes shall be public records and shall be available for inspection at the office of the designated administration official during regular office hours of the county government.

**State law reference**— Similar provisions, S.C. Code 1976, §§ 6-29-780, 6-29-790.

- (f) *Powers; variances; special exceptions.*
  - (1) The board of appeals has the following powers:
    - a. Appeals: to hear and decide appeals (excepting actions involving the subdivision of land) where it is alleged that there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the performance standards ordinance;
    - b. Special exception: to permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the performance standards ordinance;
    - c. Variance: to hear and decide requests for variance from the requirements of the performance standards ordinance when strict application of the provisions of such ordinance would result in unnecessary hardship.
  - (2) *General criteria for granting a special exception.* The board shall grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The board shall among other things require that any proposed use and location be:
    - a. In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter;
    - b. In the best interests of the county, the convenience of the community and the public welfare;

- c. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
- d. Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazard;

The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will secure substantially the objectives in this chapter.

- (3) *General criteria for granting a variance.* A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
  - b. These conditions do not generally apply to other property in the vicinity.
  - c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
  - d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
    - 1. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted or to extend physically a nonconforming use of land. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
    - 2. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

(Ord. No. 1999-14, § 1.5, 4-4-2000)

**Cross reference**— Boards, commissions and committees, § 2-241 et seq.

**State law reference**— Similar provisions, S.C. Code 1976, § 6-29-800.

### **Sec. 32-6. - Appeals; generally.**

- (a) *Time limit for appeals.* Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the county. The appeal must be taken within a reasonable time, by filing with the ~~planning director~~ **community development director, or designee**, and with the board of appeals notice of appeal specifying the grounds of it. The appeals must be taken within 30 days from the date the appealing party has received actual notice of the action from which the appeal is taken. The ~~planning director~~ **community development director, or designee**, shall immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (b) *Appeal stays action.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

- (c) *Hearing; advertisement.* The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 days' public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
- (d) *Authority to reverse, affirm, modify decisions.* In exercising such power, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board in the execution of the duties specified in this chapter may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
- (e) *Decisions to be put in writing.* All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.
- (f) *Appeals from decisions of the board.* Any person who may have a substantial interest in any decision of the board may appeal from any decision of the board to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the board is rendered.
- (g) *Fees may be charged to offset the cost of the appeals process.* Reasonable fees may be established by the county council to cover the costs of administering the appeals process. Fees shall be established by resolution by the county council and may be adjusted by subsequent resolution.

(Ord. No. 1999-14, § 1.6, 4-4-2000)

**State law reference**— Similar provisions, S.C. Code 1976, §§ 6-29-820, 6-29-830.

### **Sec. 32-7. - Administration of the performance standards and land use regulations.**

The county ~~planning director~~ **community development director** is designated by the county council as the zoning administrator to administer the performance standards and land development regulations. The county council shall employ such staff as necessary to assist the ~~planning director~~ in his duties.

(Ord. No. 1999-14, § 1.7, 4-4-2000)

### **Secs. 32-8—32-40. - Reserved.**



**ARTICLE II. - SEXUALLY ORIENTED BUSINESSES <sup>[2]</sup>**

[Sec. 32-41. - Purpose and intent of article.](#)

[Sec. 32-42. - Findings of fact.](#)

[Sec. 32-43. - Enforcement of article provisions.](#)

[Sec. 32-44. - Definitions.](#)

[Sec. 32-45. - Permitting requirements for the establishment of sexually oriented businesses within the unincorporated areas of the county.](#)

[Sec. 32-46. - Enumeration of permit requirements.](#)

[Sec. 32-47. - Issuance of permit.](#)

[Sec. 32-48. - Administration and display of permits.](#)

[Sec. 32-49. - Inspection.](#)

[Sec. 32-50. - Expiration and renewal of permit.](#)

[Sec. 32-51. - Suspension of a permit.](#)

[Sec. 32-52. - Revocation of a permit.](#)

[Sec. 32-53. - Reissuance of a permit.](#)

[Sec. 32-54. - Appeals of designation as a sexually oriented business; denial of permit; suspension or revocation of permit.](#)

[Sec. 32-55. - Transfer of a permit.](#)

[Sec. 32-56. - Permit requirements of businesses operating at the time this article is adopted.](#)

[Sec. 32-57. - Location of sexually oriented businesses.](#)

[Sec. 32-58. - Sexually oriented businesses, designated as a nonconforming use.](#)

[Secs. 32-59—32-90. - Reserved.](#)

**Sec. 32-41. - Purpose and intent of article.**

It is the purpose of this article to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the deleterious locating and concentration of sexually oriented businesses within the county. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented material. Similarly, it is not the intent or effect of this article to restrict or deny access by adults to sexually oriented materials or expressions that are protected by the First Amendment to the Constitution of the United States of America, or to deny access by the distributor and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this article to condone or legitimize any act which is otherwise prohibited and punishable by law.

(Ord. No. 1999-14, § 2.1, 4-4-2000)

**Sec. 32-42. - Findings of fact.**

- (a) There exists potential for the establishment of sexually oriented businesses in the county, and it is in the interest of the public health, safety, and welfare, of the citizens of the county to provide for minimum standards and regulations for sexually oriented businesses, as well as for the health, safety, and general welfare of the owners, operators, employees, and patrons of such businesses.
- (b) Sexually oriented businesses generate secondary effects which are detrimental to the public health, safety, and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution, and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to residences, schools, churches, parks, or playgrounds.
- (c) The concern over sexually transmitted diseases is an additional legitimate concern for the county, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well being of citizens.
- (d) Live entertainment at sexually oriented businesses sometimes involves a considerable amount of bodily contact between patrons and seminude or nude employees and dancers, including physical contact such as hugging, kissing, and sexual fondling of employees or patrons. Many sexually oriented businesses have "couch" or "straddle" dancing, in which employees do such things as sit in a patron's lap, place their sexual organs against a patron while physical contact is maintained, or gyrate in a manner so as to simulate sexual intercourse. Such activity can be defined as obscene and illegal in accordance with S.C. Code 1976, § 16-15-10 et seq. Such behavior can also lead to prostitution and the spread of sexually transmitted diseases. The planning commission and county council of the county recognizes that the prevention of these and similar activities that pose a threat to the health, safety, and general welfare of the citizens of the county is clearly within the police powers of the county. Further, the planning commission and county council of the county believes that prohibiting contact between performers and patrons at sexually oriented business establishments is a reasonable and effective means of addressing these legitimate governmental interests. Also, the planning commission and county council of the county recognize that regulating the location of sexually oriented businesses is an additional reasonable and effective means of addressing secondary effects associated with these activities.
- (e) The establishment of a permit process is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations to facilitate the enforcement of legitimate distancing requirements, and to ensure that operators do not allow their establishments to be used as places of illegal activities or solicitation.
- (f) The location of sexually oriented businesses close to residential areas, schools, churches, parks, or playgrounds leads to the decline in the general welfare of the area, leads to conditions that give rise to crime, and places children in a position such that they are endangered by secondary effects of these activities.
- (g) It is not the intent of this article to suppress speech activities protected by the First Amendment of the Constitution of the United states of America or to place any permissible burden on any constitutionally protected expression or expressive conduct by the enactment of this article. Rather, it is the intent of the county to enact a content neutral regulation that addresses the threats to the public health, safety, and general welfare that are produced by sexually oriented businesses.

(Ord. No. 1999-14, § 2.2, 4-4-2000)

**Sec. 32-43. - Enforcement of article provisions.**

- (a) *Penalty; injunction.* A person who is found by a court of law to have operated or have caused to be operated a sexually oriented business without a permit or in any other manner that is in violation of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Such violations shall be punishable in accordance with [section 1-7](#). Each day a person operates or causes

to be operated a sexually oriented business in a manner that is in violation of this article shall constitute a separate offense.

- (b) *Article regulations in addition to other valid law.* The regulations included in this article are in addition to any other valid laws or regulations of the United States of America, the state or the county. Nothing in this article is intended to or shall be interpreted as invalidating any other laws or regulations. Any penalties imposed by a court of law for the violation of this article shall not interfere with any separate criminal prosecution or penalty levied for any other criminal act.
- (c) *Seeking of relief not limited.* Nothing in this article is intended to or shall be interpreted as limiting the rights of the county, any citizen, or any entity from seeking any relief from any cause for action as proscribed by state law.

(Ord. No. 1999-14, § 2.25, 4-4-2000)

### **Sec. 32-44. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adult arcade* means any place to which the public is permitted or invited wherein coin-operated, slug-operated or electronically, or mechanically-controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to one or more persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

*Adult bookstore, adult retail store or adult video store* means a commercial establishment which excludes any person by virtue of age from all or part of the premises generally held open to the public where products or equipment distinguished or characterized by a predominant emphasis or simulation of "specified sexual activities" or "specified anatomical areas" are sold, rented, or displayed therein, or which has as one of its principal business purposes, the sale or rental for any form, for consideration, one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."
- (2) Instruments, devices, paraphernalia or clothing which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental the specified materials which describe "specified sexual activities or "specified anatomical areas."
- (3) Adult bookstore, adult retail store, or adult video store does not mean any establishment which displays, rents or sells sexually-explicit materials in an enclosed room equal to less than ten percent of the business' total square footage, and which prohibits anyone under 18 years of age from entering the room.
- (4) Principal business purpose, as used in this section, means that more than 25 percent of the "stock in trade" of the business is devoted to the display, rent, or sale of items, products, or equipment distinguished or characterized by a predominant emphasis on, or simulation of, "specified sexual activities" or "specified anatomical areas."
- (5) Stock in trade for purposes of this subsection shall mean the greater of:
  - a. The retail dollar value of all items, products or equipment readily available for purpose, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or

b. The total volume of shelf space and display area.

*Adult cabaret* means a nightclub, bar, restaurant or similar commercial eating or drinking establishment, which regularly features:

- (1) Persons who appear in a state of nudity.
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (3) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified anatomical areas."

*Adult car wash* means a car wash where some or all of the employees are seminude or nude and/or where "specified sexual activities" or "specified anatomical areas" are exhibited.

*Adult motel* means a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which may have a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions;
- (2) Routinely offers a sleeping room for rent for a period of time that is less than eight hours;
- (3) Routinely allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than eight hours; or
- (4) Evidence that a sleeping room in hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than eight hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this section.

*Adult motion picture theater* means a commercial motion picture theater, one of whose primary business purpose is, for any form of consideration, to regularly show films, motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

*Adult theater* means a commercial theater, concert hall, auditorium, or similar commercial establishment, one of whose primary business purpose is to regularly feature persons who appear in a state of nudity or which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

*Board* means the zoning board of appeals.

*Certificate of nonconformity* means a certificate issued by the county planning and development department to any sexually oriented business which is operating at the time of the enactment of this chapter, and is not in compliance with one of more of its provisions.

*Dancer* means an employee of a sexually oriented business that entertains patrons through expressive forms of dance and/or movement.

*Designated county employee* means the county ~~planning director~~ community development director or other employee of the county who is designated by the chief administrative officer for the administration of this article.

*Employee* means an individual working and performing services for any sexually oriented business, including any independent contractor who provides services on behalf of any sexually oriented business to the patrons of such business.

*Established or establishment* means any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business.

- (2) The conversion of an existing building or not a sexually oriented business, to a sexually oriented business.
- (3) The addition of any sexually oriented business to any other existing sexually oriented business.
- (4) The relocation of any sexually oriented business.

*Health club* means a health club where some or all of the employees are nude or seminude, or in which "specified sexual activities" occur or "specified anatomical areas" are exhibited.

*Licensee* means a person in whose name a sexually oriented business regulatory license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a sexually oriented business regulatory license.

*Live entertainment* means a person who appears nude, seminude, or a performance which is characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

*Nude model studio* means any place where a person appears in a state of nudity or displays "specified anatomical areas" and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration.

*Nude, nudity, or state of nudity* means:

- (1) The appearance of a bare human buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
- (2) A state of dress which fails to cover a human buttock, anus, male genitals, female genitals, pubic region, or areola or nipple of the female breast.

*Operate or cause to be operated* means to cause to function or to put or keep in operation.

*Operator* means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business, or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to operate a sexually oriented business whether or not the person is an owner, part owner, or licensee of the business.

*Patron* means any persons who pays a sexually oriented business any form of consideration for services provided to him by the sexually oriented business.

*Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.

*Seminude or seminudity* means a state of dress in which clothing covers no more than the genitals of a man, or the pubic region and areola of the breasts of a woman.

*Sexually oriented business* means an adult arcade, adult bookstore, adult retail store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, or any other business such as a car wash or a health club, which offers for consideration, materials, or services characterized as depicting "specified sexual activities" or "specified anatomical areas," or whose employees perform services in a state of nudity or seminudity.

*Sexually oriented business permit* means a special annual operating permit necessary for a sexually oriented business to do business in the unincorporated portions of the county. Such license is in addition to any other regional, state, or county permits. The sexually oriented business regulatory permit also requires the registration of each employee and each employee hired during the operation period authorized by the sexually oriented business regulatory permit.

*Specified anatomical areas* means the male or female genitals including the vulva or more intimate parts of the female genitals, or bare human buttocks, anus, or the areola or nipple of the female breast.

*Specified sexual activities* means any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.

- (2) Sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy.
- (3) Masturbation, actual or simulated.
- (4) Excretory functions as a part of or in conjunction with any of the activities set forth in subsections (1)—(3) of this section.

*Substantial enlargement of a sexually oriented business* means the increase in floor areas occupied by the business by more than ten percent as the floor areas exist on the date the original certificate of compliance was obtained.

*Transfer of ownership or control of a sexually oriented business* means any of the following:

- (1) The sale, lease or sublease of the business.
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.
- (3) The establishment of a trust, gift, or other similar legal device which transfer the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

*Viewing room* means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, video reproduction, or live production.

(Ord. No. 1999-14, § 2.29, 4-4-2000)

**Cross reference**— Definitions generally, § 1-2.

### **Sec. 32-45. - Permitting requirements for the establishment of sexually oriented businesses within the unincorporated areas of the county.**

- (a) *Purpose and intent.* It is the purpose and intent of this section to establish a permit requirement for sexually oriented businesses that will ensure that these businesses are operated in a manner that is in full compliance with all applicable laws of the United States of America, the state, and the county. The purpose is also to ensure that these businesses are operated in a manner that minimizes adverse impacts on the community and that does not pose a threat to the public health, safety, and general welfare. Further, the purpose is to provide the county with a reasonable and legitimate mechanism for enforcing applicable laws.
- (b) *Enabling authority.* This section is adopted by the county council in accordance with S.C. Code 1976, § 4-9-30, as an application of the police powers for the purpose of promoting the public health, safety, and welfare.

(Ord. No. 1999-14, § 2.5, 4-4-2000)

### **Sec. 32-46. - Enumeration of permit requirements.**

- (a) Every person or entity engaged or intending to engage in a sexually oriented business, as defined in this article, is required to obtain a sexually oriented business permit (referred to in this article as a permit) from the county before initiating operation of the business. Any person or entity engaging in such business shall have a valid permit in effect at any time in which the business is in operation.
- (b) Applications for a permit shall be made to the ~~planning director~~ **community development director, or designee.**
- (c) Any person or entity engaged or intending to engage in a sexually oriented business is required to obtain and hold a valid permit during any period of time in which the business is in operation.

- (d) An application for a permit shall be made to the ~~planning director~~ community development director, or designee on a form provided by the county. If an entity wishing to operate a sexually oriented business is an individual, that individual must sign the permit application. If the entity wishing to operate a sexually oriented business is other than an individual, each individual who has at least ten percent ownership in the business must sign the permit application. If a corporation is listed as the owner of a sexually oriented business, then each individual having at least ten percent ownership interest in the corporation must sign the permit application. Permit applications may be submitted during normal business hours of the county government offices. Permit applications are a matter of public record, and may be viewed by any person during normal business hours of the county government offices.
- (e) Any applicant for a permit shall be required to provide proof of identification and proof of age.
- (f) If one person or entity owns or operates more than one sexually oriented business in the county, that person or entity must obtain and hold a separate permit for each sexually oriented business in operation.
- (g) Any application for a permit must be accompanied by a sketch or diagram showing the configuration of the property and premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- (h) The fact that a person or entity possesses other types of state or county permits or licenses does not exempt the individual or entity from the permit requirements of this article.
- (i) The county council shall have the authority to establish reasonable fees for permits and permit applications. Such fees shall be appropriate to cover costs associated with the administration of this article and for the policing of sexually oriented business establishments. Such fees shall be established by resolution by the county council and may be changed by subsequent resolution.

(Ord. No. 1999-14, § 2.6, 4-4-2000)

### **Sec. 32-47. - Issuance of permit.**

The ~~planning director~~ community development director or designee shall approve the issuance of a sexually oriented business permit within 30 days after receiving an application, unless he finds one or more of the conditions listed as follows to be present:

- (1) The proposed business is in violation of any portion of this article, including, the section concerning location requirements of sexually oriented businesses.
- (2) The proposed business is in violation of any article or regulation of the county, any article or regulation of any administrative department, bureau, or governmental entity of the state, or any law or regulation of the United States of America.
- (3) The applicant is under 18 years of age.
- (4) The applicant has failed to provide information that is reasonably necessary and required on the permit application form for the issuance of a permit, or has falsely answered a question or request for information, as is required on the application form.
- (5) The premises to be used for the sexually oriented business is found to be unsafe by the county fire marshal, the county building official, or an appropriate official of the state department of health and environmental control (DHEC).
- (6) To apply if the applicant is an individual, the applicant, or the spouse of the applicant is found to be overdue in payment to the county of taxes, fees, fines, or penalties assessed against the individual, or imposed upon the individual in relation to a sexually oriented business. If the applicant is more than one individual or is a corporation, it is found that any person having at

least ten percent ownership in the sexually oriented business, any person having at least ten percent ownership interest in a corporation owning the sexually oriented business, or the spouse of any person having ten percent ownership in the sexually oriented business or corporation owning the sexually oriented business is overdue in payment to the county of taxes, fees, fines, of penalties assessed against the individual, or imposed upon the individual in relation to a sexually oriented business.

- (7) The permit fee or permit application fee required by this article and adopted by resolution of the county council has not been paid.

(Ord. No. 1999-14, § 2.7, 4-4-2000)

### **Sec. 32-48. - Administration and display of permits.**

- (a) The permit shall be printed on a form developed by the county. The ~~planning director~~ **community development director or designee** shall maintain a copy of all permits issued, and shall maintain a record of permit issuances, to include the name of the business, the name of the owner, the date of permit issuance, and the date of permit expiration.
- (b) Permits and permit records are a matter of public record, and may be reviewed by any person during normal business hours of the county government offices, except that records or information pertaining to an ongoing investigation of illegal otherwise noncompliant activity of a sexually oriented business, owner or operator of a sexually oriented business, or employee of a sexually oriented business, may be shielded from public review in accordance with state law.
- (c) The permit, if granted, shall state on its face the name of the person to whom the permit is issued, the date of issuance, expiration date, and the address of the sexually oriented business. The permit shall be posted at a conspicuous place at or near the entrance of the sexually oriented business so that it may easily be read at any time.

(Ord. No. 1999-14, § 2.8, 4-4-2000)

### **Sec. 32-49. - Inspection.**

- (a) An applicant or permit holder shall permit representatives of the county sheriff's department, the state department of health and environmental control, local fire department, the chief administrative officer's office, the county attorney's office, or the county building official's office to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time the building is occupied and open for business.
- (b) All employees, while on duty at a sexually oriented business, must have a valid driver's license or other government issued official identification with picture in their possession and must present that identification to an inspecting official, as identified in subsection (a) of this section, upon demand.
- (c) The permit holder (or agent or employee of the permit holder) commits a misdemeanor if it is found by the appropriate court of law that such lawful inspection of the premises is denied for any reason. Such refusal is also grounds for the suspension or revocation of the permit.

(Ord. No. 1999-14, § 2.9, 4-4-2000)

### **Sec. 32-50. - Expiration and renewal of permit.**

All sexually oriented business permits shall be valid for a period of 12 months. Applications for renewal shall be made to the ~~planning director or county employee designated by the chief administrative officer for the administration of this article~~ **community development director, or designee**. An application for renewal shall be made not more than 45 days before the expiration of a valid permit, nor less than 30 days before the expiration of a valid permit. If an application for permit renewal is not made during this



time period, the permit will lapse and an application for a new period shall be required to continue operation of the sexually oriented business. If there is a period in which the existing permit expires before a new permit is issued, the sexually oriented business shall not operate during such period.

(Ord. No. 1999-14, § 2.10, 4-4-2000)

### **Sec. 32-51. - Suspension of a permit.**

The ~~planning director~~ community development director, or designee shall suspend a sexually oriented business permit for a period not to exceed 30 days, if it is determined that a permit holder or employee of a permit holder commits one or more of the acts listed as follows:

- (1) Has violated a portion of this article or any other applicable ordinance or regulation of the county, the state, any departments, bureaus, or agencies of the state, or the United States of America.
- (2) Has refused to allow the inspection of a sexually oriented business, as authorized by this article.
- (3) Has failed to provide identification, as specified in [section 32-49\(b\)](#).
- (4) Has failed to register any employee, as specified in this article, or has misrepresented the number of employees of the sexually oriented business.
- (5) Has allowed any person under 18 years of age to access the premises.

(Ord. No. 1999-14, § 2.11, 4-4-2000)

### **Sec. 32-52. - Revocation of a permit.**

The ~~planning director, or county employee designated by the chief administrative officer for the administration of this article~~ community development director, or designee, shall revoke a sexually oriented business permit if a cause for suspension as specified in [section 32-51](#) has occurred at least one time during the preceding 12 months. In addition, the ~~planning director, or county employee designated by the chief administrative officer for the administration of this article~~, community development director, or designee shall revoke a sexually oriented business permit if it is determined that any of the acts listed as follows have occurred:

- (1) The permit holder or an agent of the permit holder has provided false, incomplete, or misleading information in the material submitted during the application process.
- (2) The permit holder, or an agent or employee of the permit holder operated the sexually oriented business during a period of time in which no valid permit was in existence or the permit was suspended.
- (3) Any act of obscenity as specified in S.C. Code 1976, § 16-15-305 et seq., has taken place on the premises.

(Ord. No. 1999-14, § 2.13, 4-4-2000)

### **Sec. 32-53. - Reissuance of a permit.**

If a permit for a sexually oriented business has been revoked, no new permit for that business shall be issued for a period of 12 months from the date of revocation. This prohibition shall cover any business in the same location, any business owned by the owner of the business for which the permit has been revoked, any business owned by any person having at least ten percent ownership of the business for which the permit was revoked, or any business owned by a corporation of which at least ten percent ownership interest is held by a person with at least ten percent ownership interest in a corporation that owned the business for which the permit was revoked. Such prohibition shall also apply to the spouse of

any person meeting the criteria listed above. Any permit holder who has had two permits revoked within a period of 36 months, shall be prohibited from being issued a permit for a period of five years. This regulation shall apply to any individual who shall have at least ten percent interest in the ownership of a subject business or who shall have at least ten percent ownership in a corporation which owned a subject business. This prohibition shall also apply to the spouse of any person meeting the criteria listed above.

(Ord. No. 1999-14, § 2.14, 4-4-2000)

**Sec. 32-54. - Appeals of designation as a sexually oriented business; denial of permit; suspension or revocation of permit.**

- (a) Any aggrieved person or entity may appeal ~~the planning director's (or county employee designated by the chief administrative officer for the enforcement of this article)~~ community development director, or designee designation of a business as a sexually oriented business, the denial of a permit, or the suspension or revocation of a permit to the board (as established in article I of this chapter). Such appeal must be submitted on a form developed by the county and maintained by the ~~planning director or county employee designated by the chief administrative officer for the administration of this article~~ community development director, or designee. Any appeal must be submitted by certified or registered mail to the chief administrative officer or designated employee within ten business days after notification has been received by the applicant, person, or entity of the decision that is detrimental to the applicant, person, or entity.
- (b) Reasonable fees may be established by the county council to cover the costs of administering the appeals process. Fees shall be established by resolution by the county council and may be adjusted by subsequent resolution.
- (c) Before making a determination on an appeal, the board shall conduct a public hearing on the matter. Upon submission of an application for appeal, the chair of the board shall establish the date, time, and location for the public hearing, which shall be within 30 days of the submission of the application for appeal.
- (d) Notification of the public hearing must be published in a newspaper of general circulation in the county at least 15 days prior to the public hearing. Notice of the public hearing must also be displayed in the office of the ~~planning director or county employee designated by the chief administrative officer for the administration of this article~~ community development director, or designee. Further, the applicant for the appeal shall be provided notification of the location, date, and time of the public hearing by registered mail with return receipt, or by hand delivery of an agent of the county who is authorized to deliver legal warrants.
- (e) Any person shall have the right to testify at the public hearing. Any person shall have the right to representation by legal counsel. Any person who does testify shall be required to state their legal name and address. The chair of the board may require the presentation of a valid driver's license or other official government issued identification with picture to establish the identity of any person wishing to testify.
- (f) As the appeals process is a quasijudicial function, no member of the board shall accept any evidence pertaining to the issue outside of the hearing context, except that the county employee designated for the administration of this article may prefile a report to the board. Such report, if prefilled shall be distributed to board of appeals members at least seven days prior to the hearing. Such report shall also be provided to the applicant for appeal either by certified mail with return receipt or by an agent of the county who is authorized to serve legal warrants. In either case, such report shall be provided to the applicant at least three days prior to the public hearing. Such report shall also be available for public review at the office of the county employee designated for the administration of this article during normal business hours of the county government. In addition, the applicant for appeal may also provide a prefilled report to the board. Such report shall be filed with the employee who is designated to administer this article and must be filed at least seven days prior to the public hearing. Such report shall be distributed to members of the board in an expeditious

manner. Further, such report shall be available for public review at the office of the county employee designated for the administration of this article during normal business hours of the county government. If the applicant refuses to sign a certified mail receipt of public hearing notice or of receipt of a prefiled report, or if the applicant cannot reasonably be located at the address provided on the application, the designated county official shall make notice of such event, and it shall not cause the public hearing to be delayed. If any member of the board has reason to believe that he or she has a conflict of interest in voting on the appeal, or if any member has inadvertently received information, evidence, correspondence or testimony regarding the appeal outside of the hearing context, that member shall report the potential conflict, information, evidence, correspondence, or testimony to the county employee designated for the administration of this article. That official shall inform the county attorney of such information. The county attorney shall then provide advice as to whether the board member should participate in the deliberations, participate in the deliberations but make public notification for the record of the information received, or abstain from deliberations.

- (g) The decision of the board of appeals shall be made solely on findings of fact and shall be based on state law or ordinances of the county. Official action may be taken only if a quorum (as specified in article I of this chapter) is established. Decisions shall be made by a majority vote of board members present and shall be rendered in a written form within five business days of the public hearing, and shall be available for public review at the office of the county employee who is designated to administer this article, the county council shall have no authority to alter a decision of the county board of appeals. Any decision of the board may be appealed to circuit court within ten days after the decision is rendered and made available for public review.
- (h) If a decision by the designated administrative officer to suspend or revoke a permit is appealed, such decision is stayed from the time the appeal is filed until the board of appeals renders its decision. If the board of appeals upholds the order of the administrative officer, then the period of suspension or revocation shall commence upon the date that the decision of the board is rendered.

(Ord. No. 1999-14, § 2.15, 4-4-2000)

### **Sec. 32-55. - Transfer of a permit.**

A permit holder shall not transfer a permit to another sexually oriented business, nor shall a permit holder operate a sexually oriented business under the authority of a sexually oriented business at any location other than the address designated in the permit. Should a sexually oriented permit change ownership, the permit may not be transferred. A new permit may be applied for in accordance with the application procedure included within this article by the new owner.

(Ord. No. 1999-14, § 2.16, 4-4-2000)

### **Sec. 32-56. - Permit requirements of businesses operating at the time this article is adopted.**

- (a) Any sexually oriented business that is in operation at the time the ordinance from which this article is enacted shall be permitted to remain in operation without a permit for a period not to exceed 120 days.
- (b) If the owner of the sexually oriented business desires to operate the business for a period exceeding 120 days, the owner shall obtain a permit in the manner proscribed in [section 32-46](#). In order to ensure that no lapse of time is incurred, a permit application must be submitted within 90 days of the enactment of this article.
- (c) Any existing sexually oriented business that is nonconforming to the locational requirements as stated in [section 32-57\(e\)](#), may nonetheless be issued a permit in accordance with the nonconforming use provision of this article.

- (d) To provide notification of permit requirements and application procedures, once this article is enacted, the county shall provide advertisement in a newspaper of general circulation in the county. Such advertisement shall be published at least three times at a minimum interval of 14 days. Such advertisement shall include notification of permit requirements, information concerning how a permit application may be obtained, a telephone number and address for obtaining additional information, notification that an existing sexually oriented business may remain in operation without a permit until the designated date that is 120 days subsequent to the enactment of the ordinance from which this article is derived.

(Ord. No. 1999-14, § 2.17, 4-4-2000)

### **Sec. 32-57. - Location of sexually oriented businesses.**

- (a) *Purpose and intent.* It is the purpose and intent of this section to provide for the location of sexually oriented businesses in a manner that promotes the public health, safety, and welfare of the county, that minimizes secondary impacts associated with these businesses, and that allows for the reasonable establishment of these businesses in accordance with rights as established in the Constitution of the United States of America.
- (b) *Enabling authority.* This section is adopted by the county council, upon recommendation from the county planning commission, in conformance with S.C. Code 1976, § 6-29-310 et seq.
- (c) *Consistency with comprehensive plan.* This section is adopted by the county council, upon recommendation from the county planning commission, in conformance with the land use element of the county comprehensive plan. Specifically, this article is adopted to accomplish short range goal #4, as identified in the comprehensive plan.
- (d) *Applicability.* This section shall apply to the location of any sexually oriented business that is established within the unincorporated area of the county.
- (e) *Locational requirements.* No sexually oriented business shall be established, located, or operated on a parcel that is within 1,000 feet of any building or structure utilized for any of the activities listed in this section. Further, no permit shall be granted for a sexually oriented business that is proposed for establishment on a parcel that is within 1,000 feet of any building or structure utilized for any of the activities identified as follows:
  - (1) A church, synagogue, mosque, other place of worship, or facility used for the formal congregation of persons engaged in religious worship activities.
  - (2) A public or private school or nursery school (structure shall include buildings and fenced in play areas).
  - (3) A residence or structure built for residency.
  - (4) A public park, public recreation area, or private recreation area (structure shall include the entire parcel on which the facility is located), or any other sexually oriented business.
  - (5) For the purposes of this section, measurement shall be made in a straight line without regard to intervening structures or objects. Measurement shall be from the nearest portion of the parcel that is proposed for the location of the sexually oriented business to the closest point of any structure identified in this section. No more than one sexually oriented business shall be permitted on any parcel.

(Ord. No. 1999-14, §§ 2.18—2.23, 4-4-2000)

### **Sec. 32-58. - Sexually oriented businesses, designated as a nonconforming use.**

- (a) *Generally.* Any sexually oriented business operating on the date that the ordinance from which this article is derived that is found to not be in conformance with the locational requirements, as specified

in [section 32-57](#)(e) shall be designated as a nonconforming use. Such business shall be permitted to remain in operation without a permit during the 120-day period, as specified in [section 32-56](#) and shall be eligible to be issued a permit. Upon issuance of the permit, the county ~~planning director or county employee designated by the chief administrative officer for the administration of this article,~~ [community development director, or designee](#) shall make a notation on the permit that the use is designated as nonconforming.

- (b) *Supplemental regulations applied to sexually oriented businesses that are designated as a nonconforming use.*
- (1) No nonconforming use shall be increased, enlarged, extended, or altered.
  - (2) Any sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use due to the subsequent location of any of the activities listed in [section 32-57](#)(e) within 1,000 feet of the parcel upon which the sexually oriented business is located. If the permit for the sexually oriented business shall lapse or be revoked, or if the business shall cease operation for a period of at least 60 consecutive days, then the business shall be deemed as having been terminated. In such case, no new permit shall be issued for any business that is not in compliance with [section 32-57](#)(e).
  - (3) The nonconforming status of any sexually oriented business shall be terminated if the business ceases operation for a period of at least 60 consecutive days, if the business's permit is revoked in accordance with [section 32-52](#), or if the building in which the business is housed suffers damage to an extent in which the cost of repair would exceed 50 percent of the value of the building before it was damaged.
  - (4) Upon the termination of the nonconforming status of the sexually oriented business, the permit shall be permanently revoked. However, unless the revocation is in part or in whole based on one or more of the violations included in [section 32-52](#), the owner shall be eligible to apply for a new permit to reestablish the business or establish a new business without waiting the one year period, as specified in [section 32-53](#).
- (c) *Issuance of permits.* A designated nonconforming use may be issued no more than three annual permits. Upon the termination of the third permit, the nonconforming use must terminate or relocate to a conforming site.

(Ord. No. 1999-14, § 2.24, 4-4-2000)

**Secs. 32-59—32-90. - Reserved.**

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FOOTNOTE(S):

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**Cross reference**— Sexually oriented businesses, § 8-31 et seq. [\(Back\)](#)

**State Law reference**— Massage/Bodywork Practice Act, S.C. Code 1976, § 40-30-10 et seq. [\(Back\)](#)

## **ARTICLE III. - AIRPORT HEIGHT LIMITATION** <sup>131</sup>

[Sec. 32-91. - Jurisdiction of article provisions.](#)

[Sec. 32-92. - Definitions.](#)

[Sec. 32-93. - Height restrictions.](#)

[Sec. 32-94. - Nonconforming situations.](#)

[Sec. 32-95. - Marking and lighting.](#)

[Sec. 32-96. - Administration and enforcement; appeal; complaints and remedies.](#)

[Sec. 32-97. - Appeals.](#)

[Sec. 32-98. - Amendments.](#)

[Sec. 32-99. - Official Clemson-Oconee County Airport height limitation map amendments.](#)

[Secs. 32-100—32-130. - Reserved.](#)

### Comments/Questions for the Commission to consider:

Should this article or a version thereof, be relocated without changing the standards, to Ch. 38 Zoning Enabling Ordinance as an Airport Overlay and shown on the Official Zoning Map?

### **Sec. 32-91. - Jurisdiction of article provisions.**

The regulations set forth in this article shall be applicable within the area as shown on the Official Clemson-Oconee County Airport Height Limitation Ordinance Map. The Clemson-Oconee Airport shall be referred to as the "Oconee County Airport." The map may be referred to as the "Clemson-Oconee County Airport Height Limitation Ordinance Map."

(Ord. No. 1999-14, § 3.1, 4-4-2000)

### **Sec. 32-92. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Airport* means anyplace where aircraft can land and take off.

*Airport elevation* means the highest point of an airport's usable landing area measured in feet from sea level.

*Airport height restriction districts* mean as set forth in this article.

*Airport, private*, means any privately owned and operated airport.

*Airport, public*, means the county airport.

*Approach surface* means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the airport height restriction districts limitations set forth in [section 32-93](#).

*Conical district* means the district which slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal district and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or at a height of 1,242 feet above the mean sea level.

*Construction* means the erection or alteration of any structure either of a permanent or temporary character.

*Excepted height limitations* means that nothing in this article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

*Height* means the overall height of a structure, including any appurtenance thereon, and for the purpose of determining the height limitations set forth in [section 32-93](#), the datum shall be mean sea level elevation unless otherwise specified.

*Horizontal district* means a horizontal plane 150 feet above the established airport elevation or at a height of 1,042 feet above the mean sea level, the perimeter of which in plane coincides with the perimeter of the horizontal district.

*Lot* means the least fractional part of subdivided lands, which have been duly recorded, having fixed boundaries, an assigned number, letter, or other name through which it may be identified.

*Nonconforming use* means any structure, growth or use of land which was lawfully in existence prior to the enactment of the regulations of this article and which does not conform to this article.

*Nonprecision instrument runway* means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

*Obstruction* means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in [section 32-93](#).

~~Planning director~~ *Community development director* means the administrative officer or his designee who has been designated by the county council to administer the height ordinance regulations.

*Precision instrument runway.* Reserved.

*Primary surface* means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in [section 32-93](#). The elevation of any point the primary surface is the same as the elevation of the nearest point on the runway centerline.

*Runway* means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

*Structure* means any object constructed or installed by man including, but not limited to, buildings, towers, smokestacks, utility poles, and overhead transmission lines.

*Transitional surfaces* means surfaces extended outward at 90 degree angles to the extended runway centerline.

*Utility runway* means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(Ord. No. 1999-14, § 3.2, 4-4-2000)

**Cross reference**— Definitions generally, § 1-2.

### **Sec. 32-93. - Height restrictions.**

- (a) *Generally.* Notwithstanding any other provisions of this article, no structure may be built or vegetation allowed to grow within any district established by this article which in any way endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use the airport. The height

restrictions for the individual districts shall be those planes delineated as surfaces in part 77.25, subchapter E (airspace), of [title 14](#) of the Code of Federal Regulations, or in successor federal regulations.

- (b) *Airport height restriction districts.* In order to carry out the provisions of this article, there are hereby created and established certain districts which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the county airport. Such districts are shown on the Clemson-Oconee County Airport height limitation map consisting of one sheet, prepared by Talbert & Bright, Inc., and dated March 1994, which, together with all explanatory matter thereon, is by reference made a part of this article. A lot located in more than one of the following districts is considered to be only in the district with the more restrictive height limitation. The various height restriction districts are hereby established and defined as follows:

- (1) *Visual approach district (Runway 25).* The inner edge of this visual approach district coincides with the width of the primary surface and is 500 feet wide. The approach district expands outward uniformly to a width of 1,500 feet at the horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) *Nonprecision instrument approach district (Runway 7).* The inner edge of this nonprecision instrument approach district coincides with the width of the primary surface and is 500 feet wide. The approach district expands outward uniformly to a width of 3,500 feet at the horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (3) *Transitional districts.* The transitional districts are the areas beneath the transitional surfaces.
- (4) *Horizontal district.* The horizontal district is established by swinging arcs of 10,000 feet radii for all runways designated instruments or visual from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal district does not include the approach and transitional districts.
- (5) *Conical district.* The conical district is established as the area that commences at the periphery of the horizontal district and extends outward from the horizontal district at the slope of 20 to one for a distance of 4,000 feet.

- (c) *Airport height district restrictions.* Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree or other vegetation shall be allowed to grow in any district created by this article to a height in excess of the applicable height limit established for such district. Such applicable height limitations are hereby established for each of the districts in question as follows:

- (1) *Visual approach district (Runway 25):* Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (2) *Nonprecision instrument approach district (Runway 7):* Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (3) *Transitional district:* Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 892 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- (4) *Horizontal district:* Established at 150 feet above the airport elevation or at a height of 1,042 feet above mean sea level.



- (5) Conical district: Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal district and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, 1,242 feet above mean sea level.
  - (6) Excepted height limitations: Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 50 feet above the surface of the land.
  - (7) Private airports are prohibited.
- (Ord. No. 1999-14, § 3.3, 4-4-2000)

### **Sec. 32-94. - Nonconforming situations.**

- (a) *Generally.* After the effective date of the ordinance from which this article is derived, structures which would be prohibited under this article, structures which would be prohibited under the regulations of this article and which were existing prior to the effective date of the ordinance from which this article is derived, shall be considered as nonconforming. It is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their continual use. Nonconforming structures may be continued provided they conform to the provisions of this article.
- (b) *Definitions of nonconformity.* Unless the context clearly indicates otherwise, the terms defined in this subsection are used in this article in the following manner:

*Nonconforming building or structure (dimensional nonconformity)* means a nonconforming situation that occurs when the height of a building does not conform to the regulations applicable to the height restriction zone in which the property is located.

*Nonconforming project* means any structure that is incomplete at the effective date of the ordinance from which this article is derived and would be inconsistent with any regulation applicable to the height restriction zone in which it is located if completed as proposed or planned.

*Nonconforming situation* means a situation that occurs when, on the effective date of the ordinance from which this article is derived or any amendment hereto, an existing structure does not conform to one or more of the regulations applicable to the height restriction zone in which the structure is located.

