

Public Comment  
October 26, 2015

1. Tom Markovich

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**10. Adjourn**

Mr. Honea motioned to adjourn the meeting.

Mr. Kisker seconded the motion. The motion passed unanimously. 8:14 p.m.



Rotators at Converse WWTP provide oxygen for the wastewater treatment process.

## Part 4. Sewer Master Plan Summary

### Chapter 1. Introduction

#### Overview of the Sewer Master Plan

Sewer issues related to concentrations of people have been problems for thousands of years, and solving the problems related to sewer have been so significant to mankind that the American Water Works Association (AWWA) affirms that "America's sewage systems have been rightly proclaimed as the Conduits of Civilization."<sup>1</sup>

Today, disposal of sewer continues to be important because:

- Proper sewage disposal is required by State and Federal Regulations
- The health of people depends on proper sewage treatment and disposal.
- The lakes and natural resources must be protected
- Commerce and industry (and therefore employment and growth) depend on sewer.

<sup>1</sup> American Water Works Association, *History of Public Works in the United States 1776-1976*, 1976.

In this Master Plan we will look at the history of sewer service in Oconee County, regulations and institutions that impact sewer development, existing and future flows, existing facilities, the OCSC Industrial Pretreatment Program and future opportunities for expanded sewer service in the County.

### The Planning Process

**Intergovernmental agreements.** As an early result of the work done by the Task Force, it became apparent that there were institutional mechanisms for the County to become involved in water and sewer projects in the County. The Task Force decided that a Special Tax District was the best overall approach generating revenue and directing the County's efforts toward infrastructure development. However, the Task Force realized the importance of developing a plan for the County to work together with the Cities and Pioneer for the progress of all. Because of the complex nature of sewage collection, transportation, treatment, ownership issues and billing, Task Force representatives began in November 2002 a regular series of meetings with the Cities and the OCSC for the purpose of drafting an intergovernmental agreement that would "spell out" how:

1. To facilitate the working together of the County and the Cities for their mutual benefit and progress through the expansion of sewer systems and water systems.
2. To protect the Cities from the costs related from system expansions outside of municipal limits, unless the cities decide to expand their systems outside of their municipal limits.
3. To assure fair treatment for entities wishing to connect to the water and sewer system and receive water and sewer service.
4. At the time of this writing (December 2003) these agreements are nearly complete.

**I-85 sewer development.** Also, coming out of the Master Planning Process came a preliminary design and plan for providing sewer to the I-85 area in Southern Oconee County. This work led to an opportunity to begin collaboration with the SCDOT to complete Phase I of this project, which would include the necessary piping and pump stations to transfer the sewage from the SCDOT Welcome Center to an Oconee County Wastewater Treatment Plant located in the region. The SCDOT is presently working to acquire funding for this project, as are representatives from Oconee County.

## Chapter 2. History of Sewer Development in Oconee County<sup>2</sup>

**Importance of understanding the history.** Understanding the history of sewer in Oconee County is important in understanding “why things are the way they are”, and the opportunities and impediments to sewer infrastructure progress in Oconee County.

**WWTP upgrades required.** In the 1970s, the Cities of Seneca, Walhalla, and Westminster were required to upgrade their wastewater treatment facilities to meet more stringent discharge standards. Though Seneca was capable and willing to build its own sewer plant<sup>3</sup>, the other cities were not in a similar position. Seneca was given an extra seat on the OCSC as part of this agreement<sup>4</sup>. Unable to obtain EPA grant money individually, they turned to the County for help. The County at the time was willing to cooperate with the Cities, but did not appear to want to get involved in sewer to any significant degree.



*The chlorine contact chamber at Conners Creek WWTP provides disinfection for the wastewater.*

**Referendum.** Through a 1976 referendum<sup>5</sup>, the OCSC was empowered to formulate plans for the implementation of a sewer district and the construction of all necessary facilities to serve Oconee County, provided that the “sole funds” utilized would be obtained from grants, revenue earned, and bonds. No ad valorem tax dollars were to be used.

<sup>2</sup> Much of the history material was derived from the OCS, “The Oconee County Sewer System”, undated.

<sup>3</sup> Dewitt Martin, Seneca Light and Water, Personal Communication 10/30/03

<sup>4</sup> Dewitt Martin, Seneca Light and Water, Personal Communication 10/30/03

<sup>5</sup> The actual wording of the referendum appears in *Seneca Journal*, Legal Notice, 3/10/76.

**Industrial expansion.** Between 1982 and 1998, many projects were completed that expanded the sewer system and added a significant number of industrial customers; however, no new significant industrial sewer users have been added since 1996. The sewer moratorium placed on the OCSC by SCDHEC, the need for additional industrial capacity, and other factors contributed to the need for the expansion.

**1996 Upgrade to Concross WWTP.** The Concross WWTP was upgraded in 1996 at a cost of nearly \$10 million. This expansion included:

1.a.	Expand domestic treatment capacity by 1.8 MGD	\$2,632,000 <sup>6</sup>
1.b.	Expand industrial treatment capacity by 1.0 MGD	1,480,000
2.	EQ Basin for MI	750,000
3.	Upgrades and replacement of existing facilities	3,238,000
4.	Sludge handling facilities	<u>1,666,000</u>
	Total	\$9,766,000

**Pretreatment program update.** In 1999, the last pretreatment program update was submitted to SCDHEC, but was not approved by SCDHEC.

## Chapter 3. Legal and Institutional Considerations

**Institutional and Funding Mechanisms.** Presently the County lacks both the institutional and funding mechanisms for significant infrastructure development. The Cities and the OCSC essentially control the sewer system development in Oconee County. Improvements in the working relationships between the County and the Cities and OCSC must be made in order for the County to realize its goals, address future infrastructure needs and attract industry to the Golden Corner. In order for County government to play a role in sewer development, these hurdles must be overcome.

**Relationship with the Cities.** The Cities have indicated that they are willing to work with the County for infrastructure progress, but want assurance that they will not continue to bear the costs.

**OCSC.** The OCSC has indicated that it believes it should be the County's entity for sewer development and expansion in the County.

<sup>6</sup> These figures are from the engineer's estimate, JIG, Wastewater Facilities Plan Update, 1993.

### Recommendations

1. Oconee County should complete an agreement with the OCSC whereby they would be the entity that would own and operate collection system facilities in the unincorporated areas of the County and appoint representatives to work out an agreement with the OCSC that will address their relational issues in order to form a new partnership for greater mutual benefit.
2. The County should have on-going dialog with the OCSC and include the OCSC in sewer planning for Oconee County.
3. Oconee County should continue pursuing working agreements with the Cities so that sewer service can be developed throughout the County.
4. If necessary, Oconee County should create a Special Tax District to provide funding for infrastructure development. The SpTD would include all the unincorporated areas of the County.
5. The County should also consider funding infrastructure through local option sales taxes and fees in lieu of taxes for industries and businesses.

## Chapter 4. Regulatory and Permitting Environment

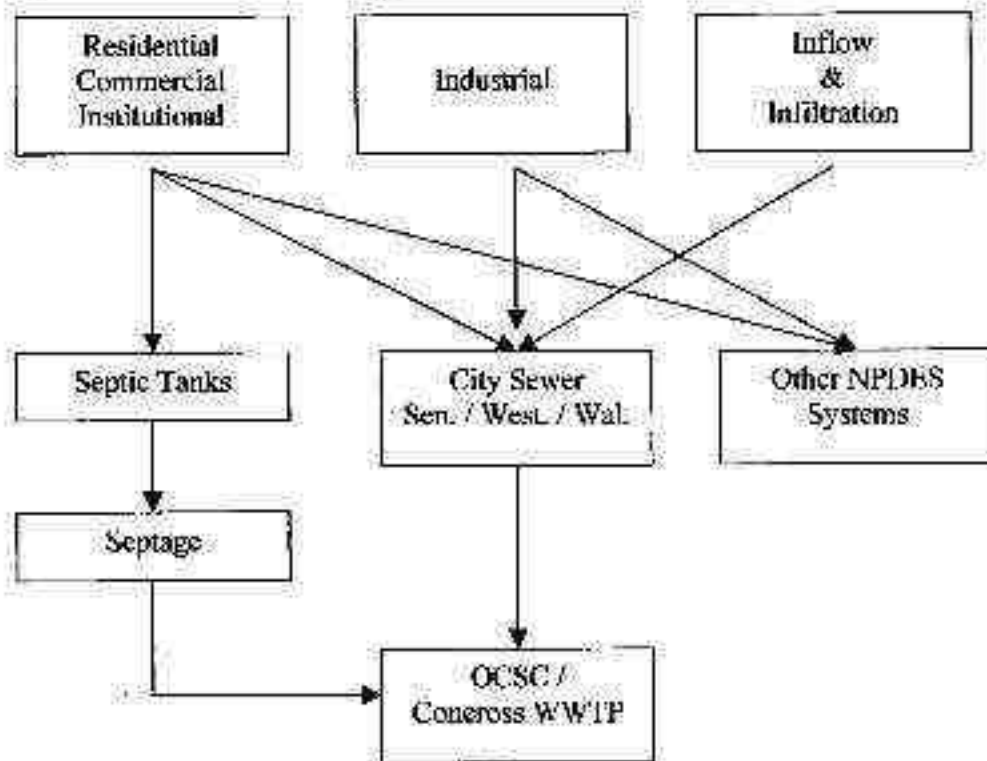
**More stringent discharge limits for Coneross.** Coneross WWTP's new draft discharge permit is more restrictive than their previous permit. The main changes were more restrictive toxicity limits, and the end of their two-tiered limits that were less stringent when the creek flow was higher. It appears that Coneross WWTP should have no trouble meeting the more stringent limits.

**Future capacity of Coneross WWTP.** SCDHEC requires that planning and engineering for plant expansion to begin when the plant reaches 80 percent of capacity. It appears that Coneross will not be at 80 percent capacity for about 15 years, but much will depend on whether there is significant increase in the industrial flow into the plant.

## Chapter 5. Present and Future Sewer Flows to the Sewer System

**Sources of Sewer.** Sewer flows come from residential, commercial, architectural and industrial sources as well as the inflow and infiltration of stormwater and groundwater. Figure 4.5.1 shows where sewer comes from and where it goes in Oconee County.

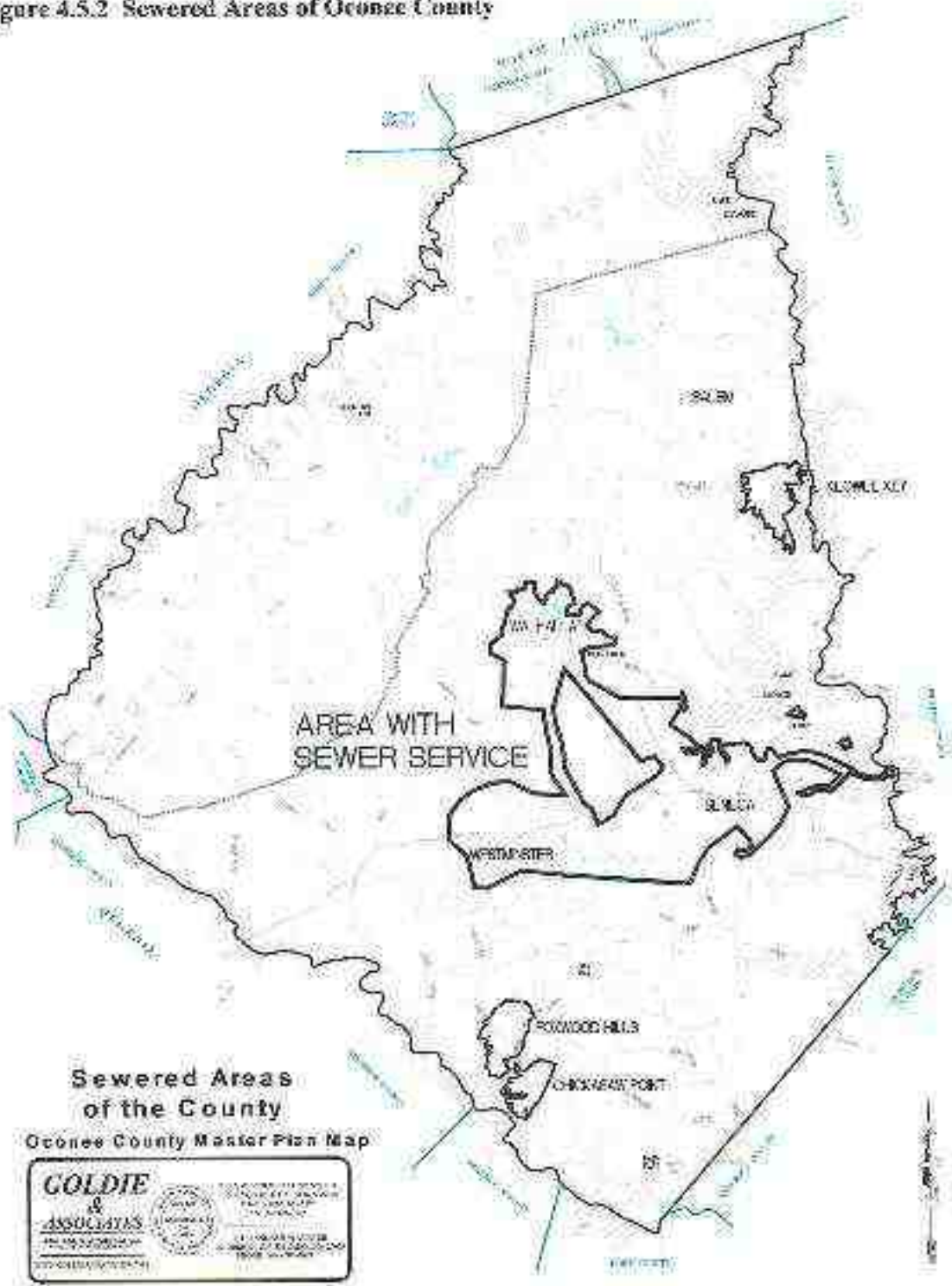
Figure 4.5.1 Sewer Flow Diagram



**Sewer Service.** While 77% of OC citizens are on “city water”, only 22% are on the regional sewer system (7,575 taps). This shows that many residents consider it a priority to be on “city water”, but that being on the municipal sewer system is less important. The portions of the County that have sewer service are presented in Figure 4.5.2.

