

INTERSECTION OVERLAY AND RUSTIC ELEGANCE PROPOSAL

- This proposal is to establish an overlay corridor at the intersections of Keowee School, Ebenezer and Bigerstaff Roads (KEB).
- This is similar in **principle** to the overlay corridors that have been proposed by the county council and is **applicable** to other growth pressure intersection areas.
- It is **not** intended to be a separate zoning district, but is intended to maintain the residential and rural nature of this area.
- **OVERLAY** - Four specific areas to consider in this overlay proposal:
 1. An approximate 350-foot corridor (measured from the right of way) on each side of the KEB roadways to extend ¼ mile from the center of the intersection.
OR
1a. A Lesser width corridor with the adopted restrictive requirements to apply to any parcel or portion of a parcel that is contained in this corridor.
 2. All non-residential and non-agricultural structures – regardless of size- shall conform to rustic elegance appearance on the front and sides that are visually exposed to road traffic. Structures that are residential or agricultural and later converted to non-residential or non-agricultural shall also conform to the rustic elegance appearance on fronts and sides.
 3. Adopt maximum height of monument signage from Fair Play Village sub-district. Additionally, a review of Appendix A b. (2) "Signs allowed without a permit" relating to non-residential signs. Suggest limiting number of signs regardless of size and reducing maximum square footage

size. Or a combination of number of signs to a maximum **total** square footage.

4 Landscaping as described in Appendix A with these additions:

- a. Use of berms
- b. Plants or trees that die replaced with original size (caliper) plants.

- **RUSTIC ELEGANCE** – Subjective by nature but some common elements and examples will be shown on Power Point.

REQUESTED ACTION:

- Pass a motion to require Community Planning to develop a feasibility study regarding this corridor proposal by a certain date.
- Require Community Planning to propose a written **concept** description of rustic elegance. This could include photos and/or 'descriptive design boundaries' that would meet acceptable rustic elegance standards.



Corner on Wells Hwy



Corner on Wells Hwy



Corner on Wells Hwy



SIGNANGE



SIGNANGE



RUSTIC ELEGANCE

- LOCATION/USE - RURAL/COMMERCIAL
- SOME COMMON ELEMENTS:
 - USE OF STONE OR STUCCO WITH ARCH. DESIGNS,
 - TIMBERS,
 - PORTOCO/AWNINGS OR PORCH DESIGN AT FRONT USUALLY WITH BEAM SUPPORTS,
 - ROOF LINE NOT FLAT AT STREET VIEW,
 - MONUMENT SIGNANGE/LANDSCAPING TO COMPLEMENT BUILDING.





CLOSING COMMENTS

1. PASS MOTION FOR FEASIBILITY STUDY OF THIS CORRIDOR REQUEST BY CERTAIN DATE,
2. PASS A MOTION FOR C.P. TO PROPOSE CONCEPT DESCRIPTION OF RUSTIC ELEGANCE.



Natural Resources Element

Overview

This element examines Oconee County's natural resources, providing both an inventory and analysis of the benefits derived from various features. Among the resources considered are soils, including topographical characteristics; plants, animals, and their habitats; hydrology; unique recreational opportunities; and other natural assets impacting modern Oconee County. The results of the assessment will be used to project future trends and needs, which will in turn be addressed in goals and policy recommendations based on the expressed wishes of the citizens of Oconee County.

Since the adoption of the 2004 Comprehensive Plan, the County has continued to work toward sustainability so that our valuable resources are maintained for years to come. Citizens have also become organized in speaking out about the need to protect Oconee's environmental resources. One of the major success stories of the past few years was the conservation of Stumphouse Mountain. Further, efforts have been made to protect water quality, green space, and farmland. One of the most significant problems we have faced over the past five years has been the ongoing drought that has significantly degraded the County's lakes and water resources.

Natural resources are important to the assessed economic vitality of the county. As stated in the Population Element update, the County is experiencing approximately a 6.9% population growth. Increasing population strains the natural resources of an area by increasing the use and intensity of that use. The essay, "Tragedy of the Commons", by Garrett Hardin comes to mind when we begin to think about protecting and enhancing our natural resources. We must strive to answer the question of the "commons" – what can be done to ensure that future persons are able to enjoy and utilize the resources we have been blessed with. Failing to answer questions like this and failure to take action will result in a tragedy. Our natural resources will one day become so degraded that future generations are unable to use or enjoy them.

In the years since the adoption of the initial version of this plan over a decade ago, the citizens of Oconee have demonstrated their focus on prioritizing our valuable natural resources. As never before, people are willing to organize and take action to protect and preserve the natural assets that serve to shape the county's identity. A good example of this was seen during the effort to conserve hundreds of acres around Stumphouse Mountain. In fact, this success played a significant role in convincing Oconee County leaders to establish its own conservation bank to assist in funding the preservation of other special lands. At the same time, the continued growth of the tourism industry has helped to illuminate the potential value of the lakes, streams, mountains, and scenic views that have at times in the past been taken for granted. Added to this has also been the growth of agriculture in Oconee, which, although at times assumed by many to be fading away in our region, has experienced a significant comeback. The result of these and other factors is that today our natural resources are recognized as being not only a big part of our lifestyle, but increasingly, critical for the economic prosperity of Oconee County.

Defining Oconee County

The county's boundaries are established in Section 4-3-420 of the South Carolina State Code of Laws (2009) states:

1. and state that Oconee County is bounded as follows:

on the north by the North Carolina line, on the east by Pickens County from which it is separated by a line beginning in the middle of Seneca River, where Ravenel's Bridge is located over said river (Survey Station No. 1, being the center width and length of said bridge) thence S. 78° 11' E. 17.60 chains to corner, S. 37.3° E. 6.48 chains to corner, S. 64° 20' E. 4.92 chains to corner, N. 75° E. 8.06 chains to corner, S. 87° 33' E. 23.78 chains then the following courses and distances: N. 83° E. 9.16 chains, S. 72° 10' E. 6.00 chains, S. 34.75° E. 6.68 chains, S. 38.75° E. 1.43 chains, S. 31° E. 10.55 chains, to stone on east side of road near Agricultural Hall, thence S. 72° 50' E. 5.10 chains to corner, N. 85° 25' E. 20.17 chains to corner, N. 89° E. 15.13 chains to corner,

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N. 84° E. 9.13 chains, S. 70° E. 14.40 chains, S. 61° E. 4.86 chains, S. 33.5° E. 11.86 chains, S. 50° 20' E. 34.95 chains, S. 55.5° E. 21.15 chains, S. 62.25° E. 8.88 chains, S. 43.5° E. 11.44 chains, S. 37° E. 18.45 chains, S. 64.25° E. 19.40 chains, to center in center of top-soil highway on the Anderson County line. Said corner being N. 65.5° W. 4.81 chains from the northwest corner of cement bridge over Eighteen Mile Creek. It is the intent of this section to establish the new top-soil highway as the boundary of Pickens and Oconee Counties. It is bounded on the south by Anderson County, from which it is separated by a line, commencing at the mouth of Cane Creek on Tugaloo River and running thence along the line which originally separated Anderson and Pickens districts to its point of intersection with the public road leading from Ravenel's Bridge to Penikese Village; on the west and northwest by the state of Georgia, from which it is separated by the Tugaloo and Chattooga Rivers.

The land area encompassed by Oconee's *shape* simply put, Oconee County lies in the western-most portion of South Carolina, abutting both Georgia and North Carolina, with the vast majority of borders being encompassing its approximately 670 square miles (192,227 acres) comprised of lakes and streams.

Climate

Located at the edge of the southern Appalachian Mountains, Oconee County is blessed with a climate that offers its residents four distinct seasons. Summers, though typically warm, usually offer only occasional periods of heat weather triple-digit temperatures. Winters, as well, are generally mild, with extremely cold weather limited to relatively short episodes. And in between, spring and autumn provide Oconee with pleasant days that have served as a beacon to thousands from other regions looking for a mild climate and relaxed lifestyle. In general, "South Carolina has a warm, moderate climate with hot, humid summers. Rainfall records kept since 1895 show the statewide average rainfall is near 48 inches, although it has ranged from 32 to 70 inches."¹ The South Carolina State Climatology Office is an excellent resource on statistical data for the State and region. The following table shows some of the weather characteristics of the county that provides for outdoor activities year round.



¹ SC Department of Natural Resources. "The South Carolina Drought Response Program".

Table NR-1

Oconee County's Climate (1948-2008)

Highest Maximum Temperature	106°F (August 17, 1954)
Lowest Minimum Temperature	-9°F (January 21, 1985)
Annual Average Maximum Temperature	73.4°F
Annual Average Minimum Temperature	47.0°F
Annual Average Mean Temperature	55.0°F
Highest Daily Rainfall	6.43 inches (May 20, 1976)
Annual Average Rainfall	57.07 inches
Wettest Year	110.79 inches (1994)
Driest Year	33.07 inches (1979)
Mean Snowfall	5.1 inches

Source: South Carolina Department of Natural Resources, State Climatology Office

Records from The South Carolina State Climatology Office indicate that the highest recorded temperature in the county was noted in 1925 in Walhalla at 108°F, and the lowest was measured in Long Creek in 1985 at -9°F. Since the late 1940's, Oconee has received on average about 60 inches of rainfall per year, ranging from just under 34 inches in 1979, to over 110 inches in 1994. Also, as may be expected with winter temperatures below freezing, snowfall is typically experienced annually, with the greatest recorded amount measuring 15 inches in 1988.

One of the major benefits of Oconee's climate is a relatively long growing season, which allows for the successful production of a large number of crops. The county lies within the U.S. Department of Agriculture's Plant Hardiness Zone 7a—Table NR-2 illustrates the dates of the first and last freezing temperatures in Oconee based on data gathered in Walhalla between 1951 and 1990, which means that winter freezes typically end by the middle of April, and usually don't pose a threat until late October or early November. As a result, farmers and gardeners possess the opportunity to enjoy multiple harvests in the same fields every year, with most traditionally only taking a break for a couple of months in the coldest months (although harder crops may be found in fields year-round).

Table NR-2

Probability	Temperature		
Last freezing temperature average:	24°F or lower	28°F or lower	32° or lower
1 year in 10 later than—	April 5	April 20	May 4
2 year in 10 later than—	March 20	April 14	April 29
5 year in 10 later than—	March 19	April 4	April 26
First freezing temperature fall:			
1 year in 10 earlier than—	November 4	October 15	October 5
2 year in 10 earlier than—	November 5	October 21	October 19
5 year in 10 earlier than—	November 14	November 2	October 29

Source: South Carolina Department of Natural Resources, State Climatology Office

In spite of Oconee County's temperate climate, extreme weather events do occur, occasionally taking the form of tornadoes. And though most Oconee tornadoes are relatively small, property damage and personal injuries are not unknown. According to information from the U.S. National Climatic & Atmospheric Administration's National Climatic Data Center, nineteen tornadoes were detected in Oconee County between 1973 and 2003, which equates to an average of one tornadoic event every one and a half years. As this is this is just an average, however, it should be noted that much longer periods of time regularly elapse without any tornado activity in Oconee; in a few cases, a single series of storms have produced multiple tornadoes on a single day. Table NR-3 below illustrates recorded tornado activity in Oconee County between January 1, 1998 and December 31, 2006. South Carolina Department of Natural Resources, twenty seven tornadoes were detected in Oconee County between 1950 and 2014, with approximately half of them categorized as F0 on the Fujita Tornado Damage Scale (peaking up to the scale, wind speed is less than 75 miles per hour, and property damage would not be severe). Another weather event that in recent years has garnered significant attention is drought.

Although history shows that drought has regularly impaired the region from time to time, the frequency and duration of significant droughts have increased in recent decades. As a result, drought planning that focuses on an appropriate graduated response from conservation to reduced usage has been adopted by water providers across the region.

Table NR-3
Recorded Tornado Activity in Oconee County, 01/01/1993 – 12/31/2000

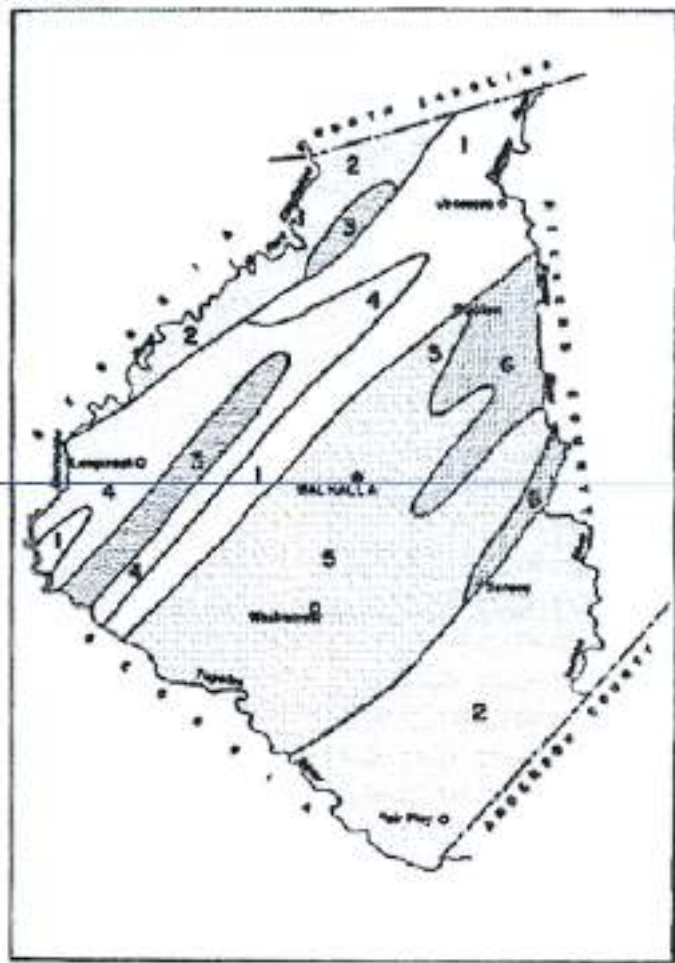
Location	Date	Magnitude	Injuries	Est. Property Damage
<i>General (no specific location)</i>	03-20-1993	F4	4	\$200,000
Westminster	03-23-1993	F0	0	\$1,000
Lump-Creek-to-Pickens-Pee	03-25-1994	F3	12	\$3,000,000
Pickens-Pee	05-20-1994	F2	0	\$500,000
Fair-Hay	05-14-1995	F4	0	\$4,000
Tokena-Crossroads	05-15-1995	F1	0	\$200,000
Westminster	02-22-1999	F0	0	\$5,000
Waltha	05-07-1999	F0	0	0
Osceola	05-07-1999	F0	0	\$5,000
Tokena-Crossroads	10-04-1999	F0	0	0
Westminster	05-15-2000	F0	0	\$5,000
Waltha	05-15-2000	Funnel Cloud	0	0
Tanner	05-15-2000	F0	0	0

*Magnitude measured by Fujita-Pearson Scale (F0=0-39mph windspeed; F1=40-55 mph windspeed; F2=56-75 mph windspeed; F3=76-112 mph windspeed; F4=113-157 mph windspeed; F5=158-206 mph windspeed; F6=207-300 mph windspeed; F7=301+ windspeed)
 Source: U.S. National Oceanic & Atmospheric Administration, National Climatic Data Center

Though tornadoes are viewed as perhaps the most serious climatological threat to Oconee County residents, a number of other threatening weather events commonly occur. According to weather records, Oconee County experienced 37 thunderstorms with winds exceeding 60 miles per hour between 1948 and 2000; 66 hail storms between 1959 and 2000; 15 floods between 1975 and 1995; 59 ice, sleet or snow events between 1975 and 1995; and 557 wildfires (assuming 10=3,164 acres burned) between 1975 and 1995. (South Carolina Department of Natural Resources, State Climatology Office)

Geology

Figure NR-1



Geologic Map of Oconee County: (1) Mylonitized granite gneiss and boudinaged gneiss; (2) Olisodite-bearing schists; (3) Colquhoun mafic-felsic formations and associated volcanic rocks; (4) Albitic chlorite schists and garnetiferous pyroclasts; (5) Wollastonite schist with igneous injection; (6) Granite, gabbro, and local diorite gneiss.

Source:
According to the Soil Survey of Oconee County-Georgia, published by Oconee County Planning Department in its 1998 Edition.

the Soil Conservation Service, USDA (1963), Oconee County's underlying bedrock is composed of a series of metamorphic and metasedimentary rocks intruded by a series of igneous intrusions. At the beginning of the Paleozoic era, the region was below sea level, leading to the accumulation of deposits of sand, gravel, silt and limestone. During the late Paleozoic, granite intruded into the schists, gneisses, and slates. At the end of the period, tremendous upheaval occurred, leading to significant folding, faulting, and brecciation. The result of such metamorphism is that in modern times it is sometimes impossible to determine if the original rocks were sedimentary or igneous. (Soil Survey of Oconee County)

The Soil Survey notes that soils in Oconee County resulted from the weathering of, among others, schistose and gneissoid granite, diorite, and volcanic rock. Batholiths, sills, dikes, and surface flows are generally composed of granite, pyroxenite, peridotite, porphyrite, diorite, diorite and gabbro. The northwestern areas of the county are host of outcroppings made up of oligoclase-biotite schist, albite-eldarite schist, and similar rock. Mylonitoid granite gneiss and hornblende gneiss can also be found in northwestern Oconee. (Soil Survey of Oconee County)

Granites in Oconee are composed of various textured materials ranging from crystalline to porphyritic. While some are likely of Precambrian age, others may be Carboniferous. The granites have been classified as being mixtures of quartz, feldspar and biotite. (Soil Survey of Oconee County)

Deposits of the following materials have been located in Oconee: gold, silver, lead, corundum, tremolite, talc, soapstone, asbestos, graphite, feldspar, mica, granite gneiss, granite, limestone, and marble. (Soil Survey of Oconee County)

Radon, a known carcinogen, has been found in Oconee County. This gas has been found in Oconee. It should also be noted that, in addition to the potentially useful or valuable natural materials found in the county, radon gas, a known carcinogen, is present in some locations as well. Radon, which may be found in soil, rocks, water, and air, results from the radioactive breakdown of uranium. As radon presents a potential health risk to all those contacting it, experts are particularly concerned about the infiltration of the gas into homes. Additionally, in recent years concerns have been raised about levels of radon found in local residential wells. Because surface water in streams and lakes comes into contact with air, much of the gas is dissipated before being contacted by humans. Groundwater supplying wells, however, retains much of the radon. The Environmental Protection Agency (EPA) has classified Oconee County as having a moderate potential (from 2 to 4 picocuries per liter [pCi/L]) for the presence of radon. According to EPA, specific effects on individuals vary with personal health, time of exposure, quantity of exposure, and other factors. In addition, the level of potential assigned to a particular area does not indicate the level of radon to be found in any given location within that area. Because there is no way to accurately predict the level of radon in specific locations, the EPA recommends that each home be tested individually. To guard against infiltration of the gas into homes, relatively inexpensive measures should be taken at the time of construction—best-fit or existing structures, however, necessitate methods must be employed.

Soils

Although Oconee County's recent economic history has been a tale of increased industrialization and commercialization, the area's traditional lifestyle, not unlike many other areas of the southern United States, was based on agriculture. For generations, therefore, Oconee's soils played a direct role in the lives of almost all county residents. Yet, as was the case in other similar areas, early agricultural practices damaged the area's soils, leaving many fields eroded and streams full of sediment. Although there is no exact measurement of how much rich topsoil has been lost over the centuries, the amounts are generally measured in feet. Today, of course, modern agricultural and conservation methods implement best management practices, and many of the damaged areas have been successfully reclaimed. As a result, Oconee County farmers are able to not only obtain yields unimaginable to their predecessors, but also maintain the health of the source of their prosperity.

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In 1958, the United States Department of Agriculture's Soil Conservation Service, now known as the Natural Resources Conservation Service (NRCS), published the results of a soil survey that identified, located, categorized, and mapped all of Oconee County's soils. Soil scientists traveled throughout the county cataloging, in addition to soil types, slopes, streams, plants, agricultural operations, and other items directly impacted by soils. The gathered data was then compared to similar information from other areas, thereby allowing Oconee's soils to be classified and named according to standard procedures. When completed, the information was compiled and published as the Soil Survey of Oconee County, South Carolina.

Table NR-4 lists the soil (twenty three separate series of Oconee County) along with their catalogical, with the range of slope, acreage and percentage of total area that each soil comprises.