- (c) *Completion of nonconforming projects.* The construction or erection of any nonconforming project may be completed, provided that all construction is done pursuant to a validly issued building permit.
- (d) *Extension or enlargement of nonconforming situations.*
  - (1) Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
  - (2) Physical alteration of structures or the placement of new structures on open land are unlawful if they result in greater nonconformity with respect to height limitations.
  - (3) Minor repairs to and routine maintenance of structures where nonconforming situations exist are permitted and encouraged.
  - (4) A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:
    - a. A letter of intent is received by the ~~planning director~~ community development director within six months from the time of such destruction.
    - b. A building permit is obtained from the ~~planning director~~ community development director within one year from the time the damage or destruction took place.

- c. The reconstructed building shall eliminate height limitation nonconformities if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building.
  - d. The cost of reconstruction is less than 80 percent of the assessed tax value of the structure.
- (5) Whenever the ~~planning director~~ **community development director** determines that a nonconforming structure has been more than 80 percent torn down, or a tree or other vegetation is physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree or other vegetation to exceed the applicable height limits as specified in [section 32-93](#)

(Ord. No. 1999-14, § 3.4, 4-4-2000)

### **Sec. 32-95. - Marking and lighting.**

Notwithstanding the preceding provisions of this article, the owner of any existing nonconforming structure or tree or other vegetation is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the county airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the county airport.

(Ord. No. 1999-14, § 3.5, 4-4-2000)

### **Sec. 32-96. - Administration and enforcement; appeal; complaints and remedies.**

- (a) *Administration and enforcement.* The county council has designated the county ~~planning director or his designee~~ **community development director** to administer and enforce the provisions of this article. If the ~~planning director~~ **community development director** shall find that any of the provisions of this article are being violated, the ~~planning director~~ **community development director** shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this article to ensure compliance with or to prevent violation of its provisions.
- (b) *Building permits required.* No building, mobile home, or other structure shall be erected, located, moved, added to, or structurally altered without a certificate of ordinance compliance therefor issued by the ~~planning director~~ **community development director**. No building or other structure permit shall be approved by the ~~planning director~~ **community development director** except in conformity with the provisions of this article, unless he is so directed by the board as provided by this article. No building permit issued under the provisions of this article for construction in the jurisdictional area of this article shall be considered valid unless approved by the ~~planning director~~ **community development director** through a certificate of ordinance compliance.
- (c) *Application for building permit.*
  - (1) All application for building permits shall be accompanied by sufficient information to allow the ~~planning director~~ **community development director** to determine conformance with and provide for the enforcement of this article.
  - (2) One copy of the plans and/or other information presented shall be returned to the applicant by the ~~planning director~~ **community development director** after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the ~~planning director~~ **community development director**.

- (d) *Certificate of ordinance compliance for new, altered, or nonconforming structures.*
- (1) It shall be unlawful to use, occupy, or permit the use or occupancy of any structure, building, or premises, or all or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its structure until a certificate of ordinance compliance shall have been issued therefor by the ~~planning director~~ **community development director** stating that the proposed structure, building, or land conforms to the requirements of this article.
  - (2) Failure to obtain a certificate of ordinance compliance shall be a violation of this article, and punishable under this article.
- (e) *Expiration of building permit.* If the work described in any building permit has not begun six months from the date of issuance thereof, such permit shall expire; it shall be canceled by the ~~planning director~~ **community development director**. Permit extensions may be issued by the ~~planning director~~ **community development director**.
- (f) *Complaints regarding violations and remedies.* Whenever a violation of this article occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the ~~planning director~~ **community development director**. The ~~planning director~~ **community development director** shall record properly such complaint, immediately investigate, and take whatever action is necessary to ensure compliance with this article.
- (g) *Remedies.* In case any building or structure is proposed to be, or is erected, constructed, reconstructed, altered, maintained; or any land is proposed to be, or is used in violation of this article, the county attorney, or any other person aggrieved, may, in addition to other remedies provided by law, institute an injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.
- (h) *Penalties for violation.* Any person violating any provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be imprisoned for a period not to exceed 30 days and/or fined not more than \$200.00 for each offense. Each day such violation continues shall constitute a separate offense. Nothing contained in this section shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 1999-14, § 3.6, 4-4-2000)

## **Cross reference— Administration, ch. 2.**

### **Sec. 32-97. - Appeals.**

Appeals from the decision of the ~~planning director~~ **community development director, or designee,** and appeals from decisions of the board shall be heard in accordance with article I of this chapter.

(Ord. No. 1999-14, § 3.7, 4-4-2000)

### **Sec. 32-98. - Amendments.**

- (a) *Authority.* This article, including the airport height limitation map, may be amended from time to time by the county council as specified in this section, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning commission. The planning commission shall have 30 days within which to submit its report. If the planning commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment.

- (b) *Requirements for change.* When the public necessity, convenience, or general welfare justify such action, and after the required review and report of the planning commission, the county council may undertake the necessary steps to amend the height ordinance.
- (c) *Procedure for amendment.* Requests to amend the height ordinance shall be processed in accordance with the following requirements:
  - (1) *Initiation of amendments.* A proposed amendment to the height ordinance may be initiated by the planning commission or by the owners of the property proposed to be changed; provided, however, that action shall not be initiated for an amendment affecting the same parcel or parcels of property or any part thereof, and requesting the same change in district classification by a property owner of more than once every 12 months.
    - a. Applications for amendments must be submitted, in proper form, at least 20 days prior to a planning commission meeting in order to be heard at that meeting.
    - b. The planning commission, at regular meetings, shall review and prepare a report, including its recommendation for transmittal to the county council.
    - c. All meetings of the planning commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney.
    - d. No member of the planning commission shall participate in a matter in which he has any pecuniary or special interest.
    - e. Following action by the planning commission, all papers and data pertinent to the application shall be transmitted to the county council for final action.
  - (2) *Public hearing.* Before enacting an amendment to this article, the county council or planning commission shall hold a public hearing thereon; notice of the time and place of which shall be published in a newspaper of general circulation in the county at least 15 days in advance of the scheduled public hearing date.

(Ord. No. 1999-14, § 3.8, 4-4-2000)

### **Sec. 32-99. - Official Clemson-Oconee County Airport height limitation map amendments.**

- (a) If changes are made in district boundaries or other matter portrayed on the Official Clemson-Oconee County Airport height limitation map, such changes shall be entered on the Official Clemson-Oconee County Airport height limitation map promptly by the ~~planning director~~ **community development director, or designee**, within 15 days after the amendment has been approved by the county council. No amendment to this article which involves information portrayed on the Official Clemson-Oconee County Airport height limitation map shall become effective until after such change has been made on such map.
- (b) No changes of any nature shall be made to the Official Clemson-Oconee County Airport height limitation map or information shown thereon except in conformity with the procedures set forth in this article. Any unauthorized change of whatever kind by any person shall be considered a violation of this article and punishable as provided by law.
- (c) Regardless of the existence of purported copies of the Official Clemson-Oconee County Airport height limitation map, copies may from time to time be made or published. The Official Clemson-Oconee county Airport height limitation map, which shall be located in the ~~planning director's~~ **community development director's, or designee's**, office, shall be the final authority as to the current status of land and water areas, buildings, and other structures in the county.

(Ord. No. 1999-14, § 3.9, 4-4-2000)

**Secs. 32-100—32-130. - Reserved.**

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FOOTNOTE(S):

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**State Law reference—** Zoning of land surrounding certain airports, S.C. Code 1976, § 55-9-240. [\(Back\)](#)

**ARTICLE IV. - COMMUNICATION TOWERS <sup>141</sup>**

[Sec. 32-131. - Authority of article provisions.](#)

[Sec. 32-132. - Definitions.](#)

[Sec. 32-133. - Communications tower and antenna permitted.](#)

[Sec. 32-134. - General requirements.](#)

[Sec. 32-135. - Additional requirements for location near the county airport.](#)

[Sec. 32-136. - Maximum height of freestanding communication towers.](#)

[Sec. 32-137. - Permitted height of building-mounted communication towers.](#)

[Sec. 32-138. - Application requirements.](#)

[Sec. 32-139. - Special exceptions, variances and appeals.](#)

[Sec. 32-140. - Additional criteria for evaluating special exceptions and variances.](#)

[Sec. 32-141. - Annual report required.](#)

[Sec. 32-142. - Technical assistance required.](#)

[Secs. 32-143—32-170. - Reserved.](#)

**Research:**

Attached is Pickens County's Standards regarding Communication Towers. Please review.

**Sec. 32-131. - Authority of article provisions.**

The authority to regulate communication towers in the county is pursuant to S.C. Code 1976, § 6-29-310 et seq.

(Ord. No. 1999-14, § 4.1, 4-4-2000)

**Sec. 32-132. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agricultural districts* means those areas that [are zoned in an agricultural district; or those areas in the Control Free District or the Traditional Rural District](#) comprised primarily of farms, forested areas, or other areas that are undeveloped, not platted for development, and are otherwise not occupied by residential, commercial, and industrial uses.

*Antenna* means a device, dish or array used to transmit or receive telecommunications signals.

*Board* means the county zoning board of appeals.

*Commercial districts* means those areas that [are zoned in a commercial district; or those areas in the Control Free District or the Traditional Rural District](#) comprised primarily of business and commercial uses including, but not limited to, retail and wholesale establishments, offices, service providers, public buildings, service stations, shopping centers, restaurants, fast food establishments, etc.

*Communication tower* means a tower, pole, or similar structure which supports or performs as a telecommunications antenna operated for commercial purposes above the ground in a fixed location, freestanding, guyed, or on a building.

*Height* (of a communication tower) ~~means the distance from the base of the communication tower to the top of the communication tower.~~ The distance measured from grade to the highest point of any and all components of the structure, including antennae, hazard lighting, and other appurtenances, if any.

*Industrial districts* means those areas zoned in the Industrial District; or those areas in the Control Free District or the Traditional Rural District that are in use as or platted for use for industrial plants, factories, warehouses, public utilities, waste treatment facilities, solid waste facilities and ancillary uses such as parking lots, shipping facilities, depots and the like.

*Performance standards* means performance zoning as authorized by S.C. Code 1976, § 6-29-720(C) et seq.

*Residential districts* means those areas of the county that are:

- (1) Zoned in a residential district;
- (4 2) Zoned in the Control Free District or Traditional Rural District, and are predominantly residential in nature consisting of single-family or multifamily housing, residential subdivisions, residential manufactured housing units, or uses ancillary to residential uses such as churches, schools, neighborhood parks, neighborhood swimming pools etc.;
- (2 3) Platted for the future development of residential uses; or
- (3 4) Areas identified in the county comprehensive plan as future primary population areas.

*Stealth tower* means a communication tower designed and installed in a manner such that the antenna, supporting apparatus and associated structures are aesthetically and architecturally complimentary and appropriate with regard to an existing structure or immediate environment in which the communication tower is located. Examples include, without limitation, church steeples, bell towers, flagpoles, etc.

*Telecommunications* (as defined in the Federal Telecommunications Act of 1996) means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

*Tower Farms* means those areas existing at the time of the adoption of these standards specifically designed and used to cluster communications towers.

(Ord. No. 1999-14, § 4.2, 4-4-2000)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 32-133. - Communications tower and antenna permitted.**

Note: the below chart, for the Commission’s consideration, is simply an example of a way in which to better represent the standards already contained within this Article. Another option would be to list out zoning districts in a similar chart.

Permitting/Review Requirements for Communication Facilities			
Land Use	Preselected Site Designated by County Study, 2000	New Tower	CO-location on Existing Tower; which would not exceed height standards

Agricultural	AR	S	BP
Commercial	AR	S	BP
Industrial	AR	S	BP
Residential	AR	S	BP
Airport District	See Ch. 32 Art. 3	See Ch. 32 Art. 3	See Ch. 32 Art. 3
Local Historical District	X	X	BP
Scenic U.S. Hwy 11 (within 1000 feet of right-of-way)	X	X	BP
<p>AR = Administrative Review                      S = Specail Exception by Board of Zoning Appeals                      BP = Building Permit</p>			

(a) *Determination by ~~planning-director~~ community development director, or designee.* All applications for tower placement must be submitted to the county ~~planning-director~~ community development director, or designee, for review. Applications must be complete and shall include all of the materials required by this article (application requirements) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. Under the following circumstances, the ~~planning-director~~ community development director, or designee, may administratively approve applications for placement of towers:

- (1) As a communication tower and/or antenna in any area or zoning district co-located on existing towers or structures.
- (2) As co-locations, reconstruction or new construction in any area or zoning district within the footprints of existing electric utility company transmission line towers (such as Duke Power Company transmission line towers).
- (3) As co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than 20 feet.
- (4) As stealth towers in any area or zoning district provided the structure is designed and installed in such a way so as not to detract from or conflict with surrounding uses.
- (5) As a tower in a site preselected by the board as a recommended location based upon the county's county-wide communication tower site study.

Applications approved by the ~~planning-director~~ community development director, or designee must comply with all other requirements of this article. The ~~planning-director~~ community development director, or designee may refer any application to the board for final review and approval as a special exception.

(b) *Special exceptions granted by the board.* Communication towers are permitted in the county for use only as a special exception. Applications for tower construction as are subject to review and approval by the board. Priority in approving additional telecommunications facilities in the county shall be given to:

- (1) Co-location on existing towers or structures, including electric utility company transmission line towers;



- (2) Reconstruction of, or new construction within the footprints of existing electric utility company transmission line towers;
- (3) New construction meeting the requirements of this article and proposed for location at a preselected site based upon the county's county-wide communication tower site study.

Only when these possibilities have been exhausted or when it can be demonstrated by an applicant that the alternatives are not technically feasible to provide adequate coverage for the county, or when it can be documented by the applicant that the cost of the proposed lease for a site or location is more than 20 percent above the prevailing rate of leases in comparable Metropolitan Statistical Areas (M.S.A.'s) in the southeast, shall other sites be considered for approval. Towers approved by the board in residential districts shall be constructed as stealth designs. Towers in other districts may, at the discretion of the board, be required to be constructed as a stealth design depending on the impact of the tower on the surrounding area. **Under no circumstances are communication towers permitted in locally designated historic districts. Under no circumstances may communication towers be built within 1,000 feet of the right-of-way of Scenic U.S. Highway 11.** For clarification, these provisions may need to be moved to general requirement.

- (c) *Appeals to the board.* Whenever there is an alleged error by the ~~planning director~~ **community development director, or designee**, in an order, requirement, decision, or determination, an applicant may request a hearing before the board. The board has the authority to correct, reverse, or uphold the decision of the ~~planning director~~ **community development director, or designee**.
- (d) *Time limit for determination.* Failure of the ~~planning director~~ **community development director, or designee**, to act within 45 days from the date of the submission of a properly completed application, unless extended by mutual agreement, may be considered by applicant to be a denial of a permit and may be appealed to the board.
- (e) *Co-locations.* Co-locations on existing communication towers or other structures such as existing electric utility company towers which do not increase the height of the existing communication tower or structure are strongly encouraged. Co-locations, construction of freestanding structures (such as monopoles) which are located within the footprint of the existing tower or reconstruction of existing towers, any of which increase the height of the existing tower by more than 20 feet may be approved by special exception if they do not exceed the total tower height permitted in [section 32-136](#). All new towers shall be designed to accommodate the principal provider and at least two additional carriers. At the discretion of the board, new stealth towers shall also be designed to accommodate additional carriers. The county, prior to final approval, must be satisfied that the tower does make reasonable accommodations for an additional user. The applicant shall make unused tower space available at fair market value.

(Ord. No. 1999-14, § 4.3, 4-4-2000)

### **Sec. 32-134. - General requirements.**

- (a) *Illumination.* Communication towers shall be illuminated only as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA).
- (b) *Color.* Communication towers shall only be painted with a gray, nonreflective paint unless otherwise required by state or federal regulations.
- (c) *Signs.* A single sign, two square feet in size which included the names of the companies operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication tower. No advertising of any type may be attached to a communication tower.
- (d) *Removal.* A communication tower which use has been discontinued for a continuous period of one year, shall be removed within 120 days of the date of the end of such period. Companies must notify the county within 30 days if telecommunications cease operations at a tower or antenna. All

structures, fencing, screening and other improvements must be removed, and the site must be returned to its original condition at the company's expense.

- (e) *Security.* A freestanding communication tower and associated structures shall be appropriately secured by means of a wall, fence or other device at least eight feet in height.
- (f) *Screening.* The purpose of this subsection is to establish control for the visual quality of communication towers from the ground level. A communication tower, as pertains to this subsection, includes the tower and the land and everything within the required security fencing including any other building and equipment. The screen shall be a minimum of ten feet of land surrounding the tower except for one service access. An appropriate plant material screen shall be evergreen plants of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the county area. Such plantings shall be appropriately spaced and of such a size so as to achieve a dense screen with a minimum height of six feet within a three-year period from erection of a tower. Additional screening with deciduous or evergreen trees is desirable and encouraged. Existing trees shall be preserved unless a waiver has been granted by the ~~planning director~~ **community development director, or designee**, to selectively cut specified trees. If in extreme or unusual situations and where it is proven impossible to properly construct the plant material screen, the ~~planning director~~ **community development director, or designee**, may grant permission to construct the security fence as a solid masonry wall, either brick or stucco-type finish with a minimum height of six feet above ground level and constructed in accordance with applicable construction codes. A certificate of occupancy shall not be issued by the county codes department until the required planting is completed. When the occupancy of a structure is desired prior to the completion of the required planting, a certificate of occupancy may be issued only if the owners or developers provide to the county a form of surety satisfactory to the county attorney and in an amount equal to 125 percent of the costs of the remaining plant materials, related materials, and installation (with the costs agreed to by the ~~planning director or designee~~ **community development director, or designee**). The form of the surety shall be in conformity with the land development regulations for the county. All required planting must be installed and approved by the first planting season following issuance of the certificate of occupancy or bond will be forfeited to the county. The owners and their agents shall be responsible for providing, protecting, and maintaining all required plant material in healthy condition, replacing unhealthy or dead plants within one year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the approved plan.
- (g) *Antenna capacity; wind load.* The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. Certification from a structural engineer registered in the state shall constitute proof that such standard has been met.
- (h) *FCC license.* The owner of a communication tower shall possess a valid FCC license for the proposed activity, or at the discretion of the board, the owner shall provide other substantial documentation in lieu of FCC licensing proving to the board that the owner has a verifiable history of satisfactory communications tower construction and operation.
- (i) *Design for multiple use.* A new communication tower shall be designed to accommodate additional antennae as provided for elsewhere in this article.
- (j) *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.
- (k) *Distance between towers.* A proposed communication tower shall not be permitted within 1,300 feet of an existing communication tower unless the applicant certifies to the board that the existing communication tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (l) *Application of county land use regulations.* Land development regulations and other performance standards shall apply to the use, unless otherwise provided in this article.
- (m) *Minimum setbacks.* Minimum setbacks of communication tower (not including guy anchors) must be a minimum distance equal to one foot horizontally for every one foot in height plus 50 feet from:

- (1) All lot lines of residential or commercial property.
- (2) The nearest point of any structure meeting minimum standards for human occupation as put forth in applicable building codes adopted by the county.
- (3) Properties or districts designated historic.
- (4) Properties containing churches, schools, colleges, children's homes and shelters, hospitals and nursing homes; except that communication facilities which meet the definition of stealth tower in [section 32-132](#) may be permitted by special exception on these properties.
- (5) The right-of-way of all streets and roads.

All guy cables and anchors must be set back at a minimum of 20 feet from all lot lines.

(Ord. No. 2001-14, § 1, 7-10-2001)

**Sec. 32-135. - Additional requirements for location near the county airport.**

- (a) With the exception of towers for aeronautical purposes, in no case may a communication tower penetrate any imaginary surface, as described in [chapter 14](#) of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, associated with existing or proposed runways at any publicly owned airport. All communications towers located within the first 12,000 feet of the approach surface of an existing or proposed runway at such facility, or within the horizontal surface associated with such runways as described in FAR Part 77, shall be lighted. Such towers shall be illuminated by strobe lights during daylight and twilight hours, and red lights during nighttime hours.
- (b) A copy of any plans whereby a communication tower will be located within such 12,000 feet area shall be provided by the applicant to the county airport manager and the county ~~planning director~~ [community development director, or designee](#), for comment. Any comments shall be made within ten days of delivery to such manager with a copy to the ~~planning director~~ [community development director, or designee](#), and the applicant. Prior to issuance of a building permit, the applicant shall provide documentation to the ~~planning director~~ [community development director, or designee](#), that the proposed communications tower has been reviewed by the Federal Aviation Administration (FAA), if so required, and that a finding of no hazard to air navigation has been determined.

(Ord. No. 1999-14, § 4.5, 4-4-2000)

**Sec. 32-136. - Maximum height of freestanding communication towers.**

The maximum height of freestanding communication towers shall be as follows:

District	Maximum Height
Residential <a href="#">Areas</a> <a href="#">Residential Zoning Districts</a>	Not exceeding 175 feet
Commercial <a href="#">Areas</a> <a href="#">Commercial Zoning Districts</a>	Not exceeding 200 feet
Industrial/ <del>agricultural</del> <a href="#">Areas</a>	Not exceeding 250 feet

Agriculture Areas	Not exceeding 250 feet
Agriculture Districts	
Control Free District	
Traditional Rural District	

(Ord. No. 1999-14, § 4.6, 4-4-2000)

**Sec. 32-137. - Permitted height of building-mounted communication towers.**

A communication tower shall not exceed 20 feet in height if mounted on a building or any structure other than a freestanding or guyed communications tower.

(Ord. No. 1999-14, § 4.7, 4-4-2000)

**Sec. 32-138. - Application requirements.**

The following information shall be submitted for all applications for approval of a communication tower:

- (1) *Specifications.* Two copies of the specifications for proposed structures and antennae, including description of design characteristics and material.
- (2) *Site plan.* Two copies of a site plan drawn to scale showing property boundaries, communication tower location, communication tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure. Prototypical drawings indicating various types of equipment to be located on the communication tower may be submitted at the time of the permit application. Identification of the owners of all antennae and equipment to be located on the site. Other equipment may be added to the communication tower without additional permits or inspections as long as electrical wiring is not required.
- (3) *Location map.* Two copies of a current map, or update for an existing map on file, showing locations of applicant's antennae, coverage areas, facilities, existing communication towers, and proposed communication towers, serving any property within the county are required. An applicant may request that specific proprietary or confidential information be withheld from the public record.
- (4) *Owner authorization.* Written authorization from the site owner for the application.
- (5) *Visual impact analysis.* A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts. [The visual impact analysis, in the form of a written report with accompanying photographs and drawings, shall assess the cumulative impacts of the proposed facility. The analysis shall identify and include all feasible mitigation measures necessary to mitigate any negative visual impact by the proposed tower. The visual impact analysis report shall include but is not limited to the following:](#)
  - a. [A photograph simulation of pre-development verses post-development views from key viewpoints surrounding the proposed site. Typically, images and graphic representations are](#)

based on information derived from an onsite 'balloon test.' The simulation must consider all vantage points accessible by the public.

b. An analysis of alternative tower structure design and color schemes

c. An analysis of the visual impact of tower base, accessory buildings, and overhead utility lines from abutting properties and streets

d. a written and submitted report

(6) *Alternative to co-location ~~or stealth design~~.* Co-located ~~or stealth designs~~ shall be required unless satisfactory documented evidence can be provided indicating that:

a. The proposed antenna and equipment cannot be accommodated and function as required;

b. The applicant's technical design requirements are such that without unreasonable modifications they cannot function on any existing structure or communication tower under the control of applicant; and

c. The applicant has considered all available publicly owned sites, and available privately owned sites occupied by a compatible use, including all applicable sites or locations or a combination of sites and locations as described under [section 32-133\(b\)](#) for priority of approval and the applicant has demonstrated that for the reasons described in [section 32-133\(b\)](#) that these sites and/or locations are unsuitable for operation of the facility under applicable state and federal communications regulations, the applicant's technical design requirements and/or valid economic reasons.

( ) *Stealth Design.* Stealth designs shall be prioritized when appropriate. No stealth facility may have antennas or ancillary equipment that is readily identifiable from the public domain as wireless communication equipment. Stealth facilities must be designed so they are reasonably consistent with the surrounding built or natural environment. In order to determine compliance with this requirement, the community development director, or designee will consider the following criteria:

a. Overall height;

b. The compatibility and blending of the proposed facility with the surrounding environment;

c. Scale;

d. Color; and

e. The extent to which the proposed facility has been designed to reasonably replicate a non-wireless facility and not readily identifiable as a wireless communication facility (e.g. a silo, flagpole, steeple, or tree)

(7) *Indemnity.* The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the ~~planning director~~ [community development director, or designee](#), a written indemnification of the county and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the county, in a form approved by the county attorney.

(8) *Application fees.* All communication tower applications shall include a check made out to the county treasurer in an amount to be determined by the ~~planning director~~ [community development director, or designee](#), based upon a schedule of fees enacted by the county council. Additional fees may be imposed in order to offset the costs associated with processing applications for special exceptions, appeals, or variances.

(Ord. No. 1999-14, § 4.8, 4-4-2000)

**Sec. 32-139. - Special exceptions, variances and appeals.**

- (a) *Special exception.* Communications towers are permitted in the county only by special exception, approved by the board, within the criteria of the performance standards ordinance. The board shall conduct a public hearing on each request for a special exception. All public hearings shall be advertised in a newspaper of general circulation in the county at least 15 days in advance of the hearing.
- (b) *Variance.* An applicant may submit a request to the board for a variance from this or any other applicable land use ordinance. The board shall hear and decide appeals for a variance from the requirements of the performance standards ordinance when strict application of the provisions of the article would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing a unique, exceptional and otherwise unusual circumstance as provided for in general criteria for granting a variance in article I of this chapter. Special exceptions and variances, may be applied for simultaneously and considered by the board simultaneously.
- (c) *Appeals.* Applications for appeal shall be submitted through the ~~planning director~~ **community development director, or designee**, to the board. All appeals shall be accompanied by copies of the original application, supporting maps and documentation and shall include a detailed written summary of the alleged error or misinterpretation of this article by the ~~planning director~~ **community development director, or designee**, in not granting approval to the original application. A copy shall be provided for each board member and the ~~planning director~~ **community development director, or designee**, and other copies as may be required by the ~~planning director~~ **community development director, or designee**. Appeals shall be heard by the board within 45 days of submission of the completed application to the ~~planning director~~ **community development director, or designee**.

(Ord. No. 1999-14, § 4.9, 4-4-2000)

**Sec. 32-140. - Additional criteria for evaluating special exceptions and variances.**

- (a) *Application; conditions.* All application requirements imposed by [section 32-138](#) must be met.
- (b) *Setback requirements; additional conditions.* The applicant must demonstrate that the proposed communication tower location is sufficient to satisfy setback requirements and must satisfy such other additional conditions, if any, necessary to remove dangers to safety and to protect adjacent property.
- (c) *Residential service area.* If location in a residential district has been requested, the applicant must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.
- (d) *Preferred locations in residential districts.* In the unusual circumstance the board shall grant a special exception and permit the location of a communications tower in a residential district, the communication tower shall not be located on a parcel occupied by a residential structure. Preferred locations may include, but are not limited to, schools, churches, and public utilities.
- (e) *Greenspaces.* If location in a residential district has been requested, the tower shall not be located on land designated for public recreational uses on the county land use plan. **For clarification, these provisions may need to be moved to general requirement.**
- (f) *Priority of approval.* If a location is requested which does not meet the requirements under [section 32-133\(b\)](#) for priority of approval the applicant must demonstrate that all alternative sites and locations or combinations thereof provided for in [section 32-133\(b\)](#) have been considered by the applicant, and the applicant has demonstrated that for the reasons described these sites and/or locations or combinations thereof cannot adequately serve the area for valid technical or economic reasons and are unsuitable for operation of the facility under applicable communications regulations.

- (g) *Denial on substantial evidence.* The Federal Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence. The board shall maintain a written record of all appeal proceedings and shall maintain supporting documentation for any and all decisions.

(Ord. No. 1999-14, § 4.10, 4-4-2000)

### **Sec. 32-141. - Annual report required.**

All companies that operate or maintain ownership of communication towers in the county shall submit an annual report to the county planning department no later than January 15 of each year. The report shall include a description of all of its active and inactive facilities located in the county, co-locations of its own equipment, co-locations of other companies using its facilities, and shall include telephone numbers and addresses for company officials and maintenance personnel.

(Ord. No. 1999-14, § 4.11, 4-4-2000)

### **Sec. 32-142. - Technical assistance required.**

The ~~planning director~~ **community development director, or designee**, (prior to issuing a permit) and the board (prior to issuing a permit by special exception or deciding an appeal or request for variance) may make use of technical consultants to review applications and to determine if the standards in this article are met. The permit applicant shall be required to bear the cost of the required technical services. The ~~planning director~~ **community development director, or designee**, shall estimate any expenses and shall require payment with the completed application. Additional expenses shall be invoiced by the county finance department to the applicant. Amounts in excess of required fees and actual expenses shall be returned to the applicant.

(Ord. No. 1999-14, § 4.12, 4-4-2000)

### **Secs. 32-143—32-170. - Reserved.**

#### **ADD EXEMPTION SECTION. AN EXAMPLE IS BELOW**

##### **Sec. xx-xxx Exemptions**

- (1) Unless modified or altered, wireless communications facilities for which a permit was issued prior to the effective date of this Ordinance are not required to meet the standards contained herein.
- (2) Wireless communication facilities located on properties owned by Oconee County, or other governmental entity, are not subject to the requirements this section.
- (3) Antennae and towers less than 70 feet in height owned and operated by the holder of an Amateur Radio license issued by the Federal Communications Commission are exempt from the requirements of this Section.
- (4) Monopole towers 100 feet or less in height located within electrical sub-stations are not subject to the requirements this Section.
- (5) Proposed communications equipment co-locating on existing towers and structures without adding to their height shall require only a building permit and shall not be subject to the requirements of this Section.

FOOTNOTE(S):

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**Cross reference**— Utilities, ch. 34. [\(Back\)](#)



**ARTICLE V. - GROUP RESIDENTIAL DEVELOPMENTS** <sup>151</sup>

[Sec. 32-171. - Authority of article provisions.](#)

[Sec. 32-172. - Purpose of article.](#)

[Sec. 32-173. - Definitions.](#)

[Sec. 32-174. - Group residential facilities permitted only by special exception.](#)

[Sec. 32-175. - Review of application by ~~planning director~~community development director.](#)

[Sec. 32-176. - Public hearing and approval by the board.](#)

[Sec. 32-177. - Appeals.](#)

[Sec. 32-178. - Application requirements.](#)

[Sec. 32-179. - Sketch plan and preliminary development plans.](#)

[Sec. 32-180. - Board criteria for granting a special exception.](#)

[Sec. 32-181. - Distance requirements.](#)

[Sec. 32-182. - Building permits and certificate of occupancy.](#)

[Secs. 32-183—32-210. - Reserved.](#)

**Sec. 32-171. - Authority of article provisions.**

The regulations of this article are enacted pursuant to S.C. Code 1976, § 6-29-310 et seq.

(Ord. No. 1999-14, § 5.1, 4-4-2000)

**Sec. 32-172. - Purpose of article.**

The regulations of this article are intended to lessen the adverse impact of large-scale group residential development on neighboring residential areas and to ensure the health, safety and general welfare of residents and citizens of the county.

(Ord. No. 1999-14, § 5.2, 4-4-2000)

**Sec. 32-173. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Board* means the zoning board of appeals, as defined in [section 32-5](#).

*Exempted residential facility* means recreational summer camps, day facilities, and religious retreat facilities, any of which do not provide for longterm stays of 30 days or more. Hospitals, nursing homes, and accredited college/accredited university housing are exempted from the requirements of this article.

*Group residential facility* means a public, private, or not-for-profit facility which may provide licensed or unlicensed counseling services, schooling, and care, and which houses ten or more persons not related by blood or adoption in a residential or dormitory environment for a period of 30 days or more per year. Residential treatment centers (RTC's) are included in this definition.

(Ord. No. 1999-14, § 5.3, 4-4-2000)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 32-174. - Group residential facilities permitted only by special exception.**

Persons desiring to build or expand a group residential facility as defined by this article shall make an application through the ~~planning director~~ [community development director, or designee](#), to the board providing information required by this article. Development or expansion of a group residential facility may commence only with the approval of the board as a special exception after a public hearing in accordance with [section 32-5](#).

(Ord. No. 1999-14, § 5.4, 4-4-2000)

**Sec. 32-175. - Review of application by ~~planning director~~ [community development director, or designee](#).**

All applications for development or expansion of residential group facilities must be submitted to the county ~~planning director~~ [community development director, or designee](#) for review. Applications must be complete and shall include all of the materials and information required by this article (application requirements and sketch plan and preliminary development plans) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. The ~~planning director~~ [community development director, or designee](#) shall refer completed applications to the board for final review and approval as a special exception. The ~~planning director~~ [community development director, or designee](#) shall act upon applications within 30 days of receipt, returning them for cause, or forwarding them to the board for further action.

(Ord. No. 1999-14, § 5.5, 4-4-2000)

**Sec. 32-176. - Public hearing and approval by the board.**

The board shall conduct a public hearing and shall review applications for compliance with the provisions of this article, in particular with [section 32-180](#), board criteria for granting a special exception and general criteria for special exceptions in article I of this chapter. Development or expansion may proceed only as approved by the board. Any changes in development or expansion plans as approved by the board shall require a new application.

(Ord. No. 1999-14, § 5.6, 4-4-2000)

**Sec. 32-177. - Appeals.**

Whenever there is an alleged error by the ~~planning director~~ [community development director, or designee](#) in an order, requirement, decision, or determination, an applicant may request a hearing before the board in accordance with the provisions of [section 32-5](#). Appeals of the decisions of the board may be made to the county circuit court in accordance with the provisions of [section 32-5](#). Appeal hearings shall be advertised and reasonable fees may be charged in accordance with article I of this chapter.

(Ord. No. 1999-14, § 5.7, 4-4-2000)

**Sec. 32-178. - Application requirements.**

Applications for development or expansion of group residential facilities must include the following:

- (1) A complete description of the name and purpose of the proposed facility;
- (2) A complete list of the names, addresses, and phone numbers of board members, owners and investors, as applicable;
- (3) A copy of a license or application for a license to the state department of social services to operate a group facility;
- (4) State tax identification number or tax exemption certification; and
- (5) Two copies of a preliminary development plans and a sketch plan displaying the physical and relative layout of the facility as outlined by [section 32-179](#)

(Ord. No. 1999-14, § 5.8, 4-4-2000)

### **Sec. 32-179. - Sketch plan and preliminary development plans.**

A sketch and development plan will be required for all proposed group residential developments. The sketch plan shall be drawn at an approximate scale of not less than a scale of 200 feet to one inch and shall include a vicinity map at a scale of not less than two miles to one inch showing the relationship of the proposed development to the surrounding areas. The ~~planning director~~ **community development director, or designee** may waive some of the following sketch plan elements on applications for minor modifications and additions to existing facilities; otherwise, all sketch plan submittals shall include the following in sketch and narrative form:

- (1) An accounting of total acreage in the tract and any proposed subdivision of parcels;
- (2) Arrangement, shape, dimensions, and area of proposed development;
- (3) Location of existing property lines, easements, road rights-of-way, buildings, or other public ways adjoining the tract to be developed;
- (4) Alignment, right-of-way width, and clarification of proposed roads;
- (5) Topography by contour at intervals of not more than ten feet (as from USGS quad sheets);
- (6) Map scale, north arrow, and date;
- (7) Name/address/telephone number of legal owner or agent and the professional (surveyor or engineer) who will undertake detailed layout and improvements design;
- (8) Location of watercourses and land subject to flooding based on a 100-year frequency flood;
- (9) The existing and proposed uses of land throughout the development;
- (10) Proposed method of water supply and wastewater treatment and other utility services;
- (11) The proposed name of the development;
- (12) The owner/developer shall submit a sketch plan of this entire tract even though the subdivider's present plans call for the actual development of only a part of the property.

(Ord. No. 1999-14, § 5.9, 4-4-2000)

### **Sec. 32-180. - Board criteria for granting a special exception.**

The board criteria for granting a special exception shall be as follows:

- (1) Traffic flow from the facility shall not present a danger to local residents, motorists and pedestrians.
- (2) Noise, lighting, and activities carried out on the premises of the facility shall not present a nuisance to local residents.

- (3) The residents of the facility shall not present any potential danger to local residents.
  - (4) The residents of the facility shall reside in a safe and healthy environment.
  - (5) The proposed development is in compliance with the other provisions of this chapter.
- (Ord. No. 1999-14, § 5.10, 4-4-2000)

**Sec. 32-181. - Distance requirements.**

A group residential facility shall not be located within 1,000 feet of the nearest residence.

(Ord. No. 1999-14, § 5.11, 4-4-2000)

**Sec. 32-182. - Building permits and certificate of occupancy.**

Building permits and certificate of occupancy shall not be issued until or unless authorized by the ~~planning director~~ **community development director, or designee** and the proposed development is in compliance with the requirements of this article and the standard building codes as adopted by the county.

(Ord. No. 1999-14, § 5.12, 4-4-2000)

**Secs. 32-183—32-210. - Reserved.**

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FOOTNOTE(S):

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**State Law reference**— Government entities subject to zoning ordinances; exceptions, S.C. Code 1976, § 6-29-770. [\(Back\)](#)

## **ARTICLE VI - LAND DEVELOPMENT AND SUBDIVISION REGULATIONS** <sup>[6]</sup>

[Sec. 32-211. - General provisions.](#)

[Sec. 32-212. - Definitions.](#)

[Sec. 32-213. - Requirements and standards.](#)

[Sec. 32-214. - Lot improvements.](#)

[Sec. 32-215. - Blocks.](#)

[Sec. 32-216. - Drainage and stormwater.](#)

[Sec. 32-217. - Water facilities.](#)

[Sec. 32-218. - Nonresidential subdivisions.](#)

[Sec. 32-219. - Security in lieu of completion of improvement.](#)

[Sec. 32-220. - Plat requirements and review procedures.](#)

[Sec. 32-221. - Sketch plan.](#)

[Sec. 32-222. - Preliminary plan and supporting data.](#)

[Sec. 32-223. - Final plan.](#)

[Sec. 32-224. - Appeal of decision.](#)

[Sec. 32-225. - Violations and penalties.](#)

[Sec. 32-226. - Legal provisions.](#)

[Secs. 32-227—32-414. - Reserved.](#)

### **Comment/questions for the Commission to consider:**

When we spoke last, the Commission discussed ways to improve Article 6 along with the possibility of incorporating Development Standards to some degree. Development standards contain a variety of design criteria and standards governing a range of development, including subdivisions. Should a Development Standard Ordinance be adopted it would contain a section similar to Oconee's Article 6. With that said, as you review the document below you will notice that not much was proposed. The reason for this is because any proposal at this point would probably not fully address the issues discussed by the Commission because the Subcommittee/Commission should fully consider which areas/development types the a Development Standard Ordinance should address. When those topics are decided upon, the provision would probably be amended to fit within the overall Development Standards Ordinance.

### **Sec. 32-211. - General provisions.**

- (a) *Short title.* This article shall be known and cited as the "Oconee County Land Development and Subdivision Regulations Ordinance."
- (b) *Authority.* These land development and subdivision regulations are adopted under authority granted by S.C. Code 1976, tit. VI, ch. 29, § 6-29-1120 et seq.
- (c) *Jurisdiction.* These regulations shall apply to the development and subdivision of land within the unincorporated areas of the county as now or hereafter established and any incorporated

municipality which contracts with the county for these regulations to be administered within such municipality. Regulations contained within this article that apply to the construction and maintenance of roads shall apply to all roads and drainage structures, whether public or private, constructed within any unincorporated area of the county and municipalities contracted with the county for administration of these regulations. Regulations contained within this article that apply to the construction and maintenance of roads, appurtenances or drainage structures shall apply to all public and private roads, drives and driveways in the unincorporated areas of the county; also included shall be all municipalities contracted with the county to administer these regulations. These regulations shall not apply to those roads completed, under construction, or approved (accepted) by the county prior to adoption of this article by county council. In the event that a regulation in this article conflicts with any other county regulation, the more stringent standard shall apply.