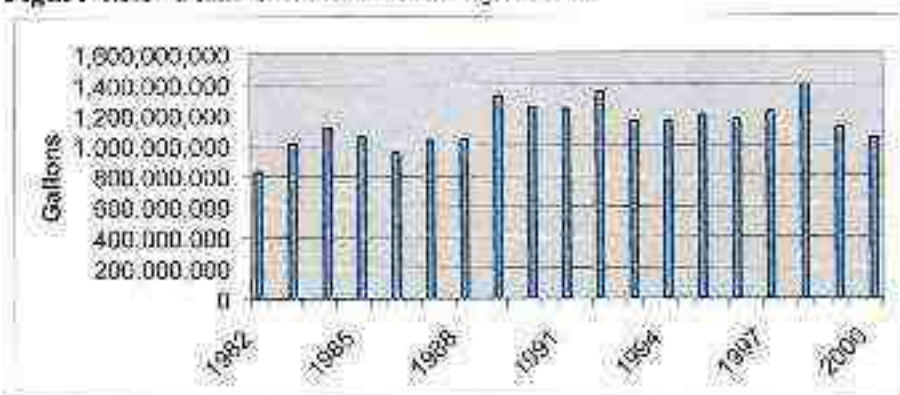


Figure 4.5.2 Sewered Areas of Geonne County



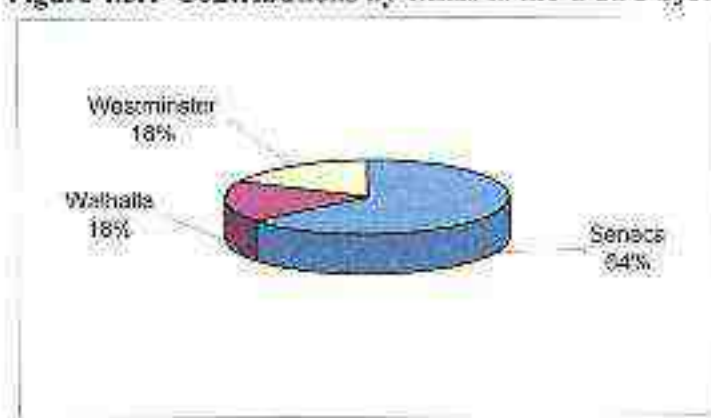
**Coneross WWTP flows.** The 2002 flow of the Coneross WWTP was 1,075 million gallons<sup>7</sup>, or an average of 2.94 MGD. This represents 38 percent of the 7.8 MGD permitted capacity. The flow to the plant has mostly held steady over the years; the 2000 flow is essentially the same as the 1983 flow (Figure 4.5.3). This has been attributed to the water conservation efforts of the industries on the system.

**Figure 4.5.3 Total Gallons Treated by OCSC<sup>8</sup>**



**Contributions by Cities.** The present percentage sewer contributions to the OCSC system are Seneca—62.9%, Walhalla—18.5%, Westminster—18.6% (Figure 4.5.4).

**Figure 4.5.4 Contributions by Cities to the OCSC System<sup>9</sup>**



**Contributions by industries.** Oconee County has a balanced variety of industries on its sewer system. The industrial portion of the permitted flow is 19.6 percent of the total permitted WWTP capacity; the industrial portion of the actual flow is 21.0 percent of the actual total WWTP flow.

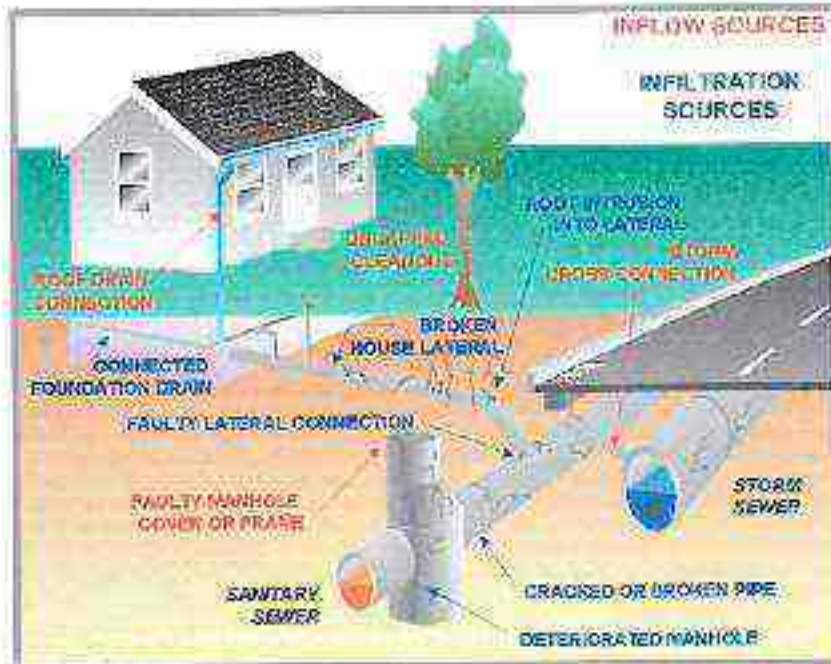
<sup>7</sup> OCSC, "Flow 2002", undated

<sup>8</sup> OCSC, "Coneross Creek WWTP Historical Wastewater Volumes", undated

<sup>9</sup> Bob Winchester, OCSC, Personal Communication, 9/4/02

**Inflow / Infiltration (I/I).** I/I is a significant and costly problem to sewer systems in Oconee County. I/I sources in OC are in the older portions of the Cities as well as some newer areas. OCSC is addressing I/I through construction standards, inspections, surcharges, monthly reports and construction projects (Figure 4.5.5).

Figure 4.5.5 Sources of I/I



Source: King County, Washington<sup>10</sup>

**Other dischargers.** There are a number of dischargers that should be considered as the expansion of the sewer service area is evaluated. They include Keowee Key S.D., Foxwood Hills S.D., Chitkasaw Point S.D., SCDOI Welcome Center, WestPoint Stevens, Duke Power Oconee Station, and West Oak High School. These will be considered later in this document.

**Future Coneross WWTP capacity.** At present growth rates, Coneross WWTP seems to have ample capacity to last through the planning period. If industrial capacity is completely utilized the plant would still have about 12 percent capacity remaining at the end of the planning period.

**Coneross WWTP industrial capacity.** Based on the most recent 201 Plan, there are 2.44 MGD of industrial capacity in Coneross WWTP. Of

<sup>10</sup> King County, Washington, <http://dnr.metrokc.gov/wat/1-1/whafis.htm>.

this, 1.53 MGD (63.7 percent) is permitted. However, the present average industrial flow is 0.62 MGD, which is 40.5 percent of the permitted flow, and 25 percent of the plant's allocated industrial capacity.

**Industrial flows.** Industrial flows have decreased by 55.7 percent since 1993.

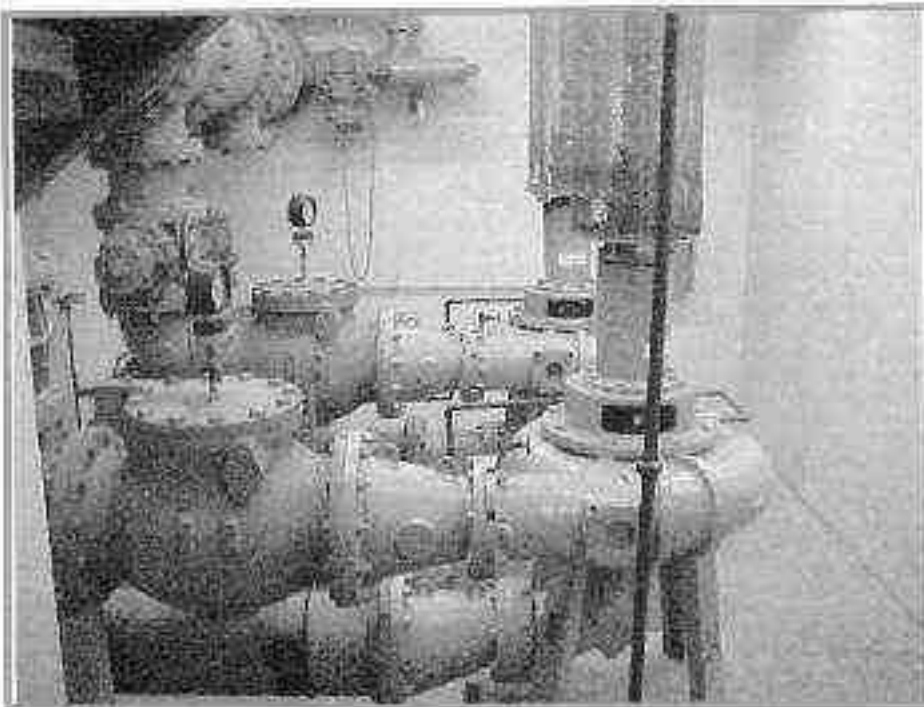
**Expanded industrial flows.** Existing industries expect to add about 150,000 to 200,000 GPD of flow in the next five years.

## Chapter 6. Existing Sewer Facilities

**Municipal networks.** The Cities of Seneca, Walhalla and Westminster have well developed sewer collection networks to serve their municipalities. West Union has some sewer service available, while Salem has none.

**The OCSC transportation system.** All the collected sewer from the municipalities flows through the OCSC transportation network, which consists of approximately eighty miles of sewer lines, fifteen pumping stations, and four flow stations. All this flow is treated at the Coneross WWTP.

**GIS mapping.** GIS mapping greatly enhances the system knowledge base and can greatly improve planning and responsiveness for development. Only Oconee County and Seneca are conducting GIS mapping of facilities, though Seneca has begun assisting the OCSC with the mapping of their facilities.



Pumps within OCSO's Coneross Creek Pump Station

**Coneross Creek.** The larger the stream flow, the less stringent may be the discharge limits. Coneross Creek's present 7Q10 (the lowest expected 7 day average flow in 10 years) at the WWTP is 20.68 cubic feet per second, or 13,236 MGD. However, the lowest 7 day rolling average flow for Coneross Creek for the past several years was much less, 7.9 cfs during the week of July 23, 2002. 7Q10s are generally calculated by the state when determining flows for permit limits, and also, the 7Q10 is based on a typical 10 year flow. However, considering the significant drought that the state had experienced over the past several years and the extremely low flows that occurred, there were questions as whether the 7Q10 in many streams would be reduced. Coneross Creek included, which could have resulted in tighter limits at Coneross Creek WWTP. However, the 7Q10 utilized on the draft permit was substantially unchanged.

**Coneross Creek WWTP capacities.** Coneross Creek WWTP is capable of treating 7.8 MGD, of which the present industrial WWTP capacity is 2.44 MGD.

**Coneross Creek WWTP facilities.** Coneross Creek WWTP has several stages of treatment (Figure 4.6.1) including: 1) flow equalization, 2) primary sedimentation (settling), 3) activated sludge processing, 4) biological phosphorus removal, 5) chemical addition for nutrient removal, 6) secondary sedimentation, 7) chlorination for disinfection, and 8) sodium bisulfite for dechlorination.

**Noteworthy changes in the new Concross WWTP Discharge Permit are:**

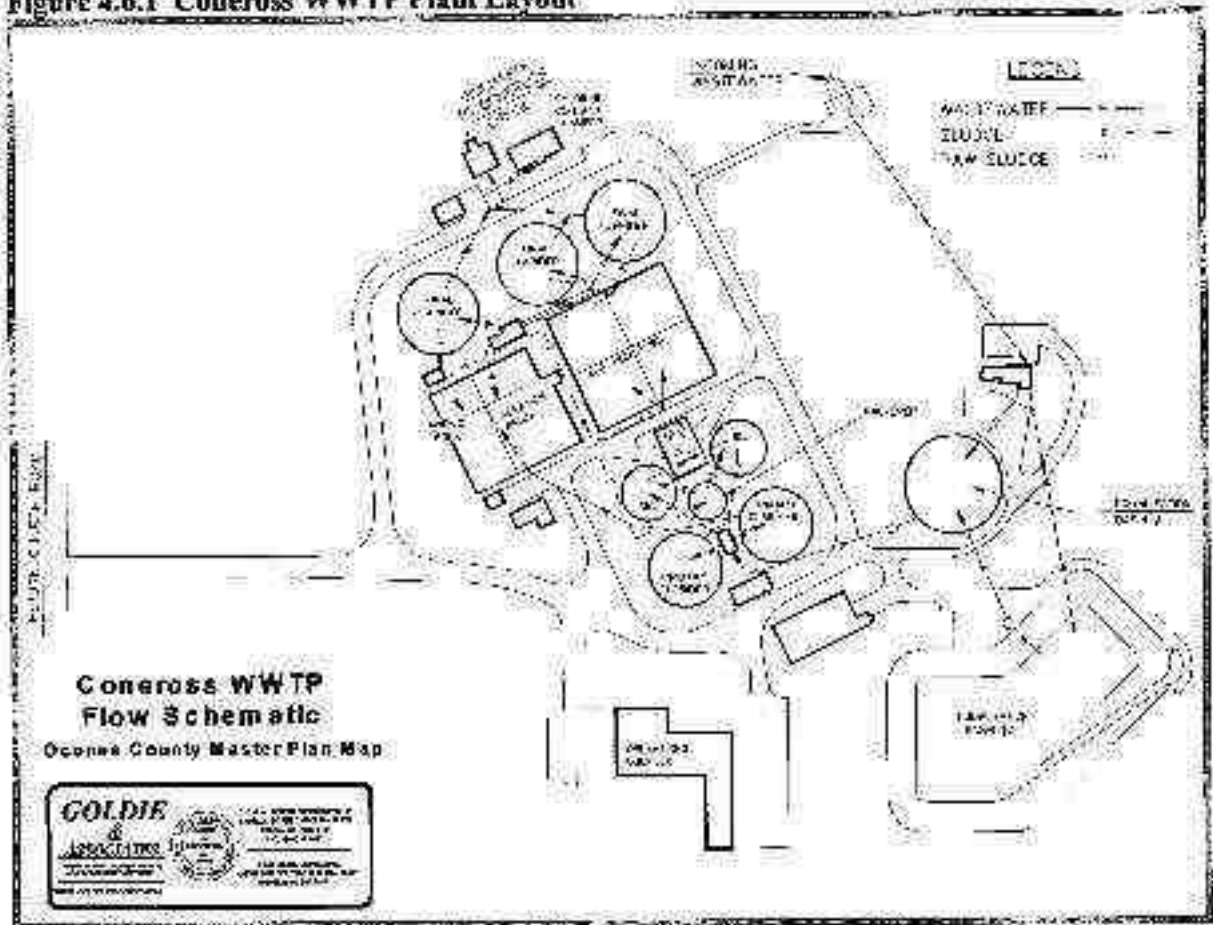
1. The new permit eliminates the two tiered limits that were in the present permit.
2. The new permit requires 85% removal of BOD and TSS, in addition to the concentration and mass limits already imposed.
3. Summer ammonia limits were relaxed (increased) by about 25%.
4. Lead and cadmium have been removed from the permit.
5. Two organics have been added; bromoform and chlorodibromomethane.
6. More stringent toxicity testing is now required.