Table NR-4
Soil Series in Oconee County

Soil	Slope Range (%)	Acreage	Total Area (%)	Suitability for Drainfields
Alto-sandy-loam	0-4	27	0.1	S
Appling-sandy-loam	2-6	684	2	M
Appling-sandy-loam (eroded)	0-4	959	3	M
Appling-sandy-loam	0-10	659	2	M
Appling-sandy-loam	0-4-8	747	3	M
Appling-sandy-loam	15-25	434	1	Sw
Atoka-sandy-loam	0-4-8	1,704	5	S
Burwell-loamy sand	—	46	—	Sw
Castro-sandy-loam	0-6	1,207	3	M
Cecil-sandy-loam (eroded)	2-6	4,464	13	M
Castro-sandy-loam	0-10	1,328	4	M
Cecil-sandy-loam (eroded)	0-4	19,667	57	M
Cecil-sandy-loam	10-15	1,662	5	M
Castro-sandy-loam (eroded)	0-4-8	9,707	28	M
Cecil-sandy-loam	4-8-8	6,243	18	S
Castro-sandy-loam (eroded)	15-25	8,414	25	Sw
Cecil-sandy-loam	2-6	2,221	7	S
Cecil-sandy-loam (eroded)	0-4	2,112	6	S

Cecil city loan (severely eroded)	2-4	716	2	M
Cecil city loan (severely eroded)	6-10	4,248	4-1	M
Cecil city loan (severely eroded)	10-15	9,148	2-1	M
Cecil city loan (severely eroded)	16-20	46,472	3-6	S
Hammons city loan	—	3,013	2	N
Congress fire sandy loam	—	3,325	8	S
Congress city loan	—	2,825	4	N
Downs city loan	2-6	277	1	M
Grilled land (rolling)	—	449	4	M
Grilled land (level)	—	4,117	2-0	S
Halewood fire sandy loam	2-6	272	4	M
Halewood fire sandy loam (eroded)	6-10	1,173	2	N
Halewood fire sandy loam	10-15	638	4	M
Halewood fire sandy loam (eroded)	10-15	758	2	M
Halewood fire sandy loam	16-20	3,333	7	S
Halewood fire sandy loam (eroded)	16-20	217	4	N
Halewood fire sandy loam	21-25	38,559	0-0	S
Hayesville and Cecil fire sandy loams	2-6	4,024	4	M
Hayesville and Cecil fire sandy loams	6-10	1,755	4	M
Hayesville and Cecil fire sandy loams (eroded)	6-10	6,924	4-0	M
Hayesville and Cecil fire sandy loams	10-15	3,231	4	M
Hayesville and Cecil fire sandy loams (eroded)	10-15	9,814	1-6	M
Hayesville and Cecil fire sandy loams	16-20	4,224	4-0	N
Hayesville and Cecil fire sandy loams (eroded)	16-20	10,202	2-4	S
Hayesville and Cecil fire sandy loams	21-25	55,519	15-0	S
Hayesville and Cecil fire sandy loams (eroded)	21-25	1,241	4	N
Hayesville and Cecil loans (severely eroded)	6-10	415	4	M
Hayesville and Cecil loans (severely eroded)	10-15	735	2	M
Hayesville and Cecil loans (severely eroded)	16-20	4,240	4-0	S
Hayesville, Cecil, and Halewood sandy loam (eroded)	2-20	445	4	N
Hayesville, Cecil, and Halewood sandy loam (eroded)	25-30	3,298	1-7	S
Hammons sandy loam (eroded)	2-6	447	4	M
Hammons sandy loam (eroded)	6-10	405	4	M
Hammons sandy loam (eroded)	16-20	927	1	S
Hammons city loan (severely eroded)	10-16	465	4	M
Lloyd sandy loam (eroded)	2-6	7,024	1-8	M
Lloyd sandy loam	6-10	637	4	M
Lloyd sandy loam (eroded)	6-10	3,096	2-1	M
Lloyd sandy loam (eroded)	10-15	5,821	1-4	M
Lloyd sandy loam (eroded)	16-20	14,664	2-4	S
Lloyd sandy loam	21-25	7,617	1-8	S
Lloyd city loan (severely eroded)	2-6	465	4	M
Lloyd city loan (severely eroded)	6-10	4,095	5	M
Lloyd city loan (severely eroded)	16-20	6,244	4-1	M
Lloyd city loan (severely eroded)	16-20	3,871	2-1	S
Lloyd loan (moderately shallow eroded)	16-20	465	4	N
Lloyd loan (moderately shallow)	21-24	444	4	N
Lloyd of local land	—	1,729	1	S
Madison fire sandy loam, high	2-6	445	4-1	M
Madison fire sandy loam, high	6-10	552	1	M
Madison fire sandy loam, high (eroded)	6-10	1,145	4	M
Madison fire sandy loam, high	10-16	4,130	4	M
Madison fire sandy loam, high (eroded)	10-15	1,620	1	M
Madison fire sandy loam, high	16-20	4,624	4	N
Madison fire sandy loam, high (eroded)	16-20	1,444	4	N
Madison fire sandy loam, high	21-24	10,203	2-4	S

Madison fine sandy loam, high (severely eroded)	0-25	446	0	Sv
Madison sandy loam (eroded)	0-10	126	< 1	M
Madison sandy loam (eroded)	10-15	471	< 1	M
Madison sandy loam (eroded)	15-20	186	0	Sv
Mixed alluvial land	—	11,657	2.2	Av
Mixed alluvial land	—	6,485	0	Sv
Perkasie loam	25-45	2,071	0	Sv
Perkasie sandy loam	25-45	4,448	0	Av
Salisbury sandy loam	—	234	0	N
Sevier loam	—	577	0	Av
Talbot and Chandler loam	10-25	625	0	Sv
Talbot and Chandler loam	25-45	7,568	0	Av
Wetzel fine sandy loam (eroded)	2-6	109	< 1	N
Wetzel fine sandy loam (eroded)	6-10	84	< 1	N
Wetzel fine sandy loam (eroded)	10-25	138	< 1	Sv
Wetzel fine sandy loam	25-45	344	0	Sv
Wicham sandy loam	2-6	472	0	N
Wicham sandy loam (eroded)	2-6	1,713	0	N
Wicham sandy loam (eroded)	6-10	654	0	Sv
Wicham sandy loam (eroded)	10-15	429	0	N
Wicham sandy loam (eroded)	15-25	391	0	Av
Wicham clay loam (severely eroded)	0-10	282	0	N
Wicham sandy loam	10-6	954	0	Sv
Wicham sandy loam (eroded)	0-15	108	< 1	N

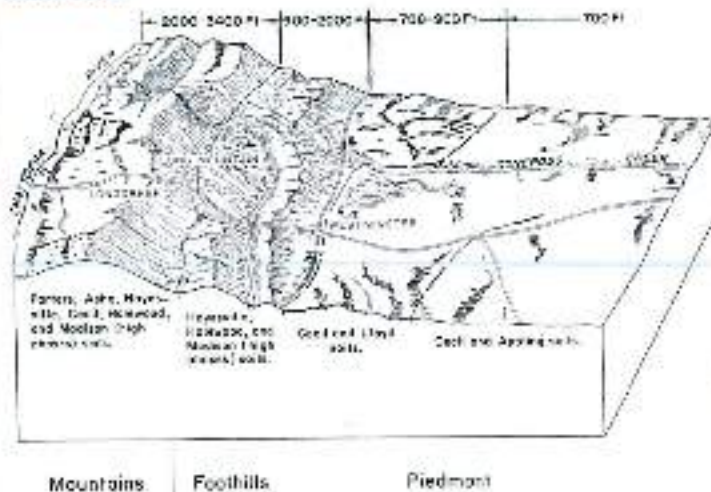
L—Limitations for septic system installation; M—Moderate Limitations; N—None; S—Severe Limitations; Sv—Slight Limitations; M—Moderate Limitations; Sv—Severe Limitations.

Source: Soil Survey of Orange County, "Soils—Facilities—All Orange Soil," National Resources Conservation Service (3-18-1979).

As Table NR-4 shows, 23 separate series¹ of soils are found in Orange County—ranging from Cecil, Appling, and Lloyd soils in the Piedmont Plateau; to the Hayesville, Halewood and Madison soils in the foothills and mountains. While some soils are only found in small quantities, sometimes accounting for only a few acres across the entire county, a few make up tens of thousands of acres. Also, each area of the county offers differing, sometimes unique, combinations of soils that change with varying topography, greatly impacting suitability for various land uses in particular locations. For example, Hayesville and Cecil fine sandy loams in areas with 2-6% slopes are only moderately limited in suitability for septic tank absorption fields. Yet, with the same soils on slopes greater than 15%, absorption is severely limited. Other factors impacting suitability for particular land uses include organic matter content, permeability, and depth. For more detailed information on soils, refer to the *Soil Survey of Orange County*.

Figure NR-2 illustrates the general division of soil types related to the county's physiography, showing the regions where most of the major soils can be found.

Figure NR-2



Source: Soil Survey of Greene County

The Greene Soil and Water Conservation District is a locally elected board which relies on the technical assistance of the USDA-Natural Resources Conservation Service to promote the conservation of natural resources in the county. This input on the subject of soils valuable and all efforts to help preserve our resources in soil will need to be in coordination with the District.

One of the areas that have been overlooked as a threatened resource in recent decades is soil. Historically, soil erosion was elevated to a national crisis in the Depression, which resulted in the formation of the Soil Erosion Service (now the NRCS) and local Soil & Water Conservation Districts. The marriage of the US Department of Agriculture with local governing bodies (by county) enabled soil loss to be swiftly abated through installation of conservation practices such as contour farming, terracing, crop residue management, crop rotation, grassed waterways, and field buffers. Massive soil erosion was curtailed with the incorporation of these practices in typical farm operations. Movement away from agriculture throughout the decades following the 1930's resulted in the reversion of cropland to permanent sod, trees, and other uses. Thus, the necessity of the need to conserve soil and prevent erosion has taken a back seat to water quality.

Soil erosion was no obvious today as it was during the 1930's, efforts to protect/conservise this resource would be equal to or greater than those for water quality. It takes hundreds, even thousands, of years to create one inch of soil. With that in mind we need to consider the following facts:

1. While considering the United States Forest Service lands, there are 58 different soils found in Greene County.
2. Of these, 41 are found to be "prime" or "of statewide importance" (soils most suitable for agricultural production)
3. The 41 different soils make up only 24% of the County's soil resources.
4. The above mentioned acreage falls mostly in the agricultural community in the southern end of the county.

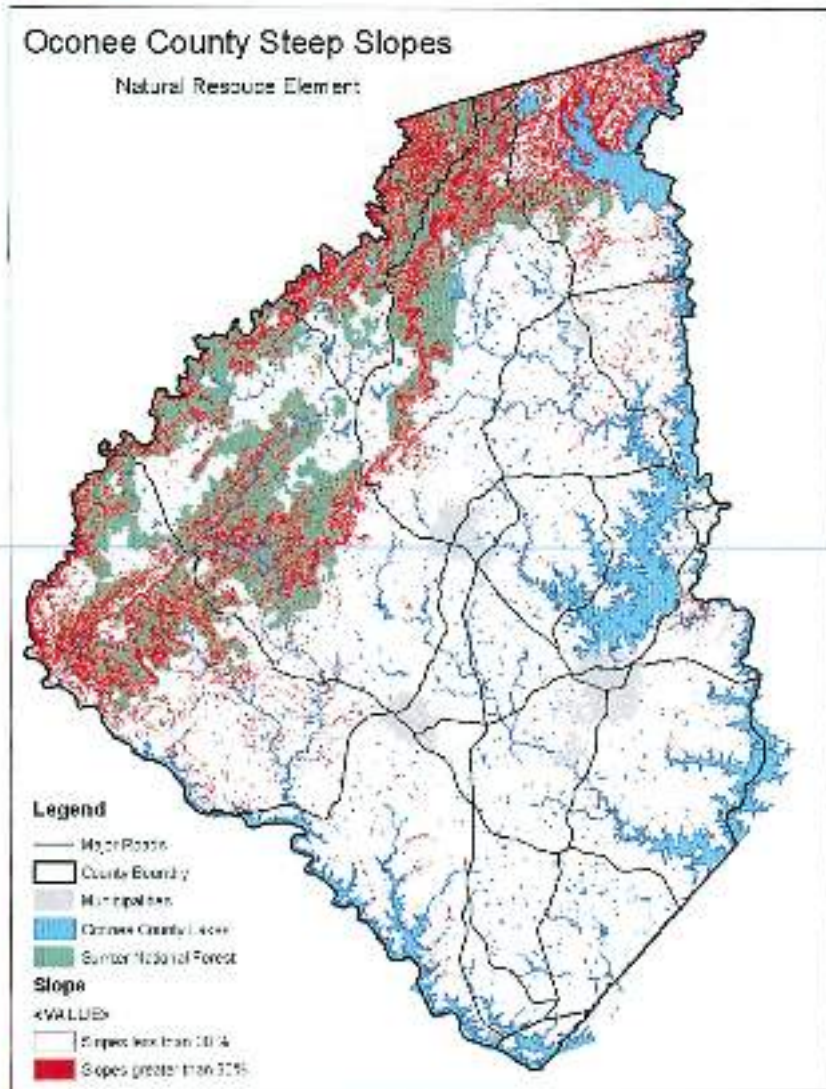
A USDA technical bulletin states that prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, and oilseed crops. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime

fertile, has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks.² Not only should the county look at protecting these prime farmlands from development but efforts to promote best farm practices which promote soil regeneration should be held in similar regard.

The loss of soils is also closely tied to the slope of the land. When steep slopes are encountered, best development practices must be adhered to. Cleared land combined with steep slopes will result in rapid erosion which leads to the sedimentation of creeks, rivers, and lakes. Barren steep slope areas also have the potential to negatively impact the neighboring properties due to runoff problems. Geosce County has been blessed with breath taking mountain views and river valleys but this blessing also brings with it a number of steep slope areas that need to be developed very cautiously. It would be preferable to limit the development on steep slopes and to protect the vegetation on these areas. Minimal disturbance to natural vegetation helps to prevent stream water runoff and maintain the integrity of the soil in the area in question. The following map depicts these areas in Geosce County that have slopes greater than thirty (30%) percent. Due to the scale of the map, all areas may not be visible.

² Natural Resources Conservation Service, USDA, 6657.5, 7CRF Ch. VI 11-1-100 Edition, pg 724.

Figure NR-3



Terrain

The Soil Survey shows that Oconee County is a region of diverse terrain separated into three distinct physiographic areas (See Figure NR-4). The Piedmont Plateau area, which lies predominantly in the southern part of the county, accounts for about 42% of total county acreage, and averages about 690 feet above mean sea level (Soil Survey of Oconee County). Given the availability of easily farmable tracts of land in this region, it has traditionally been the location of most of the intensive row cropping operations in the county, and as such is the site of the majority of the county's remaining prime agricultural lands.

The Next, the foothills region of Oconee lies in a band running from southwest to northeast, separating the Blue Ridge Mountains in the north and the Piedmont Plateau in the south. The foothills comprise about 35% of the county, and range in elevation from 780 feet to 2,200 feet above mean sea level (Soil Survey of Oconee County). Because the wide range in elevation includes many areas of severely steep slopes and thinner soils, farming activities have traditionally been more limited than those in the Piedmont Plateau region. The last of the three physiographic regions, the mountainous region, extends in a band lying west and north of the foothills region, and makes up the approximately 23% of the county. Part of the Blue Ridge Mountains, it lies within the southern Appalachian Mountain chain, and ranges from 2,200 feet to 3,400 feet above mean sea level. As may be expected, much of the terrain in this area of Oconee is often extremely steep and difficult to access.

The last of the three physiographic regions makes up the approximately 23% of Oconee County, and lies in the Blue Ridge Mountains—extending in a band lying west and north of the foothills region, the Blue Ridge Mountains are part of the southern Appalachian Mountain chain. With elevations that range from 2,200 feet to 3,400 feet above mean sea level, the terrain in this area of Oconee is often extremely steep and difficult to access (Soil Survey of Oconee County).

Conservation and Land Preservation Efforts

—The citizens of Oconee County have expressed a unified desire to preserve the unique characteristics of the region. Although the common goal exists that we need to protect both the beauty and quality of the county's resources, vastly different viewpoints always make government involvement difficult. The 2006 Oconee County Choice Plan states: "Citizens want to ensure their community remains 'a place where nature is respected not exploited.'" Several major areas need to be considered as we move forward in the discussion of how to protect our natural resources. Issues such as water, soils, and agriculture preservation will become forefront issues in the years to come.

The preservation of natural resources for future generations is often achieved through government protections and public-private partnerships that protect the land. Examples of government sponsored preservation are prevalent in Oconee County. Sumter National Forest, which comprises a large portion of the northwestern part of the county, is just one example. We are blessed with several state and county parks, which all citizens have the opportunity to use. Governments should continue to look for ways that they can preserve precious land resources as opportunities arise. We have also seen in recent years the increase in public-private partnerships working together to preserve the land.

Another area that must be considered by Oconee Citizens for Protection is the conservation of agricultural lands. With increasing demands placed on farms by development pressure, farm owners are starting to consider how they may protect their farm land. The South Carolina Legislature passed the Right to Farm Law which "gives existing farms some protection from nuisance complaints. Its purpose is to lessen the loss of farmland caused by nuisance law actions that arise when nonagricultural land uses expand into agricultural lands."¹ The provisions provided by the Right to Farm Law protect the farm operations from lawsuits but it does not protect land from being developed into other types uses. True protection of land can be achieved through such mechanisms as land trusts, development rights, and good estate planning. The following table has been adopted from the South Carolina Agricultural Landowners Guide.

Table NR-5

Conservation Type	Summary
Agricultural Conservation Easements	"An agricultural conservation easement is a voluntary deed restriction that landowners willingly place on their land. It permanently limits subdivision and non-

¹ "South Carolina Agricultural Landowners Guide," American Land Trust.

Conservation Bank	agricultural development." "Signed into law in 2002, the South Carolina Conservation Bank provides funding for protection of natural resources through farms."
Estate Planning	"Good estate planning accomplishes at least four goals: transferring ownership and management of the agricultural operation, land and other assets; avoiding unnecessary income, gift, and estate taxes; ensuring financial security and peace of mind for all generations; and developing the next generation's management capacity."
Farm and Ranch Lands Protection Program	"This program is administered by the USDA Natural Resources Conservation Service to provide matching funds to help purchase agricultural conservation easements on productive farm and ranch lands... To qualify, landowners must work with state and local governments or non-governmental entities to secure a pending offer with funding at least equal to 50 percent of the land's fair market easement value."
Forest Legacy Program	"This program was established in the 1990 farm bill and is administered by the USDA Forest Service and the SC DNR. Funds are used to purchase conservation easements on working forestland threatened by conversion to non-forested uses. This program is limited to private forest landowners who have prepared a multiple resource management plan."
Grassland Reserve Program	"The 2002 Farm Bill authorized this program. Private lands of 10 or more contiguous acres historically dominated by grasses or shrubs are eligible for the program. The land should have livestock currently grazing. Landowners with eligible property may receive compensation through permanent or 30-year easements, or enter into a 10, 15, 20, or 30-year rental agreement."
Small Farms Program	"The South Carolina Department of Agriculture's Small Farms Program provides assistance to small family farms. Special importance is placed on farmer-owned marketing cooperatives; land retention, alternative land use and community development. The program also provides assistance with identifying and securing financial resources and locating profitable markets."
Conservation Reserve Program	"This program is administered by the Farm Service Agency to encourage farmers to avoid highly erodible cropland and other environmentally sensitive land to vegetative cover. Landowners may also receive funding to fence streams that exclude livestock and to build grass waterways. Eligible land must have a weighted average erosion index of eight or higher and been planted in an agricultural commodity four of the six previous years."
Conservation Security Program	"This program was established in the 2002 Farm Bill to provide financial and technical assistance to support conservation efforts on tribal and private agricultural land. All privately owned land that meets established

soil and water quality criteria is eligible.

—The College of Agriculture, Forestry and Life Sciences at Clemson University has developed a series of web based videos that walk land owners through all aspects of Conservation Easements. Local Extension Offices are also valuable resources for the public and individuals interested in placing some protections on their land should utilize this resource. The videos can be found at

<http://www.clemson.edu/colaf/landmanagement/conservation-easements/index.html>

—Another method of conserving land that has recently joined the conversation is the concept of transferring development rights. As a tool, transferring development rights consists of a conveyance of development rights by deed, easement, or other legal instrument, authorized by ordinance or regulation, to another parcel of land and the recording of that conveyance.⁴ Programs establishing a mechanism for the transfer of development rights from one area are used to preserve land and allow for increased density in other areas of the jurisdiction. Developers are able to buy the right to develop from a property owner who then records a restriction on the property to prevent development. The developer is then rewarded by receiving additional density allowances and the developer is able to apply the number of dwelling units to a development in selected growth areas.

—Georgetown County should also work to establish a local conservation bank to help preserve and protect not only the areas natural resources but also those historical and cultural resources that are valuable links to the past. The establishment of a local conservation bank will be an asset to all citizens of Georgetown County. The conservation bank will be able to assist residents in exploring the advantages and disadvantages of having property conserved. At the same time the local conservation bank will be able to help raise the funds necessary to purchase conservation easements.

Water Resources

⁴ Freilich, Robert H. and S. Marc White. 21st Century Land Development Code, Chicago, Illinois: American Planning Association, 2008.

Although Osceola County possesses a wide variety of natural resources, it is the area's waters that have traditionally set the county apart. From the farmlands in the south, to the mountains in the north, area residents have never been very far from one of the county's streams and lakes. In fact, as noted earlier, all but a short length of the county's boundaries are marked by flowing water. With courses. Being in a region with an average annual precipitation ranked near the top of the nation, and a geology that favors water storage, it was perhaps inevitable that the resource played a major role in shaping the county as we know it today. It should be stressed, however, that though plentiful, Osceola County's supply of water is not unlimited.

Widespread concern about for many years, most of the attention paid to water-related issues in Osceola was aimed mainly at preserving water quality. Beginning in the late 1950's, however, there was an increased awareness of the issue of future water availability. This was particularly brought to the fore by events that began in the late 1990's, which happened to be a sustained period of diminished rainfall. As drought worsened, which resulted in lake and stream levels falling to near-record lows, and, in addition, with no rain to regenerate groundwater, a number of residents reported that wells were drying up. At the same time, it became known that large adding to these concerns were reports of the nearby metropolitan areas in the region were actively seeking to permit the withdrawal of local surface waters to supply their own growing needs. To date, this issue is still open looking toward the Osceola region for additional water supplies to support their anticipated future needs, an eventuality that remains to be determined. As never before, therefore, water quantity became a major concern for local residents, and remains so until today. In spite of the worry that these issues

proclaimed, there have been some significant benefits stemming from the concern. One of the most notable was the creation of drought protocols implemented by utilities aimed at acting to reduce and ultimately in the hands of water-conservative water supplies long before needs become critical. Today, drought status is monitored and federal authorities, but any local leaders believe that further stressing Osceola County's reservoirs will inevitably limit the county's ability to chart its own future growth. Another concern noted during the period was the existence of uranium, in the form widely publicized on an ongoing basis, with meaningful actions taken to conserve water so as to avoid, or at the least, in Osceola's groundwater. Although potentially a serious problem, at present it is believed to be a very localized condition that may be dealt with on a case-by-case basis. Finally, Osceola's waters have been affected by increasing pressure from non-point source pollution resulting from poor agricultural practices, development, and increased population density. These factors, combined with a population that grew in excess of 15% during the last ten years, has made increasing sufficient water supplies for both consumption and use in economic development a major concern in Osceola County impact of drought.