(d) *Purpose.* The purpose of this article is to protect and promote the public health, safety and general welfare of the citizens of the county, South Carolina, providing for the harmonious, progressive, and orderly development of land. These regulations are established for the following specific purposes, among others, as provided for in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code 1976, § 6-29-1120, et seq.):

- (1) To encourage the development of an economically sound and stable county;
- (2) To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- (3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (4) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
- (5) To assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the county's comprehensive plan.

(Ord. No. 2008-20, Art. 1(1.1—1.4), 12-16-2008)

### **Sec. 32-212. - Definitions.**

When used in this article, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular.

*Affordable housing* means a housing unit for which the total annual cost of a sale (including mortgage, amortization, taxes, insurance, and condominium and association fees) constitutes no more than 28 percent of the annual household income for a household earning no more than 80 percent of the area's median income, by household size, as reported by U.S. Housing and Urban Development (HUD); or for a rental housing unit, the total annual cost for rent and utilities can constitute no more than 30 percent of the annual household income for a household earning no more than 80 percent of the area median income, by household size, as reported by HUD.

*Apartment complex* means a building or portion thereof, other than a hotel, divided into more than two dwelling units which are arranged in such a manner as to be used for lodging by separate households.

*Applicant* means the developer or agent of the developer who applies for a subdivision review and is designated as the primary contact for said subdivision.

*Average daily traffic* means the number of trips made by vehicles that will be utilizing a road, intersection or other reference point in a 24-hour period.

*Block* means a parcel of land entirely surrounded by roads or highways, railroad right-of-ways, waterway, or combination thereof.

*Building footprint* means the area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts.

*Building line* means a line beyond which no part of the structure of any building shall project, with the exception of subsurface projection of footings, measured perpendicular to the property line. This includes, but is not limited to, the building, eaves, porches, decks, chimneys, bay windows, and fire escapes.

*Building permit* means a document or certificate issued by the county authorizing construction, enlargement, alteration, moving of, or demolition of a building or structure, or the placement of a mobile home (manufactured housing).

*Cleared or grubbed areas* means the area within the road right-of-way that is cleared of vegetation.

*Comprehensive plan* means any legally adopted part or element of the Comprehensive Plan of Oconee County, South Carolina. This plan may include, but is not limited to the community facilities, population, economic development, land use, natural resources, and housing elements.

*Condominium complex* means a building or group of buildings containing dwelling units which are individually owned. The structure, common areas, and other facilities are owned by the developer and/or the owners of the individual units on a proportional or individual basis.

*Crosswalk* means an area with a width of ten or more feet dedicated for public use, and intended for pedestrian access to adjacent land area.

*Cul-de-sac* means a local road (minor) with one end open to traffic and the other end terminated with a planned vehicular turnaround.

*Density* means the number of dwelling units or lots per acre of land developed or used for residential purposes.

- (1) *Low density*: Two or less dwelling units per acre.
- (2) *Medium density*: From 2.1 to 6.0 dwelling units per acre.
- (3) *High density*: Over six dwelling units per acre.

*Developer* means an individual, partnership or corporation (or agent therefore) that undertakes the activities covered by these regulations.

*Development* means any manmade change to improved or unimproved real estate including, but not limited to: new homes, building structures, dredging, filling, grading, paving, or excavation operations.

*DHEC* means the South Carolina Department of Health and Environmental Control.

*Dwelling* means a building or portion of a building arranged and/or designed to provide living quarters for one or more families where each dwelling is provided with separate kitchen and bathroom facilities.

- (1) *Single-family dwelling* means a detached dwelling designed for or occupied exclusively by one family on a single lot.
- (2) *Duplex* means a building arranged or designed to be occupied by two families living independently of each other on a single lot.
- (3) *Group dwelling* means a group of two or more principal structures built on a single lot, parcel or tract of land and designed for occupancy by separate families.
- (4) *Multiple-family dwelling* means a building or series of buildings on the same parent parcel used or designed as a dwelling place for three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

*Dwelling unit* means one or more rooms connected together and constituting a separate, independent housekeeping establishment, with provisions for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

*Easement* means a grant of one or more specific property rights by the property owner permitting a specific use or uses to the public, a corporation, or another person or entity.

*Easement, private roadway* means an easement that grants access for all utility and roadway construction and maintenance.

*Flood* means a temporary overflowing of water onto land that is usually devoid of surface water.

*Floodplain* means land areas adjoining a river, stream or watercourse which are subject to a one percent or greater chance of flooding in any given year. These areas are specifically established by the Federal Emergency Management Agency, according to the Flood Insurance Study for the county.

*Full pond level* means full pond level is 660 feet above mean sea level on Lake Hartwell, 800 feet above mean sea level on Lake Keowee, and 1,110 feet above mean sea level on Lake Jocassee.

*Half road* means a road located so that a cross meanssection of its width lies on more than one parcel.

*Lake* means a considerable inland body of standing water.

*Land development* means the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

*Lot* means a single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.

- (1) *Corner lot* means a lot with frontage on at least two intersecting roads located at the point of intersection.
- (2) *Lot depth* means the mean horizontal distance between the front and rear lot lines.
- (3) *Double frontage lot* means a parcel having frontage on two or more roads which is not located at any intersection of such roads.
- (4) *Lot width* means the horizontal distance between the side lot lines at the building setback line measured parallel with the front lot line or in the case of a curvilinear road measured parallel to the chord of the arc between the intersection of the side lot lines and the road right-of-way line.

*Minor subdivision* means a minor subdivision is any subdivision of a parcel that is reviewed by the county that:

- (1) Results in a total of no more than ten lots; and
- (2) May or may not involve the construction of a private drive, private road, or public road.

*Mobile home (manufactured housing unit)* means a detached, single-family dwelling designed for long-term occupancy, designed to be transported on its own axle and wheels, arriving at the site in sections or a complete dwelling unit, usually including major appliances and furniture, and ready for occupancy. Removal of wheels and placement of a foundation does not change the mobile home classification. A travel trailer is not a mobile home.

*Multi-family housing* means a building or buildings designed to be occupied by two or more households living independently of each other, with the number of households in residence not exceeding the number of dwelling units provided.

*Natural vegetative buffer* means plants, trees, and vegetation that normally survive in the county without the need of fertilizers, herbicides, or pesticides.



*Oconee County road* means any paved road, gravel road, dirt road or bridge that is owned and/or regularly maintained by the county and considered part of the county road system.

*Open space site* means a tract of land provided in residential subdivisions to meet the local recreational needs and desires of residents. Such tracts may include play areas, parks, natural woods, open fields and meadows and areas of scenic beauty.

*Owner's engineer* means an engineer registered and in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

*Owner's land surveyor* means a land surveyor registered and in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

*Parking, off-street* means an area adequate for parking an automobile with room for safely opening doors on both sides, together with properly related access to a public road arranged so that no maneuvering incidental to parking shall occur on any road.

*Perennial stream* means any creek, river, or other watercourse that has flowing water year-round.

*Person* means any individual, corporation, company, partnership, organization, utility and/or municipality.

*Planning commission* means the the county planning commission and planning staff specifically authorized to carry out certain functions on its behalf.

*Plat* means a map or drawing which is an accurate graphical representation of a subdivider's plan for a subdivision.

- (1) *Sketch plan* means a simple sketch of a proposed subdivision layout showing roads and other principal features. The sketch plan is preparatory to the preliminary and final plats and may enable the subdivider to save time and expense in reaching general agreement as to the form of the plat and the objectives of these regulations.
- (2) *Preliminary plan (plat)* means a drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its working ability in all aspects.
- (3) *Final plat (plan)* means a drawing which shows the 'as built' layout of all road construction, public utilities, public facilities, and lots to be sold.

*Potable water* means water used or treated by a water company or utility to be sold for human consumption.

*Private driveway* means a driveway that provides vehicular access and road frontage to not more than three single-family residences.

*Private drive* means a privately owned and maintained right-of-way or an easement that specifically grants the right for utilities and all road work, that provides vehicular access and road frontage to not less than four and not more than ten single-family residential lots.

*Private road* means a privately-owned and maintained right-of-way that contains a roadway constructed in accordance with these regulations and provides vehicular access and road frontage to more than ten single-family residential lots.

*Public road* means roads, avenues, boulevards, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cul-de-sacs and other ways including the entire right-of-way considered public and both dedicated to and accepted by the United States, the State of South Carolina, or the county.

- (1) *Arterial road* means a major road with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials and from collector streets.

- (2) *Collector road* means a road that typically exceeds 800 ADT's and has the primary purpose of intersecting traffic from intersecting local road and handling movements to the nearest arterial road. A secondary function is to provide direct access to abutting properties. A road that connects local access roads to the highway systems major and high-speed arterial roads. The collector road provides both land access service and traffic service within residential subdivisions.
- (3) *Local road (major)* means a road in which the road typical number of average daily traffic (ADT) ranges from 401 to 800 and contains two or more access points. The primary purpose is to provide access to abutting properties and receiving traffic from minor local roads.
- (4) *Local road (minor)* means a road in which the typical number of average daily traffic (ADT) ranges from zero to 400 and has the primary purpose of providing access to abutting properties. This road normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.

*Road right-of-way width* means an easement within which utility installation, utility maintenance, road way construction, and roadway maintenance shall occur according to the standards put forth in these regulations.

The following are the required road right-of-ways and minimum road widths allowable:

*Arterial roads:*

Right-of-way: 66 to 120 feet (as determined by the county engineer)

Road widths: 28 feet (as determined by the county engineer)

*Collector roads:*

Right-of-way: 66 feet

Road widths: 24 feet

*Major local:*

Right-of-way: 50 feet

Road widths: 22 feet

*Minor local and/or service roads:*

Right-of-way: 50 feet

Road widths: 20 feet

The above widths are driving surface widths and exclude widths added by curb and gutter and/or asphalt valleys.

*Sanitary sewer* means a constructed conduit connected with or as a sewer system for the carrying of liquids and solids other than stormwaters to a sanitary treatment facility.

*Setback line* means the line indicating the minimum distance permitted between the road right-of-way line and the building line.

*Sketch plan* See Plat (plan).

*Storm sewer* means a constructed conduit connected with or as a storm sewer system for the carrying of stormwaters to a water source.

*Stream* means a flow of water in a channel or bed, such as a brook, creek or river.

*Street.* See Public road.

*Subdivider* means any person, firm, corporation owner, agent, developer, or other legal entity who directly or indirectly attempts to subdivide land within the jurisdiction of this article. See also "Developer".

*Subdivision* means all divisions 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, lease, or building development; including all division of land involving a new roadway or an alteration in an existing roadway. Also instances in which the further division, relocation of lot lines, or the rearrangement (including combinations of lots) of any lot or lots within a subdivision previously approved or recorded according to law. The alteration of any roadways or the establishment of any new roads within any subdivision previously approved or recorded according to law. A subdivision can include townhouses, condominium complexes, apartment complexes and multi-family housing.

The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivision:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the county;
- (2) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the county planning commission which shall indicate that fact on the plats; and
- (3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

*Terrain classifications* means classification of terrain by grade ranges as follows:

*Townhouse* means a building or group of buildings containing a dwelling unit or units constructed in a series or group of attached units with property lines separating such units.

*Traditional septic systems* means a waste disposal system designed for the treatment and disposal of domestic sewage by means of an onsite septic tank and soil absorption system utilizing a traditional drain field on a single lot. All such systems are subject to the review and approval of the South Carolina Department of Health and Environmental Control.

*Transfer or sale of lots* means any means by which the ownership of a property changes hands; including, but not limited to, the purchase or trade of a property subject to a mortgage, the assumption of a mortgage debt by the property purchaser, and any exchange of possession of the property under a land sales contract or any other land trust device.

*Utilities* means utilities shall consist of any and all utility services to a subdivision, including water, sewer, storm sewer, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual, private company, authority, or a governmental entity.

*View lane* means the portion of a natural buffer utilized and maintained by the property owner to enhance observation of the lake and surrounding landscapes. Typically, the vegetation in the view lane is lower in height and/or smaller in diameter than that found in the rest of the buffer.

*Watercourse* means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

*Yard* means a space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

- (1) *Front yard* means a yard situated between the front building line and the front lot line extending the full width of the lot.

- (2) *Rear yard* means a yard situated between the rear building line and the rear lot line extending the full width of the lot.
- (3) *Side yard* means a yard between the side building line and a side lot line that extends from the front yard to the rear yard.

(Ord. No. 2008-20, Art. 2, 12-16-2008)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 32-213. - Requirements and standards.**

- (a) *Unapproved plat prohibition.* No plat of the subdivision of any land within the unincorporated areas of the county as now or hereafter established, and any incorporated municipality which contracts with the county for these regulations to be administered within such municipality, shall be filed with or recorded by the county Register of Deeds until such plat shall have been submitted to and approved by the county planning commission, ~~planning director, or designee~~ **community development director, or designee** according to the procedures set forth in this article. No road or other way shall be accepted or maintained, nor shall any water line, sewerage, road lighting or similar improvements extended or connected, nor shall any permit be issued by any department of the county for any or other improvements in any subdivision established hereafter which has not been approved by the county planning department and met such requirements as prescribed by the county council.
- (b) *Survey standards.* Plats shall be prepared and survey data entered thereon in accordance with the most recent adopted version of the "Minimum Standards Manual of the Practice of Surveying in South Carolina" established by the South Carolina Board of Registration for Professional Engineers and Land Surveyors provided that all elevations information shall refer to Mean Sea Level Datum or other establish datum (a minimum of [Z] assumed elevation with two benchmarks). Accuracy of plats and attendant data shall be no less that that required in said manual for Class B Suburban Land Surveys.
- (c) *Subdivision name.* The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The planning commission shall have final approval authority for the name of the subdivision.
- (d) *Utilities.* When utilizing a road right-of-way, all utility lines shall be buried at a depth of at least 36 inches. Such lines shall be located a minimum of two feet outside the portion of the road to be surfaced to prevent having to cut into the paved surface or reconstruct drainage structures to serve abutting properties. In order to prevent future road cuts, utility stub-outs shall be added to all utility lines extending beyond the roadway to each property line.
- (e) *Road signs.* Road name signs shall be installed at all intersections with a subdivision. All other signs shall be installed as required by and at the direction of the county engineer or his/her designee. All signage will be in accordance with the Manual of Uniform Traffic Control. The developer shall be responsible for all costs of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of county council from time to time) prior to acceptance of road by the county. Any person who shall willfully or maliciously damage, deface, remove or otherwise tamper with a sign erected by a subdivider or the county designating the name of any county road shall be guilty of a misdemeanor. In addition thereto, such person shall be liable to the county for the cost incurred by the county as a result of said criminal acts.
- (f) ~~*Family transfers.* When no consideration, other than a nominal monetary amount and love and affection, is paid to the grantor of subdivisions resulting from family transfers as defined by this section of this article, the following shall apply:~~
  - ~~(1) Subdivision of parcels that results from the conveyance of parcels deeded by parents to children, children to parent, sibling to sibling, grandparents to grandchildren or grandchild to~~

~~grandparent, and does not involve the construction or extension of any road, bridge, or drainage structure to provide access to interior lots, and does not involve the creation of any new drainage easement, shall be received as information only and approved administratively by the planning director~~

- (g) *Minor subdivision.* (Reserved).
- (h) *Compliance with road standards.* Road plans and supporting documentation needed to comply with all adopted the county road standards shall be included with the submission of subdivision plans. Approval of the subdivision shall not be granted unless all applicable road standards are met.
- (i) *Electronic filing requirements.* An electronic copy of the proposed development plan showing the layout of the subdivision shall be submitted according to the following criteria:
  - a. any development or plat where 3 or more parcels are proposed
  - b. any development or plat where new roads are proposed
  - c. DXF, DWG, or DGN file types are acceptable for submittal
  - d. the community development director, or designee, may approve the accept of files types not listed herein

(Ord. No. 2008-20, Art. 3(3.1[a.], 3.1[b.], 3.2—3.7), 12-16-2008)

### **Sec. 32-214. - Lot improvements.**

- (a) *Lot arrangements.* All lots shall be arranged such that there will be no apparent difficulties in securing driveway encroachment permits or building permits for reasons of topography or other conditions and must have driveway access from an approved road. The developer shall be liable for all lots within a proposed subdivision.
- (b) *Lot dimensions.* Except where circumstances such as topography, watercourses, road alignment or existing site boundary configurations dictate otherwise, the following requirements shall apply:
  - (1) Dimensions of corner lots shall be large enough to allow for the erection of buildings observing the minimum yard setbacks from both streets, without encroaching into side and rear yard setbacks, established in the building line section of this chapter.
  - (2) Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for that type of development, without encroaching into yard setbacks.
- (c) *Lot size.* Minimum lot size shall be .57 acres (approximately 25,000 square feet) with traditional onsite septic tanks served by public water, unless DHEC requires greater area or dimensions. All required set backs shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.
- (d) *Building lines.* All building setback lines shall be: Front yard 25 feet from the closest edge of the right-of-way on lots abutting local roads and 40 feet from the right-of-way on lots abutting collector roads. Side yard setback of ten feet from each property line or right-of-way and rear yards setback of 25 feet from the rear property line or right-of-way except for those abutting collector roads, which shall have a setback of 40 feet.
- (e) *Double frontage lots and access to lots.*
  - (1) Every lot shall have at least 25 feet of frontage on a public or private road.
  - (2) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential traffic from traffic arterials or to overcome specific disadvantages of topography and orientation.

- (3) Lots shall not in general derive access exclusively from arterial and collector roads. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial and collector roads.
- (f) *Usable area.* All lots adjacent to floodplains, creeks, and wetlands should use these natural features as lot boundaries when possible. Lots containing areas unsuitable for usage shall not use these areas in calculating minimum lot area.
- (g) *Septic system setback.*
  - (1) Traditional septic systems shall be constructed so that they comply with all regulations of the South Carolina Department of Health and Environmental Control (DHEC).
  - (2) The applicant shall provide the ~~planning director~~ community development director, or designee a copy of all South Carolina Department of Health and Environmental Control (DHEC) permit drawings and an approved DHEC permit application for the proposed septic systems utilized within the development.
  - (3) The developer must demonstrate to the ~~planning director~~ community development director, or designee that the proposed development will not adversely affect the present water table and the existing water supplies; and also demonstrate that the proposed water supply system will not be adversely affected by existing septic systems.
- (h) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to prevent concentration of stormwater from each lot to any adjacent property. Drainage systems used to control water on one property shall not increase the water flow on adjacent properties without legal easements.
- (i) *Lakes and streams.* If a tract being subdivided contains a water body, or portion thereof, the ownership of and the responsibility for safe and environmentally compliant maintenance of the water body is to be placed so that it will not become a local government responsibility. The minimum area of a lot required under this article may not be satisfied by land that is under water. Where a watercourse other than storm drainage separates the lot's buildable area from the road providing access, an engineer's certified structure shall be provided linking the buildable area to the road. All watercourses shall remain free of obstructions and degradations.
- (j) *Easements.* Easements having a minimum width of ten feet and located along the side or rear lot lines shall be provided as required for utilities and drainage.
- (k) *Entrances.* One entrance is required for every 100 lots in a proposed subdivision, or a maximum of 100 lots on a dead end road with a cul-de-sac. This requirement may be waived by the ~~planning director~~ community development director, or designee due to topography and feasibility. Every effort shall be made to not have an entrance directly onto an arterial road.
- (l) *Vegetative buffers.* The approval of subdivisions, site plans and/or building permits for construction of new residential units or commercial projects to be located within 1,000 feet of Lakes Keowee, Hartwell, and Jocassee shall be contingent upon the establishment of a natural vegetative buffer of a width of less than 25 feet, with a view land width of no more than 15 percent of the total length of a natural vegetative buffer. The buffer shall meet the following standards:
  - (1) To reduce nonpoint source pollution, a natural buffer of 25 feet shall be maintained with no grasses or ornamental vegetation established within that buffer. To reduce nonpoint pollution a vegetative buffer of 25 feet measured horizontally from the full pond elevation shall be maintained with no manicured laws or other managed grasses established within that buffer. A diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses are preferred vegetation where available and suited to the site. Additionally, no clear cutting or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the 25-foot buffer area. Right-of-way maintenance activities by utilities shall be exempt.

- (2) No trees larger than six-inch caliper at four feet from the ground shall be removed unless certified to be a hazard by a registered forester or arborist.
- (3) Trees may be limbed up to 50 percent of their height.

This regulation shall exempt projects that are located on parcels lying no closer than 25 feet from a lake shoreline or are located on parcels that are not traversed, either in full or in part, by a perennial stream, designed wetland, or other watercourse within 1,000 feet of Lakes Keowee, Hartwell, and Jocassee. The buffer shall begin at the lake's full pond level.

(Ord. No. 2008-20, Art. 4(4.1—4.12), 12-16-2008)

### **Sec. 32-215. - Blocks.**

- (a) *Residential block length.* In order that there may be convenient access between various parts of a subdivision and in order to help prevent traffic congestion and undue inconvenience, the length of blocks hereafter established should not exceed 1,800 feet and shall not be less than 600 feet; provided, however, that such length may be modified when appropriate due to the topography or physical shape of the property being subdivided.
- (b) *Residential block width.* Blocks shall have sufficient width to allow two tiers of lots. Blocks may be one lot in depth at the boundary of the subdivision, or where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses.

(Ord. No. 2008-20, Art. 5(5.1, 5.2), 12-16-2008)

### **Sec. 32-216. - Drainage and stormwater.**

- (a) *General requirements.* In most cases the land disturbance permit required by DHEC will have considered the information needed for compliance with this section. However, the county will review the information to ensure that all stormwater runoff will be removed from proposed developments in perpetually maintained drainage systems designed to avoid damage to personal property. The ~~planning director~~ **community development director, or designee** shall not approve any plat of subdivision which fails to make adequate provision for storm or floodwater runoff channels or basins. Stormwater drainage systems shall be separate and independent of any sanitary sewer system. Inlets shall be provided so that surface water is not carried across or around any road intersection except where routing around of small volumes is approved in writing by the county engineer.
- (b) *Nature of stormwater facilities.* The applicant may be required by the planning department or county engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with accepted engineering standards and specifications as approved by the county engineer. All swales, ditches, or other open drainage shall be constructed and established to minimize erosion as approved by the county engineer.
- (c) *Accommodation of upstream drainage areas.* The owner's engineer shall determine, certify, and design drainage facilities that are large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.
- (d) *Effect on downstream drainage areas.* The owner's engineer shall study and provide the ~~planning director~~ **community development director, or designee** and county engineer with sufficient data proving that there are no adverse impacts on existing downstream drainage facilities outside the area of the subdivision. Where it is determined that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the ~~planning director~~ **community development director, or designee** may withhold approval of the subdivision until provision has been made for the improvement of said potential condition.

- (e) *Floodplain areas.* Floodplain areas shall be noted on all plans and plats for proposed development, and shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material, or stumps, unless explicitly permitted by DHEC, or other appropriate state agency. All construction activity within a development shall comply with standards of the county floodplain ordinance.
- (1) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose and to accommodate maintenance equipment and activities. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The planning department will review the information required by the DHEC land disturbance permit to ensure the intentions of 6.12 are met.
  - (2) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on all plats. Drainage easements shall be carried from the road to a natural watercourse or to other approved or adequate drainage facilities.
  - (3) When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
  - (4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways except where improvements such as grassing, walkways, and playground areas are specifically approved by the ~~planning director~~ **community development director, or designee**.
  - (5) All rights-of-way shall contain a permanent drainage easement for all water runoff from the road right-of-way as deemed necessary by the county engineer. It shall be the responsibility of the owner/developer to acquire any necessary drainage easements from private landowners.

(Ord. No. 2008-20, Art. 6(6.1—6.5), 12-16-2008)

### **Sec. 32-217. - Water facilities.**

(a) *General requirements.*

- (1) Where a public water main is within 1,000 feet of a subdivision boundary, the developer shall connect thereto and install adequate central water facilities. Where the accessible public water main is six inches or greater in diameter, distribution lines shall be at least six inches in diameter. In the event that the water supplier certifies the existence of insufficient water pressure to provide service to six-inch distribution lines to the site, the ~~planning director~~ **community development director, or designee** shall permit appropriate reductions in the diameter of distribution lines. In cases along permanent cul-de-sacs or circles less than 1,000 feet in length, a minimum diameter of 2½ inches is permitted.
- (2) Water distribution systems shall be approved by the designated utility entity and the appropriate division of DHEC.
- (3) The location and design of all water system improvements shall be shown on the preliminary plat, and the cost of installing same shall be included in any bond to be furnished by the developer.
- (4) All utility lines shall be located a minimum of two feet outside of road surface areas at the edge of the rights-of-way and shall be buried at a depth of at least 36 inches. When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the



abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.

- (b) *Individual wells and central water systems.* If a public water system is not available, wells may be used or a package central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Central water systems shall be approved by the appropriate division of DHEC. Orders of approval shall be submitted to the planning department.
- (c) *Fire hydrants.* Fire hydrants shall be required for all subdivisions except where individual wells are used or a water main of less than six-inch diameter is permitted, and shall be located as defined in the adopted fire code and shall be approved by the applicable fire protection entity. In the event no adequate water supply is available, alternative methods of fire protection may be approved by appropriate fire officials, provided such measures are provided for under adopted fire code. To avoid future road cutting, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed and approved before any final paving of a road shown on the subdivision plat.
- (d) *Wastewater facilities.*
  - (1) Where a public sanitary sewerage system is reasonably accessible and available, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision. When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.
  - (2) Sanitary sewer shall be designed and installed to the design standards and specifications of the city, county, or public service district into whose sewer system the subdivision is connecting and all design standards and specifications of the appropriate DHEC division.
  - (3) Where public sanitary sewerage systems are not reasonably accessible or available, package, central or individual waste collection/treatment systems may be provided. These systems must be approved by the appropriate division of DHEC prior to approval of any preliminary subdivision plan.

(Ord. No. 2008-20, Art. 7(7.1—7.4), 12-16-2008)

### **Sec. 32-218. - Nonresidential subdivisions.**

- (a) *General.* If a proposed subdivision includes land that is proposed for commercial, industrial or other nonresidential purposes, the layout of the subdivision shall incorporate such provisions and facilities as required by the standards set forth in subsection (b), below.
- (b) *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the commission that the road, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
  - (1) Proposed nonresidential parcels shall be suitable in area and dimensions to the types of industrial/commercial development anticipated.
  - (2) Road rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
  - (3) Special requirements may be imposed by the county with respect to road, curb, gutter, and sidewalk design and construction.
  - (4) Every effort shall be made to protect adjacent residential areas from potential nuisances from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels

backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

- (5) Roads carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(Ord. No. 2008-20, Art. 8(8.1, 8.2), 12-16-2008)

### **Sec. 32-219. - Security in lieu of completion of improvement.**

In lieu of the completion of the physical development and installation of the required improvements prior to the final plat approval, the county may accept a financial guarantee in the form of cash, bond, or escrow letter of credit with an approved financial institution, in an amount and with conditions satisfactory to it, securing to the county the actual construction and installation of such improvements and utilities within a period specified by the county engineer.

- (1) If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements he may file a performance of surety bond executed by a surety company licensed to do business in the State of South Carolina, in an amount equal to 125 percent of the owner's engineer (and verified by the county engineer) estimated cost to complete the improvements. The bond shall guarantee the completion of all improvements within a time prescribed by the ~~planning director~~ community development director, or designee.
- (2) If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements, he may establish an escrow account with the county into which the subdivider shall place, prior to the sale of any lot in the subdivision, an amount equal to 125 percent of the owner's engineer (verified by the county engineer) estimated cost to complete the improvements. Funds in such escrow account shall be returned to the subdivider following completion of all improvements within time limits prescribed by the county engineer. The final determination for returning the escrowed money to the developer shall be made by the county engineer.
- (3) In the event that required improvements are not completed, inspected and approved within the required time, the county may expend escrowed funds, securities, or performance bond funds to complete the required improvements. The ~~planning director~~ community development director, or designee may also, at his discretion, withhold building permits or occupancy permits in such subdivision until such improvements are completed. In which case, it shall then be unlawful to sell any further lots in the subdivision until all improvements are completed. No occupancy permits shall be issued within the subdivision, unless street improvements are at least adequate for vehicular access by the prospective occupant(s) and by the emergency vehicles and personnel.
- (4) No building permit shall be issued for the final ten percent of lots in a subdivision, or if ten percent be less than two, for the final two lots of a subdivision, until all public improvements required by the county engineer for the subdivision have been fully completed and the county has accepted all as-built drawings.
- (5) The developer shall be required to maintain all required public improvements on the individual subdivided lots, if required by the ~~planning director~~ community development director, or designee, until acceptance of the improvements by the appropriate utility or government entity. If there are any certificates of occupancy on a street not dedicated to the county, the county may on 12 hours notice effect emergency repairs and charge those costs to the developer.
- (6) Surety bonds will be returned to the developer following delivery of all as-built drawings to the county engineer, and after acceptance of all improvements by the county.

(Ord. No. 2008-20, Art. 9, 12-16-2008)

**Sec. 32-220. - Plat requirements and review procedures.**

- (a) *General.* No lot proposed to be created through the creation of a subdivision shall be sold until a final plat showing the subdivision has been approved by the ~~planning director~~ **community development director, or designee**, and has been recorded with the county Register of Deeds.
- (b) *Application review.* The ~~planning director~~ **community development director, or designee** may approve a minor or exempt subdivision, containing no new roads, after reviewing the final plan.
- (c) *Plat recordation.* The ~~planning director~~ **community development director, or designee**'s approval of a subdivision final plan is contingent on submission of four original copies of the plat to the county Register of Deeds, and recordation of the plat by the Register of Deeds. An authorized copy of the recorded plat shall be submitted to the ~~planning director~~ **community development director, or designee**.
- (d) *Appeal of decision.* Any person aggrieved by the ~~planning director~~ **community development director, or designee**'s decision to approve or deny an application for subdivision approval may appeal the decision to the planning commission in writing within ten working days of said decision as outlined in [section 32-223(d)], of this article.

(Ord. No. 2008-20, Art. 10(10.1—10.4), 12-16-2008)

**Sec. 32-221. - Sketch plan.**

- (a) *Sketch plan review conference.* All persons intending to subdivide or develop property are strongly encouraged to confer with the ~~planning director~~ **community development director, or designee** prior to proceeding. Proposed developments consisting of 20 new housing units shall schedule a sketch plan review prior to any formal application.
- (b) *Basic sketch plan (optional requirements for developments less than 20 units.)*
  - (1) The sketch plan shall be drawn to show the approximate layout of the proposed subdivision and its relationship to the surrounding area.
  - (2) Sketch plans are informal, exploratory examinations of a proposed idea. The ~~planning director~~ **community development director, or designee** will review the proposed layout and discuss any issues with the subdivider and may require a detailed sketch plan to be submitted.
- (c) *Detailed sketch plan (required for 20 or more units)*
  - (1) The sketch plan shall be drawn at an approximate scale of not less than a scale of 200 feet to one inch and shall include a vicinity map at a scale of not less than two miles to one-inch showing the relationship of the proposed subdivision to the surrounding areas.
  - (2) All sketch plan submittals shall include the following in sketch or narrative form:
    - a. An accounting of total acreage in the tract to be divided and number of lots proposed;
    - b. Arrangement, shape, dimensions, and area of proposed lots;
    - c. Location of existing property lines, easements, road right-of-ways, buildings, or other public ways adjoining the tract to be subdivided;
    - d. Alignment, right-of-way width, and clarification of proposed roads;
    - e. Topography by contour at intervals of not more than 20 feet (as from USGS quad sheets);
    - f. Map scale, north arrow, and date;
    - g. Name/address/telephone number of legal owner or agent and the professional (surveyor or engineer) who will undertake detailed subdivision layout and improvements design;

- h. Location of watercourses and land subject to flooding based on a 100-year frequency flood. Owner's surveyor shall indicate if property is or is not in a floodplain;
  - i. The existing and proposed uses of land throughout the subdivision;
  - j. Proposed method of water supply and wastewater treatment and other utility service;
  - k. The proposed name of the subdivision.
- (3) A subdivider shall submit a sketch plan of the entire tract even if the subdivider's present plans call for the actual development of only a part of the property. All phases of the subdivision must be shown on the sketch plan and marked as future development.
- (4) Prior to sketch plan submittal, the subdivider is encouraged to interact with the county soil and water conservation district to obtain soil survey information and written site evaluation comments to be included as part of the sketch plan submittal.
- (d) *Sketch plan review.*
- (1) A subdivider shall submit sketch plan copies and application forms in quantities specified by the ~~planning director~~ community development director, or designee. The ~~planning director~~ community development director, or designee shall obtain input from the county engineer and affected agencies and shall provide comments in the form of a composite list to the subdivider within 15 working days of sketch plan submitted.
  - (2) If the subdivider disagrees with comments provided, the subdivider may request an informal review by the planning commission in accordance with the county planning commission rules of procedure.
  - (3) In reviewing a sketch plan and sketch plan comments, the planning commission may affirm such comments or modify them to the extent as such modifications do not depart from the provisions of these adopted regulations.
- (Ord. No. 2008-20, Art. 11(11.1—11.4), 12-16-2008)

### **Sec. 32-222. - Preliminary plan and supporting data.**

- (a) *Submittal requirements.*
- (1) Applications for preliminary approval of a subdivision shall be submitted to the ~~planning director~~ community development director, or designee for review.
  - (2) The applicant shall submit all appropriate fees at the time of application.
  - (3) Applications shall include four copies of the proposed preliminary plan.
  - (4) The applicant shall submit all responses, amended plans, additional information, or any other necessary materials to satisfy all adopted the county regulations.
  - (5) An applicant may withdraw an application for subdivision approval at any time by submitting written notice to the ~~planning director~~ community development director, or designee.
  - (6) It shall be unlawful for construction to commence prior to preliminary approval of the plan as defined in this article.
  - (7) Preliminary approval typically permits a developer to proceed with the construction of all roads, utilities, and public infrastructure.
  - (8) A copy of a preliminary letter of approval from the appropriate division of the South Carolina Department of Health and Environmental Control (DHEC) shall be required for subdivisions served in part of in whole by individual onsite septic systems.
  - (9) An electronic copy of the proposed development plan showing the layout of the subdivision in an approved format and file extension shall be required.

(b) *Preliminary plan requirements.*

(1) *General.* The preliminary plan shall include the following:

- a. The preliminary plan shall be drawn at a scale of 200 feet to one-inch or greater, and shall include a vicinity sketch at a scale of not less than one-inch = two miles. Sheet sizes should be 8.5 inches x 11 inches, 8.5 inches x 14 inches, 11 inches x 17 inches, 18 inches x 24 inches, or 24 inches x 36 inches. This map and supporting data shall be prepared according to standards set forth in this article and shall contain the following sections: General, existing conditions, and proposed conditions.
- b. The proposed name of the subdivision, name/address/telephone of owner and/or subdivider, and name/address/telephone of surveyor and/or engineer.
- c. A graphic scale, north arrow and date (north arrow shall be identified as magnetic, true, or grid).
- d. The acreage to be subdivided.
- e. The boundaries of the tract to be subdivided with all bearings and distances indicated.
- f. A SC DHEC approved stormwater pollution prevention plan (SWPPP).
- g. The following statement:

"NO COUNTY BUILDING PERMITS SHALL BE ISSUED FOR PROJECTS ON INDIVIDUAL LOTS PRIOR TO THE RECORDING OF A FINAL PLAT IN THE OFFICE OF THE REGISTER OF DEEDS"

(2) *Existing conditions.* The preliminary plan shall include the following:

- a. Deed record names of adjoining property owners or subdivisions.
- b. Location of watercourses and land subject to flooding based on a 100-year frequency flood. Owner's surveyor shall indicate if property is or is not located in a floodplain.
- c. Location of adjoining property lines and existing building on the property to be subdivided.
- d. Location and right-of-way of roads, railroads, and utility lines either on or adjoining the property to be subdivided.
- e. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the site and adjoining the tract.
- f. The acreage of each drainage area affecting the proposed subdivision.
- g. Topography by contour at intervals of not more than 20 feet (as from USGS Quad maps).
- h. Elevations shall refer to sea level or assumed elevation with a minimum of Z bench mark near the site.
- i. Location of city and county line, if applicable, and a statement identifying the location of the nearest central water and sewer lines and fire department and the distance from same to the tract being subdivided.

(3) *Proposed conditions.* The preliminary plan shall include the following:

- a. Total number of lots, total acreage, total length of new roads.
- b. Layout of roads including all right-of-way, public crosswalks, road names or designations, grades, and cross sections.
- c. Profile of proposed roads showing natural and finished grades.
- d. Layout of all lots, including area; building setback lines, scaled dimensions of lots; lot and block numbers, utility easements with width and use.

- e. Construction plan of sanitary sewers (if applicable) with grade, pipe size, and location and permit to construct from DHEC and approval of the appropriate utility provider.
- f. Storm sewers shall be sized to accommodate runoff based upon the ten-year design storm except road crossings shall be a minimum of 25-year design storm.
- g. Construction plan for water supply system (if applicable) with pipe size and location of hydrants and valves and permit to construct from DHEC and, where applicable, approval of the appropriate utility provider.
- h. Designation of all land to be reserved or dedicated for public use.
- i. Designation of proposed use of all lots.
- j. Proposed major contour changes in areas where substantial cut and/or fill is to be done.

**Note:** Refer to survey requirements.

(c) *Preliminary review procedure.*

- (1) The ~~planning director~~ community development director, or designee shall notify all appropriate review agencies for comments. These may include, but are not limited to the following:
  - a. Appropriate division of DHEC.
  - b. Soil and water conservation office.
  - c. Appropriate public service district or city as applicable.
  - d. County public works department.
  - e. Appropriate fire protection entity.
  - f. County engineer.
  - g. Oconee County Sewer Commission.
  - h. Oconee County School District.
- (2) Agencies and departments shall provide written comments to the ~~planning director~~ community development director, or designee within 15 working days of the date of the preliminary plan application.
- (3) The ~~planning director~~ community development director, or designee shall render a decision within 25 working days of the date of preliminary plan application. The ~~planning director~~ community development director, or designee's action and reasons therefore shall be transmitted in writing to the subdivider.
- (4) Agencies and departments shall provide written comments to the ~~planning director~~ community development director, or designee within 15 working days of the date of the preliminary plan application.
- (5) Once the submitted plans are deemed to be in compliance with all applicable the county ordinances, the applicant shall be notified in writing that the plans have been preliminarily approved.
- (6) The ~~planning director~~ community development director, or designee may grant conditional preliminary approval to insure compliance with all county ordinances. All such conditions shall be met prior to final approval.
- (7) If a plan is approved subject to conditions, the subdivider shall submit plan exhibits amended to incorporate such conditions within 20 working days of such approval. Preliminary plat approval shall be effective for one-year provided the commission may extend same for up to one additional year upon written request from the subdivider.

- (8) A subdivider, or other party materially affected by the ~~planning director~~ community development director, or designee's decision, may appeal for review by the planning commission. Such appeal shall detail the reasons therefore, and be made in writing within ten working days of the ~~planning director~~ community development director, or designee's action. Affected parties shall be notified in writing of the planning commission's determination. The planning commission's decision may be appealed to the circuit court within 30 days after the actual notice of the commission's decision.
- (9) Variances shall be considered by the planning commission pursuant to ~~Section 1-5-5(3)~~ Section 32-5.f.3 of the United Performance Standards Ordinance and conducted in a manner consistent with standards put forth in the Oconee County Planning Commission Rules of Procedure.

(Ord. No. 2008-20, Art. 12(12.1—12.3), 12-16-2008)

### **Sec. 32-223. - Final plan.**

(a) *Submittal requirements.*

- (1) A person seeking final approval of a subdivision shall submit an application to the ~~planning director~~ community development director, or designee for review by this article.
- (2) The applicant shall also submit all appropriate fees at the time of application.
- (3) Where the improvements required by this article and the preliminary plan have not been completed prior to the submission of the final plan for approval, approval of the plan shall be subject to the owner filing a performance guarantee in the form of cash and/or surety with the county according to the provision set forth in this article.
- (4) Upon 90 percent completion of the construction of road and utilities of a preliminarily approved subdivision, a final "as built" plan shall be submitted to the ~~planning director~~ community development director, or designee noting any changes from the preliminarily approved plans.
- (5) The ~~planning director~~ community development director, or designee's approval of a final plan is contingent on submission of four original stamped copies of the plat to the county Register of Deeds.
- (6) A copy of the recorded plat authorized by the Register of Deeds shall be submitted to the ~~planning director~~ community development director, or designee.
- (7) Where individual septic waste disposal is proposed, the developer shall provide a letter of final subdivision approval from the appropriate division of DHEC identifying each lot for which individual waste disposal is approved.