**Concross WWTP compliance data.** Concross overall reports a good compliance history, with only two excursions for total residual chlorine (TRC) in 2002<sup>11</sup>, and some toxicity problems, but these have been corrected.

**Compliance with new permit.** The Concross WWTP is not expected to have difficulty meeting any of its permit limits.

<sup>11</sup> Bob Winchester, OCSC, Personal Communication, 3/3/03, Doc # S-111.

Figure 4.6.1 Coneross WWTP Plant Layout



**Recommendations**

1. As opportunity lends itself, Oconee County should support and encourage the OCSC in its endeavors to:
  - to land apply wastewater from their WWTPs, as economically attractive opportunities present themselves.
  - encourage industries to pursue water conservation methods where economically feasible and when compliance with their discharge permit is not jeopardized.
  - provide incentives for industries to minimize their flows and to return unused flow capacity to the plant.
  - reduce and eliminate I/I.
2. Oconee County, the OCSC and the Cities should coordinate their GIS mapping efforts.
3. Oconee County should encourage industries to pursue water conservation efforts economically feasible and when compliance with their discharge permit is not jeopardized.

## Chapter 7. The OCSC Industrial Pretreatment Program

**Importance of Pretreatment.** One factor that determines the attractiveness of an industrial location is the wastewater pretreatment limits that the industry must meet.

**The goal of pretreatment.** The pretreatment program's primary goal is to protect Publicly Owned Treatment Works (POTWs) and the environment from adverse impacts that may occur when pollutants are discharged into a publicly owned sewage system.

**Local Responsibility.** Unlike other environmental programs that rely on Federal or State governments to implement and enforce specific requirements, the Pretreatment Program places the majority of the responsibility on local municipalities. These programs must be approved by the "Approval Authority" (in SC, this is SCDHEC) who is also responsible for overseeing implementation and enforcement of these programs.

**Permits.** Under a pretreatment program, each Significant Industrial User is permitted by the POTW and regulated in regard to flow, the discharges



of over 100 pollutants, wastewater pretreatment equipment, and internal chemical handling and storage practices. Industries unable to meet their compliance limits may be required to install wastewater treatment equipment to meet the limits or face administrative actions. Industries exceeding their permit limits also may be subject to charges and surcharges.

**OCSC Program.** The OCSC boasts the first SCDHEC approved industrial pretreatment program in the state (1984). Presently 19 industries (22 plants) are permitted under the OCSC Pretreatment Program, though many more are regulated by the OCSC.

**Permitting Strategy.** There are a number of strategies that POTWs can use to establish the local pretreatment limits. OCSC appears to use a strategy which basically gives all industries the same limits "across the board." Other strategies are based more on the individual needs and demands of each industry, to varying degrees.

**Distribution of Pollutant Amounts.** Like distributing "rations", the POTW can distribute amounts of pollutants that the plant can treat and still stay within its permit limits. So the POTW can utilize the capacity of its plant, while maintaining appropriate safety factors and buffers. For instance, if there are 30 lb/day of lead that can be allocated, then this can be allocated to those industries that need them, while considering the needs of the system and the protection of the WWTP.

**Pollutant reserves.** More than 50 percent of the mass of metals available to be allocated to industries are held in reserve, while 38 to 47 percent of conventional pollutants such as Biochemical Oxygen Demand (BOD) and ammonia are held in reserve. Figure 4.7.1 shows that the plant is holding 43 percent of the pounds of BOD it can allocate for its present flow in reserve.

Figure 4.7.1 BOD Allocations Based on Present Flow

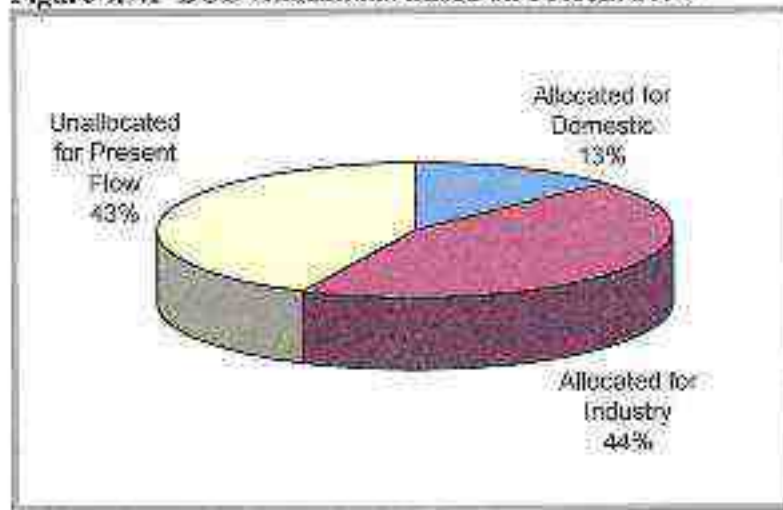
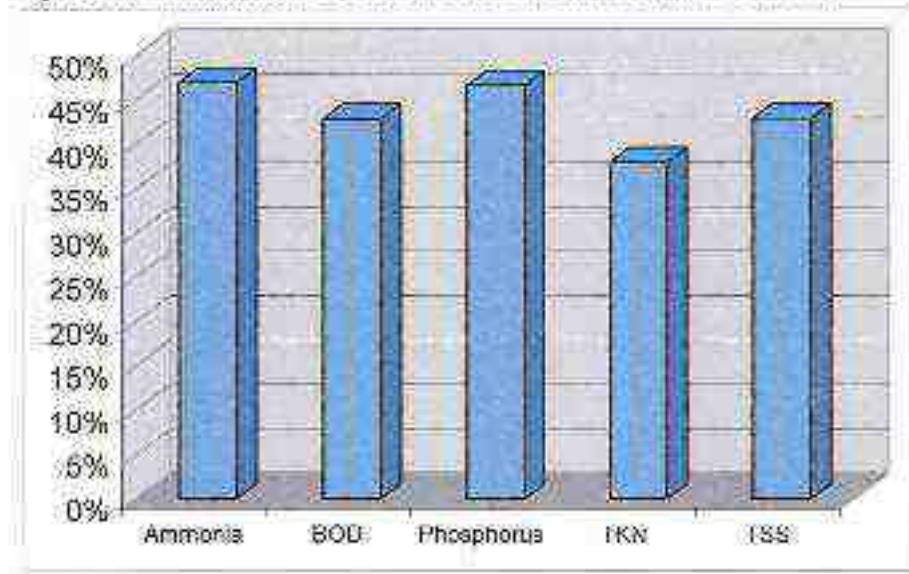


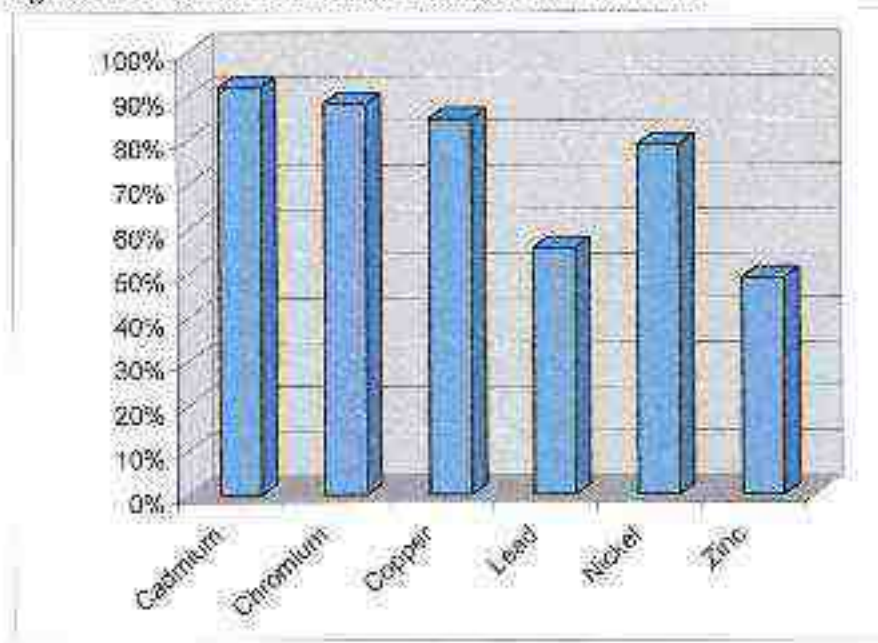
Figure 4.7.2 and Figure 4.7.3 show the quantities of many pollutants that are being held in reserve by the POTW.

Figure 4.7.2 Estimated Conventional Pollutants Held in Reserve<sup>12</sup>



<sup>12</sup> These estimates are based on present flow only. If the entire flow were considered, these percentages would be much larger.

Figure 4.7.3 Estimated Metals Available for Allocation



**Appeals process.** The appeals process for industries appears in Ordinance 95-2. Industries may first appeal to the OCSC, then if they are not satisfied, may appeal to the Court of Common Pleas.

**Industrial user survey.** A survey was mailed to the SIUs on the OCSC system. The industries were not asked to identify themselves. The purpose of the survey was to help determine the effectiveness of sewer service in Oconee County. The survey presented five statements with which the respondents were to agree or disagree on a "1 to 10" scale, and provide comment if desired. The results of the survey are presented below. Ten of 19 surveys were returned.

Figure 4.7.4 Statement 1: "With regard to sewer, Oconee County is an 'industry friendly' county."

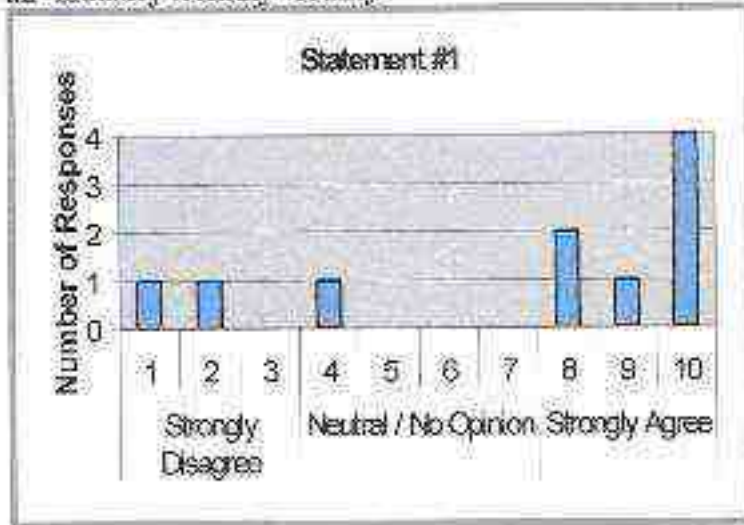
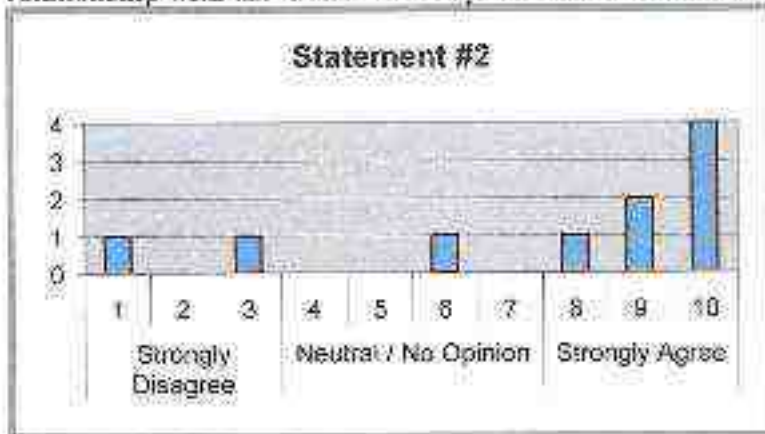
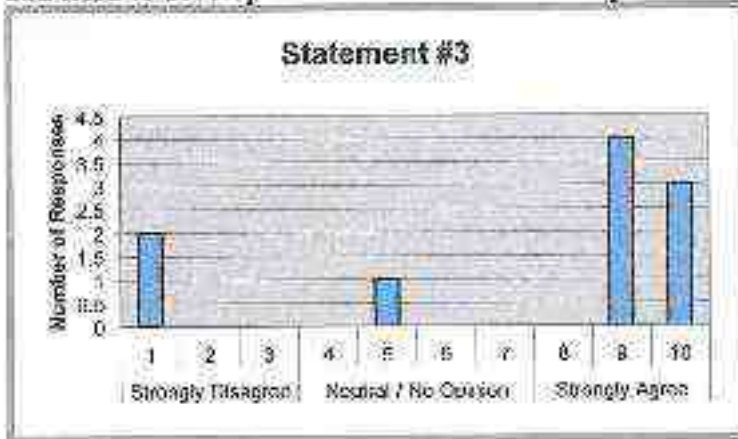


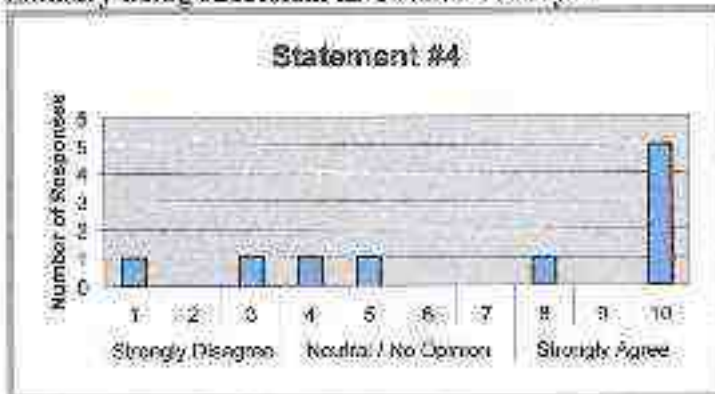
Figure 4.7.5 Statement 2: "Our industry has a good working relationship with the Oconee County Sewer Commission."