Groundwater

While the groundwater in Osceola County is generally unconfined, local artesian conditions exist when wells penetrate fractures that are hydraulically linked with higher recharge areas. This may also be the case for clayey regolith that forms a confining unit. Typically, water enters the ground, penetrating vertically downward through unsaturated materials. Once the water reaches a level of saturation, which is the water table, it moves laterally to seek a point of discharge. This is the source of springs, seeps, baseflow to streams, and seepage to lakes. While the water table may be near the surface in valleys or lowlands, it can be tens to hundreds of feet below the surface of hills and mountains. (Groundwater Atlas of the United States, USGS)

Contrary to popular belief, most groundwater does not flow through underground streams, but seeps through layers of sand or cracked rock. Because the water moves so slowly, it does not dilute or flush out pollutants very easily. Also, until the water reaches a well or emerges in a body of surface water, detecting pollution is extremely difficult, and by that time, remediation is both problematic and expensive. (Bureau of Water, South Carolina Department of Health and Environmental Control (DHEC))

The replenishment of groundwater supplies is an issue that must be dealt with in all developing areas, including Oconee County. As the amount of impervious surface increases, the amount of area available for recharging the groundwater system is decreased. Buildings, driveways, and paved roads all prevent rainwater from finding its way back into the ground. At the same time, water turned back from these structures greatly increases the amount of runoff that must be dealt with downstream, leading to increased amounts of flooding and property damage. In addition, damage to wetland areas, which also serve as key recharge areas, removes even more groundwater from the system, thereby further reducing the water available to supply new development.

Although pollutants are an increasing threat, the quality of raw groundwater in Oconee and the surrounding region has traditionally been considered suitable for drinking and other uses. Although fluoride, iron, manganese, and some sulfate can be found in the water, levels have rarely exceeded state and federal drinking-water standards (Groundwater Atlas of the United States, USGS). ~~Recently, however, high levels of uranium and radon have been discovered in wells in various parts of Oconee County. At the time of writing, an emergency program of response has been implemented.~~

Streams and Lakes

The waters of many streams and lakes flow through Oconee County. The following is a list of some of the county's more significant waters.

- (1) Lake Hartwell- Created by the impoundment of the Savannah River on the South Carolina-Georgia border, this 36,000-acre body of water is one of the most popular recreational lakes in the United States. Lake Hartwell was completed in the early 1960's, and is utilized for hydroelectric power generation, flood control, recreation, and water supply.
- (2) Lake Keowee- This 18,500-acre lake was created when Duke Power Corporation dammed the Keowee and Little Rivers for power generation as part of the Keowee-Toxaway Hydroelectric Project, and is situated on the border between Oconee and Pickens Counties. ~~It is also used for cooling the reactors of the Oconee Nuclear Station.~~ Being located in the foothills, near the Blue Ridge Mountains, Lake Keowee offers mountain vistas that greatly enhance traditional recreational activities with beautiful scenery. As a result, the often steep slopes surrounding Lake Keowee are the site of some of the heaviest residential development in the county, ~~leading to growing debate regarding the usage of the resource.~~ The lake's waters are used for power generation, recreation, and water supply. ~~It should be noted that some of Lake Keowee's waters are transferred out of basin by the City of Greenville, and serve as a point of growing concern among many of those living near the lake since it ending water for the reactors of the Oconee Nuclear Station.~~
- (3) Lake Jocassee- Located in southeast Oconee along the county's border with Pickens County, ~~and stretching a short distance into North Carolina~~, Lake Jocassee's 7,565 acres of clear mountain waters are formed by the impoundment of the Toxaway, Whitewater, and Thompson Rivers. The lake, whose bottom lies approximately 324 feet below surface at its deepest point, was built by Duke Power Corporation for power generation ~~soon after Lake Keowee was completed.~~ Toxaway Hydroelectric Project in the early 1970's. Lake Jocassee's natural shoreline is largely maintained in a natural state, and is protected by both thousands of acres of public lands and extremely rough terrain.
- (4) Lake Yonah- Completed in 1975, Lake Yonah was constructed on the Tugaloo River to generate hydroelectric power for the Georgia Power Company. Currently offering public access as at two relatively remote Georgia landings, public use of Lake Yonah has traditionally been relative light. In

recent years, however, the 325-acre impoundment has been the scene of increased development, particularly on the Georgia side. Extremely steep terrain and an isolated location generally restricts public access on the Oconee side to boat and barge traffic.

- (5) **Lake Tugalo-** Located upstream from Lake Lanah, Lake Tugalo was one of a series of hydroelectric dams constructed in the early years of the twentieth century by Georgia Power Company. Lake Tugalo's 597 acres of water stretch along the South Carolina-Georgia border from the end of Section 4 of the Wild and Scenic Chattooga River to its confluence with the Tallulah River.

In addition to the waters listed above, Oconee County's borders encompass a number of private lakes, with many of them home to a number of lake-front communities. Among these are:

- a. Lake Hecky
- b. Lake Chattooga
- c. Lake Chushee
- d. Lake Cherokee
- e. Crystal Lake
- f. Lake Jeniki
- g. Mountain Rest Lake
- h. Whitewater Lake

The following rivers and creeks are generally considered to be among Oconee County's most significant streams:

- (1) **Chattooga River-** Considered by many to be the jewel of natural resources in Oconee County, the Chattooga flows out of North Carolina and forms approximately 40 miles of border between South Carolina and Georgia. It is widely acclaimed to be one of the best whitewater rivers in the nation, with rapids ranging from Class III to Class V. The Chattooga, one of the first Wild and Scenic Rivers in the nation, attracts thousands of visitors to the county each year.
- (2) **Tugalo River-** Before the creation of Lakes Lanah, Tugalo and Hartwell, the Tugalo River (sometimes spelled Tugaloo) began at the confluence of the Chattooga and Tallulah Rivers and flowed southeastward to its confluence with the Seneca River, the beginning of the Savannah River. Though today's remaining short section of the river only flows out of Lake Lanah into the backwaters of Lake Hartwell, the Tugalo was once a main artery of travel and commerce for early residents of the region.
- (3) **Chauga River-** For years the Chauga has been overshadowed by the larger and more famous Chattooga River. Recently, however, the pristine Chauga has begun to attract its share of attention from both whitewater enthusiasts (who extol the river's Class V rapids) and conservationists. Approximately 14 miles of the river flow through U.S. Forest Service lands before entering developed areas near the headwaters of Lake Hartwell, the Chauga's ultimate destination.
- (4) **Thompson River-** Beginning in North Carolina, the Thompson flows south into Oconee County's Lake Jocassee. This remote river, which is noted for rugged terrain and beautiful waterfalls, supports a healthy population of native trout.
- (5) **Conners Creek-** This stream stands as an example of intense utilization of a smaller water source by a significant portion of the county's population. The creek's waters are used as a water source for the town of Wallhalla, drinking water for livestock all along its course; an irrigation source for various activities; a source for dilution of treated outfall from the Oconee Sewer Treatment Facility; hydroelectric power generation near Seneca; recreational fishing; and as it enters the backwaters of Lake Hartwell, boating. Beginning west of Wallhalla near the base of Stumphouse Mountain, Conners Creek flows generally southeast through the heart of what has come to be the most heavily developed section of the county, often suffering from the effects of both its usage and location. DHEC's Bureau of Water has listed 18.26 miles of the Conners as being impaired from high levels of fecal coliform (see Table NR-61). Among the sources of pollution noted by the agency are

improperly operating septic tanks, bad application of poultry litter, and access to the stream by livestock.

- (6) **Brasstown Creek**- This stream flows out of Oconee's mountains through sparsely populated areas, eventually entering the Tugalo River. Noted as a good trout stream by area fishermen, Brasstown Creek flows near one of the more beautiful waterfalls in the region before passing through the Brasstown Creek Heritage Preserve, a habitat for several rare plants.

Other Oconee County streams worthy of note include:

- a. Whitewater River
- b. Little River
- c. Chestnut Creek
- d. Chechar Creek
- e. Tamassee Creek
- f. Station Creek

Water Classifications

The South Carolina Department of Health and Environmental Control's (DHEC) Bureau of Water is charged with identifying and classifying the surface waters of South Carolina. These classifications indicate the scope of allowable uses of the waters based on state regulations. Oconee County's classified waters fall into two categories:

- (1) **Fresh Waters (FW)**- suitable for primary and secondary contact, recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of DHEC. Also suitable for fishing, indigenous aquatic fauna and flora, and industrial and agricultural uses.
- (2) **Trout Waters**-
 - a. **Natural (TN)**- suitable for supporting reproducing trout populations and a cold water balanced indigenous aquatic community of fauna and flora, as well as uses listed in Fresh Waters.
 - b. **Put, Grow, and Take (PGT)**- suitable for supporting growth of stocked trout populations and a balanced indigenous aquatic community of fauna and flora, as well as uses listed in Fresh Waters.

In addition to the classifications, the Bureau of Water enforces quality standards that strictly limit usage of the waters in such a manner as to maintain the classifications assigned to them. (SC Regulation 61-68: Water Classifications and Standards, DHEC)

Table NR-61 (below) lists the classified waters in Oconee County. These range in size from the largest lakes to small creeks, but not all streams in the county are on the list. The state regulations governing the classifications and standards, however, apply not only to the listed stream and, but to any unlisted tributaries— as well.

Table NR-61

Classified Surface Waters in Oconee County		
Name	Classification	Description
Bad Creek	DRW	A1
Bad Creek Run #1	FW	"
Bad Creek	TPGT	"

Bear Creek	TN	"
Beaufort Creek	TN	"
Bevelton Creek	TPGT	"
Burgess Creek	TN	"
Camp Branch	FW	"
Carroll Creek	TN	"
Chattahoochee River	FW	From confluence with Oostanaun Creek to Dugger River
Chattahoochee River	ORW	From NE state line to confluence with Oostanaun Creek
Chappa Creek (Jerry Branch)	FW	All
Chauga River	ORW	From headwaters to 1 mile above US 26
Cherry River	FW	From 1 mile above US 26 to Payson River
Claxton Creek	ORW	From headwaters to end of US Forest Service land
Chester Creek	FW	From US Forest Service land to confluence with Tannock Creek
Cherokee Creek	FW	All
Cherokee Creek	FW	"
Cochran Creek	ORW	"
Cook Creek	ORW	"
Cooper Creek	TN	"
Cooper Creek (Johns River)	ORW	From 10 miles below confluence with Indian Camp Branch
East Fork Chattahoochee River	TN	From confluence with Galina Camp Branch to Chattahoochee River
Edin Creek	FW	All
Edin Branch	FW	"
Edin Lake	FW	"
Edin Lake (Remy Branch)	FW	"
Edin Creek	ORW	From headwaters to 3 miles below Highway 11 to the first impoundment system at the Edin Lake Regional Storage Station
Edin Creek	TN	From 100% flow impoundment system at the Edin Creek Regional Storage Station to confluence with Middle Fork Creek
Edin Camp Branch	ORW	All
Edin Branch	ORW	"
Edin Creek	ORW	"
Jerry Creek-SEE CHATTAHOOCHEE RIVER		
Jumping Branch	TPGT	"
Kawasa Lake	FW	"
Kemp Creek	ORW	"
Knox Creek	FW	"
Lake Cherokee	FW	"
Lake Cherokee	FW	"
Lake Norman	TPGT	"
Lake Norman	TPGT	"
Lick Log Creek	FW	From headwaters through Third Lake
Lick Log Creek	ORW	From Third Lake to Chattahoochee River
Lumber Pole Creek	TN	All
Little River	FW	"
Lynn Creek	FW	"
Martin Creek	FW	"
McKinney's Creek	TN	From headwaters to Highway 26
McKinney's Creek	FW	From Highway 26 to Lake Kawasa
Mill Creek	TN	All
Knobby Creek	TN	"
Kloss Mill Creek	ORW	"
North Little River	TPGT	From confluence of Mill Creek and Herring Creek to Highway 11
North Little River	FW	Highway 11 to confluence with Little River
Oostanaun Creek	FW	All
Pig Don Branch	ORW	"
Pandora Branch	FW	"
Pandora Creek-SEE HEMEDY CREEK		
Remy Branch	FW	"

Cardinal Branch	FW	+
Shoal/Leone Branch	FW	+
Meritt Branch	ORW	+
Smullen Creek	TN	From headwaters to Highway 130
Smullen Creek	ORW	From Highway 130 to South Fork of Little River
Smoked Cottle	TN	All
Tennessee Creek	ORW	From headwaters west of US Forest Service land
Tennessee Creek	FW	From US Forest Service land to confluence with Cheker Creek
Tennessee River	TN	All
Tillie Branch	FW	+
Tugaloo River	FW	+
Troy Branch	FW	+
Unnamed Creek	FW	Entire Little River at Henry
West Fork Unnamed Creek	TN	+
Whispering Creek	TN	+
White Oak Creek	TN	From headwaters to Rain Creek
Whiteoak River	ORW	From N. Division to Lake Johnson
Wright Creek	ORW	All

FW – Fresh Water; TN – Natural Trout Waters; ORW – Outstanding Resource Waters

Source: South Carolina Regulation 61-63, Clean Water, DHEC

Watersheds

A watershed is a geographic area into which the surrounding waters, sediments, and dissolved materials drain. The edge of a particular watershed extends along the peak of surrounding topographic ridges, directing all surface runoff within the boundary back into the streams of the watershed. Many watersheds often cover large regions, spreading over many thousands of acres. As a result, it is not uncommon for a single watershed to be crossed by a number of counties lying in different states, making it convenient for various governmental entities within the watershed to coordinate in approaching shared issues. The individual watersheds are designated by the United States Geological Survey (USGS), a division of the United States Department of the Interior.

Oconee County crosses two major watersheds, the Tugaloo Watershed (USGS Cataloging Unit 403060107) and the Seneca Watershed (USGS Cataloging Unit 403060101). The two then empty into the Upper Savannah River Watershed. The upper reaches of the Tugaloo Watershed lie in the southern Appalachian Mountains, with approximately 977 square miles encompassed within the borders. The total perimeter measures approximately 200 miles. Counties crossing the watershed include Clay, Jackson, and Macon in North Carolina; Franklin, Habersham, Hart, Rabun, Stephens, and Towns in Georgia; and Anderson and Oconee in South Carolina. There are approximately 1,274 river miles, as well as 82 lakes totaling 22,655 acres, within the watershed. See Figure NR-2.

As noted above, the other watershed crossed by Oconee County is the Seneca Watershed. Like the Tugaloo Watershed with which it shares its western border, the upper reaches of the Seneca Watershed lie in the Southern Appalachian Mountains, and encompasses approximately 1,024 square miles. The watershed is crossed by Jackson and Transylvania Counties in North Carolina; and Anderson, Oconee, and Pickens Counties in South Carolina. The approximately 160-mile perimeter encloses 123 lakes totaling almost 38,940 acres. See Figure NR-2.

Figure NR-4



The United States Environmental Protection Agency (EPA) rates Oconee County's watershed health as very good, with water quality being seen to have a "Low Vulnerability" to threats. ~~At the present time, therefore,~~ county residents relying on community water systems are ~~supplied~~ provided with an abundant supply of raw water for treatment by water systems. As growth continues near the most sensitive areas, however, chances for damage will increase. This is particularly true for areas with steep slopes and thin soils. Those relying on private wells for their water supply are ~~in fact~~ in fact similar circumstances, for while most wells in our region offer safe water supplies for consumption, highly developed areas offer increased chances of impaired water quality.

Impaired Waters

The EPA lists waters that are considered to be impaired in quality under the Clean Water Act. Those that flow through Gaston County were listed as impaired in 2014 are listed in Table NR-6.2 (below).

Table NR-72

EPA Listed Clean Water Act Section 303(d) Impaired Waters in Gaston County (2014)		
Name	ID/Cause	Concern
Lake Hartwell (All) Whitestone Creek- Upstream Portion Near Mouth	SC-SV-A-0005-4998	Pathogens
Lake Hartwell (Seneca Inflow- Tuxedo) River Arm of Roanoke River (MCRS S-28.A & S-29)	SC-SV-288-4998	Mercury, Copper
Lake Jocassee- End of SEC BD 25	Mercury	
Conrooz Creek (At North Fork Little River @ S-37-4972)	SC-SV-108-1998	Coli
Norris Snow Creek (At @ S-37-435) 51	SC-SV-301-1998	Coli
Roanoke Creek (At Lake Hartwell @ S-37-66) 184	SC-SV-345-4998	Hydrogen Ion Concentration
Lake Hartwell @ Conrooz Creek (At SC 59)	SC-SV-005-1998	Pathogens
Chattoga River @ US 76 Bridge	F Coli	
Seneca Creek (At Unnamed Tributary @ Bridge on S-37-64) 147	SC-SV-333-4998	Coli
Lake Keowee (Cane Creek Arm) 264	SC-SV-311-1998	Mercury, Zinc
Lake Jocassee (At confluence) mid- Between Center of Thompson Spillway and Whitewater River (Opposite Shore)	SC-SV-336-4998	Hydrogen Ion Concentration
Lake Keowee (Above SC-130) 264	SC-SV-338-4998	Mercury, Copper
Tributary of Chestnut Creek at SR 425	Macroinvertebrate	
Canehead Creek (At Sidridge on S-37-153) 229	SC-SV-342-1998	Coli
Lake Gene Rousefflam Creek (At S-37-153) 66	SC-SV-343-4998	Macroinvertebrate
Chowan River- At Taber Access	Hydrogen Ion Concentration	

Source: EPA (2004)

Figures NR-3 and NR-4 graphically illustrate the location of the various impaired waters noted in Table NR-6.

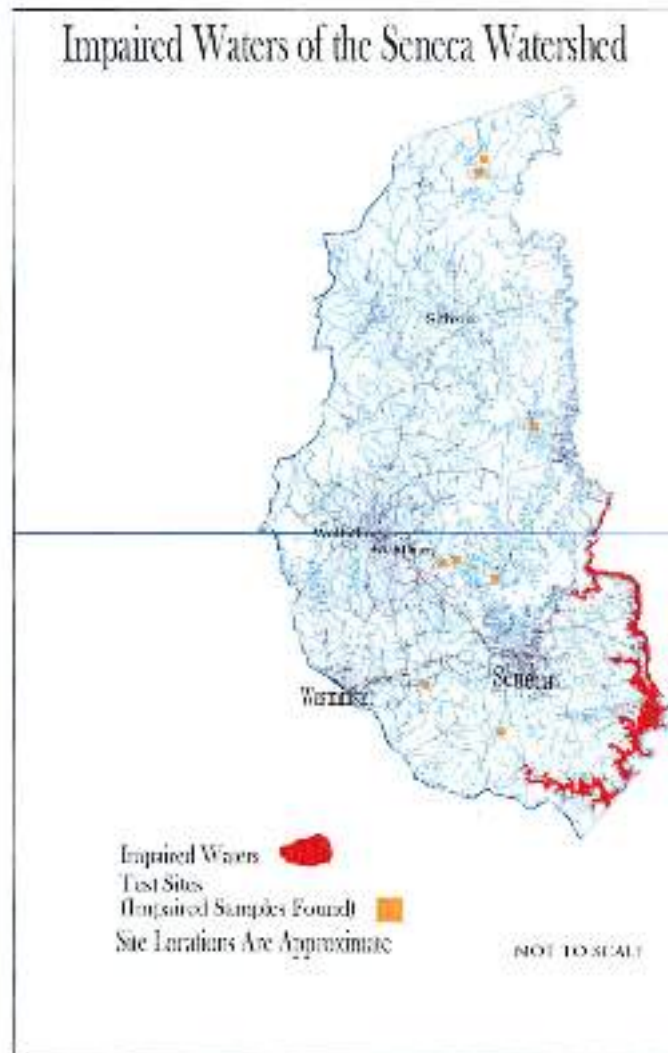
Figure NR-6

Impaired Waters of the Tugaloo Watershed



Source: Georgia Planning Department

Figure NR-6



Seneca-Genesee Planning Department

Flora and Fauna

Oconee County is home to a tremendous variety of plants and animals. Because much of northern and western Oconee County is located in the edge of the southern Appalachian Mountains, many life forms not typically found in most other areas of the state may be found there; yet, in the southern end of the county one can find a mix plants and animals typical of what might be seen throughout the rest of piedmont South Carolina. And, as might be expected, the foothills area separating the mountains and piedmont areas offers habitats sometimes acceptable to plants and animals from both regions.



When Europeans first settled in what is today's Oconee County, the forests were primarily comprised of hardwoods interspersed with various stands of softwoods. As the hardwood forests were cleared for timber, farming and other uses, lands allowed to grow back were often taken over by the faster growing softwoods, particularly pines, permanently altering the character of the region. Today, in the piedmont section of the county the most important trees include: loblolly pine; shortleaf pine; Virginia pine; red cedar; yellow poplar; sweetgum; cottonwood; blackgum; ash and oak. In the mountainous forests the dominant trees include white pine; pitch pine; shortleaf pine; Virginia pine; hemlock; red cedar; various oaks; black walnut; and yellow poplar. [Soil Survey of Oconee County](#): In 1990, over 258,000 total, according to the South Carolina Forestry Commission, 252,470 acres of Oconee County were wooded or are considered forestland. [South Carolina Statistical Abstract](#)

Many Oconee residents are avid outdoor sportsmen, particularly devoting large amounts of time and money to the pursuit of hunting and fishing. Among the game animals found in the county include whitetail deer, wild turkey, rabbits, squirrels, doves, and quail. Black bear and wild boars are hunted in the mountainous areas, and wild boars are increasingly hunted across much of the region. In addition, a few individuals remain devoted to traditional aspects of hunting raccoon and opossum. Also, Oconee County fishermen pursue a variety of species, including bass, trout, crappie, bream, and catfish. Many state record fish have been taken from Oconee waters. Of particular note among county lakes in recent years has been Lake Jocassee, the source of quite a few record-setting trout. Mention must also be made of Oconee's cold, pristine streams, home to a number of trout populations, both stocked and native.