(b) *Final plan requirements.* The final plan shall include the following:

- (1) If the final plan is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the several sections. Final plans shall be drawn at a scale of no less than 100 feet to one-inch; shall be drawn on sheets 8.5 inches x 11 inches, 8.5 inches x 14 inches, 11 inches x 17 inches, 18 inches x 24 inches, or 24 inches x 36 inches; shall be prepared according to the standards set forth in this article.
- (2) Name of owner of record.
- (3) Name of subdivision and identification number assigned, date, north arrow, and graphic scale.
- (4) Name, registration number, and seal of registered surveyor.
- (5) Sufficient surveying data to determine readily and reproduce accurately on the ground the location, bearing, and length of every road line, lot line, easement, boundary line, and building line whether curved or straight. Curve boundaries will be defined by curve data to include the radius, delta angle, total area, length and the long chord by bearing and distance and shall also be defined as a traverse of chords around the curve using bearings and distance.

- (6) Names of owners of record of all adjoining land, all property boundaries, watercourses, roads, easements, utilities and other such improvements, which cross or form a boundary line of the tract being subdivided.
  - (7) Exact boundaries of the tract of land being subdivided as noted in the survey article of this article.
  - (8) Roads, rights-of-way, percent of grades and road names. Steel or iron rods at least 20 inches long and one half inch in diameter shall be placed at all lot corners and at all other survey points not marked by permanent monuments. Property lines extending to road centerlines shall be marked by an iron stake on all offset with location clearly shown on the plat and selected so corners lie on a line of survey or a prolongation of such lines.
  - (9) Rights-of-way or easement; location, widths, and purposes.
  - (10) Lot lines, minimum building setback lines, and lot and block indicators.
  - (11) Any parks, school sites, or other public spaces.
  - (12) All dimensions shall be to the nearest 1/100 of a foot and angles to the nearest 20 seconds.
  - (13) Accurate description of the location of all monuments and markers.
  - (14) Utility easements, showing the widths of the following:
    - a. Water;
    - b. Gas;
    - c. Sanitary sewer;
    - d. Storm drainage; and
    - e. Electrical line.
  - (15) Where individual septic waste disposal is proposed, a letter of final subdivision approval from the appropriate division of DHEC identifying each lot for which individual waste disposal is approved. Areas or lots not so approved shall not be included on the final plat unless restricted to prohibit construction of building space thereon by such notation as "reserved exclusively for open space", etc.
- (c) *Final plat certificates.*

The following certificates shall appear on the final plat which is submitted to the planning commission by the subdivider:

**Certificate of Accuracy (signed when submitted)**

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Oconee County Land Development and Subdivision Regulations and the monuments shown have been placed to the specifications set forth in said regulations.

\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Registration No. Registered Land Surveyor

**Certificate of Ownership and Dedication (signed when submitted)**

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.



\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date Owner

Owner

**Certificate of Maintenance for Private Roads (when applicable)**

The road right-of-way shown on this plat shall be private drives not owned, maintained, or supervised by Oconee County, and were not constructed pursuant to any plan for future acceptance by Oconee County. Road right-of-ways shown upon the plat shall not be accepted for maintenance by Oconee County at any time in the future unless constructed in accordance with all adopted Oconee County regulations. Maintenance of the right-of-way shall be the responsibility of \_\_\_\_\_.

\_\_\_\_\_  
Date Owner/Developer

**Certificate of Security in Lieu of Completion (when applicable)**

The developer of this subdivision has filed the appropriate security of lieu of completion prior to recording the final plat.

\_\_\_\_\_  
Date ~~Planning director~~ community development director

**Certificates of Construction (one or both as applicable/signed when submitted)**

I hereby certify that the roads and drainage system, in \_\_\_\_\_ Subdivision as shown on Plat dated \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, prepared by \_\_\_\_\_ have been installed substantially in accordance with the Preliminary Plan (Construction Drawings) approved \_\_\_\_\_.

SEAL

\_\_\_\_\_  
Registered Engineer or Surveyor

I hereby certify that central ( ) water ( ) sewer systems in \_\_\_\_\_ Subdivision as shown on Plat dated \_\_\_\_\_, prepared by \_\_\_\_\_, have been installed in accordance with Preliminary Plat (Constructed drawings) approved \_\_\_\_\_.

SEAL

\_\_\_\_\_  
Registered Engineer or Surveyor

**Certificate of Approval (to be signed upon approval)**

The subdivision plat hereon has been found to comply with the Oconee County Land Development Regulations and has been approved for recording. I certify that this plat creates a subdivision subject to and approved in accordance with the ordinances of Oconee County.

\_\_\_\_\_  
Date ~~Planning director~~ community development director

(d) *Final plan review procedure.*

- (1) Final approval of the submitted plans shall be granted to the applicant after a review by the ~~planning director~~ community development director, or designee.
- (2) Final plan application shall include all of or phases of a subdivision for which preliminary approval was granted, and shall contain documentation that all required improvements have been installed and certified.
- (3) Final plan applications may be considered, at the discretion of the ~~planning director~~ community development director, or designee, if accompanied by the required security in lieu of completion of improvement.
- (4) Upon a determination that the final plan application is completed; the ~~planning director~~ community development director, or designee shall render a written approval or rejection. Said decision shall be made within 30 working days of application submittal.

A subdivider or any party materially affected by the ~~planning director~~ community development director, or designee's decision may appeal to the planning commission in writing within ten working days of said decision. The commission shall schedule a hearing, conduct said hearing, and render a decision within 60 days of the date of appeal. The decision of the commission is final. The decision of the commission may be appealed to the circuit court within 30 days after the actual notice of the commission's decision.

(Ord. No. 2008-20, Art. 13(13.1, 13.2, 13.4, 13.5), 12-16-2008)

#### **Sec. 32-224. - Appeal of decision.**

Any person aggrieved by the ~~planning director~~ community development director, or designee's decision to approve or deny an application for minor subdivision record plat approval may appeal the decision to the planning commission in writing within ten working days of said decision as outlined in [section [32-223](#)(d)], of this article.

(Ord. No. 2008-20, Art. 14, 12-16-2008)

#### **Sec. 32-225. - Violations and penalties.**

- (a) Any violation of these regulations shall be a misdemeanor and, upon conviction, is punishable as provided by law.
- (b) Unapproved subdivision and subsequent transfer or sale of lots. Any such agreement, negotiated before such plat has been approved by the county planning commission and recorded by the county Register of Deeds shall be considered a violation of this article and punishable as provided herein. The description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer shall not exempt the transaction from these penalties. Oconee County may enjoin such transfer or sale or agreement by appropriate action.

(Ord. No. 2008-20, Art. 15, 12-16-2008)

#### **Sec. 32-226. - Legal provisions.**

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

- (1) *Conflict with other laws, ordinances, or regulations.* Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of these regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

- (2) *Severability.* Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.
- (3) *Repeal of conflicting ordinances.* All ordinances or parts of ordinances in conflict with any of the provisions of this article are hereby repealed.
- ~~(4) *Amendments.* The planning commission shall hold a public hearing on any proposed amendment to these regulations; notice of time and place shall be given at least 30 days prior to the hearing date. The notice shall be placed in a newspaper of general circulation. Amendments may be adopted by vote of the county council.~~

(Ord. No. 2008-20, Art. 16(16.1—16.4), 12-16-2008)

**Secs. 32-227—32-414. - Reserved.**

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 2008-20, adopted Dec. 16, 2008, repealed Ch. 32, Art. VI, Div. 1, §§ 32-211—32-234 and Div. 2, §§ 32-311—32-316, in its entirety. Arts. 1—16 of said ordinance enacted new provisions to read as herein set out. Prior to amendment, Art. VI pertained to subdivisions and land development and derived from Ord. No. 2002-05, §§ 6.1.1, 6.1.2, 6.2.1, 6.3—6.23, adopted May 7, 2002; Ord. No. 2004-14, adopted Jun. 15, 2004; Ord. No. 2006-07, §§ 7.1—7.4, adopted May 1, 2006 and Ord. No. 2006-20, §§ 1(6.3), 2(6.3), 3(6.5(6.5.13)), 4(6.7(6.7.14)), adopted Aug. 15, 2006 and Ord. No. 2008-19, adopted Dec. 16, 2008. ([Back](#))

**State Law reference**— Authority to regulate subdivisions and land development, S.C. Code 1976, § 6-29-1110 et seq. ([Back](#))

## **ARTICLE VII. - TATTOOING FACILITIES WITHIN THE UNINCORPORATED AREAS OF OCONEE COUNTY**

[Sec. 32-415. - Purpose and intent.](#)

[Sec. 32-416. - Jurisdiction.](#)

[Sec. 32-417. - Enabling authority.](#)

[Sec. 32-418. - Finding of fact.](#)

[Sec. 32-419. - Definitions.](#)

[Sec. 32-420. - Location requirements.](#)

[Sec. 32-421. - Request for a letter of compliance.](#)

[Sec. 32-422. - Issuance of letter of compliance.](#)

[Sec. 32-423. - Noncompliance.](#)

[Secs. 32-424—32-514. - Reserved.](#)

### **Sec. 32-415. - Purpose and intent.**

It is the purpose of this article to regulate tattooing facilities in order to promote the health, safety, and general welfare of the citizens of Oconee County, and to establish reasonable and uniform regulations to prevent the deleterious locating and concentration of tattooing businesses within the county.

It is the intent of this article to establish standards for tattooing facilities that will insure that these businesses are operated in a manner that is in full compliance with all applicable laws of the United States of America, the State of South Carolina, and Oconee County; and to provide Oconee County with a reasonable and legitimate mechanism for enforcing applicable laws.

(Ord. No. 2006-30, § 7.1, 2-20-2007)

### **Sec. 32-416. - Jurisdiction.**

This section shall apply to any tattooing facility that is established within the unincorporated area of Oconee County.

(Ord. No. 2006-30, § 7.2.1, 2-20-2007)

### **Sec. 32-417. - Enabling authority.**

This article is adopted by the county council in accordance with S.C. Code, 1976, Title XLIV, Chapter 34, as an application of the police powers for the purpose of promoting the public health, safety, and welfare.

(Ord. No. 2006-30, § 7.2.2, 2-20-2007)

**Sec. 32-418. - Finding of fact.**

- (a) There exists potential for the establishment of tattooing facilities in the county, and it is in the interest of the public health, safety, and welfare, of the citizens of the county to provide for minimum standards and regulations for tattooing facilities, as well as for the health, safety, and general welfare of the owners, operators, employees, and patrons of such businesses.
- (b) The State of South Carolina has indicated or implied concern for the secondary affects of tattooing facilities through the provisions in State Law Title XLIV, Chapter 34 Section 110, by requiring a distance separation of 1,000 feet from churches, schools, and playgrounds.
- (c) The peak volume of business for tattooing facilities tends to occur when many families desire quiet, making such facilities incompatible with residential areas.
- (d) It is not the intent of this article to suppress speech activities protected by the First Amendment of the Constitution of the United States of America or to place any permissible burden on any constitutionally protected expression or expressive conduct by the enactment of this article. Rather, it is the intent of the county to enact a content neutral regulation that addresses the secondary affects of tattooing facilities by enacting location requirements to such facilities.

(Ord. No. 2006-30, § 7.2.3(7.4.1—7.4.4), 2-20-2007)

**Sec. 32-419. - Definitions.**

*Arterial road* means a major road that serves as an avenue for circulation into, out of, or around the county; typical number of average daily traffic (ADT) exceeds 5,000.

*Church* means an establishment, other than a private dwelling, where religious services are usually conducted.

*Collector road* means a road that has the primary purpose of gathering traffic from intersecting local roads and handling movements to the nearest arterial road; a secondary function is to provide direct access to abutting properties. Typical number of average daily traffic (ADT) exceeds 800.

*Existing commercial area* means any area in which three or more separate businesses, fronting the same road, are located adjacent to each other, not separated by any occupied single family residence.

*Playground* means a place, other than grounds at a private dwelling that is provided by the public or members of a community for recreation.

*Residential parcel* mean a parcel utilized primarily for single family residency or a parcel upon which a residential home is within 1,000 feet of a tattooing facility.

*School* means an establishment, other than a private dwelling, where the usual processes of education are usually conducted.

*Shopping center* means a commercial establishment consisting of multiple spaces, leased or owned, for individual businesses.

*Site plan* means the development plan for a tattooing facility on which is shown the existing and proposed conditions of the lot, including landscaping, walkways, means of ingress and egress, structures and buildings, signs and lighting, buffers and screening (if applicable), surrounding development; surrounding parcels, and any other information that may be reasonably required in order that an informed decision can be made as to whether or not the requirements of this article have been satisfied.

*Tattoo artist* means a person who practices body tattooing and who meets all state and county requirements.

*Tattoo facility* means any room, space, location, area, structure, or business, or any part of these places, where tattooing is practiced or where the business of tattooing is conducted.

*Tattoo or tattooing* means to indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments.

(Ord. No. 2006-30, § 7.5(7.5.1—7.5.12), 2-20-2007)

**Sec. 32-420. - Location requirements.**

- (a) Tattooing facilities shall not be located within 1,000 feet of a church, school, or playground. This distance shall be the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground.
- (b) In the event a parcel on which a tattooing facility is proposed to be located adjoins a residential parcel (as defined by this article), the owner of the tattooing facility shall install a fence and any necessary additional screening sufficient to prevent light, sound, and other secondary effects from negatively impacting existing residences. All plans for such fencing and/or screening shall be approved by the ~~planning director~~ community development director, or designee prior to installation.
- (c) Tattooing facilities may be located in any shopping center in the county that is not located within 1,000 feet of a church, school, or playground.
- (d) Tattooing facilities shall be located no further than ¼ mile (1,320) feet from existing commercial areas (as defined by this article).
- (e) Tattooing facilities shall locate only on arterial or collector roads, and shall be accessed directly from the road upon which the facility is located. No tattooing facility shall be located on a local road.

(Ord. No. 2006-30, § 7.6(7.6.1—7.6.5), 2-20-2007)

**Sec. 32-421. - Request for a letter of compliance.**

- (a) The owner shall request in writing that the ~~planning director~~ community development director, or designee review the location of the tattooing facility and issue a letter of compliance.
- (b) Appropriate fees, as established by resolution of the county council, shall be paid at the time of request for a letter of compliance.
- (c) The owner shall submit the following items to the ~~planning director~~ community development director, or designee at the time a formal request for a letter of compliance is made:
  - (1) A site plan showing the location of the tattooing facility, including surrounding parcels;
  - (2) A copy of a survey (stamped by a surveyor licensed by the State of South Carolina) showing that the location of the proposed tattooing facility is not less than 1,000 feet from church, playground, or school;
  - (3) The road name and classification (specifying the ADT's) on which the tattooing facility will be located;
  - (4) Proof that the tattooing facility is to be located in or within ¼ mile of an established commercial area (as defined by this article), or within an existing shopping center;
  - (5) Plans for any necessary fencing or screening, as defined in this article.

(Ord. No. 2006-30, § 7.7(7.7.1—7.7.3), 2-20-2007)

**Sec. 32-422. - Issuance of letter of compliance.**

- (a) The ~~planning director~~ community development director, or designee shall issue a letter of compliance when all requirements of this article have been met.

- (b) The letter of compliance shall not be issued, or may be revoked, if one or more of the following conditions are found to be present at any time:
- (1) The proposed tattooing facility is in violation of any portion of this article, including the section concerning location requirements;
  - (2) The proposed tattooing facility is in violation of any other county ordinance or regulation, any ordinance or regulation enforced by an administrative department, bureau, or governmental entity of the State of South Carolina, or any law or regulation of the United States of America;
  - (3) The applicant is under 18 years of age;
  - (4) The applicant has failed to provide information that is reasonably necessary and required for compliance with this article or has falsely answered a question or request for information;
  - (5) The premises to be used for the operations of the proposed tattooing facility is found to be unsafe by the rural fire chief of the county, the building official of the county, or an appropriate official of South Carolina Department of Health and Environmental Control;
  - (6) The applicant and/or the spouse of the applicant is found to be overdue in payment to the county of taxes, fees, fines, of penalties assessed against the individual, or imposed upon the individual in relation to the tattooing business;
  - (7) The applicant is more than one individual or is a corporation and it is found that any person having at least ten percent ownership in the tattooing business, any person having at least ten percent ownership interest in a corporation owning the tattooing business, or the spouse of any person having ten percent ownership in the tattooing business is overdue in payment to the county of taxes, fees, fines, of penalties assessed against the individual, or imposed upon the individual in relation to said business;
  - (8) Appropriate fees are unpaid.
- (c) A letter of compliance shall expire six months from the date that the letter was issued; however, one six month extension may be granted provided:
- (1) Request for an extension is submitted no less than ten working days prior to the expiration date of letter;
  - (2) The applicant can prove that all pertinent circumstances surrounding the proposed tattooing facility have not changed since application was made;
  - (3) The applicant provides sufficient documentation supporting the request for an extension, specifically detailing all actions to date in pursuit of the establishment of the tattooing facility.

(Ord. No. 2006-30, § 7.8(7.8.1—7.8.3), 2-20-2007)

### **Sec. 32-423. - Noncompliance.**

Any existing tattooing facility, having been duly issued a letter of compliance and subsequently found to be in violation of this article or any other county enforced regulation, shall be subject to any appropriate penalties and/or remediation, to include any additional fees as deemed appropriate by county council. Notice of all noncompliance shall be forwarded to DHEC and other appropriate authorities.

(Ord. No. 2006-30, § 7.9(7.9.1), 2-20-2007)

### **Secs. 32-424—32-514. - Reserved.**

**ARTICLE VIII - SIGN CONTROL**

[Sec. 32-515. - Title.](#)

[Sec. 32-516. - Purpose.](#)

[Sec. 32-517. - Authority.](#)

[Sec. 32-518. - Jurisdiction.](#)

[Sec. 32-519. - Terms and definitions.](#)

[Sec. 32-520. - Requirements for billboards and other commercial signs.](#)

[Sec. 32-521. - Exemptions.](#)

[Sec. 32-522. - Fees.](#)

[Sec. 32-523. - Permits.](#)

[Sec. 32-524. - Penalties.](#)

[Secs. 32-525—32-600. - Reserved.](#)

Comments/questions for the Commission to consider:

Options to consider for improving the Sign Ordinance:

-Incorporate portions of Appendix A of Ch. 38 Zoning Enabling Ordinance

-Incorporate zoning districts into ordinance. For example:

-Have a set of standards for signage within those parcels zoned RD or LRD

- Have a set of standards for signage within those parcels zoned one of Commercial/Industrial type districts, and so forth

-see the below chart as an example of what. NOTE THE INFORMATION WITHIN THE CHART WAS PLACED THERE SIMPLY AS AN EXERCISE TO EXPLORE THE LAYOUT OF CHART AND DOES NECESSARILY REFLECT ANY PROPOSALS REGARDING STANDARDS



Example - Table Regarding Sign Standards			
Zoning	Type		
	Monument	Rooftop	Banner
TRD	p	x	p
AG	p	x	p
ARD	p	x	p
CD	p	x	p
RRD	p	x	x
PRLD	p	x	x
RD	App. A Ch. 38		
LRD	App. A Ch. 38		
CCD	p	x	p
HCD	p	x	p
ID	p	x	x
MUD	p	x	p
PDD	See Sec. 38-10.15		
CFD	P	X	x
	max height of 30 feet		
	max sq ft 200		
	max height of 15 feet		
	max sq ft 75 feet		
	max height of 15 feet		
	max sq ft 75 feet		

**Research:**

See attached Sign standards for Pickens County for an idea of what other jurisdictions are doing. Their standards are not linked to zoning but it would be easy to convert by simply adding sections for each zoning district or clusters of zoning districts should the Commission consider having standards for each zoning district.

**Sec. 32-515. - Title.**

This article shall be known as the "Sign Control Ordinance of Oconee County, South Carolina."  
(Ord. No. 2007-09, § 1, 8-21-2007)

**Sec. 32-516. - Purpose.**

It is the purpose of this article to establish regulations for the safe and orderly placement, for all billboard signage in the unincorporated areas of the county; also, this article shall establish penalties such

as are necessary to discourage the violations of these standards, and to establish appropriate fees to offset costs associated with implementation.

(Ord. No. 2007-09, § 2(1), 8-21-2007)

### **Sec. 32-517. - Authority.**

This article is adopted pursuant to the provisions of S.C. Code 1976 § 4-9-30. Personnel employed by the county administrator as code enforcement officers and personnel employed by the Sheriff of the county shall be vested with the authority to enforce and administer signage control within the county in accordance with the provisions of S.C. Code 1976 § 44-67-10 et. seq and all rules and regulations adopted hereunder and the same are incorporated herein by reference as if fully set forth verbatim and as may be amended from time to time.

(Ord. No. 2007-09, § 2(2), 8-21-2007)

### **Sec. 32-518. - Jurisdiction.**

The regulations set forth in this article shall be applicable within the unincorporated areas of the county. All billboards constructed in the unincorporated areas of the county after the date of adoption of these standards shall be permitted under these regulations. Billboards existing at the time of adoption of these standards shall be considered exempt, with the exception of any structure considered abandoned, disassembled, or otherwise removed from a site.

(Ord. No. 2007-09, § 3, 8-21-2007)

### **Sec. 32-519. - Terms and definitions.**

Except where specifically defined herein, all words used in this article shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word "shall" is mandatory.

*Abandoned sign* means a sign which is not being maintained as required by S.C. Code of Laws § 57-25-110, or which is overgrown by trees or other vegetation not on the road right of way, or which has an obsolete advertising message or no advertising message for a period of six months. Any public service signage shall not be considered abandoned under this definition

*Billboard* means large format outdoor advertising displays or signs intended for viewing from extended distances. Billboards include but are not limited to 30-sheet posters, eight-sheet posters, vinyl-wrapped posters, bulletins, wall murals, and stadium/arena signage as defined by the Outdoor Advertising Association of America. Typically the sign area of a billboard ranges anywhere from 50 square feet to 672 square feet.

*Existing billboard* means for the purposes of these regulations, an 'existing billboard' shall be defined as any billboard either erected within the boundaries of the county prior to adoption of this article, or duly permitted by an agency of the county subsequent to adoption of this article.

*Four-lane road* means any public road or highway consisting of four or more travel lanes allowing traffic to flow in opposite directions, or a public road or highway consisting of two or more one-way travel lanes.

*Sign* means any sign structure or combination of sign structure and message in the form of outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, advertising structure, advertisement, logo, symbol or other form which is designated, intended or used to advertise or inform, any part of the message or informative contents of which is visible from the main traveled way. The term does not include official traffic control signs, official markers, nor specific information panels erected, caused to be erected, or approved by the South Carolina Department of Transportation.

*Sign area* means the entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

*Sign permit* means any permit, other than a building permit, obtained by an applicant from the county for the purpose of the construction or maintenance of a sign or billboard or a permit obtained for any temporary or political sign as defined by this article.

*Stacked billboards* means any billboard structure so configured to present two or more sign areas at different elevations and/or presenting two or more sign areas facing in the same direction.

*Two-lane road* means any public road or highway consisting of two travel lanes allowing traffic to flow in opposite directions. Such roads may or may not also have at various locations turning lanes, medians, islands, or other traffic control features designed to enhance the safe and efficient utilization of the thoroughfare.

(Ord. No. 2007-09, § 4, 8-21-2007)

### **Sec. 32-520. - Requirements for billboards and other commercial signs.**

- (a) All billboards erected in the unincorporated areas of Oconee County shall be permitted under the provisions of this article.
- (b) No billboard visible (other than an in an incidental manner) from a four-lane road located within the unincorporated areas of the county, shall be erected within 1,300 feet of an existing billboard located on the same road. This distance shall be measured as the shortest route of ordinary pedestrian or vehicular travel along the public though fare from the location of an existing billboard to the proposed site.
- (c) Billboards with a sign area greater than or equal to 50 square feet, but less than or equal to 75 square feet, shall be permitted on two lane roads, provided said billboards are located no less than 1,300 feet from any existing or permitted billboards. No billboards with a sign area greater than 75 square feet shall be permitted on two lane roads.
- (d) No billboard shall be located along any federal, state, or county designated scenic highways or roadways.
- (e) Billboards permitted under these regulations shall impose no obvious hazards to any drivers, pedestrians, bicyclists, or other users of any public road in the unincorporated areas of Oconee County. as such, the following materials shall be submitted to the ~~planning director~~ **community development director, or designee** at the time of application:
  - (1) A completed application form;
  - (2) A detailed site plan prepared and stamped by a surveyor licensed by the State of South Carolina, noting the proposed location of the structure, and verification that the new billboard meets with all location requirements set forth in this article;
  - (3) A set of construction plans, to include all proposed lighting features. All plans submitted shall be stamped by appropriate professionals licensed by the State of South Carolina;
  - (4) Appropriate fees.
- (e) No stacked billboards shall be permitted within the unincorporated areas of Oconee County.
- (f) An abandoned sign, as defined by this article, shall be removed by the owner of the sign or the owner of the property upon which the sign is located within 45 days of notification by an the county building official that the sign is an abandoned sign. The sign owner and/or the property owner may appeal the county's designation of the sign as an abandoned sign under this article to the magistrate's court of the county during the 45-day period to remove the sign. If the property owner files a timely appeal, the time period for removing the sign shall be tolled until the magistrate's court renders a decision. In the event that an abandoned sign is removed, the sign owner and/or the

property owner shall have the right to replace the sign with a new sign of the same size and height and for the same location for a period of six months from the date of removal.

(Ord. No. 2007-09, § 5, 8-21-2007)

### **Sec. 32-521. - Exemptions.**

Any sign or billboard with a sign area less than 50 square feet shall be exempted from these regulations.

(Ord. No. 2007-09, § 6, 8-21-2007)

### **Sec. 32-522. - Fees.**

Fees shall be established for the cost of a billboard permit by resolution of the county council from time to time.

(Ord. No. 2007-09, § 7, 8-21-2007)

### **Sec. 32-523. - Permits.**

Upon satisfactory completion of all requirements set forth in this article, the owner/agent shall be issued a land use permit by the ~~planning director~~ community development director, or designee for construction of the billboard. The land use permit shall be valid for six months from the date of issue; the owner/agent may be granted a one-time six-month extension, provided a written request is submitted to the ~~planning director~~ community development director, or designee no later than seven working days prior to the original expiration date. Request for extension shall include documentation of efforts to obtain other necessary permits and permissions needed to begin construction, specifically noting reason for extension request. Extensions shall be granted only to those projects that were delayed through no fault of the owner/agent of the billboard. The land use permit issued by the ~~planning director~~ community development director, or designee shall in no way be construed to be a building permit needed to begin construction of a sign. No building permit, or other county-issued permit, certification or approval, shall be issued for a billboard or commercial sign prior to the issuance of the land use permit.

(Ord. No. 2007-09, § 8, 8-21-2007)

### **Sec. 32-524. - Penalties.**

Any person or entity violating the regulations set forth in this article is guilty of a misdemeanor and may be fined up to \$500.00 dollars or imprisoned for 30 days or both.

(Ord. No. 2007-09, § 9, 8-21-2007)

### **Secs. 32-525—32-600. - Reserved.**

## **ARTICLE IX. - BUILDING HEIGHT REGULATIONS**

[Sec. 32-601. - Title.](#)

[Sec. 32-602. - Authority.](#)

[Sec. 32-603. - Jurisdiction.](#)

[Sec. 32-604. - Terms and definitions.](#)

[Sec. 32-605. - Requirements.](#)

[Sec. 32-606. - Exemptions.](#)

[Sec. 32-607. - Penalties.](#)

### **Sec. 32-601. - Title.**

This article shall be known as the "Building Height Regulation Ordinance."

(Ord. No. 2009-16, § 1, 9-1-2009)

### **Sec. 32-602. - Authority.**

The provisions of this article are adopted under authority of the South Carolina Local Government Comprehensive Planning Act of 1994, S.C. Code Title 6. Chapter 29.

(Ord. No. 2009-16, § 2, 9-1-2009)

### **Sec. 32-603. - Jurisdiction.**

The regulations set forth in this article shall be applicable within the unincorporated areas of Oconee County, South Carolina.

(Ord. No. 2009-16, § 3, 9-1-2009)

### **Sec. 32-604. - Terms and definitions.**

Except where specifically defined herein, all words in this article shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word "shall" is mandatory.

*Industrial District* those parcels and/or areas within the unincorporated limits of Oconee County zoned in the Industrial District.

*Structure* means any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.

*Structure height* means the vertical distance measured from the average elevation of the finished grade at the front of the Structure to the highest point of the Structure; all methods relating to the establishment of elevations, grades, and distances shall conform to those set forth in codes adopted by Oconee County. Spires, cupolas, chimneys, antennae attached to a Structure, and/or projections from

Structures, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of Structure height.

(Ord. No. 2009-16, § 4, 9-1-2009)

### **Sec. 32-605. - Requirements.**

All proposed Structures, not specifically exempted by this article [and those areas specifically designated in Sec. xx-xxx Industrial District Height Standards](#), that are greater than 65 feet in height shall be subject to review and approval by the Oconee County Board of Zoning Appeals only as a special exception. In addition to the requirements for special exceptions established in [chapter 32](#), article I of this Code, as amended, the board shall issue findings on each of the following criteria:

- (1) Projected traffic and ability of existing roadways to accommodate the increase caused by the proposed structure.
- (2) Anticipated cost of any specialized emergency response equipment and training required to serve the proposed Structure.
- (3) Potential noise, light, fumes, shadows, obstruction of air flow, and other negative secondary effects caused by the proposed Structure that may impact existing uses and/or adjacent properties.
- (4) The aesthetic and cultural character of the environs, specifically regarding any potential degradation by the proposed structure of scenic views, historic sites, significant landmarks, and other sensitive areas.
- (5) Appropriateness of proposed Structure in relation to the character of the community.

(Ord. No. 2009-16, § 5, 9-1-2009)

### [Sec. xx-xxx Industrial District Height Standards.](#)

[All permitted uses for the Industrial District as stated in Ch. 38 not specifically exempted by this article that are greater than 65 feet. This section only applies to the proposed uses/structures zoned in the Industrial District.](#)

#### [\(1\) Application Requirements:](#)

- a. [Specifications.](#) Two copies of the specifications for proposed structures and antennae, including description of design characteristics and material.
- b. [Site plan.](#) Two copies of a site plan drawn to scale showing property boundaries, structure location, structure height, existing structures, photographs and elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property
- c. [Visual impact analysis.](#) A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts. The visual impact analysis, in the form of a written report with accompanying photographs and drawings, shall assess the cumulative impacts of the proposed facility. The analysis shall identify and include all feasible mitigation measures necessary to mitigate any negative visual impact by the proposed tower. The visual impact analysis report shall include but is not limited to the following:
  1. [A photograph simulation of pre-development verses post-development views from key viewpoints surrounding the proposed site. The analysis must consider all vantage points accessible by the public.](#)
  2. [a written and submitted report](#)

(2) Review Process:

- a. The community development director or designee shall review submitted material in accordance with the provisions of Sec. 32-605
- b. The community development director, or designee may refer any application to the board for final review and approval as a special exception
- c. The community development director, or designee shall review submitted material to ensure compliance with all applicable Oconee County regulations and standards

(3) *Appeals to the board.* Whenever there is an alleged error by the community development director, or designee, in an order, requirement, decision, or determination, an applicant may request a hearing before the board. The board has the authority to correct, reverse, or uphold the decision of the community development director, or designee.

(4) Time limit for determination. Failure of the community development director, or designee, to act within 45 days from the date of the submission of a properly completed application, unless extended by mutual agreement, may be considered by applicant to be a denial of an application and may be appealed to the board.

**Sec. 32-606. - Exemptions.**

The following Structures shall be exempt from the standards governing height established by this article:

- (1) Belfries.
- (2) Chimneys.
- (3) Church spires.
- (4) Communication towers (to include amateur radio antennas).
- (5) Conveyors.
- (6) Cooling towers.
- (7) Cupolas.
- (8) Domes.
- (9) Elevator bulkheads.
- (10) Fire towers.
- (11) Flag poles.
- (12) Ornamental towers and spires.
- (13) Public monuments.
- (14) Public utility poles.
- (15) Silos.
- (16) Skylights.
- (17) Smoke stacks.
- (18) Stage towers or scenery lofts.

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

This section shall in no way exempt any structure from the application of standards or regulations contained in other chapters of this Code or other articles of this chapter.

(Ord. No. 2009-16, § 6, 9-1-2009)

**Sec. 32-607. - Penalties.**

Any violation of this article shall be considered a violation of the Oconee County Code of Ordinances and a misdemeanor, and shall be punishable as prescribed herein for each offense. Each day such violation continues shall constitute a separate offense of these regulations. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2009-16, § 7, 9-1-2009)



**Chapter 38 - ZONING** <sup>11</sup>

[ARTICLE 1. - LEGAL PROVISIONS](#)

[ARTICLE 2. - APPLICATION AND ENFORCEMENT](#)

[ARTICLE 3. - OFFICIAL ZONING MAP AND ZONING DISTRICTS](#)

[ARTICLE 4. - NONCONFORMING USES](#)

[ARTICLE 5. - CONDITIONAL USES](#)

[ARTICLE 6. - BOARD OF ZONING APPEALS](#)

[ARTICLE 7. - VARIANCES AND SPECIAL EXCEPTIONS](#)

[ARTICLE 8. - AMENDMENTS AND REZONING](#)

[ARTICLE 9. - GENERAL PROVISIONS](#)

[ARTICLE 10. - ZONING DISTRICTS](#)

[ARTICLE 11. - OVERLAY DISTRICTS](#)

[ARTICLE 12. - TERMS AND DEFINITIONS](#)

[APPENDIX A](#)

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 2012-14, § 1, adopted May 15, 2012, amended Ch. 38 to read as herein set out. Former Ch. 38, §§ 38-1.1—App. A, pertained to similar subject matter, and derived from Ord. No. 2007-18, Arts. 1—12, App. A, adopted Nov. 6, 2008; Ord. No. 2009-03, § 1(A)—(K), adopted May 19, 2009; Ord. No. 2010-21, § 1A—B, adopted Aug. 17, 2010. [\(Back\)](#)

**Cross reference**— Development agreement regulations, ch. 6, art. IV. [\(Back\)](#)

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 1. - LEGAL PROVISIONS

**ARTICLE 1. - LEGAL PROVISIONS**

[Sec. 38-1.1. - Purpose.](#)

[Sec. 38-1.2. - Authority.](#)

[Sec. 38-1.3. - Jurisdiction.](#)

[Sec. 38-1.4. - Conflicting regulations.](#)

[Sec. 38-1.5. - Severability.](#)

[Sec. 38-1.6. - Exemptions \(grandfathering\).](#)

[Sec. 38-1.7. - Effective date of chapter.](#)

**Note:**

Integration with Ch. 32 will depend on the issues that the Subcommittee/Commission wish to address. Examples can be seen in Article 11 and 38-10.11.

Also, an example of a more user friendly layout is attached at the end.

**Sec. 38-1.1. - Purpose.**

The zoning regulations and districts as set forth in this chapter have been made in accordance with the Oconee County Comprehensive Plan. These regulations are designed to lessen traffic congestion, to protect public safety, to promote the health and general welfare of the citizens of Oconee County, reduce the sprawl of development, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. These regulations have been made with reasonable consideration of the character of each community and reflect concern for protecting the property and lifestyles of all Oconee County citizens.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-1.2. - Authority.**

The provisions of this chapter are adopted under authority of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Title 6, Chapter 29.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-1.3. - Jurisdiction.**

The regulations set forth in this chapter shall be applicable within the unincorporated areas of Oconee County.

(Ord. No. 2012-14, § 1, 5-15-2012)

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 1. - LEGAL PROVISIONS

**Sec. 38-1.4. - Conflicting regulations.**

In the event that a regulation in this chapter conflicts with any other county regulation or zoning districts, the more stringent standard shall apply.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-1.5. - Severability.**

If, for any reason, one or more sections, sentences, clauses, or parts of this chapter are held unconstitutional or invalid, such decision shall not affect, impair, or invalidate the remaining provisions of this chapter and they shall remain in full force and effect.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-1.6. - Exemptions (grandfathering).**

Any lawfully existing land use or structure present at the time zoning regulations are adopted and/or amended by county council shall be exempt from these regulations or such amended regulations, respectively, until such a time as the intensity of use changes, or the use is abandoned as outlined in [section 38-4.1](#). Nonconforming (or grandfathered) uses shall be subject to the standards listed in [Article 4](#), "Nonconforming Uses", of this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-1.7. - Effective date of chapter.**

This chapter was first adopted on third and final reading of Oconee County Ordinance 2007-18 by county council on November 6, 2008, and implemented on May 1, 2009.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 2. - APPLICATION AND ENFORCEMENT

**ARTICLE 2. - APPLICATION AND ENFORCEMENT**

[Sec. 38-2.1. - General prohibition.](#)

[Sec. 38-2.2. - Zoning official.](#)

[Sec. 38-2.3. - Violations.](#)

[Sec. 38-2.4. - Zoning permit.](#)

[Sec. 38-2.5. - Temporary use certificates.](#)

[Sec. 38-2.6. - Appeals of staff decisions.](#)

[Sec. 38-2.7. - Complaints.](#)

[Sec. 38-2.8. - Cancellation of permits.](#)

[Sec. 38-2.9. - Penalties.](#)

[Sec. 38-2.10. - Zoning districts/abbreviations.](#)

**Sec. 38-2.1. - General prohibition.**

The use of all land and structures within the unincorporated jurisdiction of Oconee County shall comply with all of the provisions contained within this chapter. As such, no building or structure, no use of any building, structure, or land; and no lot of record which did not exist on the effective date of these regulations, or any amendment hereof, shall be created, established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this chapter, or such amendment, respectively. No standard set forth in this document shall in any manner be construed to conflict with the provisions of the South Carolina Right to Farm Act or the South Carolina forestry regulations in effect on the date of adoption of these regulations, or any amendment hereof.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-2.2. - Zoning official.**

The county administrator shall appoint a zoning official(s) to enforce the provisions of this chapter. County zoning officials shall keep records of all variances and amendments to this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-2.3. - Violations.**

In the event the provisions of these regulations are found to be violated, the party deemed responsible for the violation shall first be notified in writing, and ordered to discontinue the lack of conformity. Said notification shall include the specific nature of the violation, and the corrections and remedies necessary to come into compliance.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 2. - APPLICATION AND ENFORCEMENT

**Sec. 38-2.4. - Zoning permit.**

No permit shall be issued by the Oconee County Zoning Officer, their designee, or the board of zoning appeals except in conformity with the provisions of this chapter.