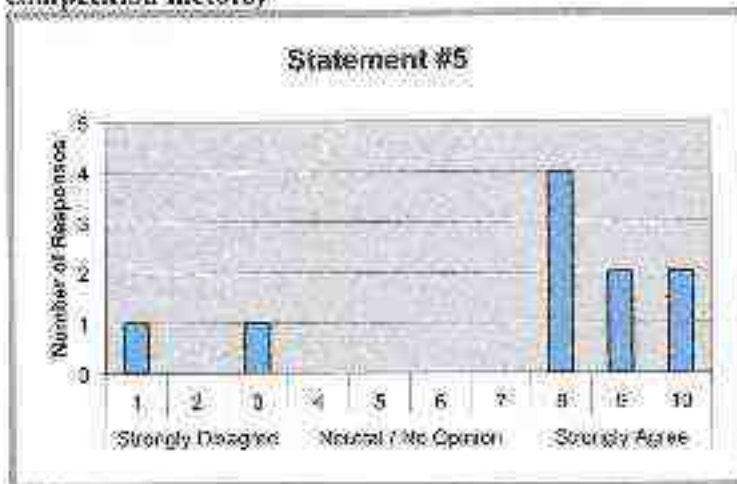
**Figure 4.7.6 Statement 3: "When our industry has had compliance problems or other sewer related needs, the OCSC has been flexible and tried to develop 'win-win' solutions to our problems."**



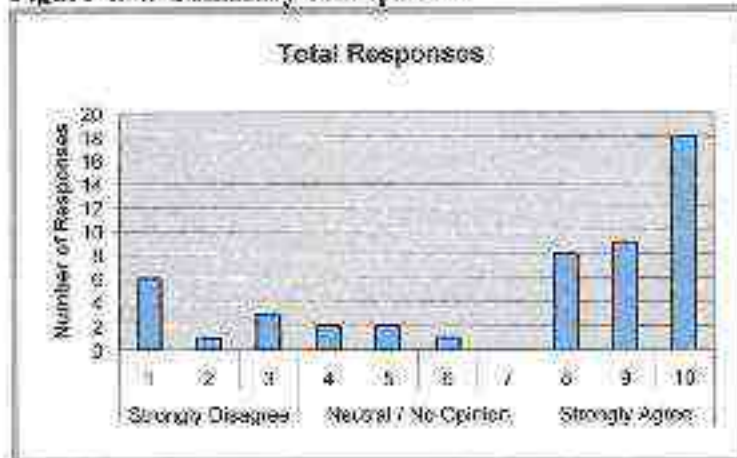
**Figure 4.7.7 Statement 4: "The OCSC is concerned about our industry being successful in Oconee County."**



**Figure 4.7.8 Statement 5: "I would recommend Oconee County to other industries looking for a new plant site." (Not considering competition factors)**



**Figure 4.7.9 Summary of responses.**



#### Comments from the surveys

The following comments were received on the surveys:

*Statement 1. With regard to sewer, Oconee County is an "industry friendly" county.*

Always available when needed. Very cooperative to work with and supportive of needs and assistance.

*Statement 2. Our industry has a good working relationship with the Oconee County Sewer Commission.*

[Strongly Disagree] With the exception of Edd Mize (this is a compliment for Edd Mize).

*Statement 5. I would recommend Oconee County to other industries looking for a new plant site. (Not considering competition factors)*

If the current Sewer Commissioner was replaced,

#### *General Comments*

Continue holding yearly pretreatment seminars.

Sewer rates are double the price of water. Something needs to be done if this county [intends to] remain competitive.

Very pleased with service.

#### **Recommendations**

The Task Force recommends that the County have on-going discussions with the OCSC regarding pretreatment issues in Oconee County as related to meeting the needs of existing industry and bringing new industry to the County.

#### **Addendum to Chapter 7**

##### **Surcharges for Higher Limits**

One opportunity that could be considered by the OCSC would be to offer higher permit limits to the industries, but surcharge them for pounds over the normal local limits. In this way, the OCSC could recoup its costs for treating the extra strength waste, generate extra revenue, and the industries can choose to pay surcharges rather than install expensive pretreatment equipment.

For example, a company that needed additional Biochemical Oxygen Demand (BOD) capacity could receive a limit of 1,000 mg/l, but would have to pay for the pounds of BOD generated over the local limit of 300 mg/L. For a months flow at 800 mg/L BOD, 20,000 gpd and 5 days per week, this would result in a surcharge for 1668<sup>13</sup> pounds of BOD. At \$0.30 /lb, this would result in \$500 per month income for the OCSC. Some of this cost would be for the extra treatment expenses, but the OCSC could charge above that to increase its revenues. Many industries would gladly pay surcharges rather than bear the cost of purchasing, operating and maintaining pretreatment facilities.

The OCSC could also charge for the extra capacity reserved for the higher limit. In other words, a plant needing a 1,000 mg/L BOD limit may pay an annual fee for that limit.

<sup>13</sup> (800-300mg/L)\*0.020 MGD \* 20 days \*8.34 = 1668 lbs of BOD

## Chapter 8. Management of Septic Tanks and Onsite Wastewater Treatment Systems

**A New View of On-site Wastewater Treatment.** In the past, EPA has generally considered onsite treatment systems to be a temporary, stop-gap measure, to be avoided if possible. However, this view has been changed. A recent EPA publication states, "Onsite systems are recognized as potentially viable, low-cost, long term, decentralized approaches to wastewater treatment if they are planned, designed, installed, operated, and maintained properly." EPA also noted that "adequately managed decentralized wastewater treatment systems can be a cost-effective and long-term option for meeting public health and water quality goals, particularly for small towns and rural areas".

**Septic Tanks.** There are approximately 25,000 households and / or businesses on septic tanks in Oconee County. Improperly managed or installed septic tanks have the potential for significant environmental damage to lakes from unsewered lake communities. Of approximately 70 developments surrounding Lake Keowee, all but a few are on septic systems. There is a critical need for septic tank management in order to protect Oconee County water resources.

**Soils.** Of Oconee County's 208,491 acres, approximately 163,488 acres (78 percent) are severely limited with regard to suitability for drainfields. Most of this acreage is limited because of the steep slope of the land. Limitations in soils can usually be overcome with design modifications or expanded systems.

**Septage.** The amount of septage brought to OSCS is significantly less than expected (about one-fourth), based on the number of septic tanks in the County. This means that a) Oconee residents are not pumping their tanks frequently enough or b) a significant portion of septage goes out of the County or c) a significant portion of the septage is disposed illegally. OCSC is presently evaluating the feasibility of constructing facilities to receive and process septage so that septage can be received with minimal impact to the WWTP.

### Recommendations

- Oconee County should begin the preliminary planning for a countywide septic tank management program in order to offset the potential damage that septic tanks can cause to Oconee County water resources.



- Oconee County should use the management guidelines that EPA has laid out for an effective management program that includes the following critical elements:
  - a. Clear and specific program goals
  - b. Public education and outreach
  - c. Technical guidelines for site evaluation, design, and construction
  - d. Regular system operation, maintenance, and monitoring
  - e. Licensing or certification of service providers
  - f. Adequate legal authority, effective enforcement mechanisms, and compliance incentives
  - g. Funding mechanisms
  - h. Adequate record management
  - i. Periodic program evaluations and revisions.
- Oconee County should support and encourage OCSC efforts to construct treatment facilities to accept seepage from Oconee County residents and entities.

## **Chapter 9. Opportunities for Sewer Expansion**

In order to stimulate commercial and industrial growth, and to provide better service to its citizens, the County seeks to extend sewer service into some of the currently non-sewered areas of the County. Many of these areas are currently undeveloped but, provided with the proper services, could provide excellent sites for industrial, commercial, and corresponding residential growth.

## **Chapter 10. Providing Sewer Service to the I-85 Area and Southern Oconee County**

Oconee County's 4-mile portion of I-85 is a prime location for industries and commercial development, but presently there is no sewer service to this area. This tends to severely hinder industrial and commercial development of the area.

## Project Description

Sewer and water infrastructure facilities are needed along I-85 Exits 1, 2, 4, 11 and 14 in Oconee and Anderson Counties in order to address this limitation to development in this area (Figure 4.10.1). A sewer collection system is proposed that would receive the sewer from the SCDOT Welcome Center at Exit 1 and pump it to a new 500,000 gallon per day wastewater treatment plant (expandable to 1,000,000 GPD) located near the confluence of Beaverdam and Cleveland Creeks.

Phase 1 also includes the important water system upgrades for the area mentioned in the Water section of the Master Plan. Though water is presently available throughout most of this portion of I-85, the water system is stretched to capacity and could not handle the growth and demand that development will bring. Additional 16" water mains are needed to conduct the water from the water suppliers out to these remote locations. Water improvements are also shown in the figure.

Ultimately, sewage collection facilities at the other exits along I-85 would be added, along with sewer service along Hwy 59 for a future industrial site. Sewer service would be extended into other parts of southern Oconee County and northwestern Anderson County in later phases. Next, sewer and water facilities are included for the development of a portion of the 660 acre tract of land near the Welcome Center that is currently owned by the US Army Corps of Engineers. The final phase includes sewer along a portion of Highway 11 near I-85 in Oconee County.

Water and sewer for this area is proposed in five phases, with capital costs and projected construction dates shown below in Table 4.10.1.

Phase 1 – includes the sewage lift stations, piping and an initial 500,000 GPD wastewater treatment plant to accept sewage from the existing SCDOT Welcome Center and from a proposed industrial park along Highway 59. Also included are the water mains to supply the area with the necessary water. The 500,000 GPD wastewater treatment plant is sized to handle the flow for Phases 1-5.

Phase 2 – includes the infrastructure to provide sewer service to the other exits along I-85 in this area. These include the Exit 2 (Hwy 59 in Oconee County), Exit 4 (Hwy 243 in Anderson and Oconee Counties), Exit 11 (Hwy 24 in Anderson County) and Exit 14 (Hwy 187 in Anderson County).

Phase 3 – includes the sewer infrastructure necessary to provide sewer service to much of the southern part of Oconee County.

Phase 4 – includes water and sewer infrastructure necessary to develop the Corps property next to the Welcome Center.

Phase 5 – includes sewer service to the southern end of Hwy 11 near I-85 in Southern Oconee County.

**Table 4.10.1 Summary of Capital and Annual Costs for I-85 Sewer & Water by Phase**

Phase / Item	Capital Cost <sup>14</sup>	Projected Completion Date
Phase 1 Sewer – Welcome Center and Highway 59	\$9,921,000	2007
Phase 1 Water	\$3,745,000	2007
<b>Subtotal Phase 1</b>	<b>\$13,666,000</b>	
Phase 2 – Other I-85 exits plus water improvements	\$10,964,000	2008
Phase 3 – Sewer expansion in Southern Oconee County	\$3,094,000	2009
Phase 4 – Water and Sewer for lake property near Welcome Center	\$834,000	2010
Phase 5 – Sewer for the Southern end of Highway 11	\$1,536,000	2011
<b>Total</b>	<b>\$30,094,000</b>	

(A 1,000,000 GPD WWTP instead the 500,000 GPD would add \$4.6 million to the project.)

#### Alternatives Considered

The Task Force also considered pumping sewer to the existing Coneross Creek Waste Water Treatment Plant (WWTP). This system would cost \$7.7 million, compared to the \$6.5 million projected cost of the system using a new WWTP.

#### Recommendations

1. The Task Force recommends that the County proceed with the engineering and other steps necessary to make this project a reality.
2. The Task Force recommends that the County pursue acquiring the Corps of Engineers' property adjacent to the Welcome Center.

<sup>14</sup> Costs were adjusted for future construction costs based on a 2% annual inflation rate.