Oconee County's sparsely populated remote areas often act as a haven for plants and animals long gone from more developed areas. As a result, Oconee County is widely recognized as a special environment, providing habitats unavailable in most other regions. [Table NR-7 provides an inventory of Oconee County's rare, threatened and endangered plants and animals listed by the South Carolina Department of Natural Resources.](#)

Table NR-8

Rare, Threatened & Endangered Species found in Oconee County (Updated 03/28/01)			
Common Name	Global Rank	State Rank	Legal Status
Copper's Hawk	G5	S3	A+

Striped Maple	FA	4-62	SC
Black Birch/Red	G4	52	SC
Brock Flower	G5	44	RF
Banking Oxeye	G5	55	SC
Smooth Infirmary	G77	44	RF
Great Salamander	G664	54	SC
Piperite	G5	45	RF
Single-Comb Sphacelost	G4	54	SC
Black-Eyed-Sphacelost	G5	5187	RF
Wading-Tam-Sphacelost	G5	45	RF
Maidenhair-Sphacelost	FA	48	RF
Georgia Aster	G227	55	SC
New-England-Aster	FA	44	RF
Yellow Birch	G3	55	SC
Black-Grass	G4	51	RF
Knoxia-Blitz-Cross	G263	55	RF
Prickly-Torment	G77	55	SC
Narrow-leaf-Sage	FA	44	RF
Iron-Nose-Sage	G5	55	SC
Appalachian-Sage	G4	55	SC
South-Carolina-Sage	FA	44	RF
Rubrum-Sage	G3	51	NO
Quercal-Sage	FA	44	RF
Marsh-Sage	G3	50	SC
Eastern-Fer-Flint-Sage	G4	55	SC
Lowland-Sage	G5	51	SC
Plains-Leaved-Sage	G5	44	RF
Downy-Sage	G4	55	SC
Heath-Sage	FA	45	RF
Lance-Sage	FA	45	SC
Potts-Sage	G4	44	RF
Scrub-Indian-Fernbush	FA	45	RF
Blue-Cole	G425	52	SC
Iron's-Great-Heaven	FA	51	SC
Southern-Bur-leaf/Elizabeth's-Nigella	G3	44	RF
Elizabeth's-Nigella	G225	54	RF
Southern-Red-Headed-Vine	G5	5253	SC
Carolina-Red-Headed-Vine	G444	4444	RF
Wanted-Horse-Fern	G3	55	SC
Baltimore's-Blue-Headed	G224	422	RF
Yellow-leaf	G4	55	SC
Large-Yellow-leaf-Simper	FA	44	RF
Red-leaf-Fern	G3	44	RF
Lowland-Indian-Fern	G5	55	SC
Scraggy-Salamander	G664	44	RF
W.C. Bleeding-Heart	FA	44	RF
Embellished	G4	51	SC
Glade-Fern	FA	44	SC
Georgia-Woodfern	G4	51	RF
Evergreen-Woodfern	G4	44	SC
Smooth-Careflow	FA	44	FESE
Yellow-leaf	G227	54	RF
Wahoo	FA	51	SC
Yellow-leaf-Pine-Weed	G22	44	SC
Knoxia-White-Alder	G3	51	RF
Stone-Aster	G5	54	RF
Tebery	FA	51	SC
Black-Huckleberry	G3	44	RF
Virginia-Sidal	G4	57	RF
Juniper	G3	44	RF
Little-Leaved-Alumroot	G4	57	RF
American-White-Perrywort	G4	44	SC
Red-Indian-Heaven	G2	44	FESE
Bursera	G444	57	SC
Narrow-Fruited-Rose	G1	57	RF
Wood-Rose	G4	57	RF

Groundsage	144	87	SC
Rose Dandelion	03	89	NE
Lesser-Downy	05	87	SC
Kidney-Leaf Dogbane	04	89	NE
Yellow Biscuits	189	89	NE
Hebesystem	071	81, 82	SC
Flora Lycopodium	02	84	NE
Genets-Monardella	05	82	SC
Two-Leaf-Butterfly-Cup	14	89	SC
Gauger-Leaf	14	87	SC
Spice-Plant	03	84	NE
Eastern-Night-Flower-Nights	10	81	SC
Little-Brown-Beetle	14	89	NE
Northern-Nights	14	89	NE
Indiana-Nights	02	81	FE/SE
Eastern-Nights	14	89	SC
Southern-Appalachian-Wooded	00040	884	SC
Northern	14	87	SC
Adonis-Flower	05	87	SC
One-Flowered-Broomrape	05	89	SC
Heavy-Sweet-Grass	15	87	SC
Quam	07	89	NE
Atrophy-Scarp	0105	81	SC
American-Ginger	0504	853	SC
Heavy-Grass	14	89	NE
Kidney-Leaf-Grass-of-Pennsylvania	04	81	NE
Purple-Stem-Cliff-Rose	05	81	SC
Central-Nights	04	84	NE
Sweetens-Weak-Grass	04	86	NE
Grass-Leaf-Linseed	02	87	SC
Mountain-Wood-Linseed	11	89	NE
Gay-Wing-Milfoil	05	81	SC
Adonis-Flower	14	89	NE
Woodbine	14	84	NE
Blackcap-Deer	05	81	SC
Long-Flower-Nights	14	89	NE
Canada-Rhodiola	05	87	SC
San-Peter-Cornflower	07	87	NE
Large-Pointed-Candle	04	87	SC
Large-Leaf-Nights	14	89	NE
Grass-Beetle	02	82	NE
White-Goldenrod	14	84	NE
Common-Neck-Grass	05	87	SC
Pigeon-Elixir	05	84	NE
Common-Spotted-Nights	14	89	SC
Cirrus's-Bridge-Nights	050	87	SC
Broad-Leafed-Grass-Nights	14040	84	SC
Mountain-Cucurbit	04	84	NE
Aspen-Rabbit	05	82	SC
New-England-Cornel	14	89	NE
Red-Nights	04	83	SC
Red-Haired-Thymopsis	04	87	NE
Heart-Leaved-Bean-Flower	1444	84	SC
Carolina-Taxus-Rue	14	84	SC
Rose-Ham	04	81	SC
Down-Fly-Fun	0405	84	NE
Faded-Tillam	04	85	SC
Long-Flower-Indian	05	87	NE
Persistent-Tillam	05	84	FE/SE
Southern-Nighting-Indian	02	87	NE
A-Tillam	07	84	NE
Painted-Indian	05	87	NE
Nighting-Pigeon	04	86	NE
Red-Dial	04	84	SC
American-Bog-Violet	0515	86	NE
Yellow-Violet	04	82	SC



Least-Java-State	G5	S5	SC
Least-Java-State	G5-S	S5	SC
Three-Faced Vole	G5T3	S5	AF
Parrot-Browns	G5	S5	SC
Wakabi	G5	S5	SC
Eastern Turkeybush	G5	S4	AF
Mexican Junco Mouse	G5	S5	SC

¹Reference South Carolina State Department of Environmental & Natural Resources Inventory: Species Found in Choice County (S.C. Dept. of Natural Resources) for scientific name

²Global Rank—Degree of endangerment world-wide (The Nature Conservancy)

G1—Critically imperiled globally because of extreme rarity or because of some factor(s) making it especially vulnerable to extinction

G2—Imperiled globally because of rarity or factor(s) making it vulnerable

G3—Rare or uncommon globally through-out its range or found locally in a restricted range or having few individuals making it vulnerable

G4—Apparently secure globally though it may be rare in parts of its range

G5—Demonstrably secure globally though it may be rare in parts of its range

G6—Of historical occurrence throughout its range, with possibility of recovery

GX—Data insufficient to range

G?—Status unknown

³State Rank—Degree of endangerment in South Carolina (The Nature Conservancy)

S1—Critically imperiled state-wide because of extreme rarity or because of some factor(s) making it especially vulnerable to extirpation

S2—Imperiled state-wide because of rarity or factor(s) making it vulnerable

S3—Rare or uncommon in state

S4—Apparently secure in state

S5—Demonstrably secure in state

S6—Accidental in state (usually birds or butterflies that are far outside normal range)

S7—Exotic established in state

S8—Of historical occurrence in state, with possibility of rediscovery

S9—Regularly occurs in state but is not native, and is not doing well

SX—Reported in state, but without good documentation

S?—Status unknown

⁴Legal Status

F1—Federal—Endangered

F2—Federal—Threatened

R1—Proposed or Federal listing re-Endangered

R2—Proposed or Federal listing re-Threatened

C—Candidate for Federal listing

NC—Of Concern, National (unofficial—plants only)

RC—Of Concern, Regional (unofficial—plants only)

St—State Endangered (official state list—animals only)

ST—State Threatened (official state list—animals only)

SC—Of Concern—State

SX—State Extinct

S?—Status unknown

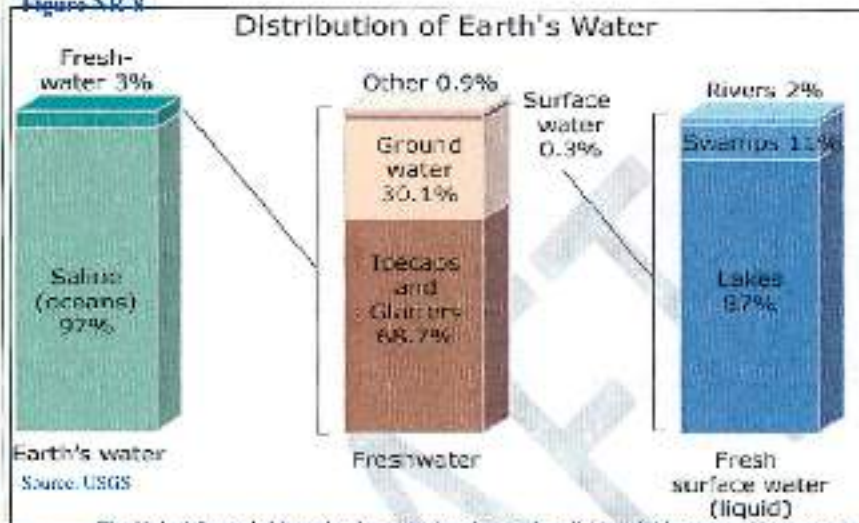
Source: South Carolina State Department of Environmental & Natural Resources Inventory: Species Found in Choice County (S.C. Dept. of Natural Resources)

Water 2009 Update

Water availability is closely related to the climate of a particular area. However, the cost of producing clean drinking water is dependent on water availability and the amount of pollution existing in the water. Water is a problem not only in Greene County but all around the world. Part of the reason for this is that most of the

earth's water is contained in the oceans, while only three percent is fresh water. Of that three percent, the vast majority is found in the icecaps and glaciers. Surface water makes up only 0.3% of the earth's water resources, and yet is the resource used for most of the drinking water in our region.

Figure NR-8



The United States is blessed to have an abundance of available drinking water. However, the Southeastern part of the country has had a drought that has been looming over the region. The amount of rainfall in the region has been considerably low in recent years. Lake levels have dropped to as low as thirty feet, leaving quite an impression! Relief of yester years have emerged briefly, revealing what once was. The visibility of the drought has had led to an increasing concern over the last several years over the lack of water in the region. Drought conditions have become quite severe, impacting individuals, agriculture, the local economy and the environment. Farmers have been forced to sell their hay from other regions or sell some of their stock due to the lack of rain. The tourist industry has also been affected by the drought with the closing of numerous outdoor camps.

Drought is a natural event which occurs over a period of time with less than normal rainfall. Many ways of measuring a drought have been developed in the United States, which adds to the difficulty of defining and quantifying its occurrence. Two of the more common drought indices are the Palmer Drought Severity Index (PDSI) and the Standardized Precipitation Index (SPI). The Palmer Drought Severity Index considers water supply (precipitation), demand (evaporation), and loss from it. On the other hand, the Standardized Precipitation Index considers only precipitation. In both indices, a negative number indicates drought and a positive number represents wet conditions.

Similarly, the South Carolina Water Plan⁵ defines a drought as a period of diminished precipitation that results in negative impacts upon the hydrology, agriculture, local energy, and economy of the State.⁶ The plan also categorizes droughts into three categories. A meteorological drought is simply a period of time in which there is less rainfall than the average over the given time interval. An agricultural drought causes real damage to the crops and farmland.⁷ This type occurs when soil moisture availability to agricultural crops is reduced to a level causing adverse effects on the agricultural production of a region.⁸ The final classification of drought is hydrological drought which is signified by a shortage of water in streams, lakes, and ground water supplies.⁹ During the past five years, we have been experiencing all three classifications of drought in our area. In 2005, increasing rainfall has filled up the lakes and returned water tables to pre-drought conditions.

⁵ South Carolina Water Plan, Second Edition, South Carolina Department of Natural Resources: Land, Water, and Conservation Division, January 2004.

⁶ Ibid.

⁷ Ibid.

In Oconee County, from September of 2005 till the present, rainfall has been below normal according to the Palmer Drought Index, computed by the Regional Drought Monitor (SC State Climatology Office). According to the Standardized Precipitation Index for March 2007 – February 2009 the majority of Oconee is shown as exceptionally dry (-2.00 and below) and a small area in the northern area of the county is indeed as extremely dry (-1.99 to -1.60). Local conditions have been tracked by the South Carolina Department of Natural Resources and one can see that Oconee County was significantly impacted by extreme drought conditions.

Figure NR-9

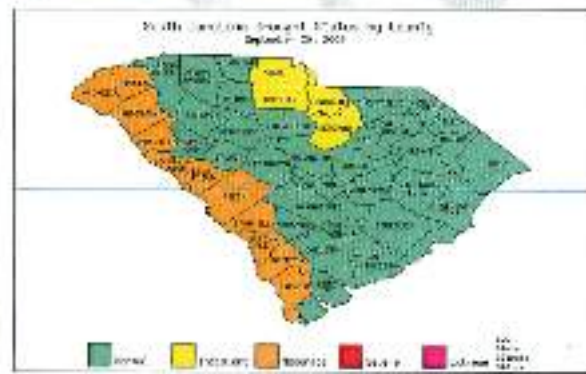


Figure NR-10



Figure NR-11

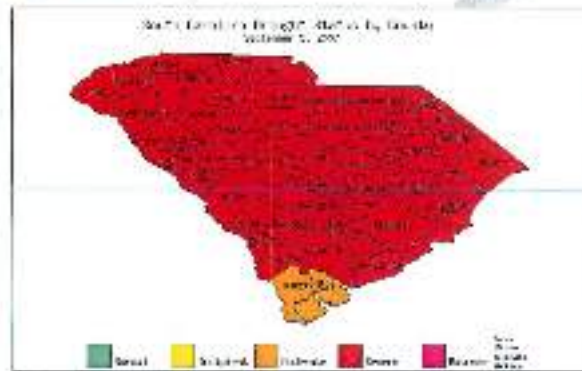


Figure NR-12



Figure NR-12

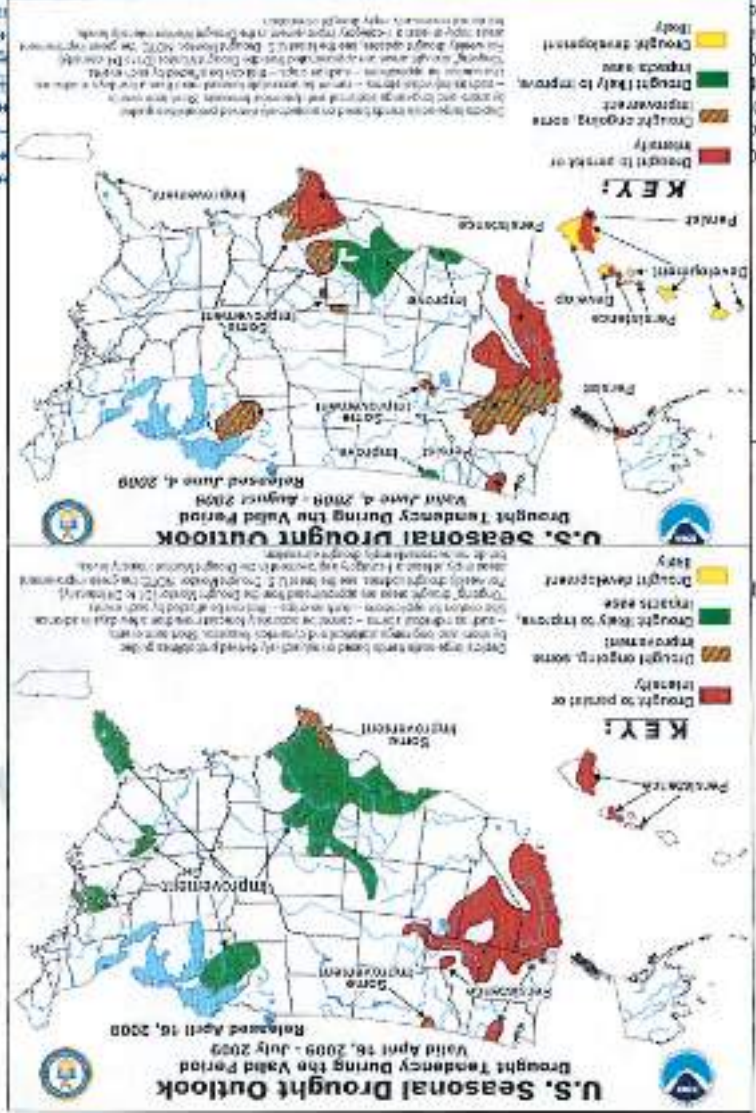


Figure NR-13



The latest drought map shows the recent rains have improved conditions. "The latest map is not showing to that the region is just beginning the 'dry' season, and if the rain pattern of the previous year held, we would probably move back into a severe or extreme drought. However, other areas of the region that are drought-torn are improving." According to the National Weather Service Climate Prediction Center, drought conditions are expected to improve in the region just to our north.

Figure NR-14



and they identify the most vulnerable areas, outlining strategies for reducing leakage to neighborhood water supplies. Comprehensive Plan
 Natural Resources 24 of 22

enforcement mechanisms; and outlining review and update procedures.¹² Having a document of this nature will aid local officials in dealing with major drought events in the future.

Water can no longer be taken for granted in South Carolina and Oconee County. With the overwhelming presence of water in our county, it is easy to take the availability of water for granted but if those resources are allocated to others, Oconee County may be left wanting. The State's water plan sets out to answer the question "what steps should the State take now to ensure that adequate amounts of water will be available in the future?" Oconee County must not only ask this question, we must answer it and act to ensure that adequate water is available for generations to come. South Carolina's water falls under the Public Trust doctrine which means water is too important to be owned by any one person. Therefore, we must work to manage our water resources so that all those involved will access to the water they need. This will mean that during drought conditions that all users share in reducing daily usage.

Water quality is vital to the long term health of the region and worthy of our best efforts to ensure safe, clean water for generations to come. Over the past decade there have been approximately 1000 new residential homes (mobile homes and stick built) per year added to the tax rolls. (In the early part of the decade, mobile homes made up a larger portion of the new residences in the county; however lending laws changed and the percentage of mobile homes added to the tax rolls decreased significantly.) The average household water usage per day is 350 gallons of water. This means that over the past 10 years, without considering industry, schools, and commercial increases in water usage, the County has increased its water usage by 3,500,000 gallons per day by simply supplying homes with water! The time to preserve water is now, before it is too late!

However, water quantity is also very important in the life of the county. Well-placed and efficient infrastructure preserves natural lands by limiting the areas where development can readily go, thus protecting the natural environment. Public water systems do more than just provide us with drinking water to businesses and homes. When public water is available with the proper amount of water flow, fire insurance rates will decrease. According to Dennis Cage, the manager of the Natural Hazards Mitigation Division, "communities that don't have a public water system can still obtain a good fire suppression classification system from the Insurance Services Office (ISO) by using alternative water sources and proper delivery of equipment."¹³ However, for a community to get such a rating, it must have documented permission to use the water source, an all-weather access road to the fill site capable of supporting the responding fire apparatus, access to the water during freezing weather, ability to draft water 365 days a year, documentation that water can withstand a 50 year drought, and documentation that the water supply has a capacity to support a minimum draw of 250 gallons per minute for two hours (minimum of 30,000 gallons).¹⁴ Water resources should be used and devoted to ensuring that adequate fire protection is available throughout the county. Continuing to strategically place water tanks and dry hydrants in rural areas is one way of serving the citizens. Developers also have a role to play if they develop in areas that have no public water. They need to incorporate into their development plans adequate water quantities to provide fire protection. During times of drought, water storage facilities and dry hydrants should be checked regularly and adjustments made accordingly.

The Oconee Soil and Water Conservation District and the USDA-Natural Resources Conservation Service since their great strides have been made and continue to be made in the protection and improvement of water quality as compared to previous decades. Federal and State cost share programs and grants encourage the implementation of conservation practices which protect water such as livestock exclusion from natural water bodies, the maintenance of forested vegetative buffers along stream corridors, and appropriate application and timing of nutrients and pesticides in agricultural fields. Water quality and water conservation practices will continue to receive emphasis in technical and financial assistance programs, because the demand for clean, reliable sources of water will increase as the population increases. Since the misuse and pollution of water is easily observable, ensuring the protection of water will remain at the forefront of public concern.

The State's water plan states that two of the most important elements in water resource management are knowing how much water is available and knowing how much is being used. We agree. Oconee County can begin to assess the need to better use of its water resources by conducting a comprehensive water study for our area. This study should serve to answer how much water is available, how is it currently allocated, how much is available for future allocation, and at what point during drought conditions will all users need to be on water restrictions. When resources are becoming scarce everyone must share the burden of conservation, including

¹² SC Department of Natural Resources "The South Carolina Drought Response Program".

¹³ Cage, Dennis. "No Hydrants Required." Firechief. Penton Media. 1 Nov. 2001. [Accessed online] http://firechief.com/mag/the/figting_no_hydrants_required/. April 28, 2009.

¹⁴ Ibid.

these permits that take water out of one basin into another. A flow rate analysis should also be part of this study for all water coming into Oconee County. Answering the question of how much water is available in Oconee will allow us to ensure state and federal regulations are being followed. Of course the main made lakes in the region contain large portions of the available water. The following table shows the surface area and volume of Lake Hartwell, Keowee, and Jocassee. The second table shows an estimated amount of surface water area in Oconee County.