- (1) A zoning permit shall be issued administratively for permitted uses and uses permitted with conditions. Appropriate fees may be established by county council from time to time.
- (2) For those uses requiring a special exception, the zoning official shall not grant a zoning permit unless ordered to do so by the board of zoning appeals.
- (3) No permit shall be issued by any department or agency of Oconee County prior to certification of zoning compliance by the zoning official.
- (4) Unless specifically waived by the ~~planning director~~ community development director or his/her designee, permitted uses with conditions and uses permitted by special exception shall require a site plan review prior to the issue of a zoning permit. The zoning official may require a site plan review for permitted uses when necessary to insure compliance.
- (5) An approved site plan shall consist of two sets of plans drawn to an appropriate engineering scale, one of which shall be appropriately stamped and/or signed and returned to the applicant upon approval. The following items shall be noted on all site plans:
  - a. The shape and dimensions of the lot on which the proposed building is to be located.
  - b. The location of said lot with respect to adjacent rights-of-way.
  - c. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks.
  - d. The nature of the proposed use of the building or land, including the extent and location of the use.
  - e. The location and dimensions of off-street parking and loading space and means of ingress and egress.
  - f. The location of all required buffers.
  - g. Required driveway/encroachment permits.
  - h. A copy of any required stormwater and/or erosion control permits.
  - i. Any other information deemed necessary by staff for enforcement of the provisions of this chapter.
- (6) No permanent utility connection shall be authorized, and no certificate of occupancy will be issued, until the zoning official certifies a required site plan is complete, and an approved "as built plan" is on file.
- (7) Copies of documents related to zoning permits and board of zoning appeals activities shall be kept on file by the zoning official, and shall be subject to all provisions of the Freedom of Information Act. Appropriate fees to cover costs related to research and copying may be established by county council from time to time.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-2.5. - Temporary use certificates.**

A temporary use certificate may be issued by the zoning official. Such certificates shall be issued for a specific period of time, with none to exceed 15 days, and shall be subject to any and all limitations

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 2. - APPLICATION AND ENFORCEMENT

deemed to be necessary to protect the character of the district affected. In the event said temporary use proves to result in no apparent negative impacts, a temporary use certificate may be renewed for additional 15-day periods; however, no more than three such renewals shall be approved.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-2.6. - Appeals of staff decisions.**

Decisions made by the zoning official related to the issuance or denial of a zoning permit or temporary use certificate may be appealed to the board of zoning appeals pursuant to the South Carolina Code of Laws.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-2.7. - Complaints.**

All complaints of violations shall be submitted in writing on a form provided by the zoning official. The complaint shall include a detailed description of the alleged violation, as well as the complainant's name, address and signature. Complainants must reside within the same planning district in which the potential violation lies. All complaints shall be acted on within ten days of submission. Anonymous reports of alleged violations will not be considered valid.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-2.8. - Cancellation of permits.**

Violation of the provisions of this chapter found after the issuance of a land use permit, building permit, or other permit or certificate issued by Oconee County contingent on an approved zoning permit or temporary use certificate shall constitute a voiding or cancellation of all issued permits, and subject the applicant to the full extent of penalties provided for by law.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-2.9. - Penalties.**

Any person or entity violating the regulations set forth in this chapter is guilty of a misdemeanor and may be fined up to \$500.00 or imprisoned for 30 days or both.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-2.10. - Zoning districts/abbreviations.**

CFD	Control Free District .....	<a href="#">Section 38-10.2</a>
TRD	Traditional Rural District .....	<a href="#">Section 38-10.3</a>
RRD	Rural Residential District .....	<a href="#">Section 38-10.4</a>

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 2. - APPLICATION AND ENFORCEMENT

CD	Conservation District .....	<a href="#">Section 38-10.5</a>
AD	Agricultural District .....	<a href="#">Section 38-10.6</a>
RD	Residential District .....	<a href="#">Section 38-10.7</a>
LRD	Lake Residential District .....	<a href="#">Section 38-10.8</a>
CCD	Community Commercial District .....	<a href="#">Section 38-10.9</a>
HCD	Highway Commercial District .....	<a href="#">Section 38-10.10</a>
ID	Industrial District .....	<a href="#">Section 38-10.11</a>
ARD	Agricultural Residential District .....	<a href="#">Section 38-10.12</a>
PRLD	Public and Recreation Lands District .....	<a href="#">Section 38-10.13</a>
MUD	Mixed Use District .....	<a href="#">Section 38-10.14</a>
PDD	Planned Development District .....	<a href="#">Section 38-10.15</a>

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 3. - OFFICIAL ZONING MAP AND ZONING DISTRICTS

**ARTICLE 3. - OFFICIAL ZONING MAP AND ZONING DISTRICTS**

[Sec. 38-3.1. - Official zoning map.](#)

[Sec. 38-3.2. - Interpretation of districts' boundaries.](#)

**Sec. 38-3.1. - Official zoning map.**

The boundary of the unincorporated areas of Oconee County and all adopted zoning districts are shown on a map entitled "Official Zoning Map, Oconee County, South Carolina," which is hereby adopted and declared to be part of this chapter and incorporated herein by reference.

- (1) *Amendments* — Amendments to the official zoning map shall be made as necessary by the Oconee County Council, in accordance with the procedures outlined in this chapter and according to § 6-29-760 of the State of South Carolina Code of Laws, 1976, as amended. The map shall at all times portray the current status of the zoning district boundaries.
- (2) *Custodian map* — A reproducible copy of the official zoning map shall be kept in the office of the Oconee County Zoning Official, and copies shall be made available for inspection by the public.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-3.2. - Interpretation of districts' boundaries.**

When uncertainty exists with respect to the boundaries of a zoning district, as shown on the official zoning map, the following rules shall apply:

- (1) *Delineation* — Zoning district boundary lines are intended to follow the centerline of roadways, streams or other water channels, and follow platted lot lines or other property lines. In the absence of visual district boundaries or specified distances on the official zoning map, dimensions or distances shall be determined by the scale on the official zoning map.
- (2) *Interpretation* — In the event that the zoning official is unable to make a decision regarding the exact boundary on the official zoning map, the board of zoning appeals shall interpret the district's boundary.

(Ord. No. 2012-14, § 1, 5-15-2012)



ARTICLE 4. - NONCONFORMING USES

**ARTICLE 4. - NONCONFORMING USES**

[Sec. 38-4.0. - \[Use.\]](#)

[Sec. 38-4.1. - Discontinuation of use.](#)

[Sec. 38-4.2. - \[Nonconforming structure.\]](#)

**Sec. 38-4.0. - [Use.]**

Any usage of a parcel or structure lawful at the time these regulations or any amendment thereof become effective shall be allowed to continue as a nonconforming usage, subject to the restrictions listed herein. For purposes of this article usage shall be construed to include, without limitation and in addition to the usual meaning of the word, usage expressly and explicitly approved, indicated and stated in a deed restriction, restrictive covenant, or other form of land use restriction imposed or obtained in a private, arm's length, contractual transaction which is reduced to a matter of public record, and actually recorded as a public record, at the time of enactment of Ordinance 2007-18 on November 6, 2008.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-4.1. - Discontinuation of use.**

Any nonconforming use discontinued or abandoned for a period of 12 months or more shall void any exemption as a nonconformity, and thereafter the use shall conform to all provisions of these regulations. However, suspension of a use for longer than 12 months solely as a result of fire, flood, wind, explosion, or other calamity or Act of God; catastrophic illness or injury detrimental to the continuation of the use; or the exercise of eminent domain or other governmental act (other than that which results from criminal activity proven in a court of competent jurisdiction) shall not constitute discontinuance or abandonment. A nonconforming use may be discontinued for more than 12 months due to a national or regional recession (as recognized by competent state or national authority), or business restructuring due to bankruptcy (other than through dissolution of the business in question), provided the owner of said nonconforming use submits a request in writing to the county planning department prior to discontinuation of the nonconforming use, supported by appropriate documentation, for an extension of nonconformance for an additional 12 months. No more than three such extensions shall be granted, and if the nonconforming use has not been resumed by the end of the last such extension, the nonconforming use shall be deemed to have been abandoned or expired.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-4.2. - [Nonconforming structure.]**

In the event an alteration is proposed for any nonconforming structure, the following standards shall apply:

- (1) The altering, expanding, changing, rebuilding, or resuming of a nonconformity shall be subject to review and permitting under provisions established in this chapter.
- (2) If a nonconforming building or structure is reused or reoccupied without alteration, or an abandoned use is resumed within 12 months, no permit is required under this chapter, provided,

- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE 4. - NONCONFORMING USES

the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconformity became unused, unoccupied, or abandoned.

- (3) An expansion of a nonconforming structure that is a nonconformity solely due to dimensional setbacks shall be permitted, provided the dimensional nonconformity will not be increased.
- (4) Nonconforming buildings or structures utilized as an integral part of a business at the time of adoption of these regulations or any sequential rezoning shall be permitted to be expanded by an amount up to 50 percent of the building footprint existing at the time of adoption, as a special exception, provided:
  - a. District setback and height requirements are met, with no existing dimensional nonconformities being increased;
  - b. Any increase in excessive light, noise, dust, or other negative impacts on neighboring uses resulting from the proposed expansion are mitigated by screening, fencing, or other means necessary.
- (5) Any proposed change in usage of a "nonconforming use" may be permitted as a special exception by the board of zoning appeals, if the proposed use does not increase the effects of the existing usage in the neighborhood and all other provisions for granting a special exception are met.

For the purposes of this section, the terms "altering", "expanding" and "changing" shall be strictly construed. "Rebuilding" shall mean the rebuilding, reconstruction, or restoration of any nonconforming building or structure which was damaged or partially destroyed by fire, flood, wind, explosion, or other calamity or Act of God. "Resuming" shall mean the reusing or reoccupying of a nonconforming building or structure which was unused or unoccupied for a continuous period, or the resuming of a nonconforming use which was abandoned for a continuous period. All structures rebuilt or otherwise modified under the provisions of this chapter shall be constructed to conform to adopted codes.

(Ord. No. 2012-14, § 1, 5-15-2012)

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 5. - CONDITIONAL USES

**ARTICLE 5. - CONDITIONAL USES**

[Sec. 38-5.0. - \[Use.\]](#)

[Sec. 38-5.1. - \[Reserved.\]](#)

[Sec. 38-5.2. - Auction houses \(zoning districts: ARD, RRD, CCD, HCD\).](#)

[Sec. 38-5.3. - Bed and breakfast inns \(zoning districts: AG, CCD\).](#)

[Sec. 38-5.4. - Cemeteries and accessory uses \(zoning district: CCD\).](#)

[Sec. 38-5.6. - Conservation subdivision \(zoning districts: TRD, AG, ARD, RRD, RD, LRD, HCD\).](#)

[Sec. 38-5.7. - Home occupations \(zoning districts: TRD, AG, ARD, CD, RRD, RD, LRD, CCD, HCD\).](#)

[Sec. 38-5.8. - Motor vehicle services and repair \(zoning district: CCD\).](#)

[Sec. 38-5.9. - Outdoor retail \(zoning district: MUD\).](#)

[\[Secs. 38-5.10—38-5.16. - Reserved.\]](#)

[Sec. 38-5.17. - Restaurants \(up to 2,500 square feet\) \(zoning districts: TRD, RRD\).](#)

**Sec. 38-5.0. - [Use.]**

The standards listed in this section shall be applied in addition to any and all zoning district requirements applicable for the use specified. The zoning official may require site plans, technical specifications, and/or any other reasonable documentation necessary to verify compliance.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-5.1. - [Reserved.]**

**Sec. 38-5.2. - Auction houses (zoning districts: ARD, RRD, CCD, HCD).**

All noises, excess light, or dust shall be controlled so as not to be detrimental or cause a nuisance to nearby residential or commercial uses. A landscape plan which provides for screening and buffering of a minimum width of 15 feet shall be submitted at the time of application for a zoning permit. Parking areas shall be no closer than 15 feet from the boundary of any adjoining parcel, and bordered on adjoining sides by a landscaped area which contains an evergreen screen a minimum of four feet in height.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-5.3. - Bed and breakfast inns (zoning districts: AG, CCD).**

Off-street parking shall be provided in accordance with the average amount of expected traffic utilizing the said business. A minimum of two spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur in the rear of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 5. - CONDITIONAL USES

**Sec. 38-5.4. - Cemeteries and accessory uses (zoning district: CCD).**

Adquate ingress and egress shall be provided for and commercial cemeteries greater than 30 sites shall provide access points on two thoroughfares.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-5.6. - Conservation subdivision (zoning districts: TRD, AG, ARD, RRD, RD, LRD, HCD).**

- (a) A licensed landscape architect shall design the site layout and preliminary layout plans for the subdivision
- (b) A minimum of 50 percent of the gross area shall be preserved as green space.
- (c) Lot size may be reduced to 10,000 square feet provided that a nontraditional septic system is approved by the South Carolina Department of Health and Environmental Control (DHEC). An increase in green space by at least 15 percent shall permit the developer to decrease the minimum lot size by 20 percent (to 8,000 square feet).
- (d) Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping.
- (e) At least half of the lots shall directly abut conservation land or face conservation lands from across the street.
- (f) Covenants and restrictions governing the preservation of green space, wetlands, and other sensitive lands shall be recorded with the final subdivision plat prior to any sales. A statement assigning the home owners association responsibility for maintaining the conservation land shall be clearly placed on the final subdivision plat.
- (g) All conservation lands shall be contiguous to provide for integrated open space throughout the subdivision, excluding thoroughfares. Long thin strips of conservation land (less than 150 feet in width) shall be prohibited.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-5.7. - Home occupations (zoning districts: TRD, AG, ARD, CD, RRD, RD, LRD, CCD, HCD).**

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the said business. At a minimum, two spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur in the rear of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-5.8. - Motor vehicle services and repair (zoning district: CCD).**

Space shall be provided in the rear of the building for long term and overnight storage of vehicles. No more than three working bays shall be permitted, unless otherwise approved by the board of zoning appeals.

(Ord. No. 2012-14, § 1, 5-15-2012)

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 5. - CONDITIONAL USES

**Sec. 38-5.9. - Outdoor retail (zoning district: MUD).**

Setbacks from the roadway shall be a minimum of 50 feet. Parking shall be clearly designated area apart from the merchant stands. Fire access shall be maintained throughout the entire outdoor retail area with fire lanes and thoroughfares that are a minimum of 20 feet wide. All adjacent residential areas shall be screened or buffered so as to ensure that the visual impacts are minimized. See Appendix A for screening and buffering guidelines.

(Ord. No. 2012-14, § 1, 5-15-2012)

**[Secs. 38-5.10—38-5.16. - Reserved.]**

**Sec. 38-5.17. - Restaurants (up to 2,500 square feet) (zoning districts: TRD, RRD).**

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the said business. A minimum of ten spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur to the rear or side of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 6. - BOARD OF ZONING APPEALS

**ARTICLE 6. - BOARD OF ZONING APPEALS**

[Sec. 38-6.1. - References.](#)

[Sec. 38-6.2. - Responsibilities.](#)

**Sec. 38-6.1. - References.**

All references within these regulations to the board of zoning appeals shall be considered to indicate the Oconee County Board of Zoning Appeals, created under the provisions of Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-6.2. - Responsibilities.**

The board of zoning appeals shall:

- (1) Hear all appeals, request for variances, and special exceptions from these regulations, in accordance with the Code of Laws of South Carolina, Title 6, [Chapter 29](#) and the adopted bylaws of the board of zoning appeals.
- (2) Hear and decide appeals where there is an alleged error in any order, or decisions made by the zoning official or designated staff.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 7. - VARIANCES AND SPECIAL EXCEPTIONS

**ARTICLE 7. - VARIANCES AND SPECIAL EXCEPTIONS**

[Sec. 38-7.1. - Variances.](#)

[Sec. 38-7.2. - Special exceptions.](#)

**Sec. 38-7.1. - Variances.**

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board of zoning appeals makes and explains in writing the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) These conditions do not generally apply to other property in the vicinity;
- (3) Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (4) The authorization of a variance will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
  - a. The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
  - b. The board of zoning appeals may grant a variance to extend physically an existing nonconforming use provided that the expansion does not adversely affect the character of the community and is designed so as to minimize any negative secondary impacts.
  - c. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-7.2. - Special exceptions.**

The board of zoning appeals may grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The board of zoning appeals shall among other things require that any proposed use and location be:

- (1) In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the special exception is being requested;
- (2) In the best interests of the county, the convenience of the community and the public welfare;

- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE 7. - VARIANCES AND SPECIAL EXCEPTIONS

- (3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
- (4) Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards.

The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)



ARTICLE 8. - AMENDMENTS AND REZONING

**ARTICLE 8. - AMENDMENTS AND REZONING**

[Sec. 38-8.1. - Consideration by planning commission and county council.](#)

[Sec. 38-8.2. - Public notice requirements.](#)

[Sec. 38-8.3. - Reconsideration of request for amendment.](#)

[Sec. 38-8.4. - Effective date of change.](#)

[Sec. 38-8.5. - Methods of initial rezoning.](#)

[Sec. 38-8.6. - Subsequent rezoning.](#)

**Sec. 38-8.1. - Consideration by planning commission and county council.**

All proposed amendments to these regulations, official zoning map, or any other part of this document shall be reviewed by the Oconee County Planning Commission, who shall issue a recommendation to county council. Upon receipt of the planning commission report, county council shall act on the proposed amendment within 60 days.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-8.2. - Public notice requirements.**

- (a) *Public hearings.* County council shall conduct all required public hearings for amendments and rezoning. No amendment to these regulations or official zoning map shall be considered for third and final reading until after the public notice and hearing requirements set forth in the South Carolina Code of Laws and this chapter have been met.
- (b) *Notice of hearing.* Notice of public hearing shall be published in a newspaper of general circulation at least 15 days prior to hearing. The notice shall carry an appropriate descriptive title and shall state the time, date, and place of the hearing. All interested parties shall be heard at the public hearing.
- (c) *Posting.* Pursuant to the provisions of the South Carolina Code of Laws, signs noting a rezoning for the small area method shall be posted on or adjacent to affected parcels along public thoroughfares. In the event less than ten effected parcels are so situated as to share frontage along the same public thoroughfare, a sign shall be located on each parcel, provided no two signs are closer than 100 feet of each other. In the event ten or more affected parcels are so situated as to share frontage along the same public thoroughfare, or any number of parcels are located off of the public thoroughfare, signs shall be posted as close as is practical in a manner sufficient to insure due public notice. At a minimum, signs shall be posted at the beginning and end of any continuous shared public frontage, with no more than one mile between signs; at least one sign shall be visible from all directions in each intersection adjacent to a parcel for which rezoning is proposed. The rezoning of lands owned by the United States, the State of South Carolina, Public Universities, or Oconee County shall be posted at any major identifying signs stating the identification of the property; in the event that no signs are present, state posting guidelines shall be followed. For all other rezoning, state posting guidelines shall be followed.
- (d) *Notification of property owners.* A written notice containing all pertinent information related to any public hearing shall be sent by first class mail to the registered owner of each affected parcel at least 15 days prior to the event. For the purposes of this section, the name and address of the owner of the parcel shall be that listed on tax records maintained by the Oconee County Tax Assessor.

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 8. - AMENDMENTS AND REZONING

- (e) *Action by council.* After conducting a duly advertised public hearing, county council shall consider all information presented at the hearing, staff review, and the recommendation received from the Oconee County Planning Commission, prior to making their decision.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-8.3. - Reconsideration of request for amendment.**

When county council shall have denied a request for an amendment to this chapter, it shall not consider the same or a less restrictive reclassification for an amendment affecting the same property until one year from the date of said denial. A more restrictive classification is not subject to the one-year period.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-8.4. - Effective date of change.**

Any ordinance effecting a change in the text of the zoning chapter or zoning maps shall become effective upon final adoption by council.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-8.5. - Methods of initial rezoning.**

Upon adoption of this chapter, rezoning of a parcel or group of parcels shall be initiated by one of the following methods:

(1) *Method 1—Planning district request initiated by citizens.*

- a. Any group of citizens living within any planning district described within this section may petition for initial rezoning for the entirety of their district. The planning districts, which are based on the approximate boundaries traditionally used by local fire stations as service areas, are as follows:

1. Oakway District
2. Salem District
3. Corinth-Shiloh District
4. Mountain Rest District
5. Walhalla District
6. Westminster District
7. Seneca District
8. Fair Play District
9. Long Creek District
10. Cleveland District
11. Keowee Ebenezer District
12. Friendship District
13. Cross Roads District

ARTICLE 8. - AMENDMENTS AND REZONING

14. Picket Post-Camp Oak District
15. South Union District
16. West Union District
17. Keowee District

The boundaries of each planning district shall conform to the exterior property line of all parcels lying within; in no instance shall a single parcel lie in more than one planning district. Parcels shall be assigned to a planning district based on the location of its centroid, which shall be determined by the Oconee County Geographic Information System (GIS). The boundaries of the various planning districts are shown on the map of planning districts, which shall be adopted as part of these standards.

- b. Petitions by citizens to county council to initiate a rezoning of an entire planning district shall be made in the following manner:
  1. Citizen petition. Citizens wishing council to amend the map of their planning district shall acquire the signatures of a minimum of 15 percent of the owners of parcels lying within the boundaries of the said planning district. The petition shall contain the following statement of support:
  2. "I hereby certify that I own a parcel lying within the \_\_\_\_\_ Planning District, and I support the consideration by Oconee County Council of amending the zoning map."
  3. Presentation to county council. If county council finds the petition is within the parameters of this chapter, they may direct the planning commission and planning department to proceed with amending the zoning chapter and map. Council may take first reading, in title only, on the zoning amendments at this time.
  4. Review of land use map. The planning commission shall undertake a review of the district's portion of the future land use map.
  5. Initial zoning meeting in district. Following the review of the future land use map, the planning department will schedule a public meeting to begin working with citizens to develop a proposed zoning map. Nominations for the district planning advisory committee will be called for at this time.
  6. Appointment of district planning advisory committee. County council will review the nominations for the district planning advisory committee and appoint individuals to the committee. The committee shall consist of seven owners of parcels lying within the district. The committee shall elect a chair who shall conduct committee meetings, call subsequent meetings as necessary, and set forth the agenda for subsequent meetings.
  7. Creation of proposed district zoning map. With assistance from planning staff, the district planning advisory committee will use the future land use map as a guide in creating proposed changes to the district's portion of the official zoning map. All proposed amendments shall be chosen from the zoning districts and their corresponding regulations established in this chapter.
  8. Planning commission review of proposed zoning map. When completed, the committee shall present their draft map to the planning commission for review. The planning commission shall review the changes to ensure that they are compatible with the comprehensive plan. During this time, the planning department shall mail a survey to all district property owners soliciting their opinion of the proposed changes, with a

ARTICLE 8. - AMENDMENTS AND REZONING

deadline to respond of 30 days. At the end of the survey period, the commission shall forward a recommendation regarding the proposed changes to county council. A positive recommendation of the commission shall require both a finding of compliance with the comprehensive plan, and a minimum of 51 percent of the returned responses to the survey favoring the proposed changes.

9. Consideration of recommendation. County council shall consider the proposed zoning map amendments and may take second reading on the chapter at this time.
10. Comment period. A comment period of no less than 30 days shall be held at this time.
11. Consideration of survey results by county council. Upon the completion of the comment period, county council may hold a public hearing on the proposed amendments. Once the public hearing has been completed, county council may take third and final reading of an ordinance to amend the planning districts portions of the official zoning map.
12. Failed attempts to amend the zoning chapter. In the event county council formally rejects a citizen-initiated petition to amend a planning district's portion of the official zoning map for any reason, a new attempt to amend the map through citizen petition shall not be considered sooner than two years from the date of council's decision.

(2) *Method 2—Small area rezoning.*

- a. This method of rezoning shall be initiated by a signed petition containing signatures of one or more of the listed property owners of a minimum of 51 percent of the affected properties in the area in question established by one of the following two methods, chosen by the petitioner.
  1. Any property owner, or group of property owners of parcels, with a combined minimum ownership of at least 200 acres may petition county council for initial rezoning, provided the petition[s] include at least 51 percent of the property owners of the properties in question signed by one or more of the property owners of each [as stated above] representing a minimum of 75 percent of the acreage within the established boundary for the rezoning request.
  2. Any property owner, or group of property owners, may petition county council for initial rezoning, provided the platted subdivision(s) proposed for rezoning is recorded in the office of the Oconee County Register of Deeds and/or is an area with all parcels 1.5 acres or less, and provided the proposal for rezoning is contiguous with a total area of at least 25 acres, or contains a minimum of 20 parcels.
- b. Upon obtaining 51 percent of the required signatures for a method chosen above, petitioners may add any parcel that is contiguous to such active rezoning request as long as there is a favorable petition (as described herein) for such parcel(s).
- c. Parcels totally encompassed by a small area rezoning request, which in their own rights are now unable to meet the minimum requirements of the two methods described above, shall be included by staff in such small area request, as part of the request, prior to first reading, if their inclusion would not defeat the 51 percent requirement of this section.
- d. In addition, any property owner owning a parcel, currently in the control free district, which is contiguous to parcels that have already been rezoned from the control free district, may petition (as described herein) to rezone their parcel(s) provided the requested rezoning is similar in nature to that which has been previously adopted for the contiguous area.
- e. For the purposes of this chapter, in addition to standard definitions, parcels separated by a perennial stream or a cove within a body of water shall be considered contiguous.

ARTICLE 8. - AMENDMENTS AND REZONING

f. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in [section 38-8.1](#) (above), and public notice requirements contained in [section 38-8.2](#) (above), as well as other applicable standards established by the South Carolina Code of Laws, 1976, as amended. Citizens who cannot meet the standards established under this method may utilize method 1 or method 3 as an alternative option.

(3) *Method 3—County initiated.* The governing body of the county may at any time after adoption of these standards rezone any parcel or parcels owned or maintained by Oconee County. Additionally, county council may at any time rezone any parcel or group of parcels to bring them into compliance with the goals established in the Oconee County Comprehensive Plan. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in [section 38-8.1](#) (above), and public notice requirements contained in [section 38-8.2](#) (above), as well as other applicable standards established by the South Carolina Code of Laws, 1976, as amended.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-8.6. - Subsequent rezoning.**

(a) Subsequent to the initial change of zoning of any parcel or group of parcels following adoption of these regulations, any individual property owner may make application for rezoning of a parcel(s). All such rezonings shall be subject to the standards set forth in these regulations and South Carolina Code of Laws, 1976, as amended.

(b) Notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone a parcel or group of parcels pursuant to the goals established in the Oconee County Comprehensive Plan.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Provide options to address Split-Zoning.**

**Options:**

**1. Allow Split Zoning:**

a. If not a combination of two or more parcels, a survey of the area of a parcel that for which a rezoning request has made where the requested zoning classification differs from said parcel

**2. Allow in Degrees:**

a. Allow for combinations/recombination

i. Allow with different zoning districts

ii. Allow with different zoning districts but the most restrictive applies to the entire parcel

b. Not allow a split zoning request where a request has been made for a portion of a parcel

**3. Not Allow Split Zoning in any form:**

a. This would require that all plats/deeds be reviewed by staff before the documents could be recorded with the Register of Deeds Office

ARTICLE 9. - GENERAL PROVISIONS

**ARTICLE 9. - GENERAL PROVISIONS**

[Sec. 38-9.1. - Use interpretation.](#)

[Sec. 38-9.2. - Zoning map interpretation.](#)

[Sec. 38-9.3. - Dimensional requirements: General provisions and exceptions.](#)

[Sec. 38-9.4. - Height.](#)

[Sec. 38-9.5. - Other requirements.](#)

**Sec. 38-9.1. - Use interpretation.**

- (a) Each zoning district has uses permitted by right, conditional uses, and special exception uses. Lists are shown for each district placing uses under one of the three categories. Uses not expressly permitted are prohibited. The following describes the processes of each of the three categories that the uses are subject to:
- (1) *Uses permitted by right:* Administrative review and approval subject to district provisions and other applicable requirements only.
  - (2) *Conditional uses:* Administrative review and approval subject to district provisions, other applicable requirements, and conditions outlined in this chapter.
  - (3) *Special exceptions:* The board of zoning appeals review and approval is subject to any and all district provisions, other applicable requirements, and conditions of approval. Some special exceptions may also be subject to conditions in this chapter. Those uses currently governed by the Unified Performance Standards Sections of the Oconee County Code of Ordinances as special exceptions shall be governed by those standards unless otherwise noted in this chapter.
- (b) A mix of two or more uses on the same lot of record is permitted as long as both uses are listed as permitted within the zoning district. The requirements for the most restricted use shall apply. For example, if "Use A" is permitted by right and "Use B" is permitted with a special exception, then the property requires a special exception for both uses.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-9.2. - Zoning map interpretation.**

The map entitled Oconee County Official Zoning Map, as adopted and amended by the Oconee County Council establishes the official zoning districts and overlay districts. Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the zoning official shall employ the following rules of interpretation.

- (1) *Centerline:* Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be the centerline of such street or alley right-of-way, railroad right-of-way, or utility easement boundary. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 9. - GENERAL PROVISIONS

- (2) *Edge line*: Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the centerline of such street or alley right-of-way, railroad right-of-way, or utility easement boundary.
- (3) *Lot line*: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- (4) *County/municipal limits*: Boundaries indicated as approximately following county/municipal limits or extraterritorial boundary lines shall be construed as following the county/municipal limits or extraterritorial boundary lines.
- (5) *Watercourses*: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (6) *Extensions*: Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
- (7) *Scaling*: In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.
- (8) In the event physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are different than those shown on the official zoning map, the board of zoning appeals shall have the authority to interpret zoning district boundaries.

(Ord. No. 2012-14, § 1, 5-15-2012)

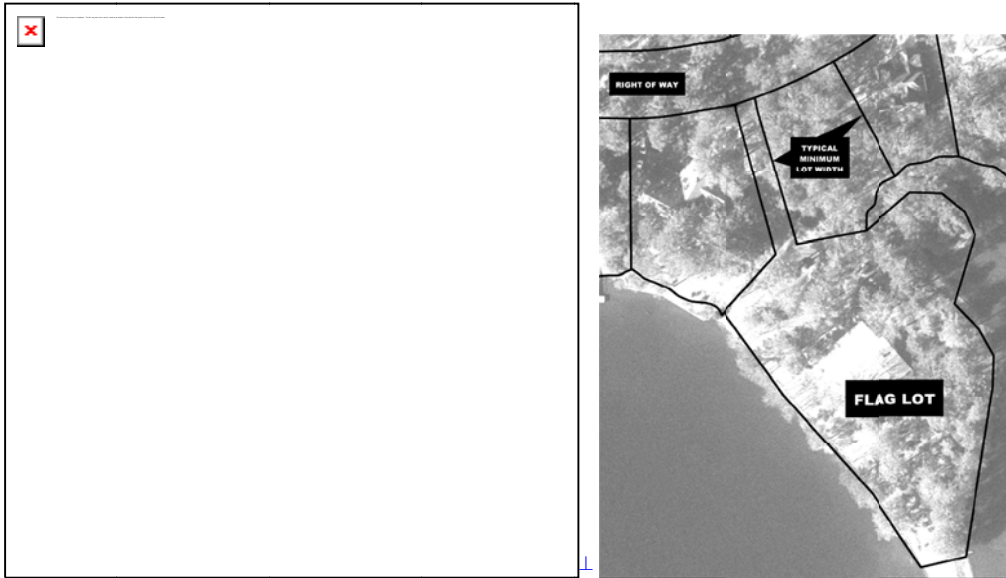
**Sec. 38-9.3. - Dimensional requirements: General provisions and exceptions.**

In addition to the dimensional requirements listed below and district dimensional requirements, further dimensional requirements may be set forth in [Article 5](#) for those uses listed as conditional. The control free district shall be exempt from the provisions of this section.

- (1) *Lot size and configuration*.
  - a. Public utilities and government uses shall not be subject to the minimum lot size requirements, but shall meet the setback requirements.

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 9. - GENERAL PROVISIONS



- b. A flag lot shall contain no more than two single-family dwellings and uninhabited accessory structures. Flag lots may be permitted under the following conditions:
1. The maximum flagpole length shall be 300 feet.
  2. The minimum flagpole width shall be 30 feet;
  3. The front setback shall be measured from where the lot meets the district minimum width requirements.
  4. The flagpole portion of the lot shall not be used to calculate area, width, or setbacks of the lot or to provide off-street parking.
  5. There shall be no more than one flag lot per each four lots, per subdivision or development.

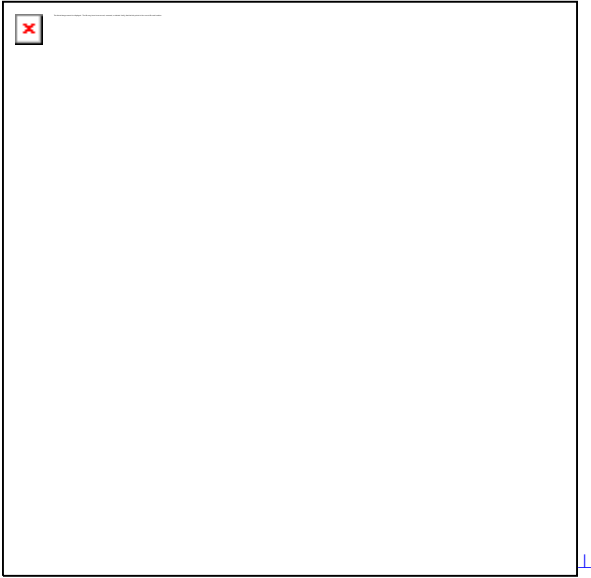
(2) *Setbacks.*

- a. The required front, side, and rear yards for individual lots shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable" area within which the approved structure(s) shall be placed.



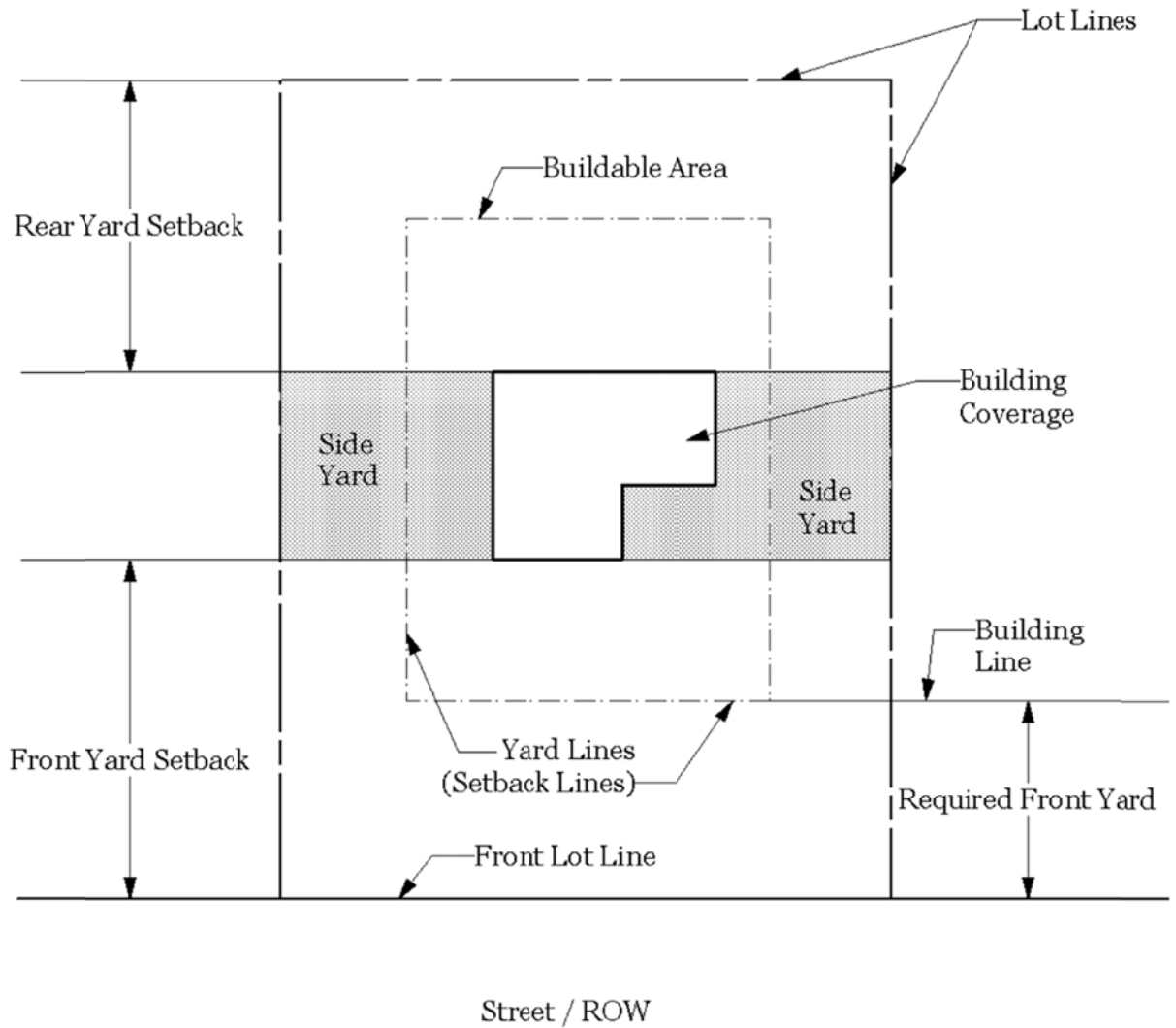
- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 9. - GENERAL PROVISIONS



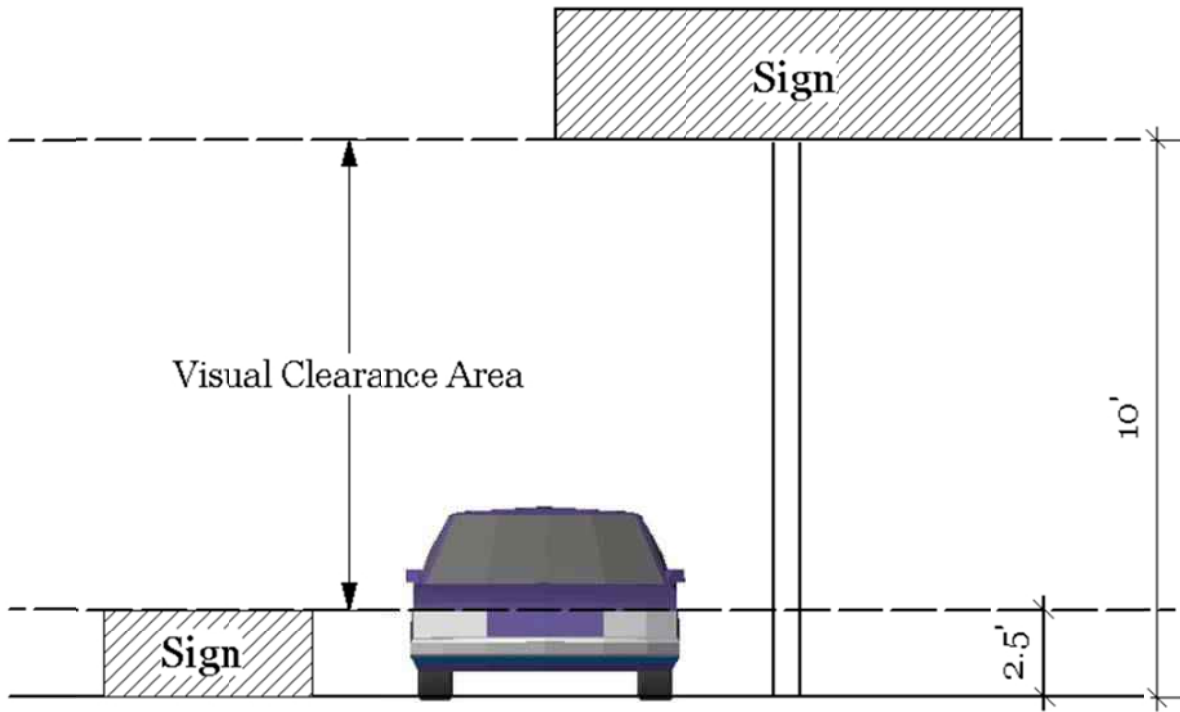
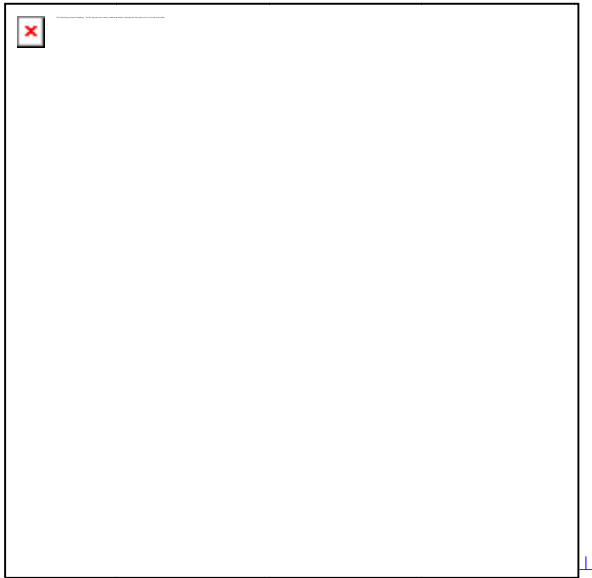
- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 9. - GENERAL PROVISIONS



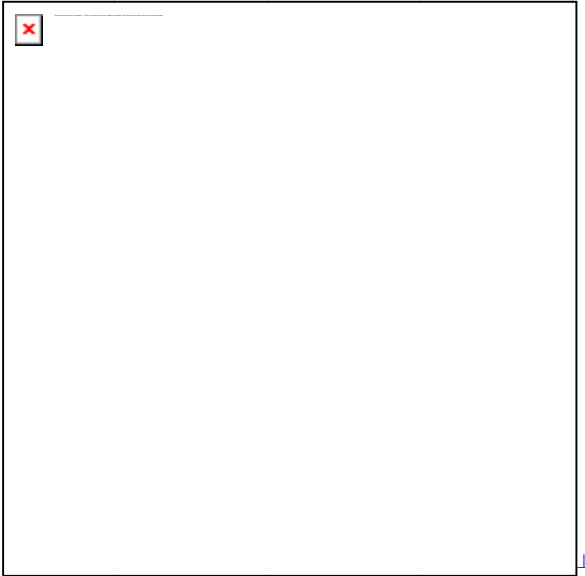
- b. Where a property abuts a street right-of-way, the setback shall be measured from the right-of-way line.
- c. Corner lots shall be considered to have two fronts and shall meet the front setback for the district.
- d. Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.
- e. Road design and encroachment criteria is governed by the standards in [Chapter 26](#), of the Oconee County Code of Ordinances, as amended.