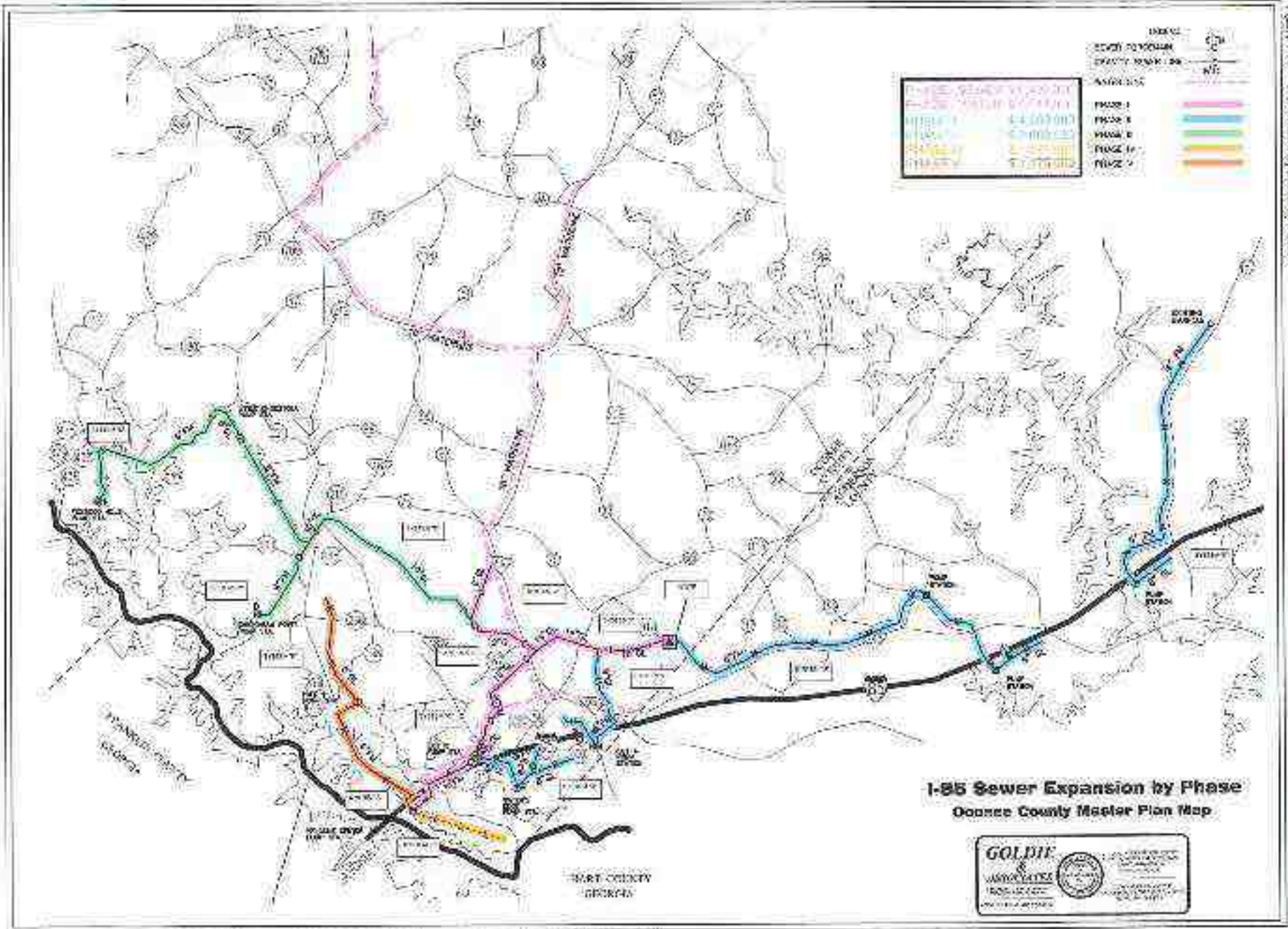


Figure 7.10 - I-85 Sewer Expansion by Phase

## Chapter 11. Martin Creek / Airport Area Sewer Expansion

The Martin Creek / Airport area (along Shiloh Road from the Ravenel area east to the WestPoint Stevens plant) is attractive for development, but sewer service is presently unavailable in the area. There is also interest in potentially developing a small "knowledge-based" industrial park near the airport. Also, increased sewer flows from development along Highway 130 north of Highway 123 could ultimately impact the facilities needed in the Martin Creek area.

**Selected Alternative 3: Gravity Flow to WestPoint Stevens WWTP.** A number of alternatives were considered to provide sewer to this area (Figure 4.11.1). The selected Alternative 3 includes pumping sewer from the Airport to gravity sewer along Shiloh Rd, extending to the WestPoint Stevens Plant and treating it at their facility. If agreements could be worked out for their plant to accept sewage from the area, this would be the least costly solution. However, much negotiation and planning would need to be done in order to accomplish this.

### Alternatives for Sewer Service

The other alternatives considered to provide sewer service to this area were:

**Alternative 1: Pump to Martins Creek P.S.** Install gravity sewer along Shiloh road running toward the WestPoint Stevens plant. A pump station would be installed to collect wastewater from near WestPoint Stevens and pump it back to a line flowing to Martin Creek P.S. A pump station at the airport would collect and pump flow from an industrial park to be located there into this same gravity line.

**Alternative 2: Pump to New WWTP at Martins Creek.** Construct a WWTP at Martin Creek and pump to it as in Alternative 1. Though not feasible for serving this area alone, the OCSC may ultimately consider a new WWTP in this area.

**Alternative 4: Gravity to New WWTP near WestPoint Stevens.** This alternative is the same as Alternative 3, except construct a 250,000 GPD WWTP at the lake.

A capital cost summary of these alternatives is presented in Table 4.11.1.

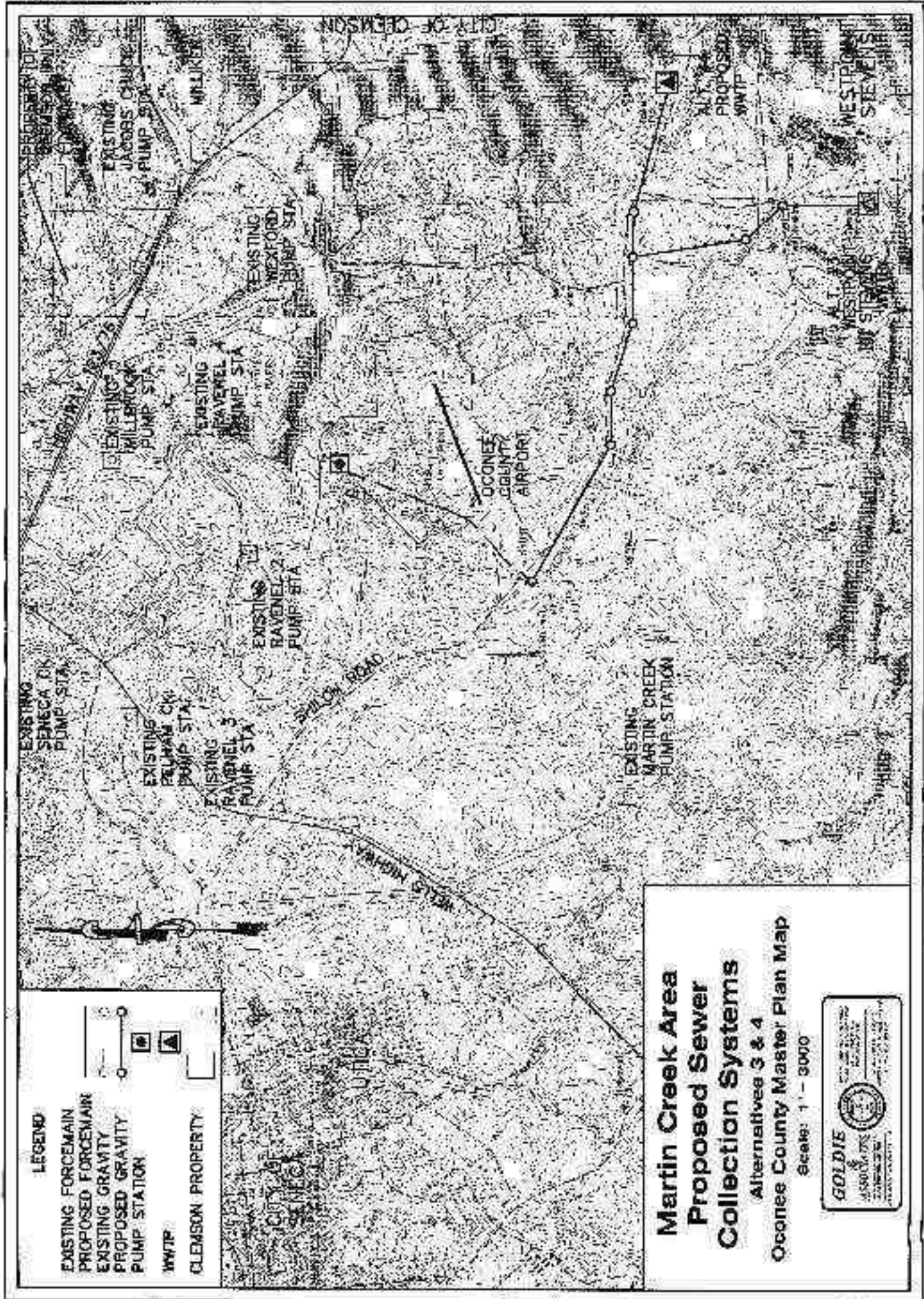
**Table 4.11.1 Capital Costs of Alternatives**

Capital Cost Comparison of Alternatives		
Alternative #	Description	Capital Cost
1	Pump to Martin Creek P.S.	\$1,273,000
2	Pump to Martin Creek WWTP	513,672,000
3	Flow to WestPoint Stevens for treatment	\$820,000
4	New WWTP for Airport, Shiloh Rd. only	51,998,000

**Recommendation**

The Task Force recommends that further work be done to determine if institutional considerations would make Alternative 3 – Flow to WestPoint Stevens WWTP feasible. If this alternative becomes unfeasible, then Alternative 1 – Pump to Martin Creek P.S. would be best. If a new Martin Creek WWTP is constructed by the OCSC, this would be the best alternative.

Figure 4.11.1 Alternatives 3 & 4



## Chapter 12. Richland Creek Area

The Richland Creek area is located between Seneca, Walhalla and Westminster. Much major commercial and industrial development has occurred in the last few years and it appears that development will continue.

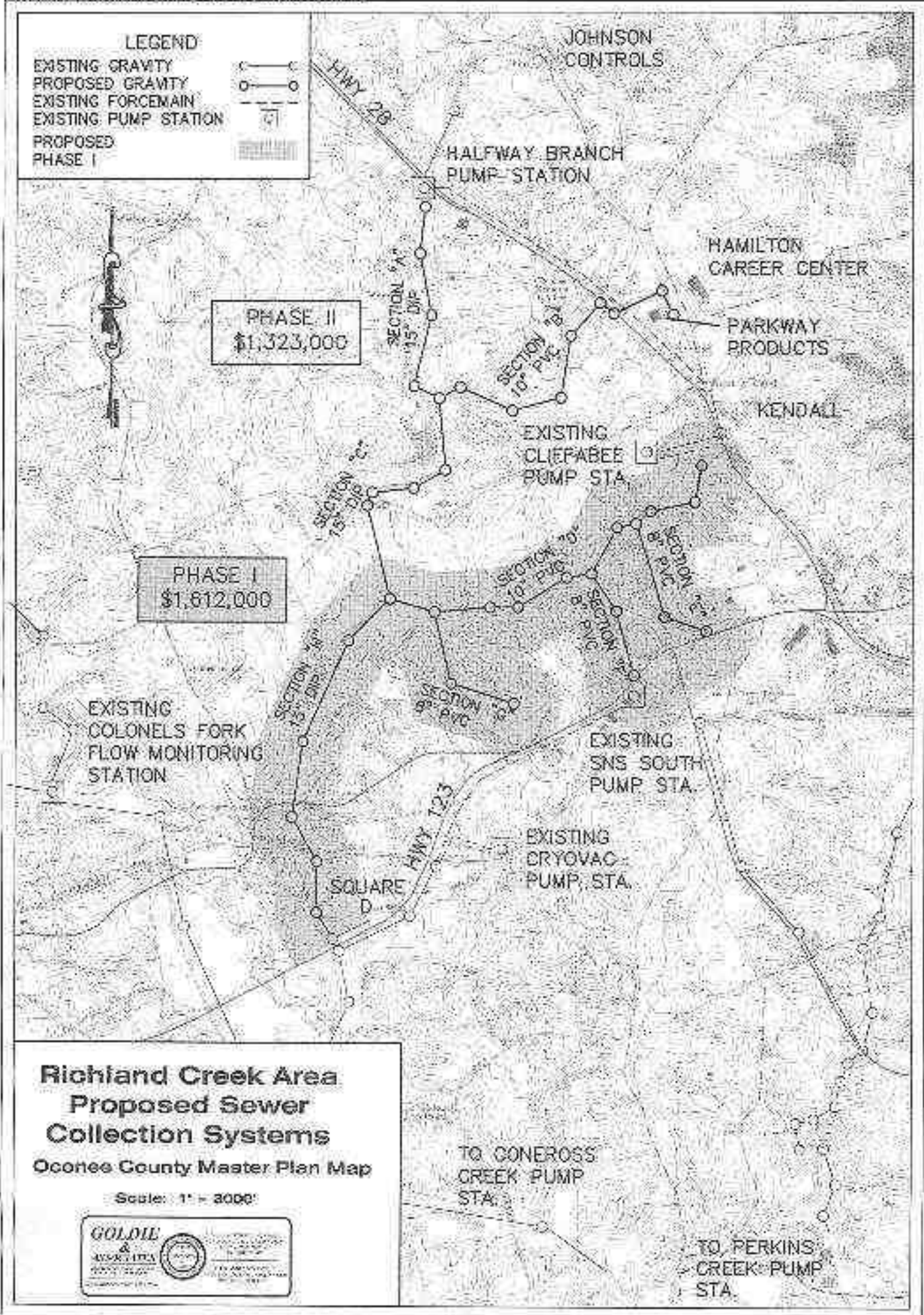
An expansion of the sewer service in this area is needed:

- To enhance sewer service for a significant growth area.
- To eliminate existing sewage pump stations.
- To reduce flow to portions of the sewage system which are near capacity.