Table NR-9

State Rank	Lake	Drainage Basin	Lake Operator	Surface Area (acres)	Volume (acre-feet)
4	Hartwell	Savannah	Corps of Engineers	58,408	2,545,000
6	Jocassee	Savannah	Duke Power	3,565	1,185,000
8	Keowee	Savannah	Duke Power	18,372	1,000,000

Source: South Carolina Water Plan 2006

Table NR-10

Lakes	Oconee County	Anderson County	Pickens County
Jocassee	4,319		2,043
Keowee	13,102		5,270
Hartwell	11,632	23,833	4,509
Tuperoo	225		
Yonah	160		
Secession		244	
Rockaway		610	
Russell		800	
Total Average	30,449	25,217	8,992

Any study undertaken to answer how much water is available to meet all the needs of the area must take into account evapotranspiration. As surface area increases, evaporation also increases. Water lost to the atmosphere should still be thought of as a type of withdrawal because water is removed from the lake and does not enter the downstream system. Any allocation mechanism must include in the 100-day withdrawal volume calculation an estimation for water lost due to evaporation.

A monitoring system must be developed if we are to accurately gauge the quantity of water. Without accurate data on how much water is available, no water resource management program can be successful.¹⁴ Currently, there is only one monitoring station in Oconee County. South Carolina's water plan also states that having an adequate number of properly located gauges is vital to the effectiveness of the monitoring network, but it is also very important that these gauges are continuously operated at the same location for a long period of time. With only one station, it will be difficult to monitor the water resources in the County like they should be. Therefore, Oconee County should work with Federal and State agencies to develop a stream monitoring system that will track the available quantity and quality of the water in the major streams and rivers in the County.

The establishment of a county-wide monitoring system will provide the data we need to be able to determine the appropriate allotments of water. Once this is established, the county will be able to acquire an accurate 7Q10 for Oconee County that will facilitate monitoring the flow of water leaving the County. The 7Q10 is defined as the lowest mean annual flow over seven (7) consecutive days that can be expected to occur in a ten (10) year period. In any year, there is a ten percent (10%) probability that the average flow for seven (7)

¹⁴ South Carolina Water Plan, Second Edition. South Carolina Department of Natural Resources: Land, Water, and Conservation Division, January 2006.

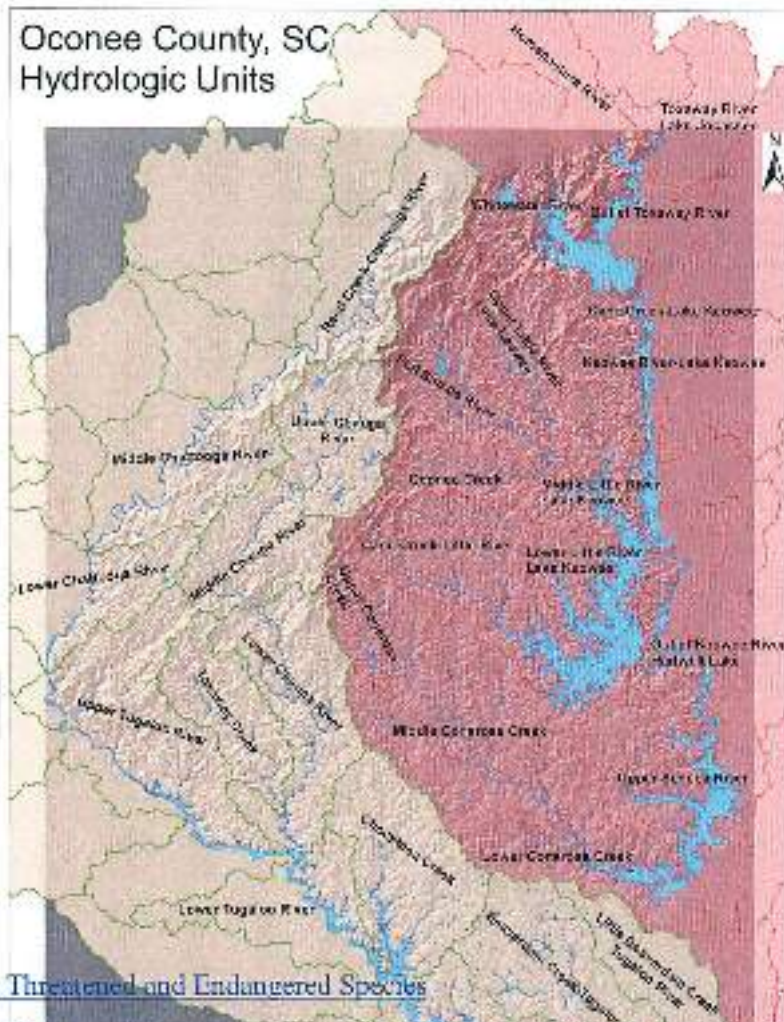
consecutive days will be equal to or less than the 7Q10.¹² If minimum flows for seven days reach the defined 7Q10, water availability would be in jeopardy if all the water is collected. The problem would increase exponentially if the assumptions that have been made on the quantity of water in Osceola County exceed the 7Q10. As the State Water Plan states, we need to know what flow levels are required in our streams to protect public health and safety, maintain fish and wildlife, and provide recreation, while promoting aesthetic and ecological values. The minimum required flows that need to be maintained will provide for the protection of water quality (is there enough water to adequately dilute pollution?), protect fish and wildlife (is there enough water for wildlife to survive?), maintain navigability (if water course is navigable, what is the minimum amount of water needed to maintain navigability?).

Water quantity and water quality go hand in hand. Osceola County not only needs to protect the quantity of the region's water but also the quality. What good is it to have a large quantity of water that is too polluted to use. County Council has put in place a vegetative buffer of twenty-five feet around the major lakes of the region. A natural buffer helps to maintain water quality by filtering water before it reaches the lake. Some argue that twenty-five feet is not enough to achieve the desired results and would like to see a buffer closer to fifty or seventy-five feet. If we are serious about the quality of our region's water, a discussion of increasing the buffer will need to take place. This discussion must include applying this buffer to all properties along the lake front so that there is not a patch work of natural buffers along the shore line. Buffers will work if everyone contributes. Other methods of ensuring water quality occur through soil conservation and best management practices that include the minimization of fertilizers use on domestic lawns and golf courses. Another avenue for increasing the quality of water in the region's lakes is to provide more best dump stations on the lakes. Possible sites may include county-maintained parks and landings, which currently have no best dump stations. Any water plan for Osceola County needs to address the quality of the water and provide common sense measures for improving the area's water resources.

¹² Ibid

The following map identifies all the sub-basins in Oconee County that would need to be considered when this study is undertaken:

Figure NR-16



Given the range of diversity in Oconee County's natural plant and animal life, it also becomes necessary that the areas having a number of species found few other places. And, considering these are number of plants and animals considered threatened or endangered, state or federal legal protections aimed at sustaining populations. As defined by the Endangered Species Act of 1973, the federal law aimed at implementing such protections, an endangered species is one that is in danger of extinction throughout all or a significant portion of its range while a threatened species is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The South Carolina Department of

Natural Resources, the agency responsible for monitoring and protecting such species in our state, maintains a list of all threatened and endangered species found in the various parts of the state. Included on their 2014 list of rare, threatened and endangered species known to occur in Oconee County are twenty-five vertebrate animals, including various salamanders, bats, and rabbits; and five invertebrate animals. Additionally, there are more than one hundred plants on the list, including many ferns, wildflowers, and of course, the beautiful Oconee Bell.

Unique Natural Resource-Based Recreational Opportunities

Recreational

Outdoor recreational activities have become a significant pathway been an important component of Oconee County's economic life in recent years. While it is true that many other counties and states across the nation have experienced similar trends, the 'Oconee County lifestyle', for the changes in Oconee seem to have come about with less effort and expense than has been the case in many other places. Oconee's natural assets offer a wide range of opportunities found in few other regions. This means, unlike those areas that rely on manmade amusement activities as their major tourist attractions to attract tourists, Oconee's recreational pursuits tend to center on its natural assets, revenue from visitors, Oconee County's main attractions were acquired at little or no cost to develop. Unfortunately, however, because this good fortune may have allowed for many of these assets have too often been taken for granted, for litter, vandalism, and pollution have occasionally threatened what is now becoming an integral part of the Oconee County economy and lifestyle. Increasingly, however, attention is being focused on this threat, however, is no longer ignored as it was often done during earlier periods, for not only have attitudes regarding the ethics of such issues, rising hopes for damage changed in recent years, but also, from a more practical economic standpoint, there has been a growing recognition of the value of Oconee's natural resources. If possible, the negative impacts of such efforts will insure that the benefits of the county's actions across the spectrum of economic development activities. As a result, our natural assets will be enjoyed by many generations of Oconee County residents and are increasingly being recognized as valuable resources on a number of levels, meaning that, regardless of one's priorities, whether growing tourism, reducing litter to

Perhaps Oconee County's best-known unique maintain property values, maintaining an attractive landscape to attract investors and business, or protecting fish and wildlife ecology, the result is that outdoor recreational opportunities are not only being maintained, but enhanced.

Although Oconee County possesses many unique natural features, perhaps that best known outside of our region is the Wild and Scenic Chattooga River. The river, which gained international attention during the 1970's as the backdrop for the movie "Deliverance", has since attracted many thousands of individuals to the area in the last several decades. The stream has also led to and spurred the development of a small industry centered on a number of whitewater sports, with a number of companies offering the public a chance to experience adventurous outdoor activities in Oconee. As a result, the county has experienced a significant economic boost from the river-related activities, with many unrelated businesses benefiting from the. In recent years, another feature associated with our combination of steep terrain and abundant streams has gained increased attention: waterfalls. Although the actual number of waterfalls in the county can be argued, and it is easy to find guidebooks listing most of the more prominent ones, there are numerous unnamed falls, found throughout the county. Among the better known Oconee waterfalls are:

Due to the combination of steep terrain and abundant streams, Oconee County boasts a wonderful collection of waterfalls. Although many guidebooks list up to eighteen of the more prominent ones, many smaller-named, yet beautiful, waterfalls may be found throughout the county. The listed below Oconee waterfalls include:

- (1) **Whitewater Falls**- When taken as a unit, this series/group of six waterfalls located on the border of Oconee County and North Carolina comprises the highest series of waterfalls in eastern North America. Although the North Carolina's upper falls section is easily accessible and typically more frequently visited, Oconee's Lower Whitewater Falls offers visitors a spectacular view of the Whitewater River cascading over a drop of 200 feet.
- (2) **Issaquima Falls**- Located above Wellbush, near another Oconee attraction, the Stumphouse Tunnel, this easily accessible 100-foot waterfall is one of the most popular waterfalls in the region.
- (3) **Sutton Cove Falls**- This stepped waterfall, located in the Tamassee area, has a listed height of 50 feet. An added attraction to the waterfalls is the number of wildflowers and native plants growing in the area.
- (4) **Yellow Branch Falls**- Accessible from the Yellow Branch Picnic Area off of Highway 28, this 50-foot vertical waterfall has often been overlooked in favor of those easier to reach. Recent trail improvements, however, have made Yellow Branch Falls potentially one of the more popular in the area.
- (5) **Chauga Narrows**- Seen by some as a waterfall, by others as a difficult whitewater rapid, the Uiraga Narrows is a 25-foot drop of the Chauga River spaced within 200 feet. The Narrows is located in the Whitestone area.
- (6) **Branstown Falls**- Situated to the west of Westminster on Branstown Creek, this waterfall is composed of a series of drops over which the stream descends 120 feet.

Other named waterfalls include:

- a. Opossum Creek Falls
- b. Long Creek Falls
- c. Fall Creek Falls
- d. Riley Moore Falls
- e. Blue Hole Falls
- f. Lee Falls
- g. Licklog & Pigeon Falls
- h. Big Bend Falls
- i. Minka Falls
- j. King Creek Falls
- k. Spoon Auger Falls
- l. Deer Cove Falls



Oconee County also offers visitors a variety of other unique natural features. Scenic vistas can be found at many points throughout the scenic areas of the county, that offer incentives and opportunities to those seeking outdoor recreation. Hikers can choose from many miles of trails, ranging in difficulty from easy nature trails inside parks, to the more challenging Foothills Trail, which spans 85 miles between Oconee State Park and Jones Gap State Park, in Greenville County. Scenic routes that wind through remote, rugged mountains. Camping is available all across the county, with campsites available at state and county parks, Corps of Engineers campgrounds, designated Forest Service areas, and privately owned facilities. For the less-adventurous, both the Savannah River Scenic Highway and the Cherokee Foothills Scenic Highway begin in Oconee County.

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providing motorists and bicyclists many miles of picture-quality travel—Also, numerous scenic routes along Georgia's highways provide many miles of picture-quality travel, either for the less adventurous looking to simply enjoy the scenery, or for the athletes that are increasingly drawn to our challenging but beautiful terrain. Finally, even the briefest assessment of Georgia's outdoor recreational resources would not be complete without making note of the outstanding opportunities afforded by the area's lakes. Our climate, combined with quality facilities and easy access, provide for a range of activities, some of them year-round.

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Analysis

Oconee County's natural resources have played a major role in shaping the lives of area residents. ~~Feel Unfortunately, too often, however in the past, these assets have been~~ ~~ignored, taken for granted, or even carelessly wasted and destroyed.~~ ~~In spite of this, more social and economic~~ ~~Recent changes in attitudes, however,~~ have brought about an increased awareness and appreciation of these natural blessings. More and more, attention is being paid to efforts to protect, preserve and enhance these precious resources. ~~To date, most local action has been on behalf of the private sector. For county government has taken little action to sustain the benefits received from the resources.~~ ~~While state and federal regulations do help, without complementary local controls specifically crafted to fit the needs of Oconee County, the resources that area residents deem to be invaluable will continue to be unnecessarily threatened, a trend that today places the issue at the forefront of county planning efforts.~~ ~~As a result, even a cursory review of documents such as this and previous versions of the Comprehensive Plan, as well as the 2028 Oconee by Choice Vision Plan, reveals the importance now placed on the issue.~~ ~~Further evidence of this prioritization of the role played by natural resources in Oconee County was taken a step further when, in 2015, Destination Oconee: Revitalizing the Future of Oconee County was adopted as the roadmap for developing the county's tourism.~~ This plan's recommended policies and growth strategies center on leveraging the area's natural assets as the keystone of what many area leaders anticipate will become a major sector of our economic development. It should be noted, however, that for this to happen, it will be necessary to reinforce some of the legal protections afforded these assets. ~~And though some steps have been taken in this direction, more will be required in the future, particularly on the local level, for while state and federal regulations do help, controls specifically crafted to fit the needs of Oconee County will be required to guarantee success.~~

The protection of both the quantity and quality of the area's water is a vital issue for Oconee County's future success. ~~First, as~~ ~~As our region grows, and all indications are that tremendous growth will come, the available water supply is~~ ~~will have to be allocated to additional users, particularly.~~ ~~We need to remain aware that, while decisions related to some of these new allocations may be within the large municipalities surrounding our region, privity of the abundant~~ ~~available~~ ~~to use~~ ~~County, others will not.~~ ~~This means that Oconee County will shrink, limiting not only Oconee's ability to attract and manage new development, but also must be proactive in planning not only our County, but also in efforts to plan on a regional basis.~~ ~~Additionally, we need to recognize that simply guaranteeing a sufficient quantity of water is available is not enough, for we must be careful to maintain the lifestyle that the county is known for.~~ ~~To avoid this, Oconee must work to insure that any future division of the resource allows for our own future needs.~~ ~~Also, even if sufficient supplies are guaranteed, the county must work to protect the quality of itsur waters, for.~~ ~~To date, we have been fortunate to have escaped widespread impairment of our streams and lakes, but the truth is that issues such as poor agricultural and forestry practices, residential and commercial runoff, and a number of other sources of pollution continue to threaten this resource.~~ ~~Of course, we cannot do this alone, for much of Oconee County's water is shared with other jurisdictions possessing legitimate claims to an allotment; therefore, future plans will likely require at least some compromise to succeed.~~

~~It should not be forgotten that, in spite of the many benefits Oconee County receives from its natural assets, some potential dangers do exist.~~ ~~The most obvious of these include tornadoes, floods, and earthquakes, all of which have struck Oconee County in the past, and will likely revisit the area in the future.~~ ~~Yet, though these threats may be initially devastating, the physical damage they bring is typically short-lived, for proper planning and training, combined with improvements in technology, have greatly lessened the overall impact of such natural disasters.~~ ~~Other recently recognized threats, however, have not been yet been satisfactorily addressed.~~ ~~Radon, for example, has received little attention on the local level.~~ ~~Although some studies have indicated that Oconee County's geology favors the production of the carcinogen, the exact level of the threat has not been established.~~ ~~As a result, few residents have chosen to install protective measures against the invisible menace.~~ ~~As more information becomes available on the topic, however, Oconee County leaders may have, therefore, must remain cognizant of the issue, and be prepared to consider implementing more stringent codes/legislation appropriate measures to protect county residents as necessary.~~

~~Also of recent concern is ground-level ozone, a dangerous pollutant that causes a number of breathing-related ailments.~~ ~~The problem occurs when two types of chemicals, volatile organic compounds and nitrogen oxides, are exposed to warm temperatures.~~ ~~As such, the United States Environmental Protection Agency (EPA) has established standards limiting these emissions under the Clean Air Act.~~ ~~Currently, Oconee County has been~~

dedicated to his attainment of this standard, but we need to remember that this may change in the future; for, not only will the level of our own growth potentially raise emission levels, but also the continued development of other regions. The fact is that political borders do not affect air pollution, so pollutants emitted in one region of the country are often carried long distances in the atmosphere, impacting air quality far from the source. That is generally seen to be the case in our area, for recent computer modeling has shown that much of Geesee County's ozone originates elsewhere—Therefore, only a coordinated, regional approach offers hope for a real solution. To this end, Geesee County has become a partner in the South Carolina Early Action Compact to reduce ozone-causing emissions.—As a partner in this effort, Geesee County has been allowed to create its own plan of action in concert with other South Carolina counties.—Because this is an ongoing effort with obligations extending at least into the next decade, county leaders need to remain cognizant that, if current efforts fail to achieve the needed reductions, additional actions may be necessary to avoid potentially burdensome federal and state mandates.

Another problem is one related to Geesee County's land resources: involves development in steep terrain.—Given present engineering and best-management practices, most projects in steep areas can be done safely.—As these items are often expensive, however, as log roads and stream crossings are built, resulting in the loss of valuable riparian and vegetation, sedimentation of streams and lakes, and increased downstream flooding. Additionally, the steep areas of Geesee County typically have thinner soils, a condition which makes the installation and proper operation of septic tanks more complicated.—Yet, in some areas, public sewer service will likely not be available for decades, if even, meaning that septic tanks are going to be a fact-of-life in Geesee County for a long time into the future.—Consequently, regulation of such problems in Geesee County primarily falls on state authorities.—As development increases, however, county leaders will be forced to weigh the Geesee County's options for increasing protections of our natural resources on the local level.

Agriculture has traditionally played a large role in the economy life of Geesee County, and continues though it has undergone some difficult periods, it promises to be seen as an invaluable part remain a vital component of the area's lifestyle.—In recent our county for many years, however, rapid to come. Unbridled development has led to the loss of, however, threatens many acres of the our remaining prime farmlands.—While some such change is to be expected and is vital, therefore, if we wish to protect the lands required to sustain agriculture, that we take the steps necessary to manage the farming growth. Also, it should be remembered that simply limiting the number of agricultural operations shrinks, unmanaged growth will likely result in an ever-increasing conflict between our remaining farmers and new residential development. The of a few farms scattered across the region is not a guarantee of sustainability, for the fact is, an increase in population density in farming areas increases the opportunity for incompatible land usage, for that some normal agricultural operations often result in smells, noise and dust impacting adjacent areas.—Given that many people will find offensive.—Although it is not known if the solution will be found in working with individual communities to designate agricultural areas, or some other type of land use regulation, it is likely that unless land use regulation, Geesee County will likely lose a cherished institution, such impacts objectionable, regulatory and political pressures may in the end prove fatal to those operations that survive the initial development.

Natural resources are valuable Geesee County's natural resources have proven over time to be a tremendous value to all Geesee's citizens.—Wise To ensure this value is sustained, wise stewardship will be required in not only our generation, but also in the generations that follow us.—Conservation is key. As part of this, conservation practices, regulations, and policies will need to be well-enforced often to ensure the best results. Conservation policies work best when To facilitate public buy-in and promote success, all of the various stakeholders are present in the critiquing and establishing of the policies that protect our resources.—Geesee County has a chance to take a leading role in protecting water quantity and quality by developing its own water plan and using this plan as a step toward developing a complete guide to conserving Geesee's natural resources.—The goals established by the Comprehensive Plan when acted upon will help preserve what we have been given for years to come.

Natural Resource Objectives for the Future

- (1) ~~Protect, preserve and enhance the quality and quantity of Oconee County's groundwater and surface water.~~
- (2) ~~Protect, protect and enhance Oconee County's environmentally sensitive lands, unique scenic views, agrarian landscapes, and topographic features.~~
- (3) ~~Manage our land assets in a manner that ensures the resources continue to enhance Oconee County's lifestyle and provide increased economic opportunities.~~
- (4) ~~Continue to ensure reasonable access to and use of Oconee County's natural amenities for both residents and visitors.~~
- (5) ~~Work to expand the utilization of accepted best management practices in all agricultural and forestry activity in Oconee County.~~
- (6) ~~Complete and properly maintain Oconee County's Geographic Information System (GIS).~~
- (7) ~~Evaluate and address the threat of radon across Oconee County as necessary.~~
- (8) ~~Evaluate the need for the county to begin a program to control storm water runoff and sediment.~~

~~Explore and evaluate the need for a program of development fees. This would involve the paying of upfront fees by developers to offset the should be included in the effort. Fortunately, the growing appreciation of the impact of the new development on schools and infrastructure, our natural assets seems to make this more likely than ever before, promising to sustain what has meant so much in the past for into the future.~~

~~Continue to an active partner in the South Carolina Early Action Ozone Reduction Compact, adopting and maintaining ozone-causing emissions reductions strategies as necessary.~~



Cultural Resources Element

Introduction

This element ~~considers these~~ examines the resources that serve to ~~develop~~ shape the ~~intellectual, moral, historical and physical lives~~ cultural characteristics of life in Oconee residents. ~~Among the items considered is~~ County. Included are a brief overview of the area's unique past, and an inventory of some of the more significant historic buildings, sites, and structures, unique natural and scenic resources, and other activities found throughout the county today. Additionally, the element discusses cultural facilities that improve the mind and body, such not only expand knowledge and understanding, but also serve as recreation, music and the arts. These resources will be noted and described as objectively as possible in order to both promote an awareness of various cultural assets, and to encourage protection and utilization of forgotten and endangered resources, a focus for the enhancement of community interaction.