ARTICLE 9. - GENERAL PROVISIONS

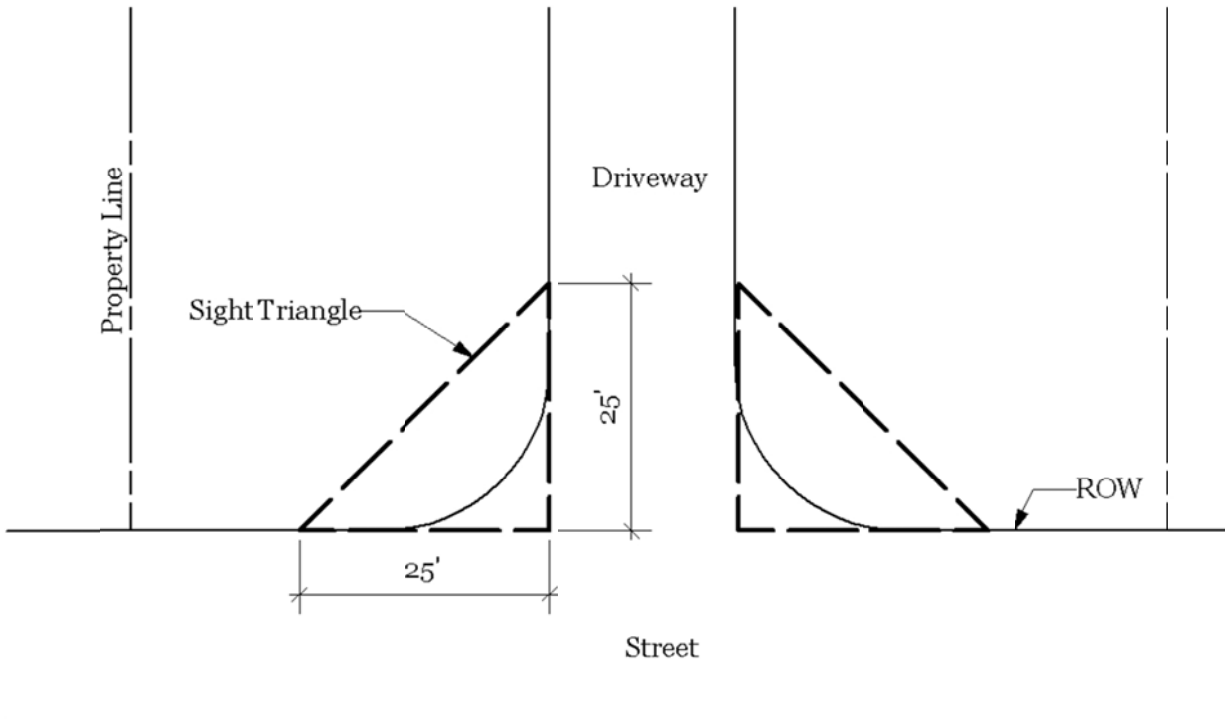


Visual Clearance Illustration

ARTICLE 9. - GENERAL PROVISIONS



Sight Triangle Illustration



- f. Any garage door shall be set back a minimum of 20 feet from the property line that it faces so that vehicles may be parked in the driveway without encroaching into the right-of-way. If the district setback is greater than 20 feet, then the more restrictive setback shall prevail.

- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE 9. - GENERAL PROVISIONS

- g. The side and rear setbacks in the CCD and HCD shall not apply to the shared property line of attached buildings.
- h. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.
- i. Steps and heating and cooling units may project into a required yard a distance not to exceed five feet but no closer than five feet of a property line. Fences, freestanding walls, hedges, and septic lines may be located in any setback, so long as they remain on the property.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-9.4. - Height.**

- (a) The height of a building or structure shall be measured according to methods provided for in adopted building codes. The height of a tree shall be measured as the distance from the ground at the base to the highest point of vegetation.
- (b) The height limitations of this chapter shall not apply to the following:
  - (1) Belfries.
  - (2) Chimneys.
  - (3) Church spires.
  - (4) Conveyors.
  - (5) Cooling towers.
  - (6) Cupolas.
  - (7) Domes.
  - (8) Elevator bulkheads.
  - (9) Fire towers.
  - (10) Flag poles.
  - (11) Ornamental towers and spires.
  - (12) Public monuments.
  - (13) Public utility poles.
  - (14) Silos.
  - (15) Skylights.
  - (16) Smoke stacks.
  - (17) Stage towers or scenery lofts.

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

- (c) Communication towers, antennas, and water tanks shall be exempt from district height requirements in these standards, but shall instead be subject to standards provided for in the Oconee County

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 9. - GENERAL PROVISIONS

Unified Performance Standards Chapters of the Oconee County Code of Ordinances; however, all other district dimensional standards shall apply as specified.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-9.5. - Other requirements.**

In addition to zoning district regulations see the following sections for other requirements:

- (1) See [Article 5](#) for "Conditional uses".
- (2) See [Article 7](#) for "Special exceptions".
- (3) See Appendix A for specifications on "Landscaping", "Buffering", "Parking", "Lighting", and "Signage". Standards contained on Appendix A shall apply only to those zoning districts or overlay districts specifically identified in [Article 10](#), "Zoning District", and [Article 11](#), "Overlay Districts", as being subject to Appendix A, each of which may be subject to all or part of the entire appendix, but only as specified. In no instance shall standards contained in Appendix A apply to any zoning district or overlay district unless so specified in such sections.
- (4) Notwithstanding any other provision herein to the contrary, proposed utility generation facilities and structures needed by regional and local utility providers in the production, transmission, and distribution of electricity, natural gas, water, or sewer services, as well as any facility or structure necessary to comply with any federal or state license requirements, related to such production, transmission, ~~and~~ distribution, [safety and security of utility generation facilities](#) shall be permitted by right in any district and shall be exempt from any standard set forth in this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

**ARTICLE 10. - ZONING DISTRICTS**

[Sec. 38-10.1. - Establishment of base zoning districts.](#)

[Sec. 38-10.2. - Control free district \(CFD\).](#)

[Sec. 38-10.3. - Traditional rural district \(TRD\).](#)

[Sec. 38-10.4. - Rural residential district \(RRD\).](#)

[Sec. 38-10.5. - Conservation district \(CD\).](#)

[Sec. 38-10.6. - Agriculture district \(AD\).](#)

[Sec. 38-10.7. - Residential district \(RD\).](#)

[Sec. 38-10.8. - Lake residential district \(LRD\).](#)

[Sec. 38-10.9. - Community commercial district \(CCD\).](#)

[Sec. 38-10.10. - Highway commercial district \(HCD\).](#)

[Sec. 38-10.11. - Industrial district \(ID\).](#)

[Sec. 38-10.12. - Agricultural residential district \(ARD\).](#)

[Sec. 38-10.13. - Public and/or recreation lands district \(PRLD\).](#)

[Sec. 38-10.14. - Mixed use district \(MUD\).](#)

[Sec. 38-10.15. - Planned development district \(PDD\).](#)

**Sec. 38-10.1. - Establishment of base zoning districts.**

Base zoning districts are created to provide comprehensive land use regulations throughout Oconee County. There are 14 base zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located in accordance with the Oconee County Comprehensive Plan. All permitted, conditional, and special exceptions are identified in the zoning use matrix. All conditional uses shall meet the guidelines established in [Article 5](#) of this chapter. Likewise, all special exceptions shall meet the guidelines established in [Article 6](#) of this chapter. For the purpose of this chapter, Oconee County is hereby divided into the following base zoning districts. These districts shall comply with all of the general and specific requirements of this chapter.

CFD	Control Free District .....	<a href="#">Section 38-10.2</a>
TRD	Traditional Rural District .....	<a href="#">Section 38-10.3</a>
RRD	Rural Residential District .....	<a href="#">Section 38-10.4</a>
CD	Conservation District .....	<a href="#">Section 38-10.5</a>

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

AD	Agricultural District .....	<a href="#">Section 38-10.6</a>
RD	Residential District .....	<a href="#">Section 38-10.7</a>
LRD	Lake Residential District .....	<a href="#">Section 38-10.8</a>
CCD	Community Commercial District .....	<a href="#">Section 38-10.9</a>
HCD	Highway Commercial District .....	<a href="#">Section 38-10.10</a>
ID	Industrial District .....	<a href="#">Section 38-10.11</a>
ARD	Agricultural Residential District .....	<a href="#">Section 38-10.12</a>
PRLD	Public and Recreation Lands District .....	<a href="#">Section 38-10.13</a>
MUD	Mixed Use District .....	<a href="#">Section 38-10.14</a>
PDD	Planned Development District .....	<a href="#">Section 38-10.15</a>

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.2. - Control free district (CFD).**

The usage of parcels within areas designated as "control free" shall not be regulated by this chapter; however, said usage shall comply with all adopted performance standards, overlay districts, or any other applicable ordinance of Oconee County or chapter of the Oconee County Code of Ordinances. The control free district is intended to be the initial zoning district for all parcels within the jurisdiction at the time of initial adoption of zoning in Oconee County, only; any parcel subsequently rezoned to any other district shall not be a part of the control free district at any future date.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.3. - Traditional rural district (TRD).**

*Title:* Traditional rural district.

*Definition:* Parcels located in areas with little or no commercial, industrial, or other significant development; residential development is primarily limited to single-family dwellings. Public infrastructure is limited.



- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

*Intent:* This district is meant to provide for a continuation of traditional lifestyles in sparsely populated areas with low intensity commercial, industrial, or other development; and to preserve the character of more remote rural areas. Additionally, residents of traditional rural areas typically have access to fewer public conveniences than more urban areas, but retain greater freedom in the manner in which they use their land.

*Dimensional requirements:\**

Residential uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. lot size	Max. Density	Min. width (ft.)	Front setback (ft.)	Side setback (ft.)	Rear setback (ft.)	Structure height (ft.)
	½ acre (21,780 sf)	2 dwellings per acre	80	35	10	20	
Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)		80	35	10	20	

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.4. - Rural residential district (RRD).**

*Title:* Rural residential district.

*Definition:* Those areas wanting to protect the rural nature of their community but allow for limited residential growth.

*Intent:* The intent of this district is to allow for residential development in rural areas that wish to minimize the impact of dense residential development.

*Dimensional requirements:\**

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres	1 dwelling per 5 acres	400	35	20	50	65
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres		600	35	20	50	65

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.5. - Conservation district (CD).**

*Title:* Conservation district.

*Definition:* Those areas designated for preservation and protection.

*Intent:* This district is intended to protect and promote the continuation of Oconee County's natural resources.

*Dimensional requirements:\**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	10	1 dwelling per	600	35	20	50	65

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

	acres	10 acres					
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	
	10 acres	600	35	20	50	65	

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.6. - Agriculture district (AD).**

*Title:* Agriculture district.

*Definition:* Those areas in which rural lifestyles have traditionally been and continue to be intertwined with agricultural activity and production which has a significant economic impact to the area and Oconee County.

*Intent:* Agricultural districts are intended for the protection of farm land in Oconee County while ensuring sufficient residential and commercial development opportunities exist to serve the needs of citizens living in those areas.

*Dimensional requirements:\**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	35	10	20	
Nonresidential	Minimum Lot Size			Minimum Yard Requirements			Max. Height

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Uses	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	100	35	10	20	

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.7. - Residential district (RD).**

*Title:* Residential district.

*Definition:* Those areas where the primary land use is single family residential.

*Intent:* This district is intended to provide for residential single family development in the county and for those related uses that are normally associated with residential communities. Those uses that may generate negative secondary effects impacting life shall be discouraged.

*Dimensional requirements:\**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
¼ acre (10,890 sf) Utilities Available	4 dwellings per acre	80	<u>25</u>	5	10	65	
½ acre Utilities not available	2 dwellings per acre	80	<u>25</u>	5	10	65	
Nonresidential	Minimum Lot Size			Minimum Yard			Max. Height

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Uses			Requirements			
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre or ½ acre depending on availability of utilities	80	35	10	<a href="#">30</a>	65

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.8. - Lake residential district (LRD).**

*Title:* Lake residential district.

*Definition:* Those areas around the lakes where the primary land is single family residential with limited multi-family residential use.

*Intent:* This district is intended to provide for residential single family development around the lakes and for those related uses that are normally associated with lake residential communities. Those uses that may generate negative secondary effects impacting the quality of life shall be discouraged.

*Dimensional requirements:\**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sf) Utilities Available	4 dwellings per acre	80	<a href="#">25</a>	5	10	65
	½ acre Utilities not	2 dwellings	80	<a href="#">25</a>	5	10	65

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

	available	per acre					
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre or ½ acre depending on availability of utilities		80	35	10	<a href="#">30</a>	65

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.9. - Community commercial district (CCD).**

*Title:* Community commercial district.

*Definition:* Those areas well suited to supporting low intensity commercial activity centered around providing service to the adjacent community.

*Intent:* This district is intended to protect rural areas, while allowing for the development of commercial and business establishments that are low intensity and provide basic goods and services to the surrounding community.

*Dimensional requirements:\**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

	1 acre (43,560 sf)	1 dwelling per acre	100	<a href="#">25</a>	5	10	
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)		100	<a href="#">25</a>	5	10	

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.10. - Highway commercial district (HCD).**

*Title:* Highway commercial district.

*Definition:* Those areas well suited for higher intensity more regional scale commercial activity typically found adjacent to major highways and intersections.

*Intent:* This district is intended to provide commercial goods and services to a larger service area at a more regional scale. The uses are much more intense than what would be expected in a community commercial district.

*Dimensional requirements:\**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/6 acre (7,260 sf)	6 dwellings per acre	70	<a href="#">25</a>	5	10	

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sf)	70	<a href="#">30</a>	5	10	

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.11. - Industrial district (ID).**

*Title:* Industrial district.

*Definition:* Those areas suited for light and/or heavy industries.

*Intent:* The intent of this district is to provide for the industrial and commercial needs of Oconee County while protecting other uses from potential negative impacts associated with such activities.

*Dimensional requirements:\**

ID District	Minimum District Size		Minimum District Buffer			Max. Height
	10 Acres		50 feet			<a href="#">Ch. 32 Art. 9</a>
Nonresidential Uses (interior lots)	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	90	<a href="#">30</a>	10	<a href="#">15</a>	<a href="#">Ch. 32 Art. 9</a>



- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

\*See [Article 9](#) for general provisions and exceptions to Dimensional Requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.12. - Agricultural residential district (ARD).**

*Title:* Agricultural residential district (ARD).

*Definition:* Those areas for which it is desirable to protect the residential nature of their agricultural community, but also allow for the continuation of certain uses compatible with country living.

*Intent:* The intent of this district is to protect existing residential areas in rural communities by limiting high-density development, and high impact agricultural, commercial and industrial uses not compatible with the character of the community. In general, many residents in these areas still participate in farming-related activities, but do so primarily on a part time basis, for either personal enjoyment or supplementing their primary income through gardening, keeping a small number of livestock or poultry, or other agricultural pursuits.

*Dimensional requirements:\**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre	1 dwelling unit per acre	80	35	5	10	65
Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	
	1 acre with availability of utilities	80	35	10	<a href="#">30</a>	65	

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.13. - Public and/or recreation lands district (PRLD).**

*Title:* Public and recreation lands district.

*Definition:* Those areas set aside for the promotion, use, and protection of natural resources in the form of (but not limited to) parks, forests, and educational or research facilities; or federal, state, and county owned lands typically maintained for the benefit of the public.

*Intent:* This district is meant to provide for a continuation and identification of public lands and to allow for those uses typically associated with accomplishing the mission of the agency charged with the care and promotion of the land.

*Dimensional requirements:* See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.14. - Mixed use district (MUD).**

*Title:* Mixed use district.

*Definition:* Those areas in which a mix of uses situated adjacent or nearby imposes no significant negative impacts, with the proximity of the activities associated with the development enhancing the surrounding properties.

*Intent:* This district is intended to provide for the development of mixed-use projects, as well as the continuation of, or expansion of, areas comprised of a blend of compatible uses.

*Dimensional requirements:\**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre	2 units per acre	100	<a href="#">25</a>	5	10	65
Non-residential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size	Min.	Front	Side	Rear	Structure	

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

		Width (ft.)	Setback (ft.)	Setback (ft.)	Setback (ft.)	Height (ft.)
	½ acre	100	<a href="#">25</a>	5	10	65

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-10.15. - Planned development district (PDD).**

*Title:* Planned development district.

*Definition:* Those areas suitable for relatively intense mixed-use development that offers significant amounts of open space and designed amenities that enhance the surrounding scenic, natural, and cultural characteristics.

*Intent:* This district is intended to allow flexibility in development that will result in improved design, character, and quality of new mixed-use developments in order to preserve natural and scenic features of open spaces that might be negatively impacted by more restrictive zoning districts.

*Definitions:* For the purposes of this district, the following definitions shall apply.

- (1) *Impervious surface ratio (ISR)*—The ratio of impervious surface area to a development's total area (ISR = Area of Impervious Surface/Total Project Area).
- (2) *Open space*—Portions of a project not occupied by private lots, amenities, public road right-of-ways, or other restricted or built-upon areas, that are generally accessible for passive recreational use by the development's residents, tenants, patrons and guests. Open space shall not include lawns, landscaping, and other areas considered accessory to a specific amenity or structure, but may include required buffer areas.

*Uses:*

*Permitted uses:* A listing of uses permitted within a particular planned development district shall be contained in a plan adopted as part of the regulations applying to that district only. Uses may be of similar residential or commercial character, or may consist of a mix of residential, commercial, or other appropriate uses. Uses shall be restricted to those listed in the adopted plan.

*Dimensional requirements:\**

Project Area, Density and Open Space			Minimum Yard Requirements and Lot Size		Max. Height
Min. Project	Max. Density	Min. Open Space	Front, Side and Rear	Min. Lot Size	Structure Height

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Area			Setbacks		(ft.)
5 acres	Set in approved plan	15% of Site Project Area	Set in approved plan	Set in approved plan	65

\*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

*Additional requirements:*

- (1) With the exception of the draft ordinance of amendments necessary to amend these zoning regulations to approve the planned development, all draft plans, agreements, or other materials related to the establishment of a planned development district shall be the responsibility of the developer.
- (2) All such plans shall be stamped and signed by an appropriate design professional licensed by the State of South Carolina.
- (3) Proposed planned developments shall meet standards established for non-residential parking, buffering/screening, and lighting established in Appendix A of [Chapter 38](#) (Zoning) of the Oconee County Code of Ordinances, as amended.
- (4) All commercial signage in proposed planned developments shall be designed and located so as to avoid any negative impacts on neighboring uses both inside and outside the development. All road signage shall meet the standards established in the latest edition of the Manual of Uniform Traffic Control Devices.
- (5) All variations from adopted county regulations shall be specifically and clearly stated in the approved plan. Any regulation, standard or requirement not varied in an approved plan shall be strictly applied.
- (6) Proposed planned developments shall consist of a use mix of no less than five percent commercial, and 20 percent residential.
- (7) All historic and/or culturally significant structures and sensitive natural areas within the boundaries of the proposed planned development shall be identified on plans, and protected, preserved and maintained by methods endorsed by appropriate state and federal agencies. A maintenance plan for each such significant or sensitive feature shall be included as part of an approved planned development plan.
- (8) To the extent possible, all proposed planned developments shall be designed to provide for pedestrian and bicycle traffic, with 'bicycle lanes' included on roads designed to accommodate more than 400 average daily trips (ADT's). An all-weather trail or sidewalk designed to safely accommodate both pedestrian and bicycle traffic may be approved in lieu of this requirement.
- (9) Stormwater control measures shall be designed and maintained so as to adequately ensure post-construction runoff generated from planned development meets minimum requirements as defined by state regulations. Low impact development (LID) measures utilizing controls such as natural infiltration and vegetative conveyance systems, as well as stormwater wetlands, bioretention areas, and vegetative filter strips are encouraged to be utilized to the extent possible.

Zoning Use Matrix

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Uses	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
	Zoning Use Matrix											
Agricultural production, crops, livestock, and poultry	P	P	X	P	P	X	X	X	X	X	X	X
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	P	P	P	P	P	X	P	X	P	P	P	X
Agricultural support services- veterinarians, kennels, feed/seeds, supply stores, implements, etc.	P	P	P	X	P	X	X	X	P	P	P	X
Air strips	S	S	X	X	S	X	X	X	X	S	S	X
Auction houses	P	P	S	X	P	X	X	X	C	C	X	C
Auditorium/Indoor Public Assembly	P	S	X	X	X	X	X	X	P	P	X	X
Bed and Breakfast Inns	P	C	P	S	P	X	S	S	C	P	X	X
Building and Trade Contractors, including materials and supply uses	P	P	S	X	X	X	X	X	P	P	P	P
Cemeteries and accessory uses	P	P	P	P	P	X	P	X	C	P	P	P
Civic, fraternal, professional, and political organizations	P	P	P	X	P	X	S	X	P	P	X	P
Commercial Fishing, Hunting and Trapping	P	P	S	S	S	S	X	X	X	X	X	X
Communications towers	S	S	S	S	S	S	X	X	S	S	S	S
Conservation subdivisions	C	C	C	S	C	X	C	C	X	C	X	C

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Convenience stores (excluding motor vehicle services)	P	S	S	X	S	X	X	X	P	P	P	P
Correctional facilities and half-way houses	X	X	X	X	X	X	X	X	X	X	S	X
Day Care Facilities (all ages)	P	P	S	X	S	X	S	S	P	P	X	S
Distribution and other Warehouses	P	P	X	X	X	X	X	X	S	P	P	S
Educational buildings, and Research Facilities (all types)	S	S	X	S	S	P	S	X	P	P	P	S
Emergency services	P	P	P	X	P	X	P	P	P	P	P	P
Farm and roadside markets	P	P	P	P	P	P	X	X	P	P	X	X
Financial Services	P	S	X	X	X	X	X	X	P	P	X	P
Forestry/Silviculture	P	P	P	P	P	P	P	P	P	P	P	P
Fuel supply services	X	P	X	X	X	X	X	X	S	P	P	S
Funeral homes and services	X	X	X	X	X	X	X	X	P	P	X	P
Golf courses, country clubs, driving ranges	S	X	S	X	X	X	P	P	X	P	X	X
Government buildings (excluding correctional facilities)	P	S	X	S	P	P	P	X	P	P	P	P
Group Homes	S	S	S	X	S	S	S	X	X	X	X	S
Greenhouses, nurseries, and landscape commerical services	P	P	P	S	P	X	X	X	P	P	P	P
Gun and Archery clubs and shooting ranges	S	S	X	S	S	X	X	X	X	S	X	X

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Health care services, service retail, and emergency short term shelters	P	P	S	X	P	X	X	X	P	P	X	P
Home occupations and businesses	C	C	C	C	C	X	C	C	C	C	X	C
Hotels, Motels, and Inns	S	S	X	X	X	X	X	X	P	P	X	X
Laundry Mats	P	P	P	X	X	X	X	X	P	P	X	P
Laundry and dry cleaning services	P	X	X	X	X	X	X	X	P	P	X	S
Light Manufacturing	P	S	X	X	X	X	X	X	S	P	P	S
Liquor stores and bars	X	X	X	X	X	X	X	X	S	S	X	S
Lumber and saw mills (permanent)	P	P	X	X	X	X	X	X	X	X	P	X
Lumber and saw mills (portable)	P	P	P	P	P	P	P	P	P	P	P	P
Manufactured Home Dealer	X	X	X	X	X	X	X	X	X	P	P	X
Heavy Manufacturing	X	X	X	X	X	X	X	X	X	S	P	X
Marinas	S	S	S	X	S	S	S	S	P	P	P	X
Mini storage or mini warehouses	X	X	X	X	X	X	X	X	P	P	P	X
Mining	S	S	X	X	X	X	X	X	X	X	X	X
Mixed Use Buildings and parcels	P	P	X	X	P	X	S	X	P	P	X	P
Motor vehicle parking and garages (as a principal business use)	X	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle sales and rental	S	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle services and repair	P	P	P	X	X	X	X	X	C	P	P	C

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Motor vehicle services and gas stations (excluding truck stops)	P	P	X	X	P	X	X	X	P	P	P	P
Movie theater	P	X	X	X	X	X	X	X	S	P	X	X
Multi-family residential development (structures containing 5 or more residential units)	P	X	S	X	X	X	S	S	S	P	X	S
Multi-family residential development (structures containing no more than 4 residential units)	P	X	S	X	X	X	P	S	S	S	X	P
Museums, cultural centers, historical sites, sightseeing, and similar institutions	P	P	P	S	P	P	P	X	P	P	X	P
Office uses, general	P	X	X	X	X	X	S	X	P	P	X	P
Outdoor Retail	P	P	P	X	P	X	X	X	P	P	X	C
Places of worship	P	P	P	P	P	P	P	P	P	P	S	P
Public, Private, and Commercial parks and recreation, camping or social facilities	P	P	P	S	P	P	P	S	P	P	X	X
Public and private utilities	P	P	P	P	P	P	X	X	P	P	P	P
Railroad stations	P	X	X	X	X	X	X	X	P	P	P	X
Residential care facilities	S	X	X	X	S	X	S	X	P	P	X	S
Restaurants (up to 2,500 square feet)	C	P	S	X	C	X	X	X	P	P	S	P
Restaurants (greater than 2,500 square feet)	S	S	X	X	S	X	X	X	P	P	S	S
Retail uses (up to 5,000 square feet)	P	S	S	X	P	X	X	X	P	P	P	P



- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 10. - ZONING DISTRICTS

Retail uses (5,000—50,000 square feet)	S	X	X	X	S	X	X	X	X	P	P	S
Retail uses (greater than 50,000 square feet)	X	X	X	X	X	X	X	X	X	P	S	X
Roadside Stands	P	P	P	P	P	X	P	P	P	P	P	P
Salvage yard, Junkyard, and Recycling Operations	S	S	X	X	X	X	X	X	X	X	P	X
Single-family detached residential	P	P	P	P	P	X	P	P	P	P	X	P
Single-family subdivisions (10 units or less)	P	S	P	X	P	X	P	P	P	X	X	P
Single-family subdivisions (more than 10 units)	S	X	X	X	X	X	P	P	S	X	X	S
Solid waste landfill and Waste Management Services; (excluding hazardous waste)	S	S	X	X	X	X	X	X	X	X	S	X
Taxidermy, slaughter houses and wild game processing	P	P	S	S	P	X	X	X	S	S	X	X
Waste management services (excluding hazardous waste)	S	S	X	X	X	X	X	X	X	X	P	X

X—Not permitted

P—Permitted

C—Conditional use - permitted if conditions are met

S—Special exception - approved by Board of Zoning Appeals

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 11. - OVERLAY DISTRICTS

**ARTICLE 11. - OVERLAY DISTRICTS**

The following overlay districts are hereby created to guide development within areas of Oconee County deemed to be of extraordinary value to its citizens. The standards applicable within the boundaries of the various overlays are intended to encourage and maintain positive attributes, while limiting the negative effects associated with unmanaged growth.

[Sec. 38-11.1. - Lake overlay district.](#)

[Sec. 38-11.2. - I-85 overlay district.](#)

[Move Ch. 32 Article 3 Airport Height Limits to Ch. 38 Article 11 as an Airport Overlay](#)

- a. [Include standards from Ch. 32 Article 3](#)
- b. [Include overlay on Official Zoning Map](#)

Sec. 38-11.1. - Lake overlay district.

- (a) *Title:* Lake overlay district.
- (b) *Definition:* The lake overlay is not intended to be a separate zoning district, but shall be assigned to the shoreline areas of Oconee County lakes that are considered by county council to be vital to the economic prosperity and general well-being of all county citizens.
- (c) *Intent:* This overlay is intended to protect water quality, maintain natural beauty, and limit secondary impacts of new development that may negatively affect the lifestyles of those living near the lakeshore and the general enjoyment of the lakes by all citizens.
- (d) *Boundary:* The boundaries of the lake overlay district are shown on the Official Oconee County Zoning Map, and are divided into the following sub-districts:
  - (1) Keowee/Jocassee Overlay (Lakes Keowee and Jocassee). The following standards shall apply within 750 feet of the full pond contour of Lake Keowee and Lake Jocassee, to be measured along a perpendicular line from the full-pond contour.
    - a. *Standards.*
      - 1. No single-family or multi-family development shall have a net density greater than two dwelling units per acre within the boundary of the overlay.
      - 2. No structure constructed in the overlay shall have a building height greater than 65 feet above finished grade. In no circumstance shall the grade elevation be altered beyond that necessary to provide for structural soundness. For the purposes of this section, unless otherwise stated, all dimensions, heights, elevations and other specifications related to structures shall be measured in accordance with adopted building codes.
      - 3. Marinas and commercial boat storage shall comply with Duke Energy's regulations and shall not be located within a mile radius of an existing platted and properly recorded subdivision.
      - 4. All non-residential projects that have a proposed developed area fully or partially located within the boundaries of the Lake Keowee/Jocassee Overlay shall be subject to a special exception hearing by the board of zoning appeals. The board of zoning

ARTICLE 11. - OVERLAY DISTRICTS

appeals shall use Appendix A as a guide and for good cause shown they may waive the strict application of any standard therein.

5. Natural vegetative buffer.

- (i) A natural vegetative buffer shall be established on all waterfront parcels whose property line is located within 25 feet from the full pond contour. Those parcels not meeting this criteria shall be exempt from this standard.
- (ii) The buffer shall extend to a depth of 25 feet measured along a perpendicular line from the full-pond contour; in the event permanent shoreline stabilization, such as rip-rap, retaining walls, is located at the full-pond contour, the buffer may begin at the back of the stabilization, provided the minimum required area is achieved. Right-of-way maintenance activities by all utilities shall be exempt.
- (iii) All structures and landscaping existing at the time of adoption of this chapter shall be considered as permitted and shall not be considered impediments to the buffer. Any new structures or any other new objects that are impediments to the establishment of the required buffer shall be placed outside the natural buffer areas unless the total square footage occupied by the structure, not to exceed 20 percent of the required buffer area, is added to the buffer at another location on the same parcel, provided the resulting buffer area is equal to the required buffer area, and the effectiveness of the buffer is not compromised.
- (iv) In order to ensure that the natural buffer is maintained during the development of property a properly installed and maintained silt fence shall be installed 25 feet from the full pond elevation, separating the buffer from the developed area, until the completion of construction. No construction or disturbance shall occur below the silt fence unless it is deemed necessary by a certified arborist to remove diseased trees. Dead trees may be removed with the approval of the zoning administrator. No trees larger than six-inch caliber at four feet from the ground shall be removed unless certified to be a hazard by a registered forester or arborist. Trees may be limbed up to 50 percent of their height. A removal plan shall be submitted for approval.
- (v) No development activity or soil disturbance shall occur in the buffer area, unless permitted by the zoning administrator.
- (vi) Shoreline stabilization shall be permitted provided any soil disturbance or other stabilization activities are supervised and approved by the appropriate licensed design professional and submitted to the zoning administrator.
- (vii) A map indicating those parcels to which the standards of this section apply, as well as the status of the establishment of the required buffer, shall be created and maintained as a layer in the county's Geographic Information System (GIS), and shall be available to the public.
- (viii) Natural, existing vegetation is encouraged; however, the following mix of plants shall be required for every 2,500 square feet of vegetative buffer area that is established by planting:
  - (1) The following mixture of plants for every 2,500 square feet of natural vegetative buffer shall be required when existing:
    - a. Three large maturing shade trees, equally spaced, four-inch or greater caliber at four feet.

ARTICLE 11. - OVERLAY DISTRICTS

- b. Three understory trees, equally spaced, two-inch or greater caliper at four feet.
  - c. Six small evergreen trees.
  - d. Twenty shrubs; or
- (2) A diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses where available and suited to the site.
- (ix) A view lane of no more than 15 percent of the buffer area shall be permitted in the natural buffer area. Impervious surface no greater than 20 percent of the allowed view lane area is permitted. All impervious surfaces shall be considered part of the view lane. Other structures must be temporary.
  - (x) No new manicured lawns or other managed grasses shall be established within the buffer area. Additionally, no clear cutting or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the buffer area.
  - (xi) In the event that a property owner is unable to establish the said buffer they may request a variance, to be considered at a hearing before the board of zoning appeals, stating the reasons why a buffer cannot be established. The board of zoning appeals of zoning appeals may, in its sole discretion, grant or not grant such variance, for good cause shown.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-11.2. - I-85 overlay district.**

*Title:* I-85 overlay district.

*Definition:* The I-85 overlay district is not intended to be a separate zoning district, but shall be assigned to those areas county council has determined to be essential to the future economic prosperity and general well being of all Oconee County citizens.

*Intent:* The overlay is intended to promote development that reflects the best building and site design practices in a manner that will maintain the greatest marketability of the area over time, while limiting any negative effects that may impact the existing lifestyle of the area's citizens.

*Boundary:* The boundaries of the I-85 overlay district shall be shown on the Official Oconee County Zoning Map:

The I-85 overlay district shall be divided into the following sub-districts:

- (a) Carolina Gateway (Interstate 85).
- (b) Fair Play Village.
- (c) Cleveland Creek.

*Standards:*

- (1) No new residential subdivision development consisting of more than ten residential housing units proposed for any sub-district of the I-85 overlay shall have a gross density greater than one dwelling unit per acre, unless otherwise specified by this chapter.

- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE 11. - OVERLAY DISTRICTS

- (2) Sexually oriented businesses, as defined by the Unified Performance Standards chapter of the Oconee County Code of Ordinances, shall not be located in the I-85 overlay district.

The following standards shall apply within one or more of the sub-districts of the I-85 overlay, as specified:

- (1) Carolina Gateway sub-district:

- A. The regulations contained within Appendix A of this chapter shall apply in their entirety to all non-residential uses within the Carolina Gateway (Interstate 85) overlay, excluding agriculture uses.

- (2) Fair Play Village sub-district:

- A. All new primary and accessory residential buildings proposed to be located within the boundaries of the Fair Play Village sub-district shall be subject to the following standards:

1. Maximum density: Two dwelling units per acre.
2. Setbacks: Front - 25 feet; Side - Five feet; Rear - Ten feet.

- B. All new lots/parcels shall have a minimum lot width on road frontage of 100 feet.

- C. All structures and properties located in the Fair Play Village overlay constructed, installed or maintained in such a manner as to permit the harborage of rodents, mosquitoes, or any other pest or vermin, shall within 30 days of notification (by certified mail) by the zoning administrator repair, upgrade, clean or otherwise improve the structure or property so as to mitigate the situation. In the event the owner of a structure deemed to be in violation of this standard can demonstrate the need for additional time beyond 30 days from the date of notification to complete necessary work, provided all imminent hazards to residents and the public have been mitigated, the zoning administrator may grant up to an additional 60 days for completion.

- D. Proposed structures to be located in the Fair Play Village sub-district subsequent to the adoption of this standard shall be subject to the following:

1. All non-residential and non-agricultural structures and uses shall conform to the standards established in Appendix A of this chapter, and excepting those required by this or any other chapter of the Oconee County Code of Ordinances to be approved as a special exception by the Oconee County Board of Zoning Appeals, shall be subject to review and approval by the Oconee County Planning Commission.
2. Single-family residential developments proposed to consist of greater than two units, and all multi-family residential developments, shall be subject to review and approval by the Oconee County Planning Commission.
3. Proposed structures, of any type, intended for occupancy shall meet the following standards:
  - i. Foundations and/or underpinning shall be constructed of concrete, masonry (brick or block), or similar material, and designed so as to provide a continuous, permanent, and attractive impediment to the harborage of rodents and vermin.
  - ii. A lawn or landscaped area cleared of weeds, excess undergrowth, and any other materials or debris that may attract rodents, mosquitoes, and other potential threats to occupants and/or the public shall be established for each residential unit prior to final approval for occupation.
  - iii. Access to residences shall be from an all-weather driveway and/or parking area.

- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE 11. - OVERLAY DISTRICTS

4. New development proposed to be located in the area delineated on the Official Oconee County Zoning Map as the "Village Center" of the Fair Play Village sub-district shall, in addition to all other standards applicable to the Fair Play Village sub-district, be subject to the following:
  - i. Orientation: All new primary residential structures located in the Village Center shall be oriented to the public thoroughfare.
  - ii. All industrial uses shall be approved as a special exception by the board of zoning appeals.
  - iii. The height of all proposed structures shall be no greater than 30 feet, to be determined by measures approved in adopted building codes.
5. Free-standing signage of any type subject to permit by this chapter of the Code of Ordinances, to include monument or other signage not attached to or otherwise supported by a primary structure, shall not exceed seven feet in height above grade. No signage shall be situated or installed on a berm or other elevated surface or device intended to increase the height of a sign subject to this standard.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2012-34, § 2(Exh. A), 1-22-2013)

ARTICLE 12. - TERMS AND DEFINITIONS

**ARTICLE 12. - TERMS AND DEFINITIONS**

[Sec. 38-12.1. - Rules of construction and interpretation of terms.](#)

[Sec. 38-12.2. - Definitions.](#)

**Sec. 38-12.1. - Rules of construction and interpretation of terms.**

The following rules shall govern the interpretation of words and phrases used in this chapter:

- (1) *Customary meanings of words.* The words and phrases used in this chapter shall have their customary meanings except for specific words and phrases.
- (2) *Tense.* The present tense includes the future tense.
- (3) *Number.* The singular number includes the plural number, and the plural number includes the singular number.
- (4) *Person.* The word "person" includes a firm, association, partnership, trust, company, corporation or any other entity usually defined in legal usage as a person.
- (5) *Shall and may.* The word "shall" is mandatory; the word "may" is permissive.
- (6) *Used and occupied.* The word "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
- (7) *Building.* The word 'building' includes all structures of every kind, except fences and walls regardless of similarity to buildings.
- (8) *Used for.* The term 'used for' shall include the phrases: arranged for, designed for, intended for, and occupied for.
- (9) *Lot.* The word "lot" shall include the words: piece, tract, and plot.
- (10) *Contiguous as applied to lots.* The word "contiguous" shall be interpreted as meaning: sharing a common lot boundary at any point, and not separated by an intervening public street or alley.
- (11) *Contiguous as applied to planning districts or zoning classifications.* The word "contiguous" shall be interpreted as meaning: sharing a common boundary at any point, disregarding any intervening public street or alley.
- (12) *On the premises of.* The phrase "on the premises of" as applied to accessory uses or structures shall be interpreted to mean: on the same lot or on a contiguous lot in the same ownership.

(Ord. No. 2012-14, § 1, 5-15-2012)

**Sec. 38-12.2. - Definitions.**

**Expansion of this section will depend on which issues the Subcommittee/Commission chooses to address**

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word shall is mandatory, not directory.

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

*Abandoned sign:* A sign which is not being maintained as required by S.C. Code of Laws, 1976, as amended § 57-25-110, or which is overgrown by trees or other vegetation not on the road right-of-way, or which has an obsolete advertising message or no advertising message for a period of six months. Any public service signage shall not be considered abandoned under this definition.

*Abutting:* Having property or district lines in common; i.e.; two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

*Access:* A way of approaching or entering a property. Access also includes ingress, the right to enter and egress, and the right to leave.