Gravity sewer for this entire area (Figure 4.12.1) would cost approximately \$3 million. A Phase I is recommended that would accomplish much of the project goals for approximately \$1.6 million.



Figure 4.12.1 Richland Creek Area and Proposed Facilities



## Chapter 13. Sewer Service to Oconee Nuclear Station and Keowee Key

### Introduction

This chapter considers connecting the Keowee Key WWTP and the Oconee Nuclear Plant to the OCSC system at Seneca. The project is considered in two phases. Phase I includes the infrastructure necessary to pump sewage from Oconee Nuclear to Seneca; Phase II includes what is necessary to tie Keowee Key to the system at Oconee Nuclear Station. (See Figure 4.13.1). Costs are also presented for pumping the flow from Oconee Nuclear without provision for the later addition of Keowee Key.

### Project Need

This project is needed for the following reasons:

1. **To provide sewer service to the Oconee Nuclear Station.** Presently, this plant has its own WWTP that discharges into Lake Keowee. Duke Power representatives have indicated an interest in eliminating this WWTP and connecting onto the sewer system.
2. **Tie Keowee Key onto OCSC system.** This alternative is considered to provide information for any future discussions that may arise regarding this.

### Projected Flows

**Keowee Key.** The Keowee Key WWTP is permitted for 600,000 GPD, with present flows at 250,000 GPD.

**Duke Power.** Present domestic flows from the approximately 1,500 people who work at the site are from 25,000 to 50,000 gpd. However, capital improvement plans could increase this to 4,500 to 5,000 people on site. From SCDHEC unit contributory guidelines at 25 gpd per person, the design flow for these employees would be 125,000 gpd.

### Project Phases

**Phase I – Pump Sewer from Oconee Nuclear Station to Seneca.** This phase considers connecting the Duke Power Oconee Nuclear Station WWTP to the OCSC system. Two sewage pump stations would pump the sewage to the Seneca system and / or to the Oconee County Sewer Commission (OCSC) system. This flow could not likely be tied into the nearest point of the Seneca sewer, but must be tied into a sewage pump station large enough to handle this flow. Upgrades of the Seneca / OCSC

system may be necessary, but their systems have not been evaluated to determine what, if any, would be the impact of this flow.

**Phase II – Connect Keowee Key to the System.** The second phase of this project would include tying Keowee Key into the system. None of the officials at Keowee Key have expressed any positive or negative indications about this concept. These costs are presented for discussion purposes only.

### **Costs**

The costs for each phase are presented below.

These costs are preliminary and do not include any upgrades to the Seneca or OCSC system which may be necessary to receive this flow.

#### **Phase I - Sewer Service to Duke Power**

1. Connect Oconee Nuclear Station onto the sewer system by pumping to Seneca \$4,146,000.

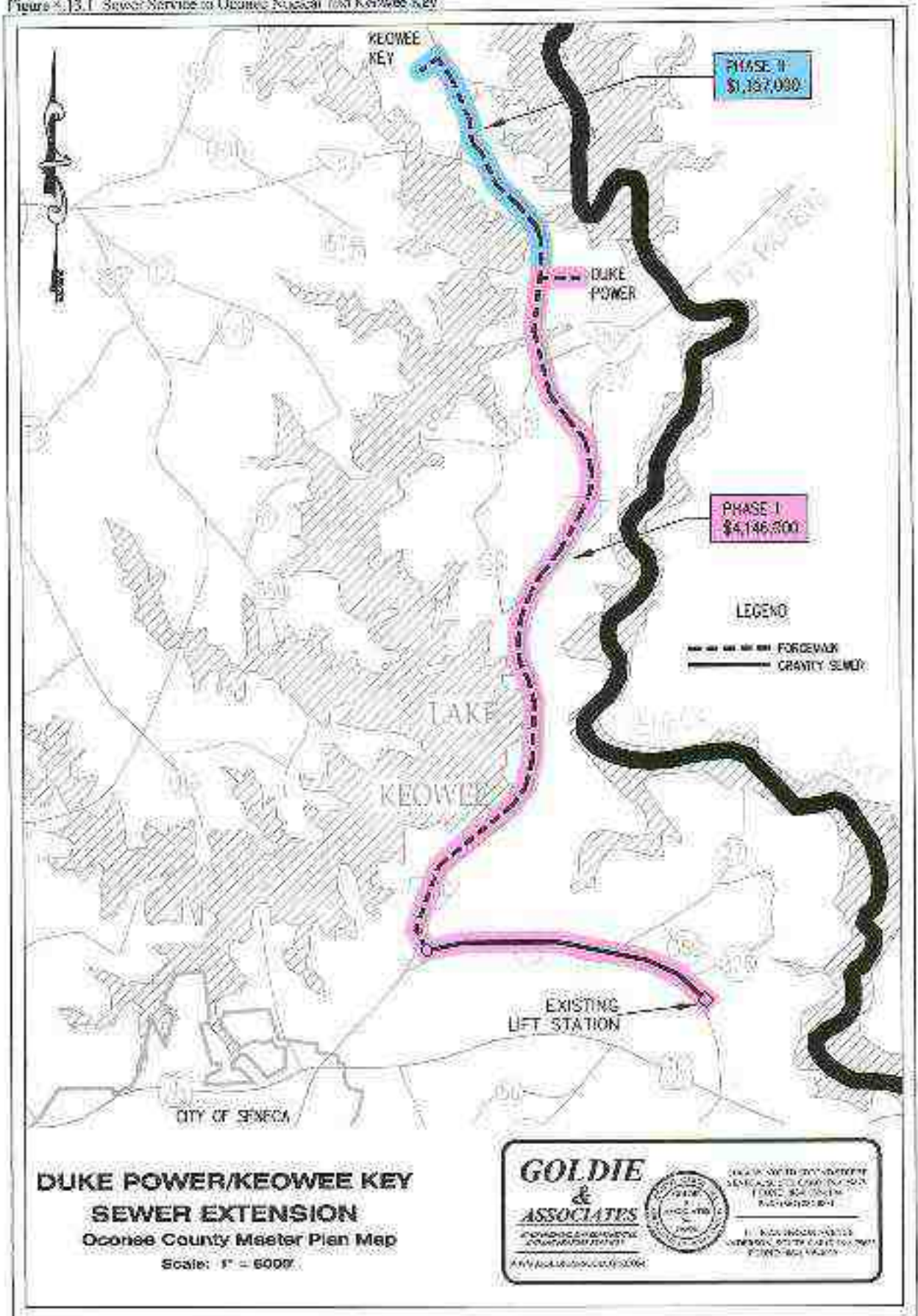
#### **Phase II - Keowee Key Connection**

2. Connect Keowee Key to Oconee Nuclear Station \$1,157,000.

#### **Cost for Oconee Nuclear Flow Only**

Oconee Nuclear without sizing for Keowee Key \$2,490,000.

Figure 8.13.1 Sewer Service to Ocoee Nuclear and Keowee Key



## Chapter 14. Sewer Service to Highway 11 North of Salem

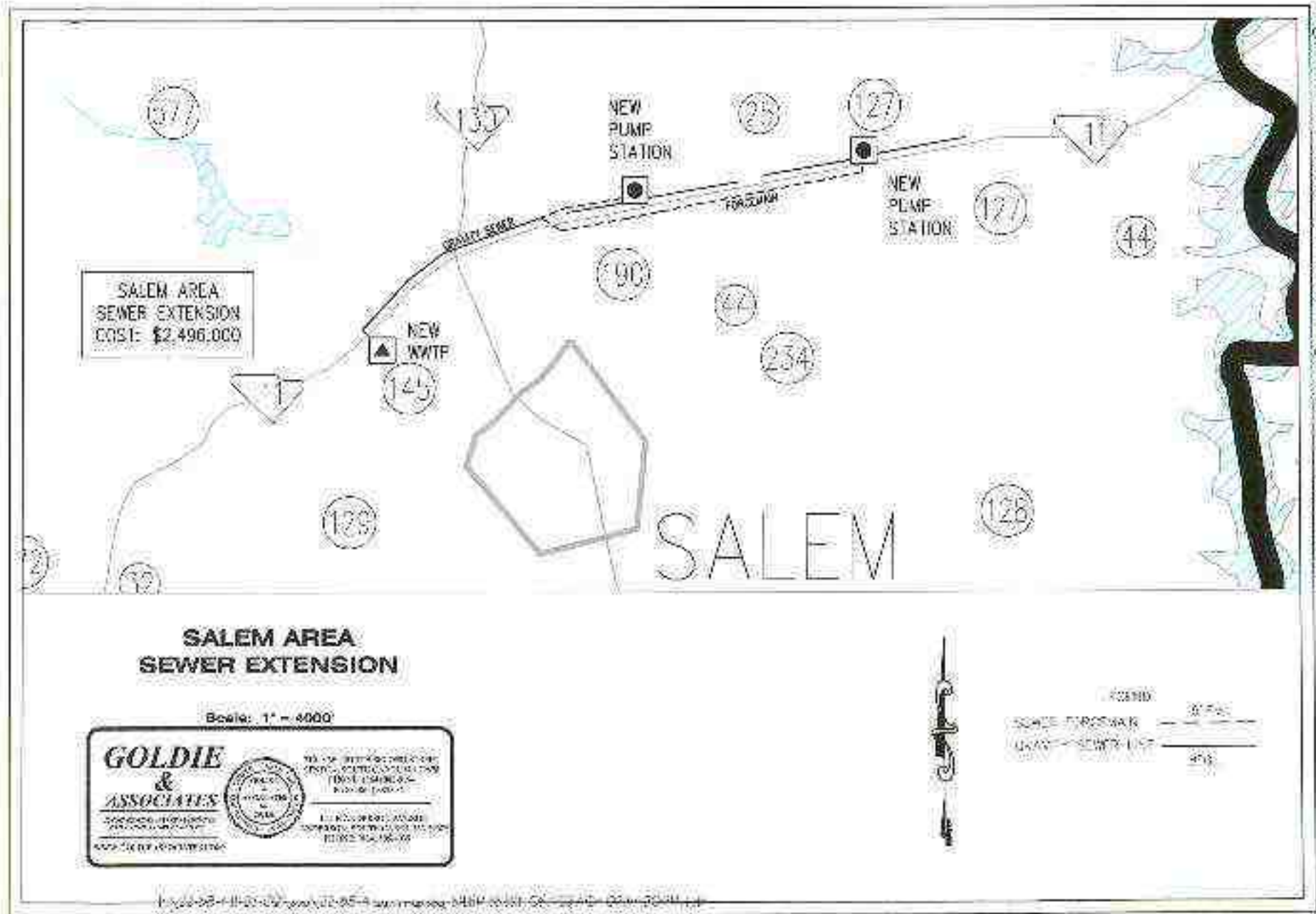
Opportunities for sewer system growth exist in the northern part of the County:

1. Town of Salem officials have indicated an interest in sewer service along Highway 11 in order to attract commerce and light industry,
2. The Town of Salem is home to 126 residents, none with sewer service.

The alternatives considered for sewer service to Highway 11 North of Salem and their costs are (See ):

3. Construct a WWTP to treat the flow from along Highway 11 and discharge to N. Little River.....\$1,782,000.
4. Construct a WWTP to treat the flow from along Highway 11 and land apply the wastewater.....\$2,204,000.
5. Collect along Highway 11 north of Salem, include flow from Salem, pump along Highway 130 to Keowee Key WWTP.....\$2,308,000.

Figure 4.14.1 Sewer Service for Highway 11 North of Salem



SALEM AREA  
SEWER EXTENSION  
COST: \$2,496,000

**SALEM AREA  
SEWER EXTENSION**

Scale: 1" = 4000'

**GOLDIE & ASSOCIATES**  
 ENGINEERS, ARCHITECTS, PLANNERS  
 11100 W. 11th Street, Suite 100, Golden, CO 80401  
 PHONE: 303.440.1100  
 FAX: 303.440.1101  
 WWW: www.goldie.com



## Chapter 15. Recommendations

Table 4.15.1 presents a prioritized list of expansion opportunities in Oconee County. It is believed that in keeping with the goals of the County to attract industry and guide growth, the I-85 projects are the highest priority for the County. Richland Creek sewer expansion could also be beneficial by providing sewer for small industries locating in the tri-city area. Sewer service to Oconee Nuclear Station and Keowee Key could meet a significant need for that industry and subdivision, as well as open up the area between Seneca and the Nuclear Station.

**Table 4.15.1 Priority List for Sewer Expansions**

Priority	Description	Capital Cost	Projected Start / End Dates
1	Phase I Sewer – Welcome Center and Highway 59	\$6,499,000	2007
2	I-85 Phase II – Other I-85 exits	\$4,203,000	2008
3	Connect Oconee Nuclear Station onto the OCSC sewer system	\$2,490,000	TBD
4	Richland Creek Phase I	\$1,612,000	TBD
5	I-85 Phase 3 – Sewer expansion in Southern Oconee County (Foxwood Hills and Chickasaw Point)	\$2,688,000	2009
6	Richland Creek Phase II	\$1,458,000	TBD
7	I-85 Phase 4 – Water and Sewer for lake property near Welcome Center	\$771,000	2010
8	Martin Creek	\$1,273,000	TBD
9	Phase 5 – Sewer for the Southern end of Highway 11	\$1,175,000	2011

## Chapter 16. Stormwater

"Stormwater" is defined by SCDHEC to mean stormwater runoff, snowmelt runoff and surface runoff and drainage. Stormwater has come under significant regulatory oversight in the last few years. The impacts on counties and municipalities that are required to meet the new stormwater regulations are considerable.