A Brief Overview of the Origin of Oconee County

Note: The following overview highlights attempts to highlight only some of the key events in that have impacted the origin/evolution of the Oconee County ~~it~~ area in the past, and is in no way not meant to be taken as considered a comprehensive history of the region. Therefore, a number of events and people having an arguably significant impact on the county's history are not included in these paragraphs, for to attempt a comprehensive or authoritative history of the region is beyond the scope of this document.

There ~~Although there~~ are various accounts of the exact derivation of the name "Oconee". ~~It~~, it is generally agreed, however, that the word was adopted from the Cherokee Indians ~~Cherokces~~, the Native American tribe occupying the area at the time European explorers first visited the region. Early records show the name was associated with a village, located near present-day Tamassee, variously spelled in colonial records as "Wocunny", "Wacunny", "Ukwunu", and "Acconcc". Early maps of ~~Over time, the area also show the~~ European settlers used the name to denote a range of hills called "Wocunny Mountain". ~~The spelling of the word, over time, was standardized to "Oconee".~~ Regardless of its derivation ~~how and where it came from, however, the word was associated with the region long before the 1868 birth~~ establishment of Oconee County.

The ~~Although there is no definite timeline, the land now comprising Oconee County had been visited and was~~ inhabited for centuries when prior to the first Europeans arrived. ~~While there is nothing to indicate the exact time that humans first saw the region, there arriving.~~ In fact, it is evidence ~~generally accepted~~ generally accepted that wandering bands of hunters roamed over much of ~~South Carolina~~ the region in search of animals as early as between 8,000 B.C. to 12,000 B.C. At some point during the ensuing centuries, as people began to live a more agrarian lifestyle, the Oconee area became home to native peoples attracted by an abundant water supply, plentiful game, and fertile soils.

Among the first known

~~Although Europeans to explore upper~~explored some of the coastal areas of what is now South Carolina was years earlier, their first known visit to the foothills and mountains came when the Spanish explorer, Hernando DeSoto, ~~who~~ passed through the region in the 1530's. Though he did not travel through the area comprising modern Oconee County, he did make contact with some members of the Cherokee nation, the Native American tribe occupying the Oconee region at the time. Just how long the Cherokees had been in the area, however, is a matter of debate, for some believe that the Cherokees were relatively recent arrivals, having driven out another people only within the previous century or so—yet others claim they had occupied their Southern Appalachian home for many generations. In either case, it is known that the Oconee area was occupied for centuries prior to the arrival of the Europeans, a fact testified to by countless arrowheads, stone axes, pottery shards, in the 1530's. This and other artifacts found throughout the county.

~~Although the French and explorations by the Spanish had attempted to settle and other Europeans, however, did not quickly result in a permanent presence in the region. In fact, it would be more than a century later, in 1670, before the British established the first permanent settlement in South Carolina earlier, at Charles Town (Charleston).~~

~~At the time Charles Town was established, the development of a trading relationship with the Cherokee was a major priority for the English first established a permanent settlement in Charles Town (Charleston). Because , Naturally, much of the early trading activity between the English venture to colonize the region was a commercial venture, trade with the native population was crucial. Soon, the English were venturing far into the upcountry to deal with various tribes, including and the Cherokee in the Oconee area.~~

~~At the time the English arrived in South Carolina, the Cherokees living occurred among those villages lying closest to the newcomers were part of what were known later as coast. These "Lower Town" Cherokees, those living in villages were scattered across the eastern side of the southern Appalachian Mountains. The principle town during the early history of contact, with a number of them in modern Oconee County. In fact, the English was first located their trading headquarters at Tugaloo Town. This village, which lay, on the Tugaloo (or Tugaloo) River, was located on the present border between Oconee County and Stephens County, Georgia, and was the focus of many early trading and military missions from Charleston. A war between, After a conflict the Cherokees and the Creek Nation, however, eventually destroyed neighboring tribes resulted in the destruction of the village, and another village, operations were relocated to Keowee Town, became the site of the principle town. This village, located on the western side of the Keowee River in modern Oconee County, served as the principle town of the Lower Town Cherokees until they were driven from the area in the late 1700's. The site of Keowee Town is today lying under the waters of Lake Keowee.~~

~~By In spite of their commercial relationship with the British, conflicts proved to be unavoidable. Sometimes these fights even grew into open warfare, a situation that ultimately proved tragic for the Cherokee. Additionally, possessing little resistance to European diseases, a number of epidemics swept through the tribe, killing untold numbers. As a result, by the time of the Revolutionary War, the Native American population in what is now Cherokee population was only a shadow of what it had been when Desoto visited the region. Therefore, in 1785, unable to effectively resist the tremendous pressure from waves of white settlers seeking new land, the Cherokee negotiated away all but a small strip of land in what~~

would become Oconee County had suffered greatly from both disease and war. As the ever-increasing European population moved closer to the suffering Cherokee population, depredations, initiated by both sides, led to a number of conflicts. And though peace would eventually return, treaties proved to be, at best, only temporary arrangements, soon violated by one side or the other. Finally, in 1776, a year marked by open conflict between the Cherokees and the Carolinians, Colonel Andrew Williamson led a large force of militia into the Oconee area, destroying all of the Cherokee villages that they could find. Among the leaders of the Williamson Campaign was future war hero and Oconee area resident Andrew Pickens, who, during one of the battles near present-day Tamassee, led a small group of militia in driving off a much larger Cherokee force near Tamassee in what has become known as the "Ring Fight". In the end, only names remained to denote the presence of the area's native population; among these, Esseneen (Seneca), Tamassee, Joctassee, Tugalo, Chehohee (Cheohee), Toxaway, and Oconee.

In 1785, the Cherokees ceded most of their South Carolina lands in the Treaty of Hopewell, signed near what is today the Oconee-Pickens border, on the Seneca River plantation of Andrew Pickens. The newly ceded lands, which were designated by the new state of South Carolina to be a part of the Ninety-Six District of South Carolina, soon attracted large numbers of white settlers. Some was opened to settlement, with some parcels of land were awarded by land grant given as grants to Revolutionary War veterans and their widows, while other lands were and others offered by the cash-poor government in lieu of payment for services in the conflict. Among the first group of settlers in the area was Revolutionary War hero Colonel Benjamin Cleveland, who settled near the confluence of the Tugalo and Chauga Rivers. A border disagreement between the new states of South Carolina and Georgia, however, at the same time, however, the state of Georgia, which considered the area west of the Seneca River to lie within their jurisdiction, also began to issue title to the lands, initiating a border dispute that, if not dealt with, threatened to disrupt settlement erupt into open conflict.

To decide the new lands matter, South Carolina, which during colonial times had claimed a vast amount of land running all the way to the Mississippi River, filed suit before Congress against its southern neighbor, who claimed lands west of the Seneca River for its own. In 1787, a convention was held in the city of Beaufort, South Carolina, to negotiate a treaty settling the issue. The Treaty of Beaufort, signed by representatives from South Carolina and Georgia, established the northwestern South Carolina border along the most western course of the Tugalo River, permanently delineating the southern and western boundaries of the region that today is Oconee County.

The early settlers of the Oconee area included both recent immigrants and those whose families had lived for generations in other parts of America. Among those moving into the area in the 1780's and 90's, with the majority tracing their lineages to the British Isles, which included, of course, England, Ireland, Scotland and smaller numbers from Germany, Switzerland, and Wales. Other Europeans, including Germans, Swiss, and French were also represented among. Additionally, along with the settlers, in addition, some white settlers brought a few African slaves into the area. It should be noted, however, that, but the number of slaves in the region never approached that of those found nearer the lowcountry coastal areas.

Over time, as the population of the region grew, the Oconee area underwent several governmental reorganizations. In 1789, for example, the region was designated to be part

of the newly created Pendleton County of the Ninety-Six District. ~~Soon after, in 1791, Pendleton County was annexed into the new Washington District. The courthouse and seat of government for the Washington District was located at Pickensville, which lay in the current-day town of Easley, in Pickens County (the town of Pickensville was destroyed by fire in 1817).~~ In 1798, Pendleton County became the Pendleton District, with the courthouse and seat of government at the town of Pendleton, which had been established in 1790.

In the late 1820's, the area was reorganized once again, and the Pendleton District was divided into Pickens and Anderson Counties. The area comprising modern Oconee County was designated as the Western District of Pickens County, with the modern Pickens area comprising the Eastern District. To serve the governmental needs of Pickens County, a courthouse was constructed on the west bank of the Keowee River. The courthouse soon attracted businesses, churches, and other institutions to the area, and a town, naturally named Pickens Courthouse (today called "Old Pickens"), was established. Pickens Courthouse served the county for the next 40 years, growing at one time, according to some sources, to a population of approximately 1800 inhabitants, a relatively large community for the era.

During the mid-1800's, two new groups of people entered the Oconee area. In 1849, the German Colonization Society of Charleston purchased the land for what is now the town of Walhalla from Col. Joseph Grisham, one of the region's leading citizens (and father-in-law of Georgia's Civil War Era Governor, Joseph E. Brown). Soon thereafter, a growing community of German immigrants was established at the base of the Blue Ridge Mountains. At about the same time, in 1852, the South Carolina Legislature chartered the Blue Ridge Railroad with the purpose of constructing a railroad through the Blue Ridge Mountains. With plans to reach Knoxville, Tennessee, the project, if completed, would have directly connected the region to the Tennessee Valley and beyond, greatly impacting the Oconee area's future.

The railroad project required the construction of several tunnels in the hills above the new town of Walhalla. This brought in a large number of workers, predominantly Irish immigrants, who established the town of Tunnel Hill. In spite of initial progress, however, the mountains were not breached when, in the period immediately preceding the Civil War, work on the project ceased. Without work for its residents, Tunnel Hill was abandoned, with most of the Irish leaving the area. Although some later efforts were made to revive the project, the railway through the mountains was never completed, leaving today's Stumphouse Tunnel as a public reminder of what could have been a major change in direction for Oconee County's history.

During the Civil War, hundreds of men from both the Eastern and Western Districts of Pickens County left their homes to fight. ~~Like so many other areas of the South, many of the soldiers never returned, with wounds or disease claiming a heavy toll, with many never returning.~~ The Oconee area, however, having no major industry or transportation artery to attract the attention of the Union army, escaped the physical devastation of battle that was visited on so many other areas of the South. Escaping the ~~direct physical~~ destruction of the conflict, however, did not mean that the region ~~shirked its share of the load got off lightly, for the losses suffered impacted the region for decades; and many area residents of those that returned brought home with~~ physical and emotional scars that remained with them for the rest of their lives.

In 1868, ~~just three years after the end~~ as part of the Civil War adoption of a new state constitution, the region underwent its final governmental reorganization, with the Eastern and

Western Districts of Pickens County being separated along the established district lines into new counties. While the Eastern District maintained the name honoring Revolutionary War hero Andrew Pickens, the Western District was named Oconee, with its seat of government and courthouse being established in the town of Walhalla. The town of Pickens Courthouse, no longer a center of political and economic activity, gradually withered away and was abandoned. Today, only the Old Pickens Presbyterian Church, standing surrounded by dozens of graves on a tree-covered hillside above the Keowee River, remains to denote the existence of the once-thriving community.

In the years following the Civil War, Oconee County's agrarian economy was, as in so much of the rest of the South, mainly tied to one or two cash crops. In Oconee, these crops were cotton, the king of southern crops, and timber. ~~Unlike many other areas, however, Oconee~~ it was blessed with assets not available to all. Also during this period that a railroad, the Airline Railroad, was built through Oconee County in the 1870's, leading to, an event that spurred on the establishment of the towns of Seneca and Westminster in the 1870's. By the turn of the century, the availability of rail transport, combined with an abundant water supply, access to raw materials, and a plentiful supply of labor began to attract the attention of the textile industry. Soon, Oconee County was home to a number of textile operations, providing jobs for thousands of area residents and dominating the area's economy until the latter part of the twentieth century.

The ~~twentieth~~ last century saw ~~many changes~~ was a period of great change in Oconee County. Among the most significant of these changes was in its economic life: beginning the period with an economy based largely primarily on agriculture and textiles evolving into, Oconee has emerged as one focused on of the area's leaders in high-tech industry, service businesses, nature based recreation, and tourism. Development In part this change has been spurred on by the creation of the county's major lakes and energy associated utility projects permanently altered that proved to not only alter the county's landscape. Also, a dramatic increase in population occurred during the last several decades of the era, but also its economic and demographic potential. The change was also influenced by opportunities created by economic conditions elsewhere, with thousands of people from other Oconee, being located in one of the most economically dynamic regions moving to the region. Farmland of the country, suddenly more attractive to people and businesses than ever before. Today, farms located throughout the county, sometimes belonging having belonged to the same family for close to two a couple of centuries, suddenly became are the site of a residential and commercial developments development. New businesses eropped are cropping up near the towns and along the sides of the county's main transportation arteries, creating commercial corridors that likely will someday link the majority of the county's municipalities into a single urban area. And, of Of course, with these changes ~~em~~ have also come new attitudes, values, and lifestyles that influenced influence all aspects of life in the county. By the end beginning of the twentieth century Twenty-First Century, therefore, the formerly rural, agrarian county that many in other parts of South Carolina have so often called, justifiably or not, the "wild west" was", is no longer so wild, having joined other fast developing, increasingly urbanized areas of the state, yet retaining many of the assets that have made it special for so many centuries.

Areas of Historical Significance

Many sites of historical significance have survived from the early years of European settlement in the Oconee area. While some of these sites are special because they reflect the unique character and attitudes of those peoples that established them, all are irreplaceable historic treasures that have become an invaluable part of Oconee County's heritage.

There are currently ~~sixteen~~ twenty sites listed on the National Register of Historical Places located in Oconee County:

- **Ellicott Rock**

Ellicott's Rock Wilderness Area, located in northern Oconee County, was designated in 1975 as South Carolina's first wilderness area. Included within, and includes more than 9,000 acres near the boundaries of Chattooga River. Named for the 9,012-acre area is Ellicott's Rock, which was delineated in 1811 by surveyor Andrew Ellicott as a rock denoting the point where the boundaries of North Carolina, South Carolina, the Carolinas and Georgia join, the point was established by surveyor Andrew Ellicott in 1811.

- **Alexander-Hill House**

Located at High Falls County Park, about 10 miles north of Seneca, off Highway 183. Built in 1831 by Pleasant Alexander, the house was originally situated on Alexander's plantation near the town of Pickens Courthouse (Old Pickens). Acquired by Duke Energy as part of the development of the Keowee-Toxaway Hydroelectric Project, the house was used for a time as a construction office, but in 1972 was relocated and deeded to the county.

- **Keil Farm**

Located at 178 Keil Farm Road, near Walhalla, this the farm was established by Johann Keil, one of the many German immigrants that played a significant role in the development of the area in an around Walhalla. Today the ca. 1850 farmhouse remains as an excellent example of an antebellum structure. The site is privately owned property.

- **Long Creek Academy**

Located on Academy Road, in the Long Creek Community. Established in 1914 as a school for underprivileged children in the mountainous regions of Oconee part of the Southern Baptist Convention's 'mountain mission schools'. Long Creek Academy operated as a Christian-oriented high school for area children until 1956. Today the site is utilized as part of a commercial whitewater rafting company.

- **Newry Historic District**

Located off Highway 130, north of Seneca, Newry retains the architectural elements of a southern textile mill village of a bygone era. Established in 1893, this self-contained community was constructed to house workers of the then Courtney Manufacturing Company.

- **Oconee County Cage**

This iron-caged wagon was used as a jail in the early years of the county's history. ~~Currently,~~ and stands as evidence of that era's different attitudes toward the treatment of the incarcerated. ~~The cage is designated to be part on display in front of the Oconee County Heritage Museum's displays~~Museum in Walhalla.

- **Faith Cabin Library at Seneca Junior College**

Built in 1937 as part of the Faith Cabin Library System, a program that provided library access for African-Americans during segregation, the cabin is located on what was then the campus of Seneca Junior College on South Poplar Street, in Seneca. The cabin is one of only two remaining from the thirty originally built in South Carolina, and is noted for having received much of the support needed to build and furnish it from students at Oberlin College in Ohio.

- **Oconee Station and William Richards House**

Located ~~at 500~~on Oconee Station Road, north of Walhalla, Oconee Station was built in 1792 as one in a series of blockhouse forts established to protect the growing population of the area, and was used as an outpost for troops until 1799. The structure, which also served as an Indian trading post, lies adjacent to the William Richards House, ~~which was~~ built in 1805, and is believed to be the first brick building in northwest South Carolina. William Richards ran a prosperous Indian trading post on the site until his death in 1809.

- **Oconee State Park Historic District**

Located about twelve miles northwest of Walhalla, the park retains most of the characteristics of the original design laid out by the Civilian Conservation Corps between 1936 and 1942. Constructed primarily of locally-sourced materials, the cabins, lakes, recreation areas, and support facilities are considered a wonderful example of the rustic style of outdoor recreational parks typically found in the first half of the Twentieth Century.

- **Old Pickens Presbyterian Church**

Located off Highway 183 near the Pickens County line, the Old Pickens Presbyterian Church is the only structure still standing from what was once the town of Pickens Courthouse, the county seat of the Pickens County before the Western District of prior to the county was designated as creation of Oconee County in 1868. Lying near the Oconee Nuclear Station at the base of the Lake Keowee Dam, the church stands as a reminder of a once progressive and thriving town along the Keowee River. The It should also be noted that the church was chosen as the site for a number of relocated graves moved from the valleys near the Keowee River before the impoundment of Lake Keowee. The churchyard is now the final resting place of dozens of early settlers, including Revolutionary

War veterans John Craig and John Grisham (Grissom), prominent landowners, and ancestors of some of the leading citizens of the region.

- **Ram Cat Alley and Seneca Historic District**

Located in downtown Seneca, Ram Cat Alley lies at the heart of the original town, and retains turn-of-the-century architecture. The Seneca Historic District, roughly bounded by South First, South Third, and Poplar Streets, contains a wide variety of houses and churches dating from 1876 to 1926. ~~Seneca, which was established when the Airline Railroad (now Norfolk Southern Railroad) was completed in 1873, grew to be Oconee County's largest commercial center by the 1930's. As a result of the growth and development, many differing architectural styles were utilized. This variety is represented by such structures as the Seneca Baptist Church and Seneca Presbyterian Church, which exhibit brick facades and neo-classical design; while many houses in the area feature bungalow style architecture, with the majority of their rooms situated on the ground floor fronted by a large porch.~~

- **Retreat Rosenwald School**

Located off Highway 24 on Pleasant Hill Circle east of Westminster, the two-room school was constructed in 1924 to provide the African-American children living in the area access to education. One of ten similar schools constructed in Oconee County to receive support from the Julius Rosenwald Fund, the school operated until 1950 with an enrollment that reportedly peaked in 1933 at ninety students.

- **Southern Railway Passenger Station**

Located at the Westminster Depot, 129 Main St., Westminster.

Located at 129 Main St., Westminster, "the depot" is believed to have been constructed around 1885. The structure is situated adjacent to the main commercial area of the town, and as such has been a major focal point throughout its existence. Today owned by the city, the restored depot serves primarily as a meeting venue.

- **St. John's Lutheran Church**

Located at 301 W. Main St., Walhalla, this structure was constructed in 1853. With its bell tower and bright red door, St. John's serves as ~~one of the main landmarks~~ a major landmark in the town of Walhalla. While necessary modernization and upgrades have occurred, the church retains much of its original architecture, including its pews, pulpit, and stained glass windows. The church is also notable for having the highest steeple of any church in the area. ~~The cemetery is home to many Confederate and Revolutionary War soldiers.~~

- **Stumphouse Tunnel Complex**

Located approximately 5 miles west of Walhalla on Highway 28, the partially constructed Stumphouse Mountain Tunnel, which is currently managed by the

~~Town of Walhalla, gets its name from a 1600-foot railroad tunnel. It was begun as a result part of an 1852 South Carolina Legislature charter to the Blue Ridge Railroad Company effort to build a connection between Charleston, South Carolina and Knoxville, Tennessee. The railroad was designed to connect existing tracks in Anderson, South Carolina. Impacted by war, a lack of funding, and Knoxville, Tennessee, via the Blue Ridge Mountains. One of the major obstacles to this corruption, the effort was Stumphouse Mountain, which required the construction of a tunnel through 5,863 feet of solid granite. By late 1858, track had been laid as far west as Pendleton, and plans were in the works to complete the track on to Walhalla. Due to the impending Civil War, however, construction on the tunnel ceased. After some poorly managed attempts to restart the project in the years following the war, the tunnel was eventually abandoned. Besides being a locally, leaving it today as a well-known tourist attraction. It should also be noted that the tunnel lays claim to being the location of the first successful site in the South for making blue mold cheese.~~

- **Tamassee DAR School**

Located off Highway 11 near Salem, the school was established by the Daughters of the American Revolution to serve children in what was at the time a remote, economically-challenged area with limited access to educational opportunities. Opened in 1919, the school was the first boarding educational facility in the country operated by the organization. The school was placed on the register for its statewide influence in the history of education.

- **Walhalla Graded School**

Located at 101 E. North Broad St., Walhalla.

Located at 101 E North Broad St., Walhalla. Opened in 1902 during the period when South Carolina was moving toward compulsory education, the school was situated on a site that was previously utilized by Newberry College for a period following the Civil War. Expanded over time, the structure stands as an excellent example of a Classic Revival style school

- **McPhail Angus Farm**

Located off of Pine Grove Road, this site is privately owned property.