*Accessory building or use:* A building or use, not including signs, which is:

- (1) Conducted or located on the same parcel as the principal building or use, except as may be specifically provided elsewhere in the chapter;
- (2) Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and
- (3) Either in the same ownership as the principal use or is clearly operated or maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

*Addition (to an existing building):* Means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior to the initial flood insurance study for that area, and the addition, renovation or reconstruction does not equal 50 percent of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

*Adult entertainment establishment (sexually oriented business):* Includes clubs and eating and drinking establishments with nude or seminude entertainment or dancing; physical culture establishments, such as but not limited to, establishments that include adult bookstores, adult motion picture theaters, adult motels and hotels, and other similar establishments which depict or emphasize sexual activities and/or nudity.

*Affected land (relating to mining):* The surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and settling ponds.

*Agriculture:* The practice of farming by means of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry, and animal and poultry husbandry.

*Airport:* Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

*Alley:* A public or private right-of-way or easement primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street, and not intended for general traffic.

*Alter:* To make any structural changes in the supporting or load-bearing members of a building, such as load-bearing walls, columns, beams, girders, or floor joists.



- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

*Apartment:* A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in a multi-family structure, duplex, or as an accessory use in a single family home or a commercial building.

*Apartment house:* (See Multi-family housing)

*Area of special flood hazard:* Is the land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

*Awning, canopy, marquee:* A roof-like cover that is temporary or portable in nature and that project from the wall of a building for the purpose of shielding a doorway or window from the elements. Canopies and marquees are rigid, structures of a more permanent nature attached to a building or supported by columns extending to the ground.

*Bed and breakfast:* Sleeping accommodations for travelers where meals may be included or available. There is no restaurant, but a dining room may be used by overnight guests only. The owner must be a resident.

*Billboard:* Large format outdoor advertising displays or signs intended for viewing from extended distances. Billboards include but are not limited to 30-sheet posters, eight-sheet posters, vinyl-wrapped posters, bulletins, wall murals, and stadium/arena signage as defined by the Outdoor Advertising Association of America. Typically the sign area of a billboard ranges anywhere from 50 square feet to 672 square feet.

*Board of zoning appeals:* A local body, created by ordinance pursuant to the authority of Chapter 28 of Title 6 of the South Carolina Code of Laws, 1976, as amended, whose responsibility is to hear appeals from decisions of the zoning administrator and to consider requests for variances from the terms of the zoning chapter.

*Boarding house:* A building other than a hotel, inn, or motel, where, for compensation, meals are served and lodging is provided.

*Buffer:* A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

*Buffer, undisturbed natural vegetative:* An area consisting of an undisturbed, maintenance free, self-perpetuating stand of vegetation comprised of plants, trees, and vegetation that normally survive in Oconee County without the need of fertilizers, herbicides, or pesticides.

*Buildable area (building envelope):* The space remaining on a parcel after the minimum open space requirements (yards, setbacks) have been met.

*Building:* Any roofed structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto.

*Building, accessory:* See Accessory Building or Use.

*Building footprint:* The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.

*Building height:* The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.

*Building lot coverage:* The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

*Building, principal (main):* A building in which is conducted the principal use of the parcel on which it is situated.

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

*Building setbacks:* The minimum distance from the property line to closest projection of the exterior face of buildings, walls, or other form of construction (i.e. decks, landings, terraces, porches, and patios on grade).

*Building setback line:* The line on the front, rear, and sides of a lot, set according to the district regulations, which delineates the areas upon which a structure may be built or maintained. At the time of application, all yard setbacks are determined from the most recent Oconee County Tax Map.

*Front yard setback*—Shall be measured from the roadway right-of-way as shown on tax maps.

*Side and rear yard setbacks*—Shall be measured from the property lines as shown on tax maps.

*Corner lot setbacks*—Shall be measured from the roadway right-of-ways it is adjacent to.

*On a flag lot* the "building setback line" runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the "flag" part of the lot, not the "pole" part), which is closest to the street. (The minimum lot width must be met in this area, as well. Therefore, if the point closest to the street is a corner rather than a line, the setback will have to extend as far as necessary to meet the required minimum lot width!)

*Built-upon area:* Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc.

*Campground:* Land upon which, for compensation, shelters (such as tents, travel trailers, and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

*Centerline:* A line along the center of a road, highway, river, creek, or property that equal divides the object into two equal parts; a line running through the middle.

*Centroid:* The geometric center of a polygon. In spatial information systems (GIS), the centroid is a point in a polygon to which attribute information about that specific area is linked. It is the "center of gravity" or mathematically exact center of an irregularly shaped polygon. The centroid is the center.

*Certificate of occupancy:* Official certification that a premise conforms to provisions of the zoning chapter (and state building code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

*Civic, fraternal, professional, and political organizations:* A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.

*Common open space or green space:* A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common open space shall be substantially free of structures,

ARTICLE 12. - TERMS AND DEFINITIONS

but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

*Conditional use(s):* Provisions that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district which have been set forth in the text of the zoning chapter.

*Condominium:* An attached multi-family dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual, and such ownership is not inclusive of any land.

*Contractor:* One who accomplishes work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from his business location. As used in this chapter, the term "contractor" does not include general assembly, fabrication, or manufacture at his business location.

*Convenience store:* A commercial building where a variety of items are sold, which may include food, magazines, automobile accessories and maintenance supplies, and other such items. In addition to the commercial building, other services on the premises may include gasoline sales, and a coin operated (automated) car wash.

*Conversion:* Changing the original purpose of the building to a different use.

*County council:* The governing body of Oconee County.

*Covenant:* A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.

*Current land use map:* A nonregulatory map that graphically represents the existing land use, by parcel, throughout the county.

*Day care facility (adults and children):* A commercial facility, which provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. All state registration requirements and inspections shall be met.

*Dedication:* The transfer of property from private to public ownership with or without compensation involved.

*Density:* The average number of families, persons, housing units, or buildings per unit of land.

*Density, gross:* The total number of dwelling units proposed on a property per acre.

$$\text{Gross density} = \frac{\text{Proposed number of dwelling units}}{\text{The total acreage}}$$

*Density, net:* The total number of dwelling units proposed on a property per acre after the area of the infrastructure is taken into account.

$$\text{Net Density} = \frac{\text{Proposed number of dwelling units}}{\text{(The total acreage - roads and right-of-ways)}}$$

*District, zoning:* A specifically delineated area in a planning district, shown on the official zoning map, within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

*Dripline:* A collective name for all vertical lines from the earth to the outermost tips of the crown of a tree. These lines will completely encircle the tree and thereby define its outermost reaches.

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

*Driveway:* A private roadway located on a parcel or lot used for vehicle access.

*Dwelling:* A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

*Dwelling, single-family:* A building containing one dwelling that is entirely surrounded by open space on the same lot, but may include separate units as accessory uses to be occupied only by employees or relatives of the household.

*Easement:* A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property. No land is dedicated to the party receiving an easement, only permission to use the land for a specific purpose.

*Elevated building:* Means, for floodplain management purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

*Erect:* Build, construct, erect, rebuild, reconstruct, or re-erect any building or other structure.

*Exempted residential facility:* Residential summer camps, day facilities, and religious retreat facilities, any of which do not provide for long-term stays of 30 days or more. Hospitals, nursing homes, and accredited college/accredited university housing are exempted from this definition.

*Facade:* The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

*Farm and roadside market:* A market or stand operated on a seasonal or year-round basis that allows for agricultural producers to retail their products and agricultural related items directly to consumers and enhance income through value-added products, services, and activities.

*Flood or flooding:* A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and,
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

*Floodway:* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floor:* The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

*Floor area (for determining off-street parking and loading requirements):* the gross total horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production. However, "floor area", for the purpose of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted above); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or business or professional offices.

*Floor area, gross:* The total floor area enclosed within a building.

ARTICLE 12. - TERMS AND DEFINITIONS

*Foot-candle:* A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

*Frontage:* All of the real property abutting a street line measured along the street right-of-way.

*Future land use map (FLUM):* A nonregulatory map that graphically represents what the citizens would like to see the county look like in the future; bringing together the goals expressed in all of the elements of the Comprehensive Plan.

*Garage, private:* A building or space used as an accessory to, or a part of, the main building permitted in any district, providing for the storage of motor vehicles, and in which no business, occupation, or service for profit is in any way conducted, except in an approved home occupation.

*Glare:* The effect of brightness in the field of view that causes annoyance or discomfort or interferes with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

*Grade:* The percent of rise or descent of a sloping surface; the average elevation of a specified area of land.

*Greenhouses, nursery, and landscape commercial services:* A place where various plants and trees are grown for sale, transplanting, or experimentation.

*Groundcover:* Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

*Group home:* A public, private, or not-for profit facility which may provide licensed or unlicensed counseling services, schooling, and care, and which houses ten or more persons not related by blood or adoption in a residential or dormitory environment for a period of 30 days or more per year. Residential treatment centers (RTC's) are included in this definition.

*Home occupation:* Any occupation or profession carried on entirely within a dwelling or accessory building on the same parcel by one or more occupants thereof, providing the following:

- (1) That such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes; this shall be construed to include in-home duly licensed daycare;
- (2) That no more than 25 percent of the total floor area of the dwelling is used for such purposes;
- (3) That there is no outside or window display;
- (4) That no mechanical or electrical equipment is installed or used other than is normally used for domestic, or hobby purposes; and,
- (5) That not more than one person not a resident of the dwelling is employed in connection with the home occupation.

*Hotel:* A building or other structure kept, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants. Rooms are furnished for the accommodation of such guests, and the hotel may or may not have one or more dining rooms, restaurants, or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, are located in the same building. Entry to sleeping rooms shall be from the interior of the building.

*Impervious surface:* Four square feet or more of continuous surface area of any material that prevents absorption of stormwater into the ground.

*Intensity of use:* A measure of the extent to which a land parcel is developed.

*Landfill, solid waste:* A sanitary landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

*Landfill, waste management services:* A facility where waste material and refuse is placed temporarily for shipping to the appropriate facility.

*Landscape architect:* A professional landscape architect registered by the State of South Carolina.

*Landscaped area:* A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns, and plantings.

*Large-maturing tree:* An evergreen or deciduous tree having a mature height of over 35 feet. Examples include but are not limited to: sycamore, oak, deodar cedar, red maple, elm, red cedar.

*Large-maturing shade tree:* An evergreen or deciduous tree having a mature height of over 35 feet with a substantial canopy that provides shade and overhead cover. Examples include but are not limited to: sycamore, oak, red maple, elm.

*Loading area or space, off-street:* An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

*Lot:* A parcel of land in undivided ownership occupied, or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this chapter, either shown on a plat of record or described by metes and bounds and recorded with the register of deeds. For the purpose of this chapter, the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

*Lot, corner:* A lot abutting the intersection of two or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than 135 degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this chapter, such as in corner visibility requirements.

*Lot, depth:* The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

*Lot, interior:* A lot other than a corner lot.

*Lot lines:* The lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

*Lot, through:* An interior lot having frontage on two streets.

*Lot, width:* The straight line distance between the points where the building setback line intersects the two side lot lines.

*Lot of record:* A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Oconee County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Oconee County Register of Deeds by the owner or predecessor in title thereto.

*Marina:* Any commercial business on a public access body of water where commercially rented, leased, or for sale boat slips for overnight, on water or docked storage of boats; or access for trailered boats to be cast into the water. Other activities such as restaurants and mini-storage for boating purposes may be permitted on premises. Common docks for subdivision development is excluded.

*Mining:*

- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

- (1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.
- (2) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.
- (3) The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

Mining does not include:

- (1) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
- (2) Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.
- (3) Mining operations where the affected land does not exceed one acre in area.
- (4) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land.
- (5) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area.

*Mini storage or mini warehouses:* A building, or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or business activities shall occur out of the rented units.

*Mixed use building or parcel:* Any building comprised of a mixture of light commercial and residential uses; the commercial area shall be at least 25 percent of the building with the residential area, comprising no less than 35 percent of the building area. Parcels with existing or permitted residential structures may also include independent structures of light commercial usage limited to the permitted uses in the said district. Also, within any district, in addition to the permitted uses, multi-family residential (not to exceed four units), retail up to 2,500 square feet, restaurants up to 2,500 square feet, and office uses up to 2,500 square feet are also considered permitted use for mixed use buildings or parcels.

*Motel:* A building or other structure kept, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants and where rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants, or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

*Motor vehicle services and gas stations (excluding truck stops):* Any building or land use for the dispensing, sale, or offering for sale at retail any automobile fuels along with accessories and services such as lubricants or tires, car washing, except that mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors. There shall be no fuel pumps within 15 feet of any property line or street right-of-way and incidental activities shall not include tire re-treading, major body work, major mechanical work, or upholstery work.

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

*Motor vehicle services and repair:* Any buildings or land used for the servicing or repairing of vehicles excluding fuel sales, but including the sale and/or the installation of lubricants or tires, car washing, mechanical and electrical repairs, tire repairs, and body work.

*Multi-family residential:* A building or buildings designed to be occupied by two or more households living independently of each other, with the number of households in residence not exceeding the number of dwelling units provided.

*Nonconforming lot:* A lot of record at the time of adoption or amendment, respectively, of this chapter which does not meet the minimum requirements for area and/or width applicable in the district in which such lot is located.

*Nonconforming structure:* A structure which existed lawfully on the date this zoning chapter became effective or the effective date of any amendments and does not conform to the permitted uses for the zoning district in which it is situated. Nonconforming uses are incompatible with permitted uses in the districts involved. Such nonconformities are permitted to continue until they are removed or vacated, as specified in this chapter.

*Nonconforming use:* A use that lawfully occupied a building or land at the time this chapter, or any amendment thereto, became effective, which has been lawfully continued and which does not now conform to the use regulations.

*Ordinance:* The Zoning Enabling Ordinance, Oconee County Ordinance 2007-18, creating this chapter, and any ordinance amendatory thereof. Whenever the effective date of the chapter is referred to, the reference includes the effective date of any amendatory ordinance.

*Overlay district:* A district, which applies additional supplementary or replacement regulations to land that is already classified in an existing zoning district.

*Parking bay:* The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

*Parking lot or area:* An area or plot of land used for, or designated for, the parking or storage of motor vehicles, either as a principal use or as an accessory use.

*Parking space:* A storage space of not less than 160 square feet for one automobile, plus the necessary access space.

*Parking space, off-street:* A parking space located outside of a dedicated street right-of-way.

*Permitted uses:* Those uses explicitly stated as permitted in the definition of a particular zoning district or any use that clearly meets the definition and intent of the zoning district in question, including accessory buildings and uses.

*Petition:* For the purposes of the zoning regulations contained in this chapter, a signed document in which one or more property owner(s) provides county council input as to their opinion on the proposed zoning or future use of their property, surrounding properties, or an area being considered for rezoning. Petitions are simply one mechanism for providing county council with such public input and do not limit or in any manner bind county council's decisions, and as such should in no way be considered to be a vote for or against a proposed rezoning. It is ultimately the sole prerogative and duty and decision of county council whether to zone any area(s) in Oconee County or not, and how to zone such area(s), if at all, in accordance with state law, the Comprehensive Land Use Plan of the county, and applicable zoning practices and regulations of the county.

*Planning district advisory committee:* A committee appointed by county council from within a planning area considering zoning. This committee will, among other activities, create a proposed zoning map to be considered as an amendment to the existing county zoning map and this chapter.



- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

*Planning district:* Various planning areas modeled on the approximate Oconee County Fire Districts; although the planning areas are based upon the fire district boundaries, no link between the two exists, and either may be amended without impacting the boundaries of the other.

*Person:* An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

*Pervious pavement:* Paving material that permits full or partial absorption of stormwater into the ground.

*Place of worship:* For the purposes of this chapter, any parcel or building, church, synagogue, temple, mosque, or other facility used primarily for religious worship; or, any parcel, building, or facility owned, managed, or otherwise governed by a religious organization with the intent to enhance or otherwise further the mission or purpose for which such organization exists.

*Planned development district (PDD):* A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

*Planning commission:* The public agency in a specific jurisdiction usually empowered to prepare a comprehensive land plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

*Plant material:* Large-maturing trees, understory trees, and/or shrubs.

*Planting island:* In parking lot design, a built-up, curbed structure placed at the end or within parking rows for landscaping and as a guide to traffic.

*Plat:* A map, usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing, and length of every street and alley line, lot line, and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this chapter and other ordinances and amendments.

*Premises:* A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

*Private road or street:* Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public. The right-of-way has not been dedicated to either the State of South Carolina or Oconee County.

*Property owner(s):* For the purposes of this chapter, the person(s), entity(ies), corporation(s), or partnership(s), whether one or more, listed as being an owner of record of the property in question, either recorded with the deed of the property or as listed by the public tax records of Oconee County.

*Public road or street:* Roads, avenues, boulevards, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cul-de-sacs and other ways including the entire right-of-way considered public and both dedicated to and accepted by the State of South Carolina or Oconee County.

*Residential care facility (including, without limitation, convalescent homes):* A facility which combines the functions of any combination of a retirement community, rest home, nursing home, and convalescent home, providing residential facilities for independent living, assisted care, and, possibly, nursing care.

*Right-of-way:* An area owned and maintained by a municipality, the State of South Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

- CODE OF ORDINANCES

Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

*Roadside stand:* Typically a seasonally temporary stand less than 200 square feet used to sell farm and garden products, hand crafts, and other homemade items; or those locations used for educational, religious, or recreational fundraisers; or those locations used for the conveyance of public information. Stands must be authorized by the property owner and the appropriate right-of-way entity such as SCDOT, Oconee County, etc. Unsafe or abandoned structures, or any structure that presents a health or safety threat to the public, shall not be considered a legitimate roadside stand.

*Salvage yard, junk yard, and recycling operations:* Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A "junk yard" includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. A "junk yard" for vehicles is defined as four or more junk, inoperable or unlicensed vehicles stored on the property.

*Screening:* The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

*Searchlight:* An apparatus with reflectors for projecting a powerful beam of light of approximately parallel rays in a particular direction, usually devised so that it can be swiveled about.

*Setback:* The required minimum distance between every structure and the lot lines of the lot on which it is located (measured from the road right-of-way in the front and property lines on the remaining portions of the property).

*Sight triangle:* A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

*Sign:* Any sign structure or combination of sign structure and message in the form of outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, advertising structure, advertisement, logo, symbol, or other form which is designated, intended, or used to advertise or inform. The term does not include official traffic control signs, official markers, nor specific information erected, caused to be erected or approved by the South Carolina Department of Transportation.

*Sign, awning:* A sign mounted, painted, or attached to an awning.

*Sign, banner:* Any sign, except an awning sign, made of flexible fabric-like material.

*Sign, canopy:* A sign mounted, painted, or attached to a canopy.

*Sign, directional:* Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit".

*Sign, flashing:* Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. For the purposes of this chapter any moving, illuminated sign shall be considered a "flashing sign". Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

*Sign, hanging:* A sign forming an angle with a building which extends from the building and is supported by the building.

*Sign, monument:* A freestanding sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade level.

*Sign, portable:* A sign that is not permanent, affixed to a building, structure, or the ground.

*Sign, projecting:* A sign forming an angle with a building which extends from the building and is supported by the building.

ARTICLE 12. - TERMS AND DEFINITIONS

*Sign, revolving/rotating:* Any sign or part of a sign that changes physical position or light intensity by any movement or animation or that gives the visual impression of such movement.

*Sign, roof:* A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

*Sign, temporary:* A sign or advertising display intended to be displayed in connection with a specific event for a limited duration.

*Sign, wall:* A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and that does not project more than six inches from such building or structure.

*Sign, window:* A sign that is mounted for display on or within a window, and intended to be viewed from the outside.

*Single-family detached residential:* A parcel or lot containing a detached dwelling unit; includes homes and manufactured homes, but in no way excludes activities generally associated with residential living, such as; private parties, gardening, personal workshop(s), keeping of household pets and other animals such as horses provided sufficient acreage is available for such animals.

*Site plan:* A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes such things as lot lines, streets, building sites, reserved open space, buildings, major landscape features—both natural and manmade and depending on requirements, the locations of proposed utility lines.

*Special exception:* A special exception use is one which is not permitted by right, but which may be permitted after a public hearing by the board of zoning appeals and all conditions stated in this chapter are met. The zoning chapter lists, by zoning district, those uses that may be allowed by right or by special exception. Uses that are included or fit the intent of these lists will be considered in each zoning district.

*Spot zoning:* Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the goals in the comprehensive plan.

*Stormwater:* Water that accumulates on land as a result of precipitation events, and can include runoff from impervious areas such as roads and roofs.

*Street line:* The line between the street right-of-way and abutting property (i.e. right-of-way line).

*Structure:* Anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.

*Structural alterations:* Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

*Subdivision:* The current official definition is found in the Oconee County Subdivision Regulations, including exceptions stated therein. All subdivisions shall conform to and with the dimensional requirements stated in this chapter, with the exception of existing and properly approved and recorded plats.

*Substantial improvement:* Means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any

- CODE OF ORDINANCES  
Chapter 38 - ZONING

ARTICLE 12. - TERMS AND DEFINITIONS

alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Tree protection:* Measures taken, such as temporary fencing and the use of tree wells, existing at a minimum outside the dripline, to protect existing trees from damage or loss during and after project construction.

*Understory tree:* An evergreen or deciduous tree with a mature height of less than 35 feet. Examples include but are not limited to: red bud, dogwood, crape myrtle, wax myrtle, ornamental cherry.

*Use:* Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to; residential, manufacturing, retailing, offices, public services, recreational, and educational.

*Variance:* A variance is a waiver of the dimensional terms of the zoning chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship; and does not involve a change in the use of the property.

*View lane:* The portion of a natural buffer utilized and maintained by the property owner to enhance observation of the lake and surrounding landscapes. Typically, the vegetation in the view lane is lower in height and/or smaller in diameter than that found in the rest of the buffer.

*Viewshed:* An area of land, water, and/or other environmental elements that are visible from a fixed vantage point (or series of points along a linear transportation facility).

*Yard:* An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this chapter is unoccupied and unobstructed from the ground upward, except as may be expressly permitted.

*Yard, front (highway yard):* A yard across the full width of the lot extending from the front line of the building.

*Yard, rear:* A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

*Yard, side:* An open space on the same lot with a building, between the building and the side line of the lot, extending through, from the front building line, to the rear of the lot.

*Zoning:* A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The zoning chapter consists of two parts - a text and a map.

*Zoning administrator:* The official person in charged with the enforcement of the zoning chapter.

*Zoning chapter:* The zoning chapter of the Oconee County Code of Ordinances, currently [Chapter 38](#).

*Zoning district:* An area established by this chapter where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

(Ord. No. 2012-14, § 1, 5-15-2012)

APPENDIX A

**APPENDIX A**

- (a) *Building standards.* Diversity in design consistent with the local natural and architectural surroundings is encouraged.
- (1) To the extent feasible, primary facades and entrances shall face the street.
  - (2) All buildings less than or equal to 20 feet in height shall have a setback of at least 30 feet from the property line along the primary road. Setback from remaining property lines shall be 15 feet.
  - (3) Buildings more than 20 feet in height shall have a setback of 30 feet plus an additional distance equal to one foot in horizontal distance for each one foot in additional vertical distance (building height over 20 feet) along the primary road. Setbacks from remaining property lines shall be 25 feet.
  - (4) Exterior building materials visible from the traffic lanes shall not consist of unadorned concrete masonry units (concrete blocks), corrugated metal, and/or sheet metal. Pre-cast panels and pre-engineered metal wall units, and 'split-faced' and other rusticated masonry wall are permitted.
  - (5) Suitable materials for treating building facades may include, but are not limited to: stone, brick, glass, wood siding, split block, or stucco. Alternative materials may be approved by the ~~planning director.~~ **Community development director or designee**
  - (6) Blank, uninterrupted building facades shall not face residential areas or public or private street right-of-ways. Design techniques using architectural elements or repetitive features should be utilized to visually break up the facade. Examples include, but are not limited to: windows, doors, columns, canopies, lighting fixtures, building offsets/projections, decorative tile work, artwork, or other elements approved by the ~~planning director~~ **community development director or designee**. The following standards apply:
    - a. Industrial uses shall not have blank walls greater than 50 feet in length.
    - b. All other uses shall not have blank walls greater than 30 feet in length.
  - (7) The appearance of strip development resulting from flat, unvaried roof lines is discouraged. Roofline variation may be achieved using one or more of the following methods: vertical or horizontal offsets in ridge lines, variation in roof pitch, gables, or dormers.
  - (8) Roof mounted mechanical equipment shall be enclosed or screened to ensure such features are not visible to the extent possible. Enclosures and screens shall be compatible with the architectural style of the building.
  - (9) Shipping and receiving areas/docks shall be located in the rear of the structure and should not be visible from primary adjacent parking areas or street rights-of way.
- (b) *Signage standards.* The sign standards are created to maintain and enhance the aesthetic environment of transportation and economic gateways into Oconee County. The location and design of all signs shall be consistent with the objective of high-quality development and safe and efficient vehicular and pedestrian circulation.
- (1) *General standards.* All signs, including their supports, braces, guys, anchors, electrical parts and lighting fixtures, and all painted and display areas shall be constructed and maintained in accordance with the building and electrical codes adopted by Oconee County.
    - a. It shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign (with the exception of signage requiring no permit) without first obtaining a sign permit from the planning department, except as relates to routine maintenance and repair or the changing of tenant name panels.

- CODE OF ORDINANCES

Chapter 38 - ZONING

APPENDIX A

- b. A preliminary sign permit application along with applicable fees and sign plan shall be submitted to Oconee County. The detailed sign plan shall include the following information, stamped by a South Carolina licensed surveyor, landscape architect, or engineer:
    - 1. Parcel number.
    - 2. Scale of site plan and north arrow.
    - 3. Drawing of entire property with all existing and proposed structures shown.
    - 4. Length of street frontage.
    - 5. Dimensioned setbacks from street and side property line.
    - 6. Plan drawing with actual dimensions of sign (as seen from above).
    - 7. Location of all existing signs.
    - 8. Location of all proposed signs.
    - 9. Elevation drawing of the proposed sign or sign revision including size, height, copy, colors, illumination, materials.
    - 10. Verification that the proposed sign(s) meet all requirements set forth in this chapter.
  - c. All on-premises nonconforming signs shall come into compliance with these standards when abandoned or the cost of repairs or replacement of such signs is beyond 50 percent of their replacement costs. Nonconforming signs are subject to all requirements of this code regarding safety, maintenance, and repair.
  - d. Signage shall be set back a minimum of ten feet from right-of-way, side, or rear property lines.
  - e. No sign shall produce a traffic hazard, such as visual obstruction at intersections or glare from lighting. Signs shall not obstruct the view of or resemble traffic directional/safety signs.
  - f. Rooftop signs are prohibited.
  - g. Flashing or animated signs are prohibited.
  - h. No sign shall be attached to a utility pole or street sign, or attached to or painted on tree trunks, rocks, or other natural objects.
  - i. No sign shall be placed within the public rights-of-way.
  - j. Signs shall not rotate or revolve.
- (2) *Signs allowed without a permit.* The following signs require no permit. These signs are subject to all requirements of this code regarding safety, maintenance, and repair.
- a. *Temporary/portable signs:*
    - 1. Shall be displayed only for the duration of time that they remain relevant to a specific event.
    - 2. Temporary signs shall be removed within seven days following the conclusion of the specific event being promoted.
    - 3. No temporary sign exceeding six square feet may be erected on a residential parcel.
    - 4. The maximum allowable size of any non-residential temporary sign is 32 square feet.
  - b. Traffic, directional, warning, official notice or informational signs authorized by any public agency.

APPENDIX A

- c. Building nameplates with related inscriptions.
  - d. Window signs.
  - e. Flags and flagpoles.
  - f. On-site directional signs, where each sign does not exceed nine square feet in area or four feet in height.
  - g. Signs that display name, trademark, logo, brand, or prices, provided the display is an integral part of a vending machine, automatic teller machine, or gas pump. Such signage shall not exceed 32 square feet in area per side.
- (3) *Signs allowed that require a permit.*
- a. Allowable signs shall be the following:
    - 1. Monument.
    - 2. Wall.
    - 3. Hanging/projecting.
    - 4. Canopy/awning.
  - b. Monument signs:
    - 1. Shall be architecturally designed to reflect the character of the structure/development for which they are advertising.
    - 2. No monument sign shall exceed ten feet in height.
    - 3. One double faced or single faced sign shall be allowed per parcel.
    - 4. Developments with 400 feet of road frontage serving more than one building shall be permitted one additional sign, which shall not exceed 100 square feet in area. Minimum separation for all monument signs shall be at least 200 linear feet. However, if a building is located on a corner lot with two street facing sides, one sign may be located on each side served by an entryway.
  - c. Wall signs:
    - 1. Wall signage shall not exceed 15 percent of the wall area, per wall face.
    - 2. Wall signs shall display only one surface and shall not be mounted more than six inches from any wall.
  - d. Hanging/projecting signs:
    - 1. Only one projecting/hanging sign is allowed per building frontage, except for shopping centers, which may have one projecting/hanging sign for each business use.
    - 2. Signs shall project at a right (90 degree) angle to the building frontage.
    - 3. Signs shall not extend more than four feet beyond the line of the building or structure to which it is attached.
    - 4. Signs shall maintain a vertical clearance of eight feet above the sidewalk or ground level accessible to pedestrians.
  - e. Canopy/awning signs:
    - 1. Shall not exceed 15 percent of the surface area of the face or the canopy or awning to which the sign is attached.

APPENDIX A

2. Sign shall not extend more than three inches horizontally from the surface of the awning or canopy.
  3. Sign shall not project vertically outside the area of the canopy or awning.
  - f. Illumination:
    1. No internal lighting shall include exposed incandescent or fluorescent bulbs.
    2. Externally illuminated signs must have indirect light sources shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized.
    3. Signs shall not have light reflecting backgrounds but may use light reflecting lettering.
    4. No sign shall have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
  - g. Maintenance: All signs shall be maintained in good condition and working order, and be free of graffiti, peeling paint or paper, faded colors, weeds, vines, and/or broken and damaged materials. No internally or externally illuminated sign shall have only partial illumination for a period of more than 30 days.
- (c) *Lighting standards.* The purpose of these standards is to assure that adequate exterior lighting is provided to facilitate crime prevention, security, and safe passage, and that exterior lights be shielded to reduce the impact of lighting on neighboring uses, potential safety hazards to the traveling public, and the effect on viewsheds and nightscapes.
- (1) Lighting plans shall be submitted with the zoning permit application on projects that include the installation of outdoor lighting fixtures. Prior to obtaining a zoning permit, an applicant must receive approval of a lighting plan. The lighting plan shall be prepared by an appropriately licensed design professional in the State of South Carolina. The plan shall include the following information:
    - a. The location, type, and height of luminaries including both building and ground-mounted fixtures.
    - b. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer.
    - c. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission.
    - d. Additional information as may be required to determine compliance with this chapter.
  - (2) Exterior lighting shall be shielded and directed to avoid illuminating the night sky.
  - (3) Lighting shall not illuminate neighboring properties or distract/harm the traveling public on road rights-of-way. Any necessary screening of lighting shall be shown on site plans. Lighting will be inspected before a certificate of occupancy is granted.
  - (4) On-site lighting may be used to accent architectural elements and provide safety and security on pedestrian walkways, at building entrances, and public areas between buildings, but shall not be used to illuminate entire portions of buildings.
  - (5) In order to promote safety and security in developments, lighting should be used at intersections, entrances, and in parking areas.
  - (6) The overall height of lighting fixtures shall not exceed 20 feet.



APPENDIX A

- (7) Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g. beacons on towers). Searchlight and laser light operation for advertising/commercial purposes is prohibited.
- (d) *Parking standards.* Parking areas should be designed in a manner to provide safe and efficient circulation of traffic and safe access for pedestrians. Appropriate parking design and layout should be used to reduce impacts associated with impervious surfaces.
- (1) *Parking layout.* Avoid parking layouts that dominate a development. The layout of parking areas, pedestrian connections, and open space should reduce the visual impact of parking. Parking is strongly encouraged to be located to the side or rear of the building unless prevented by a physical limitation of the site.
- (2) *Perimeter parking buffer.* A perimeter parking area buffer of 15 feet shall be required on sides parallel to abutting properties or street rights-of-way. Buffers shall be planted as specified in the landscape standards.
- If parking is located in the front of the building, buffer requirements will be increased to 25 feet.
- (3) *Parking striping.* Parking areas shall have parking spaces marked by surface paint lines or approved alternative traffic marking material.
- (4) *Wheel stops.* Wheel stops or curbs are required where a parked vehicle encroaches on adjacent property, pedestrian access/circulation areas, right-of-way or landscaped areas.
- (5) *Planting islands.* Parking areas shall be designed so that a planting island is provided for every ten parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Planting islands shall be surrounded by curbing to prevent vehicular damage to plantings.
- Minimum size for required planting islands is nine feet by 15 feet (inside of curb). Islands shall be planted as specified in the Landscape Standards.
- (6) *Stormwater.* Parking areas shall be designed to convey and/or preferably infiltrate stormwater on-site. Stormwater shall not contribute to the subsidence, erosion, or sedimentation of the development site or off-site areas.
- (7) *Paving.* Parking areas shall be paved unless otherwise approved by the planning commission. Alternative paving materials that increase permeability such as pervious concrete, pervious asphalt, pavers, grid pavers, or any other approved pervious paving materials are encouraged.
- (e) *Landscape standards.* Trees and landscaping contribute to the public health, safety, and welfare. Among the benefits of landscaping are: screening of undesirable views; aesthetic enjoyment; climate modification; reduction of glare, noise, odors and dust; reduction of storm water runoff and flooding; buffers between land use; shelter and food for wildlife; and improved air quality. All of these benefits contribute to a higher quality of life and enhance property values within the county.
- (1) *Landscape plan.* The landscape plan shall be submitted with the zoning permit application. Prior to obtaining a zoning permit, an applicant must receive approval of a landscape plan. The landscape plan shall be prepared by a landscape architect licensed by the State of South Carolina. The landscape plan must contain all information necessary to show that the planned use, structure, or development complies with the standards set forth. This shall include utility information, irrigation plans, existing trees used for credit, and tree protection plans, if applicable.
- (2) *Installation.* No certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection. If the season or weather conditions prohibit planting of trees, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an

APPENDIX A

amount equal to 125 percent of the cost of installing the required plantings to guarantee the completion of the required planting within 270 days. The financial surety shall be canceled and/or returned upon completion of the required landscaping. If the required landscaping is not completed within the time allowed, the owner shall forfeit the guarantee and the county shall use such funding to complete the required landscaping.

- (3) *Maintenance.* The plantings that constitute a landscape area must be properly maintained in order for the landscape area to fulfill the purposes for which it is established. The owner of the property shall be responsible for the maintenance of all plant material within the landscaped areas. This includes keeping landscaped areas free of litter and debris and keeping plantings healthy and orderly in appearance. Tree staking shall be removed within eight months after installation to prevent permanent damage. All dead or diseased vegetation shall be removed. Additionally, any required vegetation that dies or becomes diseased shall be replaced.
- (4) *Minimum material size.* All required trees shall be a minimum size of 2½-inch caliper measured six inches above ground at the time of installation. All required shrubs shall be a minimum size of three gallons at the time of installation. Reference the American Landscape and Nursery Association (ANLA) publication American Standard for Nursery Stock (ANSI Z60, 1-2004) for plant material quality specifications. All plant material shall be mulched with an organic mulch or other approved material.
- (5) *Water source.* A permanent water source (hose bib, etc.) shall be provided not more than 100 feet from any required landscaping.
- (6) *Foundation landscaping.* Landscaping shall be provided around the foundation of structures visible from any parking area. Plant material, as defined in this chapter, shall be located in a planting area adjacent to the building in the following quantities:

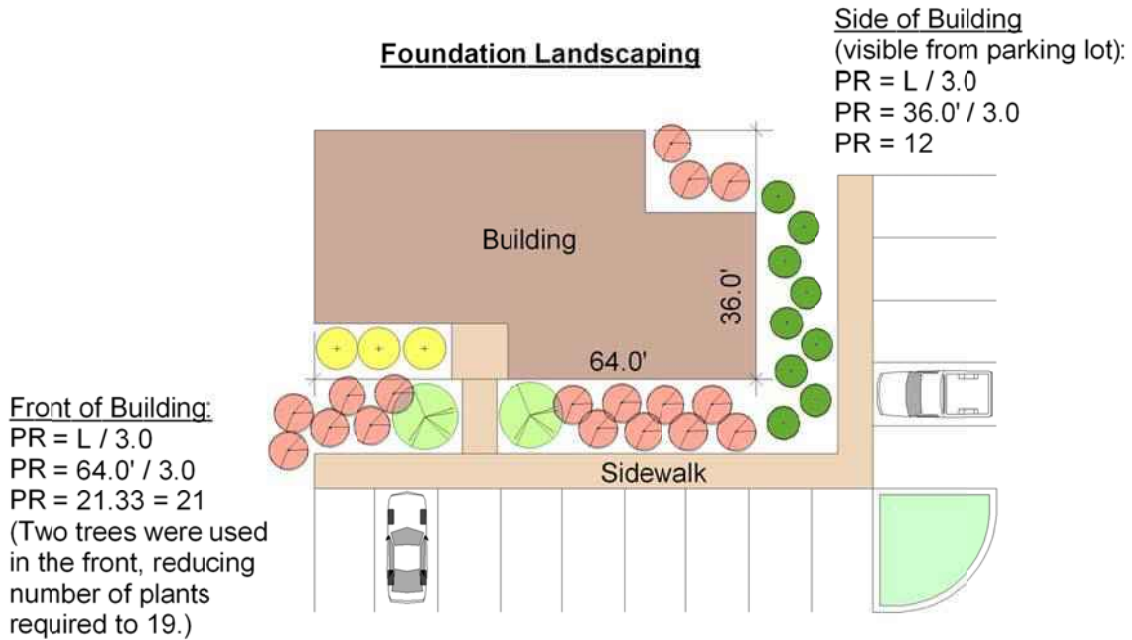
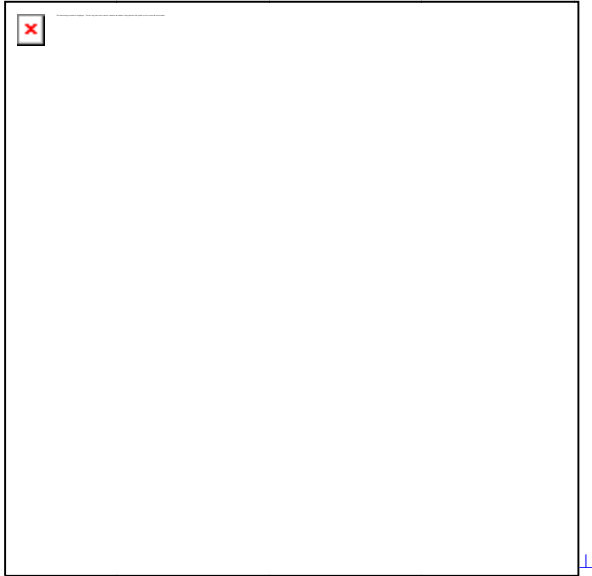
PR = L/3.0 where:

PR = number of plants required

L = building length, in feet, visible from any parking area

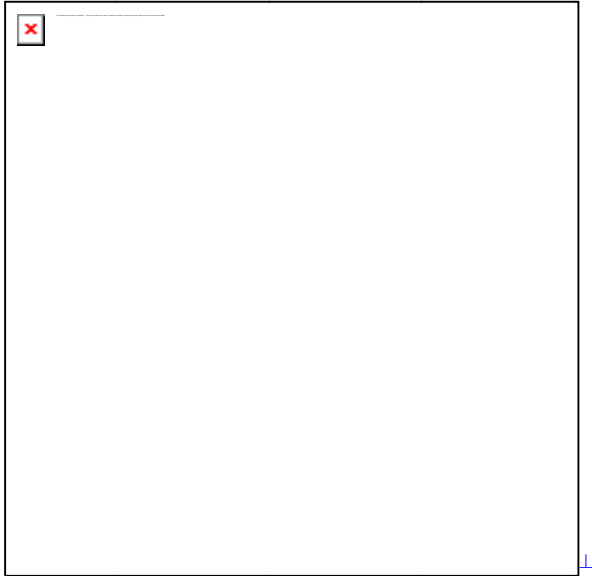
Each tree provided counts as a total of two required plants.