EPA estimates vary widely and depend on the size of the entity conducting the program. For a municipality of 50,000, EPA estimated that the program would require an annual cost of \$1,525 plus \$8.93 per household. This could mean around \$250,000 for Oconee County.

Oconee County is thus far exempted from these regulations because it does not have a population over 100,000, and is thus not a "medium" municipal separate storm sewer systems (MS4). Also, it does not meet the definition of an "urbanized area" that would also cause it to fall under these regulations. That is, it does not have an area that has both a population of 50,000, a population density of 1,000 people per square mile and a population density of 500 person per square mile in the surrounding areas.

However, the State can require the County to meet these requirements if they believe that the waters of the state are being significantly impaired by storm water discharges. Having said this, DHEC admits that, because of the workload and the other factors involved, it may be "quite awhile" before the State looks to see if they would pull the County into this program.

### Recommendations

As discussed in other parts of the Master Plan, the County should take a proactive stance to address the water quality issues in the Golden Corner. If the County can address the needs before the State forces it to, then the County may be able to avoid or at least postpone its "capture" under these expensive regulations. These needs can be addressed by

- Public education and outreach
- Public participation and involvement
- Illicit discharge detection and elimination
- Construction site runoff control
- Post-construction runoff control
- Pollution prevention and good housekeeping



ATTACHMENT A  
To Ordinance 2015-35

**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~~ Board of Zoning Appeals.

*Certificate of nonconformity* means a certificate issued by the ~~county planning and development department~~ Community 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~~ County Administrator 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**.
- (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** 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** 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, or 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** 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~~ **County Administrator'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**. 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 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 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 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.

**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's 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's (or county employee designated by the chief administrative officer for the enforcement of this article)~~ Community Development Director. Any appeal must be submitted by certified or registered mail to the ~~chief administrative officer~~ County Administrator 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's or county employee designated by the chief administrative officer for the enforcement of this article~~ Community Development Director. 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 Zoning 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 prefilled 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 **Zoning** 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 **Zoning** 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 **Zoning** 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**, 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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Sec. 32-131. Authority of Article Provisions.

Sec. 32-132. Definitions.

~~Sec. 32-133. Communications Tower and Antenna Permitted~~ Permitting Requirements.

Sec. 32-134.. General ~~Requirements~~ Provisions.

Sec. 32-135. Additional ~~Requirements~~ Provisions for Location Near the County Airport.

~~Sec. 32-136. – Maximum height of freestanding communication towers.~~ Combine w/Sec. 32-132.

~~Sec. 32-137. – Permitted height of building-mounted communication towers.~~ Combine w/Sec. 32-133.

Sec. 32-136. Application Requirements.

Sec. 32-137. Special Exceptions, Variances and Appeals.

~~Sec. 32-140. – Additional criteria for evaluating special exceptions and variances.~~ Combined w/Sec. 32-139.

Sec. 32-138. Wi-Fi Towers

Sec. 32-139. Annual Report Required.

Sec. 32-140. Technical Assistance Required.

Secs. 32-141—32-170. Reserved.

**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

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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; this is not to include the Residential and Lake Residential Zoning District, as defined in Chapter 38 "Zoning Enabling Ordinance" of Oconee County's Code of Ordinances;
- (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.

*Wi-Fi Tower* means a communication tower used solely for the purpose of providing wireless internet service.

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

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**Sec. 32-133. ~~Communications Tower and Antenna Permitted.~~ Permitting Requirements.**

- (a) No communication facility shall be constructed unless it has first been approved as determined by the following table:

Land Use Permitting/Requirements for Communication Facilities

Land Use	Preselected Site Designated by County Study in 2000	New Tower	Wi-Fi Tower		Co-location on Existing Tower/Structure which would not exceed height standards
			AR if height < 65 feet	S if height > 65 feet	
Agricultural	AR	S	AR if height < 65 feet	S if height > 65 feet	AR
Commercial	AR	S	AR if height < 65 feet	S if height > 65 feet	AR
Industrial	AR	S	AR if height < 65 feet	S if height > 65 feet	AR
Residential	AR	S	AR if height < 65 feet	S if height > 65 feet	AR
Airport District	See Sec. 32-135 / Ch. 32 Art. 3	See Sec. 32-135 / Ch. 32 Art. 3	See Sec. 32-135 / Ch. 32 Art. 3	See Sec. 32-135 / Ch. 32 Art. 3	See Sec. 32-135 / Ch. 32 Art. 3
Local Historical District	X	X	X	X	AR
Any County, State or Federal Hwy that has been designated Scenic (within 1000 feet of right of way)	X	X	AR if height < 65 feet	X	AR
AR = Administrative Review Sec. 32-133.c S = Special Exception by Board of Zoning Appeals Sec. 32-133.d					



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(b) The maximum height for freestanding tower is as follows:

District	Maximum Height
Residential Areas	Not exceeding 175 feet
Commercial Areas	Not exceeding 200 feet
Industrial/Agricultural-Areas	Not exceeding 250 feet
Building/structure-mounted tower or co-locate	Not exceeding 20 feet

~~(a)(c)~~ **Determination by ~~planning director~~ Administrative Review.** All applications for tower placement must be submitted to the County ~~planning director~~ **Community Development Director or approved staff**, 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 approved staff**, 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.
- (6) **As a Wi-Fi Tower.**

Applications approved by the ~~planning director~~ **Community Development Director or approved staff** must comply with all other requirements of this article. The ~~planning director~~ **Community Development Director or approved staff** may refer any application to the Board for final review and approval as a special exception.

~~(b)~~ (d) **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, **and must comply with all other requirements of this article**. Priority in approving additional telecommunications facilities in the county shall be given to:

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- (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.
- (4) **Wi-Fi Towers**

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 (MSA'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.~~

- (e) *Appeals to the board.* Whenever there is an alleged error by the ~~planning director~~ **Community Development Director or approved staff** 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 approved staff**.
- (f) *Time limit for determination.* Failure of the ~~planning director~~ **Community Development Director or approved staff** 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.
- (g) *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 32-132. 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. Provisions.**

- (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, non-reflective paint unless otherwise required by state or federal regulations.

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- (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.

There was discussion regarding the county's ability to extend the removal period beyond 120 days PCor.

~~(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.~~

- (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 [Community Development Director or approved staff](#) Director 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 [Community Development Director or approved staff](#) 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 [Community Development Office](#) 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 [Community Development Director or approved staff](#)). 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

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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 ~~article 1~~, 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 Provisions 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 foot area shall be provided by the applicant to the county airport manager and the [Community Development planning Director or approved staff](#) for comment. Any comments shall be made within ten days of delivery to such manager with a copy to the [Community Development planning Director or approved staff](#) and the applicant. Prior to issuance of a building permit, the applicant shall provide documentation to the [Community Development planning Director or approved staff](#) 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.

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(Ord. No. 1999-14, § 4.5, 4-4-2000)

~~Sec. 32-135. Maximum Height of Freestanding Communication Towers.~~ **Combine w/Sec. 32-133.**

~~Sec. 32-136. Permitted Height of Building-Mounted Communication Towers.~~ **Combine w/Sec. 32-133.**

**Sec. 32-136. Application Requirements.**

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

- (1) *Specifications.* ~~Two~~ **Ten** copies of the specifications for proposed structures and antennae, including description of design characteristics and material.
- (2) *Site plan.* ~~Two~~ **Ten** 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~~ **Ten** 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 shall be provided in the form of a written report with accompanying photographs and drawings and shall assess the cumulative impacts of the proposed facility. The visual impact analysis report shall include but is not limited to the following:**
  - a. A photograph simulation of pre-development versus post-development views from eight different viewpoints surrounding the proposed site. Photographs shall be labeled with the line of sight, elevation, and date taken. Photographs should be taken from the from distances, including but not limited to, ½ mile, ¼ mile, 1/8 mile. 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

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d. A balloon test shall be conducted for no less than 48 hours. The date of the balloon test shall be provided to the Community Development Department and test shall occur 10 – 15 days before the scheduled public hearing. The balloon shall be of a highly visible color such as red or orange. Photographs of the balloon test shall be provided from eight different viewpoints surrounding the proposed site.

- (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 32-132(b) for priority of approval and the applicant has demonstrated that for the reasons described in Section 32-132(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.
- (7) *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) The compatibility and blending of the proposed facility with the surrounding environment;
  - (d) Scale;
  - (e) Color; and
  - (f) 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)

As best as I can discern from the comment received, I believe there is a question surround the necessity/usefulness of stealth towers PCor.

- (8) *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 Community Development ~~planning~~ Director 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.
- (9) *Application fees*. All communication tower applications shall include a check made out to the County Treasurer in an amount to be determined by the Community Development ~~planning~~

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Director, 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. 32-137. 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 Community Development planning Director or approved staff 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 Community Development planning Director or approved staff in not granting approval to the original application. A copy shall be provided for each Board member and the Community Development planning Director or approved staff, and other copies as may be required by the Community Development planning Director or approved staff. Appeals shall be heard by the Board within 45 days of submission of the completed application to the Community Development planning Director or approved staff.

(Ord. No. 1999-14, § 4.9, 4-4-2000)

~~Sec. 32-139. Additional Criteria for Evaluating Special Exceptions and Variances.~~  
**Combine w/Sec. 32-133.**

**Sec. 32-138. Wi-Fi Towers.**

The following information shall be submitted for all applications for approval of a Wi-Fi Tower:

- (1) *Specifications.* ~~Two~~ Ten copies of the specifications for proposed structures and antennae, including description of design characteristics and material.
- (2) *Site plan.* ~~Two~~ Ten 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

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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~~ Ten 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 shall be provided in the form of a written report with accompanying photographs and drawings and shall assess the cumulative impacts of the proposed facility. 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 eight different viewpoints surrounding the proposed site. Photographs shall be labeled with the line of sight, elevation, and date taken. Photographs should be taken from the from distances, including but not limited to, ½ mile, ¼ mile, 1/8 mile. 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 balloon test shall be conducted for no less than 48 hours. The date of the balloon test shall be provided to the Community Development Department and test shall occur 10 – 15 days before the scheduled public hearing. The balloon shall be of a highly visible color such as red or orange. Photographs of the balloon test shall be provided from eight different viewpoints surrounding the proposed site.

This provision does not apply to those Wi-Fi Towers that are approved administratively under Sec. 32-133.a.
- (6) *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 Community Development ~~planning~~ Director 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.
- (7) *Application fees.* All communication tower applications shall include a check made out to the County Treasurer in an amount to be determined by the Community Development ~~planning~~ Director, 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.



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- (8) *Illumination.* Communication towers shall be illuminated only as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA).
- (9) *Color.* Communication towers shall only be painted with a gray, non-reflective paint unless otherwise required by state or federal regulations.
- (10) *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.
- (11) *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.
- (12) *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.
- (13) *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.
- (14) *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.
- (15) *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.
- (16) *Application of county land use regulations.* Land development regulations and other performance standards shall apply to the use, unless otherwise provided in this article.
- (17) *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~~ the fall zone of the tower as designated by an SC licensed engineer as measured from the following:
- (a) All lot lines of residential or commercial property.
  - (b) The nearest point of any structure meeting minimum standards for human occupation as put forth in applicable building codes adopted by the County.
  - (c) Properties or districts designated historic.
  - (d) 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.
  - (e) 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.
- (18) Wi-Fi Towers shall comply with Sec. 32-135.

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**Sec. 32-139. 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 entire** 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. 32-140. Technical Assistance Required.**

The **Community Development planning** Director or approved staff (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 **Community Development planning** Director or approved staff 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. 32-141—32-170. Reserved.**

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FOOTNOTE(S):

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Cross reference— Utilities, Ch. 34. ([Back](#))

ARTICLE VI. LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

**ARTICLE VI. LAND DEVELOPMENT AND SUBDIVISION REGULATIONS** [61](#)

Sec. 32-211. General Provisions.

Sec. 32-212. Definitions.

Sec. 32-213. Requirements and Standards.

Sec. 32-214. Lot Improvements.

Sec. 32-215. Block Specifications.

Sec. 32-216. Parking Requirements.

Sec. 32-217. Building Standards

Sec. 32-218. Lighting Standards

Sec. 32-219. Buffering

Sec. 32-220. Drainage and Stormwater.

Sec. 32-221. Water Facilities.

Sec. 32-222. Nonresidential Subdivisions.

Sec. 32-223. Security in Lieu of Completion of Improvement.

Sec. 32-224. Plat Requirements and Review Procedures.

Sec. 32-225. Sketch Plan.

Sec. 32-226. Preliminary Plan and Supporting Data.

Sec. 32-227. Final Plan.

Sec. 32-228. Appeal of Decision.

Sec. 32-229. Violations and Penalties.

Sec. 32-230. Legal Provisions.

Sec. 32-231—32-414. Reserved.

**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

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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.

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*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~~ is the portion of a lot's area that is enclosed by the foundation of a building(s) plus any cantilevered upper floor and roof.

*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.

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- (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.

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*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.

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*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



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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.

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*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.

**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 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 Oconee County ~~planning~~ Community Development Office 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.

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- (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.*~~
- (x) *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 acceptance of files types not listed herein
- (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.

(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.

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- (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 setbacks 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.* [See Section 38-10.2 for all setback requirements in the Control Free District of the County]
- (e) [Reserved]
- (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 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 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.
  - (4) No part of a septic system shall be located within any road right-of-way.
- (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.