Located off Pine Grove Road, near Seneca, the farm has been owned by the same family since 1902, and remains a working agricultural operation today. In addition to being noted for a number of historic structures and well-maintained, attractive surroundings, the farm is the home of one of the oldest Angus herds in South Carolina.

- **Oconee State Park**

Located near Mountain Rest in the Blue Ridge foothills, this 1,200 acre park serves as the southern trailhead for the Foothills Trail, an 80 mile wilderness hike on the Blue Ridge Escarpment. The park was developed by the Civilian Conservation Corps (CCC) through a New Deal program created by President Franklin D. Roosevelt. The CCC program was designed to create jobs during the

Great Depression and helped develop many of the parks across the country. Several of the buildings located in the park were built by the CCC during the 1930's and are still in use.

- **Russell House**

This site served as a late nineteenth and early twentieth century stage stop and inn for travelers between Walhalla and Highlands, N.C. The farmstead at one time included 10 agricultural outbuildings, including a log barn, spring ~~houses~~springhouse, outhouse, garage, ~~corn-crib~~corncrib, and potato cellar, and a main house which that served as the inn. The ~~site~~house and several outbuildings were destroyed by fire soon after it was listed on the National Register on February 29, 1988 but the main house, two storage buildings, and a privy were destroyed by fire on May 14, 1988.

Other Oconee County Locations of Cultural and Historical Significance

Though not formally designated as a location of significance, many locations throughout Oconee County are notable for cultural, historical or architectural attributes. These~~A few of these~~ include:

- Fort Madison Village: Located near Walton's Ford and the site of the Tugalo Town Village of the Cherokees, modern Fort Madison is situated on the banks of the Tugalo River, and emerged following the completion of the Airline Railroad in 1873.
- ~~Ramey's Mill: A water-powered gristmill located on Cobb's Bridge Road, west of Westminster. The mill is currently inoperable.~~
- Horseshoe Robinson House: Privately owned, the home of Revolutionary War hero 'Horseshoe' Robinson is located a few miles from Westminster on Horseshoe Bridge Road.
- Pleasant Grove (Block) Church and School: This~~Although the church and school,~~ located at the intersection of Dr. Johns Road and Blackjack Road, (near Westminster, takes its name), is formally named Pleasant Grove, it is commonly known throughout the area as 'Block Church', a reference reportedly derived from the "blockhouse" fort that served the congregation in its early history. Though constructed on the original blockhouse is long gone, site soon after the existing structures, particularly area was settled. Although the adjacent exterior of the church has been modernized in recent times, the one-room schoolhouse, are

~~remains an excellent examples of turn-example of the- a small rural early-twentieth century designschool.~~

- Retreat Presbyterian Church: Established about 1851, the church is located on South Retreat Road, near Westminster. This wooden structure contains original brickwork and stained glass windows.
- Center Methodist Church: One of the ~~earliest churchesoldest remaining church structures~~ in the area, Center Methodist Church ~~is,~~ located on Highway 24 between the Oakway and Tokeena communities. ~~was formed in 1836 as a 'camp meeting' for 'circuit-riding' ministers. The current structure was constructed sometime around 1870, and reportedly hosted services into the 1930's.~~
- Westminster's Abby/Retreat Streets area is home to many structures exhibiting 19th Century architecture, including the Westminster Presbyterian Church, and the Ballenger, Gruhhs, and McCormick houses. The town, incorporated in 1875, is the westernmost municipality in Oconee County.

Natural Resources

~~Dozens of scenic views can be found throughout Oconee County, many of which may be enjoyed from one of several Scenic Highways. The Cherokee Foothills Scenic Highway (Hwy. 11); the Savannah River Scenic Highway (Hwy. 24), part of the South Carolina Heritage Corridor; and National Scenic Highway 107 all serve as main routes through the county.~~

~~Oconee County hosts part of the South Carolina National Heritage Corridor, which extends 240 miles across South Carolina from the mountains of Oconee to the port of Charleston. The Heritage Corridor offers a cross-section of the state's history, culture, and natural landscapes by showcasing the evolution of regional life, from plantations and farms to mill villages and urban centers.~~

~~A large portion of Oconee County's forested land lies within the boundaries of the Andrew Pickens Ranger District of the Sumter National Forest. This 79,000 acre district encompasses mountains, waterfalls, and a multitude of other scenic features.~~

~~The Chattooga River is one of a handful of free-flowing streams of its size found in the Southeast. The survival of the Chattooga's dense forest and undeveloped shorelines are due in large part to its May 10, 1974, congressional designation as a Wild and Scenic River. The designation, reserved for rivers possessing not only spectacular scenery, but also recreation, wildlife, geologic, and cultural values, restricts all motorized vehicles and development within a corridor of about ¼-mile on either side of the river. The stream itself is regarded as a whitewater paddler's paradise, with spectacular mountain scenery and elevation changes averaging 49.3 feet per mile. Beginning in the Appalachian Mountains and concluding at Lake Tugaloa, the Chattooga River is widely recognized as one of the premier rivers in the nation.~~

The Chauga River Wild and Scenic Area is comprised of 3,274 acres of rugged terrain and beautiful scenery. With approximately 10 miles of the river flowing through public lands, many opportunities exist for a wide variety of recreational usage. The Chauga, a tributary of the Tugaloo River that generally flows parallel to the larger Chattooga River, enters the backwaters of Lake Hartwell west of Westminster.

The Jocassee Gorges, a 33,000-acre wilderness area, was created by a South Carolina Department of Natural Resources (DNR) purchase of pristine mountain land around Lake Jocassee, which lies in northern Oconee County. The result of collaboration between public agencies and private organizations, the DNR purchase of the Gorges preserved the region's unique ecological systems by permanently protecting the lands from development. This protected area harbors a great diversity of plant and animal species, including the rare Oconee Bell flower, a significant Black Bear population, and Peregrine Falcons. The area, part of approximately 30,000 square miles of protected wilderness lands in the Southern Appalachians, is available for some limited recreational usage, such as hiking, fishing, camping and hunting. The Foothills Trail, one of the upcountry's most popular natural attractions, also winds through the area.

Lake Jocassee, a 7,500-acre reservoir of cold, clear water lying primarily in northern Oconee County, was formed when the Duke Power Company dammed the Toxaway and Horse Pasture Rivers in 1973. The 385-foot dam not only provides water for hydroelectric power generation, but also creates an exceptionally scenic reservoir that provides visitors with a number of outdoor recreational opportunities, such as swimming, water skiing, sailing, scuba diving and fishing. Several waterfalls are also accessible from the lake, including the Laurel Fork, Lower Whitewater, and Thompson River Falls.

Lake Keowee, sister lake of Jocassee, was the first of the Duke Power Company lakes developed as part of the Keowee-Toxaway complex, and serves both the Oconee Nuclear Station and the Keowee hydroelectric station. Lake Keowee's 300-mile shoreline sports a wide variety of fish, including white, smallmouth and largemouth bass, black crappie, bluegill and threadfin shad. Lake Keowee is also renowned for its exclusive lake communities, with large numbers of new residents from other regions, many retirees, having made the shores of the lake their home.

Lake Hartwell's 56,000 acres were created by the U.S. Army Corps of Engineers between 1955 and 1963, and serves as part of the Georgia-South Carolina border on the Savannah, Tugaloo and Seneca Rivers. The Corps maintains over 20 recreation areas on the lake's 962-mile shoreline, with many featuring launching ramps, comfort stations, picnic areas and shelters, swimming beaches, and playgrounds. Lake Hartwell is consistently ranked as one of the most popular Corps lakes in the nation.

Waterfalls

Oconee County's abundant water supply, combined with the area's hilly topography, results in a large number of streams that drastically change elevation over a short distance. Rapids and waterfalls, therefore, are quite common throughout the county. In fact, Oconee County possesses approximately 1/3 of the named waterfalls found in upstate South Carolina. These include:

—————*Issaqueena Falls

- _____ *Brantown Falls
- _____ *Opossum Creek Falls
- _____ *Long Creek Falls
- _____ *Fall Creek Falls
- _____ *Riley Moore Falls
- _____ *Blue Hole Falls
- _____ *The Chauga Narrows
- _____ *Yellow Branch Falls
- _____ *Station Cove Falls
- _____ *King Creek Falls
- _____ *Lee Falls
- _____ *Licklog & Pigpen Falls
- _____ *Big Bend Falls
- _____ *Miuka Falls
- _____ *King Creek Falls
- _____ *Spoonauger Falls
- _____ *Dee Cove Falls
- _____ *Lower Whitewater Falls

Parks

County Parks:

Oconee County manages three parks: High Falls County Park, South Cove County Park and Chau Ram County Park. The oldest of these, High Falls, which is located on the shores of Lake Keowee near Highway 183, was established in 1972, and takes its name from a waterfall on the Little River (now an arm of the lake). Included within the park's 60 acres are a number of attractions, including 100 campsites; facilities for tennis, volleyball, and carpet golf; a swimming area; and picnic tables. In addition, High Falls is also the site of the

historic Alexander Cannon-Hill House (circa 1814), which originally stood on the banks of the Keowee River, but was relocated to the park upon completion of the lake.

South Cove County Park, which opened in 1974, is located on Lake Keowee near Seneca. The park possesses a wide range of recreational opportunities, including 88 campsites, facilities for tennis, volleyball, and carpet golf, and picnic areas and a swimming beach. In addition, there is an easily accessible boat launch with plentiful parking, and a fishing pier. South Cove is often utilized for hosting festivals, fishing tournaments, and other public events.

Chau-Ram County Park, located at the confluence of the Chauga River and Ramsey Creek, opened in 1974, and is the least developed of the three county parks. This is not to say, however, that it does not have its share of amenities. Chau Ram has a number of camp sites, located in both developed and wilderness areas. It also has hiking trails, a picnic area, and a beautiful waterfall. The Chauga River, a stocked trout habitat, offers excellent fishing opportunities, and hosts one of the few whitewater slalom courses in the area.

State Parks:

Oconee County is the only county in the state to have four state parks. These include Devils Fork State Park, Lake Hartwell State Park, Oconee State Park, and Oconee Station State Park.

Devils Fork State Park, named for a nearby stream, was created in 1990, making it one of the newest parks in the system. The 622-acre park lies on the shores of Lake Joassee, and boasts a number of waterfalls located throughout its area. Like most state parks, it offers camping, fishing, swimming, and other traditional outdoor recreational opportunities. In addition, Devil's Fork offers a number of rental villas, as well as offering scuba diving facilities for those individuals desiring to explore the exceptionally clear waters of Lake Joassee. Devil's Fork is special for many reasons, but perhaps the greatest reason is the fact that 95% of the world's population of Oconee Bells, a very rare, delicate wildflower, exists within the park's boundaries.

Lake Hartwell State Park, located near I-85 on Scenic Highway 11, contains 680 acres stretching along 14 miles of Lake Hartwell's shoreline. With 148 campsites and 2 boat ramps, this park is very popular with 56,000-acre Lake Hartwell's anglers. In addition, the park offers opportunities for picnicking, hiking, and swimming.

Oconee State Park, built by the Civilian Conservation Corps in the 1930's, draws users from a wide area. Located near the Wild and Scenic Chattooga River, the park's 150 campsites often serve as a base camp for whitewater enthusiasts. In addition, the park is connected to the Foothills Trail, one of the major hiking trails in the Southeast. For those with a less-adventurous nature, the park offers a museum, archery range, carpet golf, playground, cabins, and two private lakes for swimming, fishing, and paddling rental boats. Oconee State Park has consistently proven to be one of the premier state parks in the system.

Oconee Station State Park is located in northern Oconee County on the grounds of the Oconee Station, a frontier blockhouse constructed in the 1790's, and the Richards House, one of the oldest brick structures in the area. This relatively isolated park is ideal for those individuals wishing to get away from some of the more crowded public facilities and enjoy a more natural setting. With its 1.5-mile nature trail (one way) and fishing pond, this park is an excellent picnic spot that can be enjoyed by the whole family.

Municipal Parks:

In addition to county and state parks located in Oconee County, the various municipalities operate a number of city parks and recreation areas. These include, among others, Seneca's Shaver Recreation Complex, Walhalla's Sertoma Recreation Field, and Westminster's Hall Street Ball Fields.

Cultural Facilities

Although Oconee County remains a largely rural area, it possesses a number of cultural resources that serve to both educate and enrich the lives of its residents. These include:

- Lunney Museum- Located at 211 W. South First St. in Seneca, the museum is an early 1900's style bungalow that displays Victorian furniture, period costumes, and other items of Oconee memorabilia.

Cultural Activities

Oconee County residents are seldom faced with a lack of variety in the availability of cultural activities. While it is true that the area is primarily known for its abundance of natural resources and outdoor recreational activities, in any given week plays, musical performances, religious-related events, and a range of other cultural happenings may be found on the calendar. As a result, living in Oconee can be a tremendously culturally rich experience. The following represent just some of the facilities focused on providing such cultural wealth:

- Oconee Heritage Center- Located at 123 Browns Square Drive in downtown Walhalla in the 'Tobacco Barn', the facility is dedicated to promote the history and cultural heritage of Oconee County. In addition to its excellent collection of 'more typical' artifacts and exhibits, the Heritage Center possesses two preserved dugout canoes found in local rivers.
- England's General Merchandise Museum- Located at 103 W. Main St. in Westminster, this former retail store contains over 2,000 items from a bygone era, including antique toys, clothes, glassware, medical equipment, photos and other items unique to the area.

- Blue Ridge Art GalleryThe Lunney House Museum- Located at 444 E 211 W, South 2nd 1st St. in Seneca, the gallery offers an extensive collection of watercolors, oil paintings, Lunney House Museum is owned and sculptures. The majority of operated by the artists represented City of Seneca. When completed in 1909, the gallery-warehouse was the home of Dr. W.J. and Lilian Mason Lunney. Today the Queen Anne style bungalow displays Victorian furniture, period costumes, and other items of Oconee residents memorabilia.
- The Bertha Lee Strickland Cultural Museum- Located at 208 W, South 2nd St., in Seneca, the museum is situated adjacent to the Lunney House Museum, and is named for the late Bertha Lee Strickland, who worked for the Lunney family for over four decades. Established by the City of Seneca in 2014, the Strickland Cultural Museum is focused on telling the story of the local African American community.
- Blue Ridge Arts Center- Located in the city's historic district at 111 E, South 2nd St. in Seneca, the center is operated by the Blue Ridge Arts Council. The Arts Center gallery is housed in the city's oldest church structure (1882), and showcases both the Center's permanent collection and work of various artists.
- Museum of the Cherokee in South Carolina- Located at 70 Short St. in Walhalla, the museum was founded to highlight the role of the Cherokee in South Carolina. Funded through grants and donations, the museum currently opens on Saturdays.
- Patriots Hall- Located at 13 Short St. in Walhalla, the museum is housed in what is commonly called "The Old Rock Building", a name denoting the structure's granite exterior. Currently open on Saturdays, Patriots' Hall contains a range of artifacts, photographs, and documents that honor and highlight the history of the area's military service.
- Oconee Community Theatre- Established in 1971 to promote interest in theatrical productions in the county, the theatre presents a wide variety of plays and dramatic works. Since 1989 the theater has been located at 8001 Utica Street in Seneca, in what was formerly the Utica School.
- Walhalla Civic Auditorium- Located at 101 E. North Broad Street in Walhalla, the auditorium hosts a range of performances and special events. Constructed as part of the historic Walhalla Graded School in 1913, the auditorium accommodates over 400, and offers professional sound and lighting while retaining its traditional ambiance.
- Westminster Music Hall- Located at 101 W. Main Street in Westminster, this approximately 250-seat performance venue was designed to accommodate a range of musical acts. Unique in the area, the Music Hall showcases both local and regional performers.

- ~~Duke Power's World of Energy- Located near Seneca at 7812 Rochester Hwy on the banks of Lake Keowee, the World of Energy isserves as a hands-on, self-guided facility that illustrates how electricity is generated using water, coal public informational and uranium. The facility educational center for the Duke Energy projects in the area. In addition to its exhibits and programs, the World of Energy is also utilized by a popular venue number of groups for meetings and public activities. Since opening in 1969, the facility has been visited by more than three million people.~~
- ~~Tamassee DAR School- Founded by the South Carolina Daughters of the American Revolution in 1919, this school, located off Seenie Highway 11 in Tamassee, was established to provide a facility for educating children living in the isolation of northwestern SC.~~
- ~~Oconee Cultural Heritage Center- Located in downtown Walhalla near the Oconee County Courthouse, this recent addition to the county's cultural landscape is a historical museum focused on presenting the story of the lives of all groups of people that helped to shape Oconee County.~~

Libraries

The Oconee County Public Library system currently operates four libraries in the county. These include the main branch in Walhalla, and satellite branches in Salem, Seneca and Westminster. The system also provides a bookmobile service to outlying rural areas.

Churches

As in many areas of the South, the Judeo-Christian tradition has always played a large role in the lives of the residents of Oconee County. This continues to be true today, with approximately 200 churches of various denominations located in the county. While the vast majority is Protestant, a growing number of individuals, particularly among those individuals relocating to Oconee County from other regions, adhere to other beliefs.

Festivals

Oconee County celebrates its rich culture and history in a number of festivals each year. These include:

- **Walhalla Oktoberfest-** Held each autumn in Walhalla since 1979, the Oktoberfest celebrates the town's German heritage with traditional food, music, and recreation.
- **The South Carolina Apple Festival-** Established in 1961 in Westminster, the Apple Festival celebrates the beginning of apple season in Oconee County, the largest apple producing area in the state. Beginning on Labor Day, and continuing through the following weekend, this Westminster festival celebrates the importance of the apple crop to Oconee County's agricultural economy.

- ~~**The Spring Heritage Festival**~~Seneca Fest- Held annually in Seneca in and around historic Ram Cat Alley, ~~this festival's events include the Miss Oconee and Palmetto Princess pageants.~~
- ~~**Native American Day Festival**~~ This annual festival, held at Oconee Station State Norton Thompson Park, ~~celebrates the strong ties the area has to its Native American past~~ this is perhaps best known for including performances by well-known musical acts.
- ~~**Mountain Rest Hillbilly Day**~~ This Independence Day ~~event~~ celebration has been held in the Mountain Rest community for many years, focusing more than half a century. Focused on traditional mountain music, food, and fun games and entertainment, Hillbilly Day typically attracts more than 5,000 people each year to witness and/or take part in events such as the greased pole climb, tug-of-war, and clogging contest.

Arts & Humanities

The Oconee County School District supports a countywide arts education program, which was awarded the Elizabeth O'Neil Verner Award for Excellence in Arts Education in 1993. In addition to the public school system, a number of other agencies and organizations promote art appreciation and education throughout the county. These include:

- ~~The Oconee County Arts & Historical Commission~~- A county supported, non-profit agency that funds numerous cultural and art events throughout the year.
- ~~The Oconee Community Theatre~~ Located at 8001 Utica St. in Seneca, the theatre showcases local actors in several productions each year.
- ~~The Blue Ridge Art Council~~- The council works to expand understanding, awareness and participation in the arts in Oconee County.
- ~~The Oconee County Historical Society~~- The Historical Society is an organization involved in ongoing research about Oconee and neighboring counties.
- **South Carolina Foothills Heritage Fair**- Established in 2009 as part of an effort to promote and help sustain the area's traditional culture, the Heritage Fair has become one of the major symbols of the health of Oconee County's farming community. Although the fair has to date been held in a series of locations, the development of a permanent site is currently under way.

- CODE OF ORDINANCES
Chapter 32 - UNIFIED PERFORMANCE STANDARDS

ARTICLE I. IN GENERAL

ARTICLE I. IN GENERAL

Sec. 32-1. Authority of Chapter Provisions.

Sec. 32-2. Jurisdiction and Purpose of Chapter.

Sec. 32-3. Existing Regulations and Standards; Conflicts.

Sec. 32-4. County Planning Commission.

Sec. 32-5. Board of Zoning Appeals.

Sec. 32-6. Appeals; Generally.

Sec. 32-7. Administration of the Performance Standards and Land Use Regulations.

Sec. 32-8. *Complaints regarding violations and remedies.*

Secs. 32-9—32-40. Reserved.

Sec. 32-1. Authority of Chapter Provisions.

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

(Ord. No. 1999-14, § 1.1, 4-4-2000)

Sec. 32-2. Jurisdiction and Purpose of Chapter.

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

(Ord. No. 1999-14, § 1.2, 4-4-2000)

Sec. 32-3. Existing Regulations and Standards; Conflicts.

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

(Ord. No. 1999-14, § 1.4, 4-4-2000)

- CODE OF ORDINANCES
Chapter 32 - UNIFIED PERFORMANCE STANDARDS

ARTICLE I. IN GENERAL

Sec. 32-4. County Planning Commission.

- (a) *Authority to establish.* The County Planning Commission (referred to as the "Planning Commission") is established pursuant to S.C. Code 1976, § 6-29-310 et seq.
- (b) *Functions, powers and duties.* It is the function and duty of the County Planning Commission to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the county. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of the County. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The County Planning Commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of the County to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the Planning Commission, within a reasonable time, such available information as it may require for its work. The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the Planning Commission shall be liable for any injury or damage to property resulting therefrom. In general, the Planning Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of the County.

In the discharge of its responsibilities, the County Planning Commission has the power and duty to:

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

Appeals regarding alleged errors by the **planning Community Development Director** concerning a decision on a land development plan or subdivision may be heard by the Planning

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Commission. The Planning Commission shall act on the appeal within 60 days and the action of the Planning Commission is final. An appeal from the decision of the Planning Commission may be taken to circuit court within 30 days after actual notice.