APPENDIX A

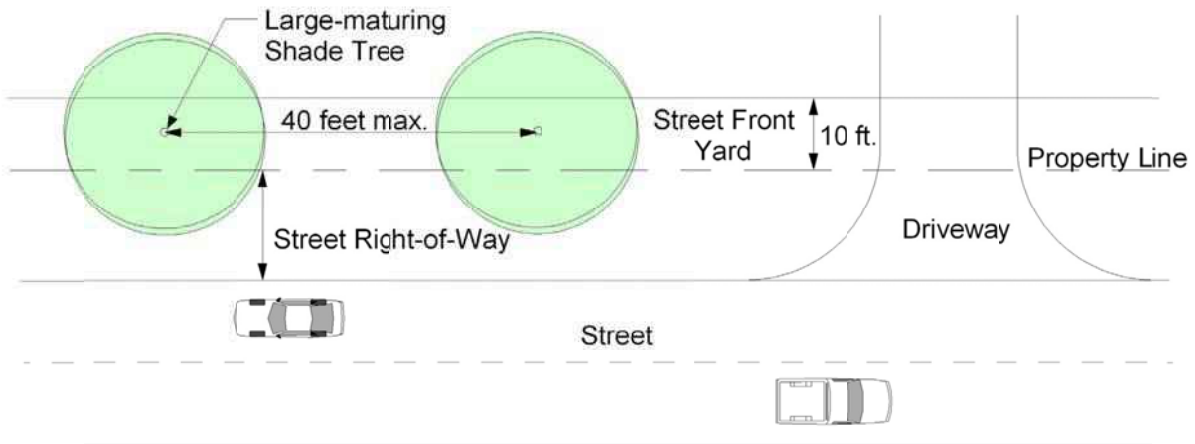


- (7) *Street front yard.* Street front yards shall be located along property adjacent to all street rights-of-way. Street front yards must be located on private property and not within the street right-of-way. Portions of the property needed for driveways are exempted from these requirements. Street front yards shall be a minimum of ten feet in width, measured from the street(s) right-of-way abutting the property. Each street front yard shall contain at least one large maturing shade tree every 40 linear feet or fraction thereof. No street front yard shall contain less than one shade tree. Shrubs, groundcover, understory, and/or turf shall cover the remaining area within the street front yard.

APPENDIX A



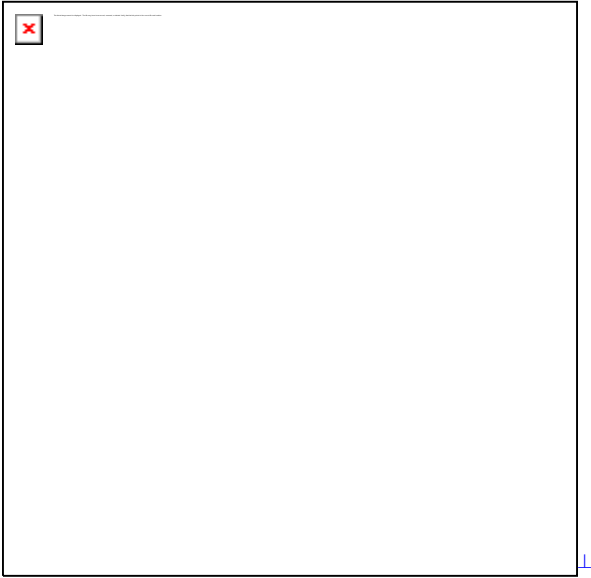
**Street Front Yard**



- (8) *Interior parking.* Whenever the impervious parking cover equals or exceeds 10,000 square feet, a planting area equal to ten percent of the total impervious surface must be provided as islands within the interior of the parking area. One large maturing shade tree and 15 shrubs must be planted for each 500 square feet of required interior landscape area. Plantings in landscape islands referenced under the parking islands section may not be used to satisfy this requirement. However, existing trees preserved in appropriately sized islands may be counted as outlined in the existing trees section.

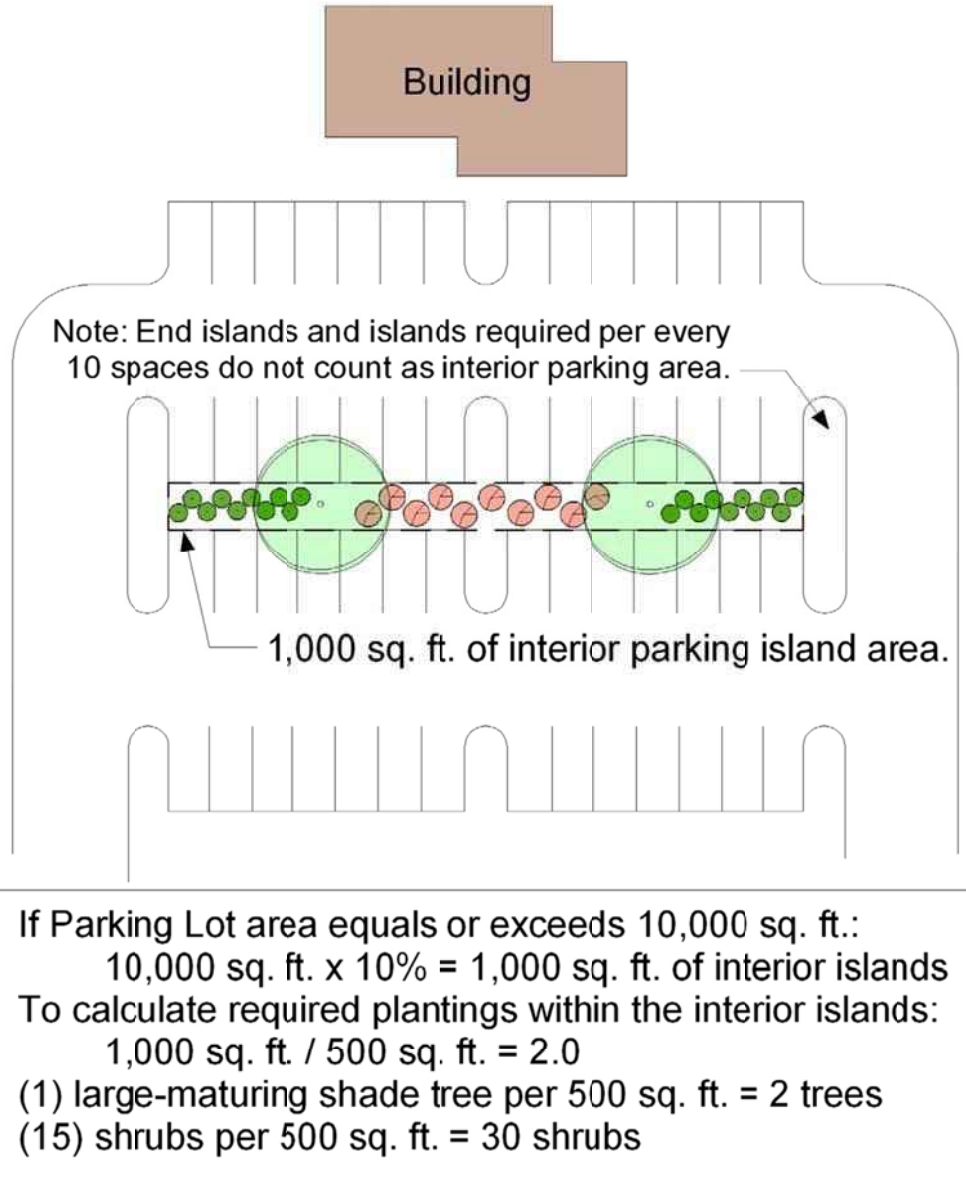
- CODE OF ORDINANCES  
Chapter 38 - ZONING

APPENDIX A



APPENDIX A

**Interior Parking**



- (9) *Existing trees.* Existing trees that have a minimum caliper size of four inches may be counted towards satisfying interior landscaping and street front yard requirements if such trees are preserved and adequately protected through all phases of construction. Credited trees shall be uniformly encircled by a fenced protection area of sufficient size (a circle whose center is the trunk and outer edge is the dripline) to insure tree health. Each four caliper inches of an existing tree shall be deemed the equivalent of one required two-inch caliper tree. If any preserved tree used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees.

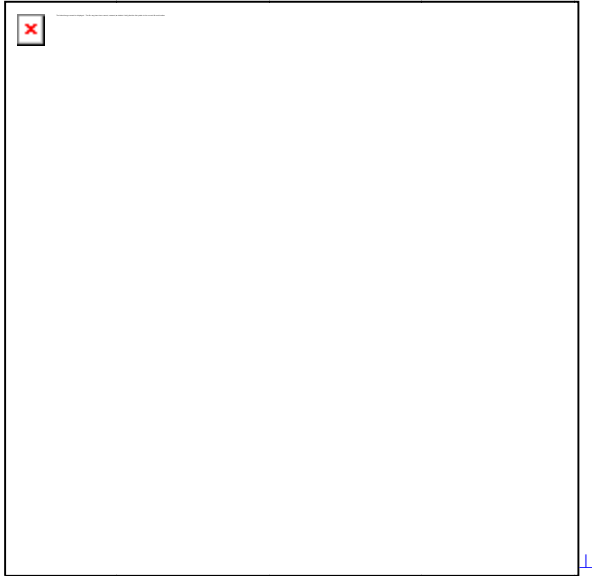
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Chapter 38 - ZONING

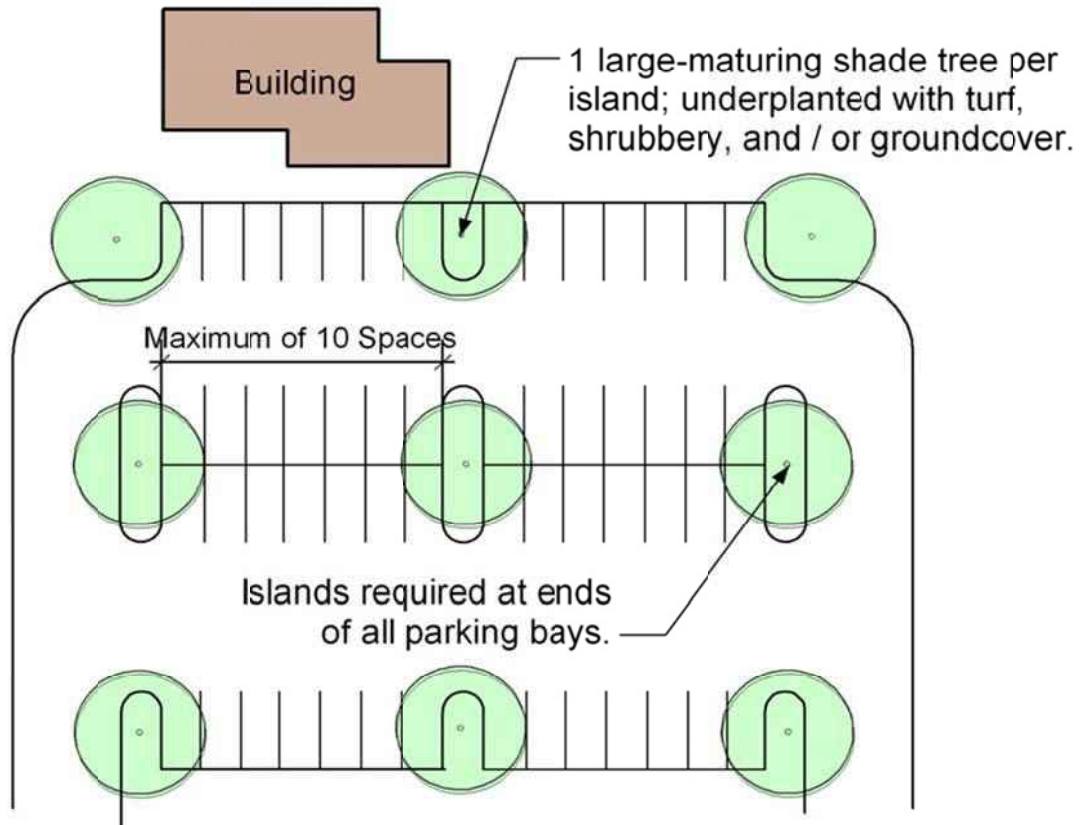
APPENDIX A

- (10) *Parking islands.* A planted parking island shall be provided for every ten parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Refer to the parking standards section for parking island design standards. Planter islands shall contain at least one large maturing shade tree, having a minimum clean trunk of six feet. Shrubbery, groundcover, and/or turf shall be used in the remainder of the island.

APPENDIX A



**Parking Islands**



(11) *Perimeter parking buffer.* All parking lots and vehicular use areas shall be screened from all abutting properties or rights-of-way. The landscaped area shall be directly adjacent to the parking lot edge, and shall be a minimum width of 15 feet. The perimeter shall contain at a



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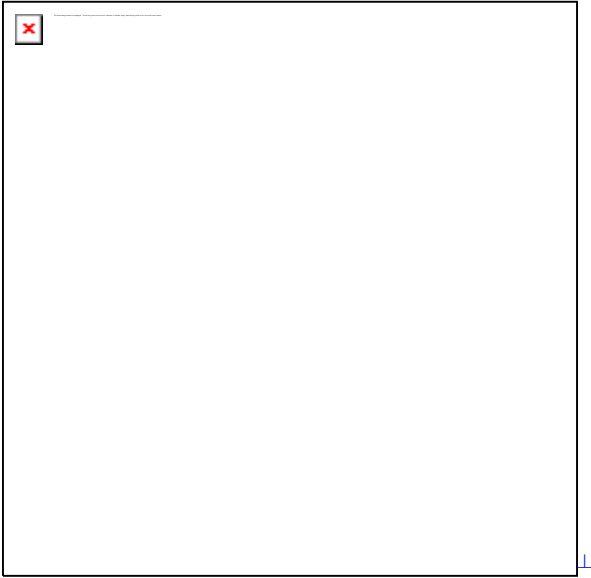
Chapter 38 - ZONING

APPENDIX A

minimum, one large maturing tree for every 50 linear feet, and evergreen shrubs in sufficient quantity to provide screening with a minimum mature height of four feet. If parking is located in the front of the building, buffer requirements will be increased by 30 percent in terms of width and planting quantities.

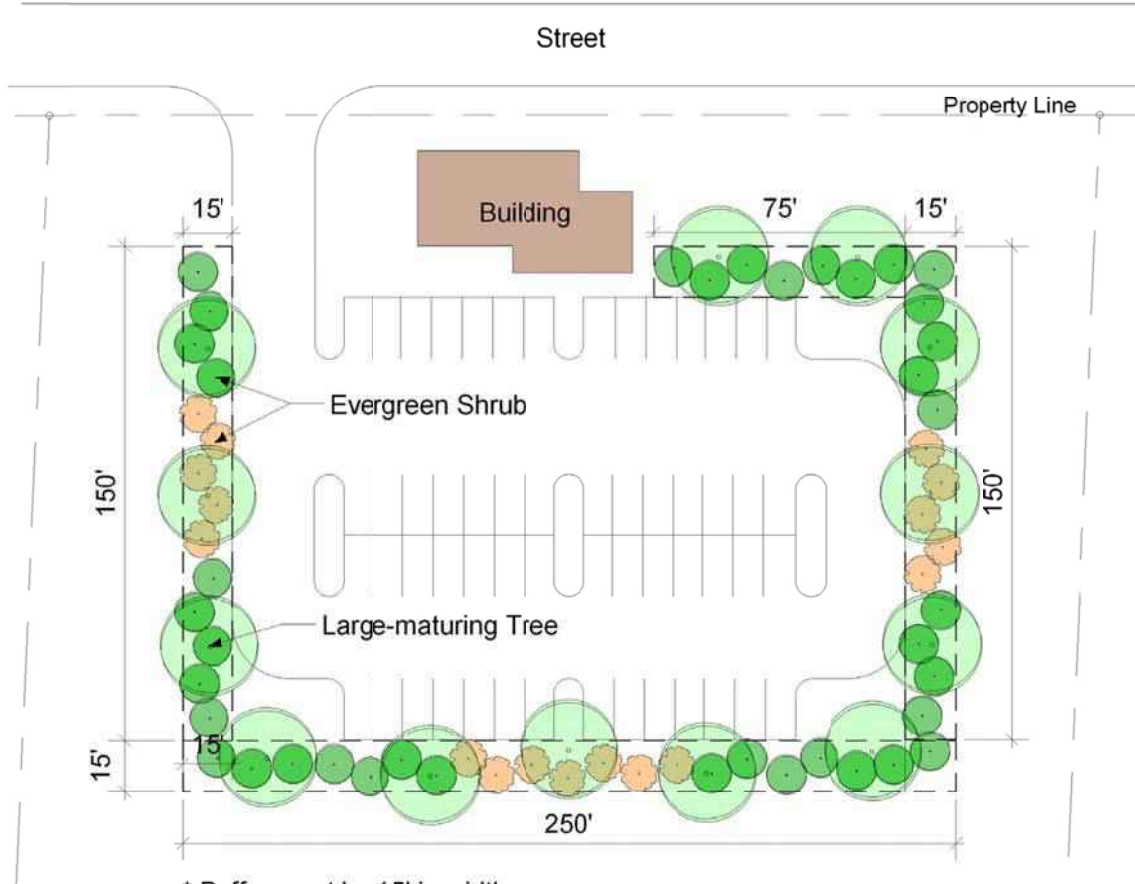
- CODE OF ORDINANCES  
Chapter 38 - ZONING

APPENDIX A



APPENDIX A

**Parking Perimeter Buffer**



- \* Buffer must be 15' in width.
- \* 1 large-maturing tree required for every 50 linear feet of buffer.
- \* Evergreen shrubs as required to create a screen with a min. mature height of 4'.
  - 150' buffer / 50' = 3 large-maturing trees
  - 250' buffer / 50' = 5 large-maturing trees
  - 75' buffer / 50' = 1.5 = 2 large-maturing trees

(12) *Buffering adjacent uses.* In the event that non-residential development borders residential areas or industrial development bordering non-industrial development, a 25 feet wide landscape buffer shall be required along the common property boundary. The following mixture of plants per 100 feet of property boundary shall be required:

Three large maturing shade trees, equally spaced

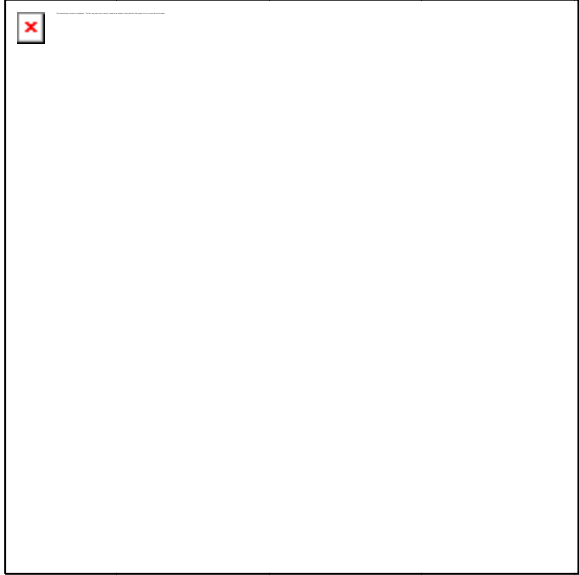
Three understory trees, equally spaced

Six small evergreen trees

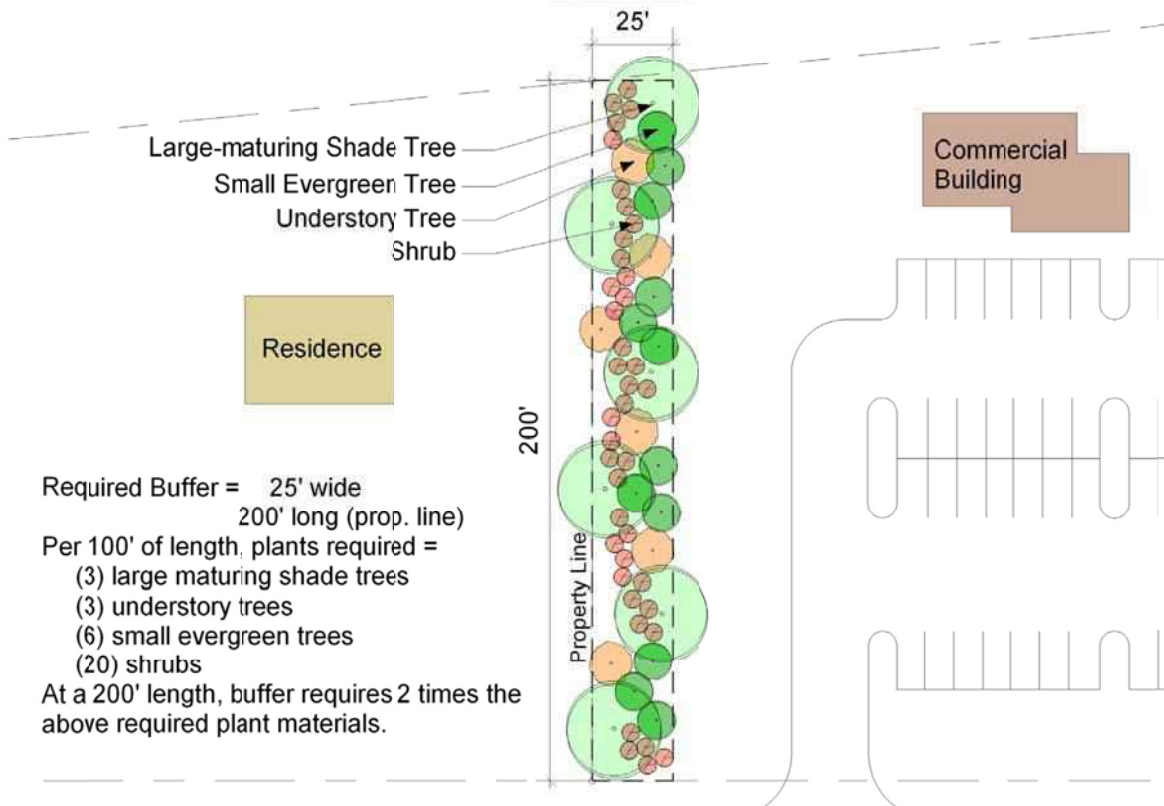
Twenty shrubs

APPENDIX A

If an abutting parcel contains a required buffer or screen, it shall count towards the buffer requirements.



**Buffering Adjacent Uses**



APPENDIX A

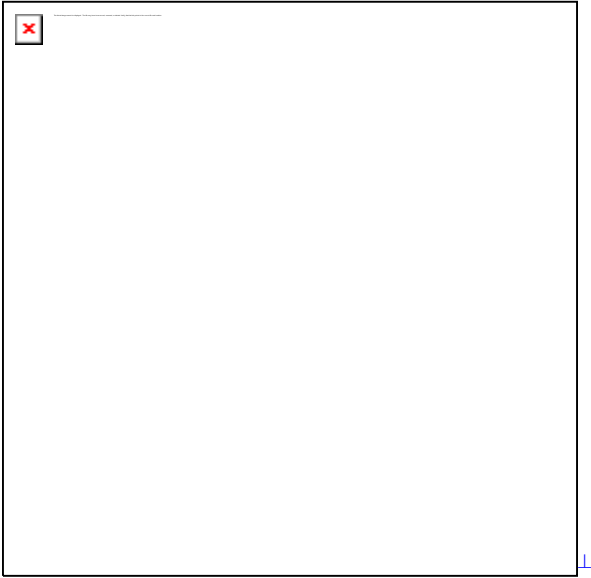
- (13) *Existing natural buffers.* When a natural, undisturbed buffer is retained along a property boundary where a buffer is required, a waiver (in whole or part) of the required landscaping may be granted. The existing buffer must achieve the same screening effects as the required buffer materials and adhere to the requirements for protection and size outlined in the buffering adjacent uses section.
- (14) *Screening of collection areas.* Screening of loading and trash collection areas must be accomplished with an opaque wall of masonry, rot-resistant wood, or evergreen shrubs that are one foot taller than the object to be screened. If evergreen shrubs are used, they must achieve the required screening at the time of planting.
- (15) *Sight triangles.* The placement of any material shall not obstruct the view between access drives and streets, or the intersecting streets of a corner lot. No fence, building, wall or other structure, (excepting single

trunk trees less than 12 inches in diameter, pruned to a height of eight feet, and poles and support structures less than 12 inches in diameter), shall exist between a height of 2½ feet and eight feet above the upper face of the nearest curb (or street centerline if no curb exists) and the sight triangle. For a corner lot, the sight triangle area is the area bounded on two sides by the street right-of-way lines, each having a length of 25 feet, and a third side connecting the two right-of-way sides. For an intersecting street and driveway, the sight triangle is formed by measuring from the point of intersection of the right-of-way and the edge of drive the distance of 25 feet and connecting the points so established to form a triangle on the area of the lot adjacent to the street. Note that road design criteria concerning sight distances is governed by the standards in [Chapter 32](#), Unified Performance Standards of the Oconee County Code of Ordinances.

(Ord. No. 2012-14, § 1, 5-15-2012)

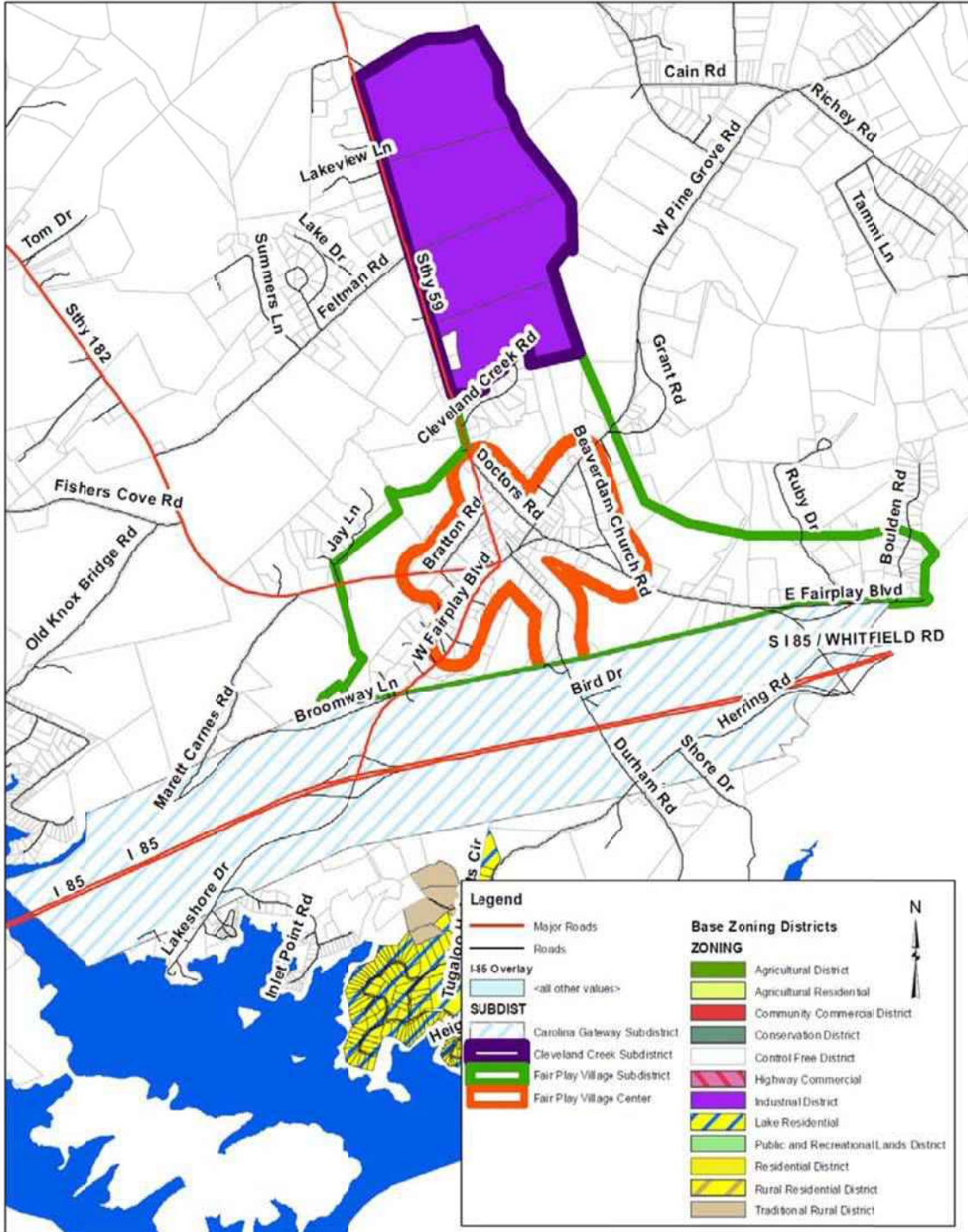
- CODE OF ORDINANCES  
Chapter 38 - ZONING

APPENDIX A



- CODE OF ORDINANCES  
Chapter 38 - ZONING

APPENDIX A



(Ord. No. 2012-14, 5-15-2012; Ord. No. 2012-34, § 3(Exh. B), 1-22-2013)

# Draft Major Development Standards

Planning Commission Presentation  
4-4-2011

## Why ?

- County Council Workshop on February 8, 2011
- This ordinance would give the Commission approval authority over major development
- State Law, section 6-29-540 requires all projects in the "built environment" to submit plans to the Planning Commission



## SC Code 6-29-540

“Review of proposals following adoption of plan; projects in conflict with plan; exemption for utilities”

- We have adopted all 9 elements in the Comprehensive Plan, so . . .
  - A public agency or any entity proposing a public project must submit its development to the Commission (note the code specifies this is not limited to only publicly owned buildings)
- Code also specifies that construction shall not occur or be authorized in the Commission’s jurisdiction until the location, character, and extent of proposed activity has been submitted to the Commission for review for:
  - New Streets
  - Structures
  - Utilities (exemptions apply for telephone, sewer, gas, and electric utilities and suppliers—but they still have to submit construction plans)
  - Square, park, or other public way, grounds, or open space
  - Public building for any use—whether publically or privately owned
- “S.C. Code 6-29-540 required everyone involved in creating the built environment pay attention to the adopted comprehensive planning elements.”

## SC Code 6-29-540

“Review of proposals following adoption of plan; projects in conflict with plan; exemption for utilities”

- What happens if the Commission finds that a project is in conflict with the Comprehensive Plan?
  - The Commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility
  - If the entity decides to proceed, it must publically state its intention to proceed and the reasons for the action
  - The entity is also required to send a copy of their reasons to the local governing body, and the local Planning Commission, and publish a public notice in a newspaper of general circulation in the community at least 30 days prior to awarding the contract or beginning construction

## That's State Law, So Now What?

- Through the building codes, subdivision regulations, the unified road ordinance, staff implements review of projects based upon adopted regulations
- Taken strictly, all projects would come before the Commission, but since we are all ready review projects, the major development ordinance is making a distinction so that not all projects come before the Commission
- The Ordinance attaches additional requirements that ensure compliance with the Comprehensive Plan and it prevents staff from issuing permits without Commission approval.

## Major Development Ordinance

### Section 4: Terms and Definitions

#### Section 4. Terms and Definitions

Except where specifically defined herein, all words in this Article shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word shall is mandatory.

#### 1) Major Development-

- a) single-family residential uses consisting of at least 40 lots/units intended for sale, lease, or rent;
- b) single-family residential uses consisting of at least 11 lots/units intended for sale, lease, or rent accessed directly or indirectly from an existing county maintained road;
- c) multi-family residential uses consisting of 11 or more units intended to be sold, leased, or rented;
- d) new non-residential uses, including both new development and the upgrade/modification of existing;
- e) any use (excepting single-family residential comprised of only 1 unit) proposed to be located on a parcel adjacent to, or accessed from, a federal, state or local scenic highway.

#### 2) Use- For the purposes of this Article, any development, construction, expansion, modification, or other activity related to the manner in which a parcel(s) is used.

# Major Development Ordinance

## Section 5: Requirements

1. All proposed uses defined in this Article as a Major Development shall be subject to the standards contained in *Appendix 1 {to be based on existing standards for I-85 Overlay District, but amended to accommodate use countywide}* of these regulations.
2. Major Developments shall be subject to *review and approval by the Oconee County Planning Commission prior to the issuance of any other permit by Oconee County.*
3. A *Notice of Approval* shall be issued by the Planning Commission upon completion of said review, with a copy of the Notice required as part of the application materials for all necessary County-issued permits.

# Major Development Ordinance

## Section 5: Requirements, continued

4. Planning staff shall review proposed uses for compliance with adopted regulations and plans, and submit a report and recommendation to the Planning Commission prior to their review.
5. The Planning Commission Chairman may grant approval for *reconsideration* of a previously denied use; however, notice of such reconsiderations must be publicly announced no later than seven (7) days prior to the Commission taking the matter up matter again.
6. Approval by the Planning Commission shall in *no way be construed as an exemption or waiver* of any standard, timeline, or other requirement contained in any section of the Code.

## Major Development Ordinance

### Section 5: Requirements, continued

7. The following documentation shall be submitted by the developer/owner prior to being placed on the Planning Commission agenda for review:
  - A completed Application for Planning Commission Review, noting the name, address, and appropriate contact information of legal owner or agent and lead design professional (surveyor, engineer, etc.), and general description of the proposed use.
  - A detailed scaled site plan stamped by a design professional licensed by the State of South Carolina showing the following: total acreage of the proposed site; the arrangement, shape, dimension, and area of proposed and existing structures and lots (as appropriate); the location of existing property lines and easements; utilities, road right-of-ways and other public access; streams, waterways, and flood zones; topography by contour at intervals of not more than 20 feet (as from USGS quad sheets); existing structures adjacent to the site, noting current use and condition, and proposed buffering/screening (as appropriate); any other pertinent information.

## Major Development Ordinance

### Section 5: Requirements, continued

- Appropriate documentation addressing the following issues-
  - projected *traffic estimates* associated with typical operations of the proposed use, with an evaluation of potential impacts of said traffic on existing roads
  - anticipated *cost of any specialized emergency response equipment* and training required to serve the proposed use
  - potential *noise, light, fumes, shadows, obstruction of air flow, and other negative secondary effects* associated with the proposed use
  - the *appropriateness of the proposed location for the use*, considering the impact on the aesthetic, historic, and cultural character of the surrounding community

The Planning Commission may by simple majority vote, on a case-by-case basis, waive the requirement for a licensed design professional's stamp on documentation that may not typically require it. *All documentation shall be subject to public review at the time of submittal.* Materials submitted for the staff review may be utilized in part or in full, as appropriate, for satisfying the submission requirement for the Planning Commission review.

# Major Development Ordinance

## Section 6: Review Schedule

The Planning Commission review of proposed uses shall be conducted, and a decision rendered, *in as expeditious a manner as possible*, and may occur prior to, during, or subsequent to any required staff review. Unless otherwise specified in this Article, reviews shall *typically be scheduled for the first meeting after submission of a complete application* (to include payment of any applicable fees) by the owner/developer, provided said meeting is no sooner than seven (7) days from the date of submission. The Planning Commission shall retain the right to require additional information related to the proposed use, and may table a matter for a reasonable time to allow time for deliberation, or to receive public input, prior to issuing a decision.

# Major Development Ordinance

## Section 7: Exemptions

The following uses shall be exempt from the standards of this Article:

- a) Any proposed use reviewed and granted *approval by Oconee County prior to adoption of these regulations*
- b) Structures utilized solely for *agricultural uses*
- c) Roadside stands and temporary structures *less than 400 square feet* in area
- d) Accessory structures utilized for *a home-based business* (located on the same parcel and adjacent to the owner's primary residence)
- e) Any use or structure associated with *typical operations of a public utility*  
(We recommended changing this exemption to match the language in SC Code 6-29-540)
- f) *Churches* and their accessory structures
- g) Any use for which approval as a Special Exception is required by other sections of the Code

Unless specifically stated, this section shall in no way exempt any use or structure from the application of standards or regulations contained in other Chapters of this Code or other Articles of this Chapter.

## Discussion

Any concerns, changes, or comments  
that the Commission would like us to  
work on?

## 2010 Census

Update

### **Census 2010**

Received Initial Results of 2010 Count

Redistricting Data Released- Only Concerns  
Population, Housing, and Race

Data Limited to Census Tract Level- More  
Detailed Information Scheduled to be  
Released this Summer

## Oconee Continues to Grow Significantly

Economic Slowdown Probably Limited Total, but  
Results Still Show Strong Growth Trend

### Total Population Change

2000: 66,215

2010: 74,273

Change: +8,058

12% Increase

## Statewide Results

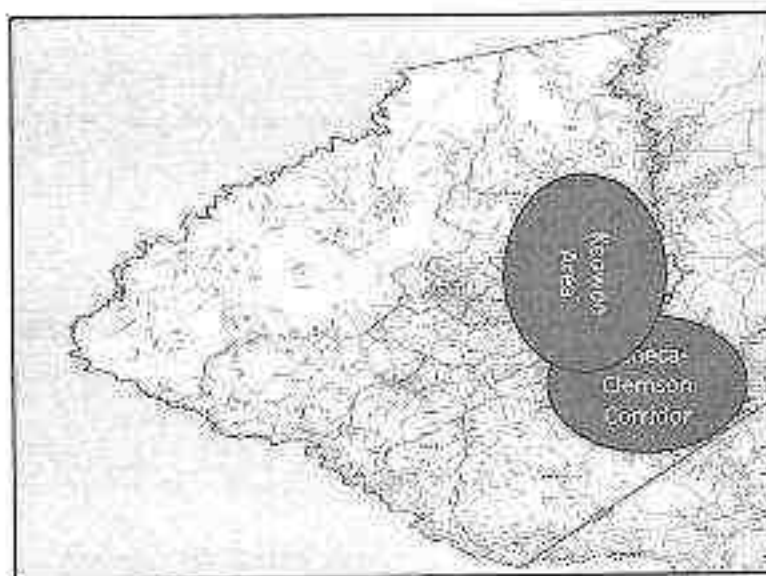




## Regional Growth

- Oconee +12%
- Pickens +8%
- Anderson +13%
- Greenville +19%

### Areas of Greatest Growth within Oconee



## Miscellaneous Topics:

### Landfills

1. Compile options to address Landfills and related uses. Options should include the following:
  - a. Option to add to Ch. 32
    - i. Purpose and Intent
    - ii. Definitions
    - iii. Permitted by Special Exception Only by BZA
  - b. Requirements
    - i. Application material
      1. Completed Application
      2. All approvals from appropriate federal and state agencies
      3. Site Plan. Two copies detailing all required information
    - ii. Setbacks
      1. 250 feet from the front, side and rear property line
      2. 1000 Set back from uses including, but not limited to, schools, churches, parks, residences, etc. measured from the property line
    - iii. Parcel Size
      1. Minimum for 10 acres for example
    - iv. Buffering
      1. The parcel shall have a natural buffer established along each property that is at a minimum 50 feet wide
      2. The buffer shall area shall contain allowed vegetation that encompasses 80% of buffer area at a minimum
    - v. Inspections
      1. The community development director shall perform a bi-annual inspection to ensure compliance with regulations
    - vi. Suspension/revocation of use permit
    - vii. Other items specifically related to this issue.
  - c. Option to add to Ch. 38

- i. Allow only in the Industrial District by special exception

## Major Development Standards

See Attached that was previously presented to the Commission.

## Agriculture Industry

1. Provide options for the creation of an Agricultural Advisory Board.
  - a. Recommend to County Council that an Agricultural Advisory Board be established to make policy recommendations related to Agricultural issues in Oconee County
  - b. 7 members appointed by County Council
    - i. 1 from each Council District
    - ii. 2 At-Large based on recommendations from Ag. Industry
  - c. Meet Quarterly
  - d. Staff Liaison to be provided by Community Development Department
  
2. Review if current land use policies promote uses such as, but not limited to, agri-tourism and food production on a variety of scales.
  - a. Potential to add uses to Ch. 38 such as 'home gardens' and 'community gardens'
    - i. Will need to explore appropriate districts
    - ii. Will need to explore issues such as:
      1. Intensity of use
      2. Size requirements
      3. Etc...