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- (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 **Community Development planning Director or approved staff** due to topography and feasibility. Every effort shall be made to not have an entrance directly onto an arterial road.
- (l) [Reserved]  
(Ord. No. 2008-20, Art. 4(4.1—4.12), 12-16-2008)

**Sec. 32-215. Blocks Specifications.**

- (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. Parking Requirements.**

- (a) There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from 1 type of use of occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded and improved open space. All portions of the required space, which are paved, shall be marked in accordance with the standards contained herein. Lines shall be visibly marked with paint.

**Table 215.1 - Minimum Parking Requirements.**

<b>Minimum Parking Requirements</b>	
<b>Type</b>	<b>Requirements</b>
<b>Single-family detached</b> <b>Single-family attached</b> (not more than 2 units), garden court and 0 lot line structures	2 spaces
<b>Two-family detached structures</b>	2 spaces per unit

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<b>Multifamily structures not over 4 units</b>	1½ spaces per unit
<b>Multifamily structures or group developments over 4 units</b>	Parking shall be provided in the following ratio: 1 space per 1-bedroom or efficiency unit, 1½ spaces per 2-bedroom unit, and 2 spaces per 3 or more bedroom unit. In addition, visitor parking shall be provided in a ration of 10% of the total required parking for such development
<b>Assembly</b>	
With seating	1 space for each 4 seats in the assembly area (Unless specifically addressed in this section.)
Without seats	1 space per 30 square feet of net assembly area
<b>Automobile repair/service facility</b>	3 spaces per service bay, not include the service bay itself
<b>Automobile wash (full service)</b>	<del>45</del> 10 spaces per wash unit
<b>Adult/child Day Care Center</b>	4 spaces per 1,000 square feet of floor area
<b>Commercial recreation, outdoor</b>	1 space for each 2,000 square feet of site area (Unless specifically addressed in this section.)
<b>Commercial recreation, indoor</b>	1 space for each 200 square feet of gross floor area
<b>Community Recreation Area</b>	
With swimming pool	1 space for every 100 square feet of water surface area
Without swimming pool	1 space per 30 square feet of assembly area
<b>Driving range</b>	1 space for each driving tee
<b>Golf course</b>	4 spaces for each green plus requirements for any other associated use
<b>Hospital/Assisted Care/Nursing Facilities</b>	1 space per residential dwelling unit; 1 space per each hospital bed; 1 space per every 3 group care beds; 1 space per every 5 nursing beds, whichever is provided
<b>Hotel, Motel, or Motor Court</b>	1 space for each room to be rented plus requirements for any other use associated with the establishment such as offices, restaurants, and assembly uses
<b>Factory, industrial</b>	Minimum of 1 space for 500 square feet of leasable floor area for the first 3,000 square feet and then 1 space per 1,500 square feet of leasable floor area thereafter
<b>Miniature golf</b>	1 space for each hole
<b>Office and Professional Building</b>	Minimum of 3 spaces per 1,000 square feet of leasable floor area
<b>Office Medical or Dental</b>	3 spaces for each examining room
<b>Restaurant, freestanding</b>	1 space for each 3 seats. With dance floor area, shall provide additional parking spaces based upon 1 space for 35 square feet of dance floor
<b>Retail sales and Group Commercial</b>	Minimum of 3 spaces per 1,000 square feet of leasable floor area
<b>Schools, Private</b>	
Grade, elementary, middle school	<del>1 per classroom</del> determined by school
High school	<del>7 per classroom</del> determined by school

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<b>Warehousing and Flex Space Uses</b>	Minimum of 1 space per 500 square feet of leasable floor area for the first 3,000 square feet and then 1 space per 2,500 square feet of leasable floor space thereafter
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In the event that the number of parking spaces required under Section 32:215, Table 12.1, Minimum Parking Requirements, cannot be placed on the site in accordance with these regulations without the demolition of an existing structure or damage of significant trees on the site or in the public right-of-way to accommodate a parking area, or if written documentation that demonstrates that fewer spaces than required are needed because of the nature of the business, hours of operation, or availability of adjacent parking, the Community Development Director or his agent may authorize up to a 25% reduction in the total number of parking spaces required on the site.

- (1) *Site Plan.* Each application for a Building Permit or Certificate of Use submitted to the Community Development Director shall include a plan showing the required space reserved for off-street parking and loading space and the means of ingress and egress to such space. This information shall be the responsibility of the owner/developer and shall be sufficient to enable the Community Development Director to determine whether or not the requirements of this section are met.
- (2) *Shared Parking.* Shared use of required nonresidential parking spaces may occur where 2 or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Shared use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing with the permit application:
  - (a) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
  - (b) The location and number of parking spaces that are being shared;
  - (c) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- (3) *Remote Parking Space.* If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the principal use. Such space shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. It is further provided that the Community Development Director may require a plat, deed, or other documentation necessary to show that remote parking space is controlled by and available to the applicant prior to the granting of a permit.
- (4) *Design of Parking Area.* All off-street parking except off-street parking for single-family detached dwelling units, single-family attached dwelling units on adjoining individual lots, or 2-family dwellings located on a residential service street, shall be designed so that all traffic related activities are confined to the site and vehicles can turn around within the area and enter the street, road, or highway in such a manner as to completely eliminate the necessity of backing into the street, road, or highway. Off-street parking for single-

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family detached dwelling units, single-family attached dwelling units on adjoining individual lots, or 2-family dwelling units, which requires backing into a residential service street, shall be permitted provided that such movement can be made with reasonable safety and without interfering with other traffic.

- (5) *Off-Street Parking Space Design Standard.* See Parking Standards Diagram.

**Table 215.2 - Minimum Parking Requirements**

<b>Minimum Parking Requirements</b>				
<b>Angle of Parking</b>	<b>Width of Stall</b>	<b>Depth of Stall**</b>	<b>Minimum Driveway Width*</b>	<b>Length of Curb Per Car</b>
0	9'	23'	12'	23'-0"
30	9'	17'-4"	11'	18'-0"
45	9'	19'-10"	13'	12'-9"
60	9'	21'-0"	18'	10'-5"
90	9'	20'-0"	24'	9'-0"

\*Minimum driveway widths shall be maintained to the point of intersection with the adjoining public or private right-of-way.  
 \*\* In 90-degree parking stalls, the depth of the stall may be reduced to 18' where a grassed or landscaped median, with a minimum 2' width per row of parking stalls, has been provided for automobile overhang. Wheel-stops or curbing shall be provided to protect and delineate the median from the parking stalls.

*At least 1 fire access lane must be provided and approved by the local fire district.*

- (6) *Alternative Parking Surfaces.* The required parking areas for office and commercial buildings may be constructed using pervious concrete, grass over supporting plastic/concrete grids, or any other pervious surface approved by the Soil and Water Conservation District to help reduce the amount of impervious surface on the site. The alternative parking surface should be installed according to the manufacturer's installation instructions.

*Parking provided in excess of 100% of the minimum requirements of this section shall be constructed using pervious concrete or grass over supporting plastic or concrete grids.*

- (7) *Additional Requirements for the Physically Disabled and/or Handicapped.* As required by the current codes adopted by Oconee County Council as established by the South Carolina Building Code Council.

- (b) *Off Street-Loading.*

- (1) *Requirements for Industrial and Wholesale Buildings.* Every industrial and wholesale building hereafter erected shall provide space as indicated herein for loading and unloading of vehicles. The number of off- street loading berths required by this section shall be considered as the absolute minimum, and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions



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of 12 feet by 60 feet and 14 feet overhead clearance with adequate means for ingress and egress.

**Table 215.3 - Minimum Loading Requirements**

<b>Minimum Loading Requirements</b>	
<b>Square Feet of Gross Floor Area in Structure</b>	<b>Number of Berths</b>
<del>0-25,000</del>	<del>1</del>
<del>25,000-40,000</del>	<del>2</del>
<del>40,000-100,000</del>	<del>3</del>
<del>100,000-160,000</del>	<del>4</del>
<del>160,000-240,000</del>	<del>5</del>
<del>240,000-320,000</del>	<del>6</del>
<del>320,000-400,000</del>	<del>7</del>
<del>Each 90,000 above 400,000</del>	<del>4</del>

- (2) *Design of Loading Spaces.* Off-street loading spaces shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.
- (3) ~~*Requirements for Commercial Uses.* All retail uses and office buildings with a total floor area of 20,000 square feet shall have 1 off-street loading berth for each 20,000 square feet.~~

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**Sec. 32-217 Building Standards**

- (a) 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.
- (b) When feasible, 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.

**Sec. 32-218 Lighting Standards**

- (a) Exterior lighting shall be shielded and directed to avoid illuminating the night sky.
- (b) 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.
- (c) 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.
- (d) In order to promote safety and security in developments, lighting should be used at intersections, entrances, and in parking areas.
- (e) The overall height of lighting fixtures shall not exceed 20 feet.

**Sec. 32-219 Buffering**

- (a) 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:
  - (1) Three large maturing shade trees, equally spaced
  - (2) Three understory trees, equally spaced
  - (3) Six small evergreen trees

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(4) Twenty shrubs

- (b) If an abutting parcel contains a required buffer or screen, it shall count towards the buffer requirements.
- (c) 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.

**Sec. 32-220. 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 Community Development planning Director 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 Community Development planning Director 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 Community Development planning Director or approved staff 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

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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 **Community Development planning department Office** 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 **Community Development planning Director**.
- (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. 32-221. 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 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

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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. 32-222. 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

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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.

( c ) nonresidential developments shall comply with all provisions contained within Chapter 32 Article 6 where appropriate.

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

**Sec. 32-223. 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 Community Development planning Director or approved staff.
- (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 Community Development planning Director or approved staff may also, at their 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 Community Development planning Director or approved staff, until acceptance of the improvements by the appropriate utility or government entity. If there are

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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. 32-224. 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 Community Development planning Director, and has been recorded with the County Register of Deeds.
- (b) *Application review.* The Community Development planning Director may approve a minor or exempt subdivision, containing no new roads, after reviewing the final plan.
- (c) *Plat recordation.* The Community Development planning Director'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 Community Development planning Director or approved staff.
- (d) *Appeal of decision.* Any person aggrieved by the Community Development planning Director'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 32-222(d)], of this article.

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

**Sec. 32-225. Sketch Plan.**

- (a) *Sketch plan review conference.* All persons intending to subdivide or develop property are strongly encouraged to confer with the Community Development planning Director or approved staff 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. Community Development planning Director or approved staff 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;

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- 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 [Community Development planning Director or approved staff](#). The [Community Development planning Director or approved staff](#) 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. 32-226. Preliminary Plan and Supporting Data.**

- (a) *Submittal requirements.*
- (1) Applications for preliminary approval of a subdivision shall be submitted to the [Community Development planning Director or approved staff](#) 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](#).



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- (5) An applicant may withdraw an application for subdivision approval at any time by submitting written notice to the **Community Development planning Director or approved staff**.
  - (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.

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- 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 **Community Development planning** Director or **approved staff** director 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**.

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- (2) Agencies and departments shall provide written comments to the **Community Development planning Director or approved staff** within 15 working days of the date of the preliminary plan application.
- (3) The **Community Development planning Director or approved staff** shall render a decision within 25 working days of the date of preliminary plan application. The **Community Development planning Director or approved staff's** action and reasons therefore shall be transmitted in writing to the subdivider.
- (4) Agencies and departments shall provide written comments to the **Community Development planning Director or approved staff** 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 **Community Development planning Director or approved staff** 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 **Community Development planning Director or approved staff'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 **Community Development planning Director or approved staff'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) 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. 32-227. Final Plan.**

(a) *Submittal requirements.*

- (1) A person seeking final approval of a subdivision shall submit an application to the **Community Development planning Director or approved staff** 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.

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- (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 **Community Development planning Director or approved staff** noting any changes from the preliminarily approved plans.
  - (5) The planning director'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 **Community Development planning Director or approved staff**.
  - (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;

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- 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)**

ARTICLE VI. LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

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

\_\_\_\_\_  
Date Community Development planning 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 Community Development planning Director

(d) *Final plan review procedure.*

- (1) Final approval of the submitted plans shall be granted to the applicant after a review by the Community Development planning Director or approved staff.
- (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 Community Development planning Director or approved staff, if accompanied by the required security in lieu of completion of improvement.
- (4) Upon a determination that the final plan application is completed; the Community Development planning Director or approved staff shall render a written approval or rejection. Said decision shall be made within 30 working days of application submittal.

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ARTICLE VI. LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

A subdivider or any party materially affected by the **Community Development planning Director or approved staff'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. 32-228. Appeal of Decision.**

Any person aggrieved by the **Community Development planning Director or approved staff'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. 32-229. 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. 32-230. 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

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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)

**Sec. 32-231—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. [\(Back\)](#)



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ARTICLE V. GROUP RESIDENTIAL DEVELOPMENTS

ARTICLE V. - GROUP RESIDENTIAL DEVELOPMENTS <sup>61</sup>

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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.

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Sec. 32-178. - Application Requirements.

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Sec. 32-180. - Board Criteria for Granting a Special Exception.

Sec. 32-181. - Distance Requirements.

Sec. 32-182. - Building Permits and Certificate of Occupancy.

Sec. 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 [Board of Zoning Appeals \(BZA\)](#), 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 long-term stays of 30 days or more. Hospitals, nursing homes, and accredited college/accredited university housing are exempted from the requirements of this article.

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**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.

**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

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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.

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(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 VII. TATTOOING FACILITIES WITHIN THE UNINCORPORATED AREAS OF OCONEE COUNTY

**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.](#)

[Sec. 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)

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

**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~~ effects 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~~ effects 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.

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**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.

**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 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 Community Development Director** 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 Community Development Director** 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;

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(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 Community Development Director** 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)



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

**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)

**Sec.. 32-424—32-514. Reserved.**

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