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

(c) *Membership.*

- (1) The membership of the County Planning Commission shall be seven in number, selected and appointed by a majority vote of the membership of the County Council voting in any meeting of County Council, duly assembled, with one member being selected from each of the five County Council Districts in existence and as delineated at the time of the adoption of this section, nominated by the respective member of County Council from each district, together with two members appointed by County Council from the County at-large. County Council may receive recommendations for the two at-large seats from the County Planning Commission, the County Soil and Water Conservation District Commission, the County School Board, and any other interested organization or agency, and County Council welcomes any such recommendations; however, County Council is not required to wait on such recommendation(s) before County Council selects and appoints one or both at-large members, nor is County Council obligated to select and appoint any person recommended. Notwithstanding any other provision hereof, the complete selection and appointing authority for the entire County Planning Commission, including, without limitation, the at-large members, rests with County Council, and the ultimate decision of whom to select and appoint for any of the membership positions is that of County Council, by a majority vote of the membership of the County Council voting in any meeting of County Council, duly assembled, with or without any recommendation.
- (2) If after an appointment of a member to represent a particular Council District of the County to the Planning Commission, such district is altered, then such Commission member shall continue to serve thereon for the remainder of the term to which said member is appointed, regardless of his/her place of residence within the County.
- (3) In the event the County is further divided into additional County Council districts, additional appointments of members to the Commission to represent the newly created district(s) may be made by County Council through amendment of this section.
- (4) Should any member of this Commission move and establish residence outside of the County or the district where such member was residing at the time of the appointment to this Commission, such move shall constitute a resignation by the member, and a replacement member shall be appointed to fill the unexpired term of such resigned member, in the same manner as the original appointment.
- (5) No member of the Planning Commission may hold an elected public office within the boundaries of the County.

(d) *Terms of members.*

- (1) The length of the regular term served by each member shall be four (4) years, beginning on January 1 of the year of appointment.
- (2) For the purposes of implementing the standards of this section, and thereby returning the reappointment/replacement schedule of the membership of the Commission to staggered lengths in as fair and equitable manner as possible, the following shall apply:

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- a. All members appointed by County Council District shall serve for the same term as the length of the remaining term of the Council member who appointed them, after which the term of such district members shall be equal to and coincidental with the term of the Council member appointing or reappointing them, with all terms or parts thereof starting as of January 1 of the year of appointment or reappointment.
 - b. The first at-large member appointed by County Council after adoption of the restatement of this section shall serve for four years and the second such at-large member shall serve for two years, after which the term of each such at-large member shall be four years following appointment/reappointment, with all terms or parts thereof starting as of January 1 of the year of appointment or reappointment.
- (3) In the event the regular term of a member in good standing expires prior to reappointment or replacement by County Council, said member shall continue to serve until his/her replacement is appointed and qualified. The date of reappointment or replacement, however, in no way alters the scheduled length of the term.
- (e) *Removal of members.* Members of the County Planning Commission may be removed at any time by a majority vote of the County Council, for cause (defined herein as dereliction of duty, as duties are defined herein, conviction of any felony or any crime of moral turpitude, or violation of the South Carolina Ethics Act, all as determined by County Council). If, or in the event, any member of the Commission shall fail to attend 50 percent or more of the regularly scheduled meetings of the Commission within any period of 12 calendar months without excuse of the Commission Chairman, such member may be replaced without notice by action of the County Council.
 - (f) *Organization, meetings, procedural rules, records, and purchases.* The County Planning Commission shall organize itself, electing one of its members as Chairman and one as Vice-Chairman, whose terms must each be for one year. The Chairman and Vice-chairman shall have the right to vote. The Commission shall appoint a secretary, who may be a member or an employee of the County Council or of the Commission. If the secretary is a member of the Commission, he/she shall also have the right to vote. The Commission shall meet at the call of the Chairman, and at such times as the Chairman or Commission may determine. Vacancies in such offices by reason of death, resignation or replacement shall be filled for the unexpired term of the officer whose position becomes vacant, in the same manner as the original election or appointment.

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

Typical operational expenses of the Commission shall be provided for in the budget of the **planning Community Development Department**; however, the Commission may from time to time employ or contract for professional services with funds appropriated by County Council.

- (g) *Powers and duties.* The County Planning Commission shall have those powers and duties provided for in Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended, to be exercised with respect to the total unincorporated area of Oconee County, South Carolina, and to include the function to undertake a continuing planning program for the physical, social, and economic growth and development, and redevelopment, throughout its area of responsibility. The Commission shall, within the bounds of standards established in state law, draft and periodically review a comprehensive plan for the County, which shall be the basis for a planning process consisting of those elements considered critical, necessary, and desirable to guide the development and redevelopment for the County. It shall also be the duty of the Planning Commission to provide advice to the County Council on any and all matters related to growth and development within the unincorporated areas of the County.

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- (h) *Salaries and funding.* Each member of the County Planning Commission shall be paid the sum of \$25.00 per meeting of the commission attended, or as County Council shall subsequently direct by ordinance or resolution. Additionally, members shall be compensated at the same rate, and in the same manner, as County employees for expenses incurred as a result of attending schools, seminars, meetings, and other normal activities associated with membership, provided said trips and activities are approved in advance by the Chairman of County Council.

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

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

Sec. 32-5. Board of Zoning Appeals.

- (a) *Authority to establish.* The County Board of Zoning Appeals shall be established and shall be referred to as "the Board," as defined in S.C. Code 1976, § 6-29-780 et seq.
- (b) *Membership.* The Board shall consist of seven members, a majority of which shall constitute a quorum. Members shall be appointed by the County Council, and shall serve overlapping terms of ~~three~~ four years, except that original appointees shall serve for staggered terms. Members whose terms have expired shall continue serving until a successor has been appointed by the County Council. Members may serve an unlimited number of consecutive terms. A vacancy in membership shall be filled for the unexpired term in the same manner in which the original appointment was made. The County Council shall have the authority to remove any member of the Board for cause or for violating any of the bylaws, as adopted by the Board. The County council shall have the authority to approve a budget for the Board and to appropriate funds for the Board's activities. Members shall serve without compensation, unless authorized by the County Council. No Board member shall hold any other public office or position in the County or a municipality in the County.
- (c) *Initial appointments.* Upon concluding the appointment of the initial seven members of the Board, members shall determine terms through a random drawing, with two members to have a term of one year, two members to have a term of two years, and three members to have a term of three years.
- (d) *Organization.* The Board shall elect one of its members as Chairman, who shall serve for one year or until reelected or until a successor is elected and qualified. The Board shall appoint a Secretary who may be an employee of the County or who may be a member of the Board. The Board shall adopt rules of procedures to be contained in bylaws. Meetings shall be held at the call of the Chairman. Public notice of meetings shall be provided by publication in a newspaper of general circulation in the County. The Chairman may administer oaths and compel the attendance of witnesses by subpoena. The Board shall keep minutes of its proceedings, showing the vote of each question.
- (e) *Public meetings and public records.* All meetings of the Board shall be open to the public, unless an executive session is declared to receive advice from legal counsel. All meeting minutes shall be public records and shall be available for inspection at the office of the designated administration official during regular office hours of the County Government.

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

- (f) *Powers; variances; special exceptions.*
- (1) The Board of Zoning Appeals has the following powers:

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- a. Appeals: to hear and decide appeals (excepting actions involving the subdivision of land) where it is alleged that there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Performance Standards Ordinance;
 - b. Special exception: to permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the Performance Standards Ordinance;
 - c. Variance: to hear and decide requests for variance from the requirements of the Performance Standards Ordinance when strict application of the provisions of such ordinance would result in unnecessary hardship.
- (2) *General criteria for granting a special exception.* The Board shall grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall among other things require that any proposed use and location be:
- a. In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter;
 - b. In the best interests of the County, the convenience of the community and the public welfare;
 - c. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
 - d. Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazard;

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

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

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Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

(Ord. No. 1999-14, § 1.5, 4-4-2000)

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

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

Sec. 32-6. Appeals; Generally.

- (a) *Time limit for appeals.* Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the County. The appeal must be taken within a reasonable time, by filing with the **planning** Community Development Director and with the Board of Zoning Appeals notice of appeal specifying the grounds of it. The appeals must be taken within 30 days from the date the appealing party has received actual notice of the action from which the appeal is taken. The **planning** Community Development Director shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (b) *Appeal stays action.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (c) *Hearing; advertisement.* The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 days' public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
- (d) *Notification of property owners.* A written notice containing all pertinent information related to any public hearing shall be sent by first class mail to the registered owner of each parcel, wholly or partially within a circle with a radius of ¼ mile, as measured from the boundary of the parcel which the notice is for, at least 15 days prior to the event. For the purposes of this section, the name and address of the owner of the parcel shall be that listed on tax records maintained by the Oconee County Tax Assessor.

Staff has put into the practice the use of ¼ mile notification since it was first proposed during the initial 32/38 review process. During the course of that time staff recommends that the proposed language be replaced with the following:

Sec 6-29-790 has language detailing notification so that may work. We may also want to consider the following which is from Sec 38-8.2:

A written notice containing all pertinent information related to any public hearing shall be sent by first class mail to the registered owner of each affected parcel at least 15 days prior to the event

- (d) *Authority to reverse, affirm, modify decisions.* In exercising such power, the Board of Zoning Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board in the execution of the duties specified in this chapter may subpoena witnesses and in case of contempt may certify this fact to the Circuit Court having jurisdiction.

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- (e) *Decisions to be put in writing.* All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the BOARD, which must be delivered to parties of interest by certified mail.
- (f) *Appeals from decisions of the Board.* Any person who may have a substantial interest in any decision of the Board may appeal from any decision of the Board to the Circuit Court in and for the County by filing with the Clerk of Court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Board is rendered.
- (g) *Fees may be charged to offset the cost of the appeals process.* Reasonable fees may be established by the County Council to cover the costs of administering the appeals process. Fees shall be established by resolution by the County Council and may be adjusted by subsequent resolution.

(Ord. No. 1999-14, § 1.6, 4-4-2000)

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

Sec. 32-7. Administration of the Performance Standards and Land Use Regulations.

The **planning** Community Development Director is designated by the County Council as the Zoning Administrator to administer the Performance Standards and Land Development Regulations. The County Council shall employ such staff as necessary to assist the **planning** Community Development Director in his duties.

(Ord. No. 1999-14, § 1.7, 4-4-2000)

Sec. 32-8-Complaints Regarding Violations and Remedies.

An adjacent or neighboring property owner who would be specially damaged by the violation may file a written complaint. Such complaint, stating fully the causes and basis thereof shall be filed with the Community Development Director. The Community Development Director shall record properly such complaint, immediately investigate, and take whatever action is necessary to ensure compliance with this article and all other articles contained with Chapter 32 Unified Performance Standards.

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ARTICLE II. SEXUALLY ORIENTED BUSINESSES

ARTICLE II. SEXUALLY ORIENTED BUSINESSES ⁽²⁾

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.

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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)

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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}

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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.

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- (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.

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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

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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.

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- (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:

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- (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)

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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)

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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.

(Ord. No. 1999-14, § 2.14, 4-4-2000)

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

- (a) Any aggrieved person or entity may appeal the ~~planning director's (or county employee designated by the chief administrative officer for the enforcement of this article)~~ Community Development Director'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.

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

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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(c) 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.

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- (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 32-58 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

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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(c).

- (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.

FOOTNOTE(S):

— (2) —

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

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

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ARTICLE V. GROUP RESIDENTIAL DEVELOPMENTS

ARTICLE V. - GROUP RESIDENTIAL DEVELOPMENTS ¹⁵¹

Sec. 32-171. - Authority of Article Provisions.

Sec. 32-172. - Purpose of Article.

Sec. 32-173. - Definitions.

Sec. 32-174. - Group Residential Facilities Permitted Only by Special Exception.

Sec. 32-175. - Review of Application by ~~planning director~~ Community Development Director.

Sec. 32-176. - Public Hearing and Approval by the Board.

Sec. 32-177. - Appeals.

Sec. 32-178. - Application Requirements.

Sec. 32-179. - Sketch Plan and Preliminary Development Plans.

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

Sec. 32-181. - Distance Requirements.

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

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. 1989-14, § 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. 1989-14, § 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.

FOOTNOTE(S):

— (5) —

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.

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

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

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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, or **designee**, shall issue a Letter of Compliance when all requirements of this article have been met.
- (b) The Letter of Compliance shall not be issued, or may be revoked, if one or more of the following conditions are found to be present at any time:
 - (1) The proposed tattooing facility is in violation of any portion of this article, including the section concerning location requirements;
 - (2) The proposed tattooing facility is in violation of any other county ordinance or regulation, any ordinance or regulation enforced by an administrative department, bureau, or governmental entity of the State of South Carolina, or any law or regulation of the United States of America;
 - (3) The applicant is under 18 years of age;
 - (4) The applicant has failed to provide information that is reasonably necessary and required for compliance with this article or has falsely answered a question or request for information;
 - (5) The premises to be used for the operations of the proposed tattooing facility is found to be unsafe by the rural fire chief of the County, the building official of the County, or an appropriate official of South Carolina Department of Health and Environmental Control;
 - (6) The applicant and/or the spouse of the applicant is found to be overdue in payment to the County of taxes, fees, fines, or 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, or 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)

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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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ARTICLE 1. - LEGAL PROVISIONS

ARTICLE 2. - APPLICATION AND ENFORCEMENT

ARTICLE 3. - OFFICIAL ZONING MAP AND ZONING DISTRICTS

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APPENDIX A

FOOTNOTE(S):

— (1) —

Editor's note— Ord. No. 2012-14, § 1, adopted May 15, 2012, amended Ch. 38 to read as herein set out. Former Ch. 38, §§ 38-1.1—App. A, pertained to similar subject matter, and derived from Ord. No. 2007-18, Arts. 1—12, App. A, adopted Nov. 8, 2008; Ord. No. 2009-03, § 1(A)—(K), adopted May 19, 2009; Ord. No. 2010-21, § 1A—B, adopted Aug. 17, 2010. [\(Back\)](#)

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

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Chapter 38 - ZONING

ARTICLE 1. - LEGAL PROVISIONS

ARTICLE 1. - LEGAL PROVISIONS

Sec. 38-1.1. - Purpose.

Sec. 38-1.2. - Authority.

Sec. 38-1.3. - Jurisdiction.

Sec. 38-1.4. - Conflicting regulations.

Sec. 38-1.5. - Severability.

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

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

Sec. 38-1.1. - Purpose.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.2. - Authority.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.3. - Jurisdiction.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.4. - Conflicting regulations.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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ARTICLE 1. - LEGAL PROVISIONS

Sec. 38-1.5. - Severability.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 2. - APPLICATION AND ENFORCEMENT

ARTICLE 2. - APPLICATION AND ENFORCEMENT

Sec. 38-2.1. - General prohibition.

Sec. 38-2.2. - Zoning official.

Sec. 38-2.3. - Violations.

Sec. 38-2.4. - Zoning permit.

Sec. 38-2.5. - Temporary use certificates.

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

Sec. 38-2.7. - Complaints.

Sec. 38-2.8. - Cancellation of permits.

Sec. 38-2.9. - Penalties.

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

Sec. 38-2.1. - General prohibition.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.2. - Zoning official.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.3. - Violations.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 2. - APPLICATION AND ENFORCEMENT

Sec. 38-2.4. - Zoning permit.

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.5. - Temporary use certificates.

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

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ARTICLE 2. - APPLICATION AND ENFORCEMENT

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.7. - Complaints.

All complaints of violations shall be submitted in writing on a form provided by the zoning official. The complaint shall include a detailed description of the alleged violation, as well as the complainant's name, address and signature. ~~An adjacent or neighboring property owner who would be specially damaged by the violation may file a written complaint, unless stated elsewhere in this chapter. Complainants must reside within the same planning district in which the potential violation lies. All complaints shall be acted on within ten days of submission. Anonymous reports of alleged violations will not be considered valid.~~

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.8. - Cancellation of permits.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.9. - Penalties.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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

CFD	Control Free District	Section 38-10.2
AD	Agricultural District	Section 38-10.3
ARD	Agricultural Residential District	Section 38-10.4

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CCD	Community Commercial District	Section 38-10.5
CD	Conservation District	Section 38-10.6
HCD	Highway Commercial District	Section 38-10.7
ID	Industrial District	Section 38-10.8
LRD	Lake Residential District	Section 38-10.9
MUD	Mixed Use District	Section 38-10.10
PDD	Planned Development District	Section 38-10.11
PRLD	Public and Recreational Lands District	Section 38-10.12
RD	Residential District	Section 38-10.13
RRD	Rural Residential District	Section 38-10.14
TRD	Traditional Rural District	Section 38-10.15

(Ord. No. 2012-14, § 1, 5-15-2012)

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ARTICLE 3. - OFFICIAL ZONING MAP AND ZONING DISTRICTS

ARTICLE 3. - OFFICIAL ZONING MAP AND ZONING DISTRICTS

Sec. 38-3.1. - Official zoning map.

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

Sec. 38-3.1. - Official zoning map.

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 4. - NONCONFORMING USES

ARTICLE 4. - NONCONFORMING USES

Sec. 38-4.0. - [Use.]

Sec. 38-4.1. - Discontinuation of use.

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

Sec. 38-4.0. - [Use.]

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-4.1. - Discontinuation of use.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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

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

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

ARTICLE 4. - NONCONFORMING USES

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

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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ARTICLE 5. - CONDITIONAL USES

ARTICLE 5. - CONDITIONAL USES

Sec. 38-5.0. - [Use.]

Sec. 38-5.1. - [Reserved.]

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

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

Sec. 38-5.4. - Cemeteries and accessory uses (zoning district: CCD).

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

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

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

Sec. 38-5.9. - Outdoor retail (zoning district: MUD).

[Secs. 38-5.10—38-5.16. - Reserved.]

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

Sec. 38-5.0. - [Use.]

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.1. - [Reserved.]

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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

Off-street parking shall be provided in accordance with the average amount of expected traffic utilizing the said business. ~~A minimum of two spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur in the rear of the business.~~ The parking provisions found in Chapter 32 Article 6 of Oconee's Code of Ordinances shall apply to this section.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 5. - CONDITIONAL USES

Sec. 38-5.4. - Cemeteries and accessory uses (zoning district: CCD).

Adequate ingress and egress shall be provided for and commercial cemeteries greater than 30 sites shall provide access points on two thoroughfares.

(Ord. No. 2012-14, § 1, 5-15-2012)

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

- (a) A licensed landscape architect shall design the site layout and preliminary layout plans for the subdivision
- (b) A minimum of 50 percent of the gross area shall be preserved as green space.
- (c) Lot size may be reduced to 10,000 square feet provided that a nontraditional septic system is approved by the South Carolina Department of Health and Environmental Control (DHEC). An increase in green space by at least 15 percent shall permit the developer to decrease the minimum lot size by 20 percent (to 8,000 square feet).
- (d) Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping.
- (e) At least half of the lots shall directly abut conservation land or face conservation lands from across the street.
- (f) Covenants and restrictions governing the preservation of green space, wetlands, and other sensitive lands shall be recorded with the final subdivision plat prior to any sales. A statement assigning the home owners association responsibility for maintaining the conservation land shall be clearly placed on the final subdivision plat.
- (g) All conservation lands shall be contiguous to provide for integrated open space throughout the subdivision, excluding thoroughfares. Long thin strips of conservation land (less than 150 feet in width) shall be prohibited.

(Ord. No. 2012-14, § 1, 5-15-2012)

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

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the said business. ~~At a minimum, two spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur in the rear of the business.~~ The parking provisions found in Chapter 32 Article 6 of Oconee's Code of Ordinances shall apply to this section.

(Ord. No. 2012-14, § 1, 5-15-2012)

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

Space shall be provided in the rear of the building for long term and overnight storage of vehicles. No more than three working bays shall be permitted, unless otherwise approved by the board of zoning appeals.

(Ord. No. 2012-14, § 1, 5-15-2012)

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ARTICLE 5. - CONDITIONAL USES

Sec. 38-5.9. - Outdoor retail (zoning district: MUD).

Setbacks from the roadway shall be a minimum of 50 feet. Parking shall be clearly designated area apart from the merchant stands. Fire access shall be maintained throughout the entire outdoor retail area with fire lanes and thoroughfares that are a minimum of 20 feet wide. All adjacent residential areas shall be screened or buffered so as to ensure that the visual impacts are minimized. See Appendix A for screening and buffering guidelines.

(Ord. No. 2012-14, § 1, 5-15-2012)

[Secs. 38-5.10—38-5.16. - Reserved.]

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

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the said business. ~~A minimum of ten spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur to the rear or side of the business.~~ The parking provisions found in Chapter 32 Article 6 of Oconee's Code of Ordinances shall apply to this section.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 6. - BOARD OF ZONING APPEALS

ARTICLE 6. - BOARD OF ZONING APPEALS

Sec. 38-6.1. - References.

Sec. 38-6.2. - Responsibilities.

Sec. 38-6.1. - References.

All references within these regulations to the board of zoning appeals shall be considered to indicate the Oconee County Board of Zoning Appeals, created under the provisions of Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-6.2. - Responsibilities.

The board of zoning appeals shall:

- (1) Hear all appeals, request for variances, and special exceptions from these regulations, in accordance with the Code of Laws of South Carolina, Title 6, Chapter 29 and the adopted bylaws of the board of zoning appeals.
- (2) Hear and decide appeals where there is an alleged error in any order, or decisions made by the zoning official or designated staff.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 7. - VARIANCES AND SPECIAL EXCEPTIONS

ARTICLE 7. - VARIANCES AND SPECIAL EXCEPTIONS

Sec. 38-7.1. - Variances.

Sec. 38-7.2. - Special exceptions.

Sec. 38-7.1. - Variances.

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board of zoning appeals makes and explains in writing the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) These conditions do not generally apply to other property in the vicinity;
- (3) Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (4) The authorization of a variance will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
 - a. The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
 - b. The board of zoning appeals may grant a variance to extend physically an existing nonconforming use provided that the expansion does not adversely affect the character of the community and is designed so as to minimize any negative secondary impacts.
 - c. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-7.2. - Special exceptions.

The board of zoning appeals may grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The board of zoning appeals shall among other things require that any proposed use and location be:

- (1) In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the special exception is being requested;
- (2) In the best interests of the county, the convenience of the community and the public welfare;

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 8. - AMENDMENTS AND REZONING

ARTICLE 8. - AMENDMENTS AND REZONING

Sec. 38-8.1. - Consideration by planning commission and county council.

Sec. 38-8.2. - Public notice requirements.

Sec. 38-8.3. - Reconsideration of request for amendment.

Sec. 38-8.4. - Effective date of change.

Sec. 38-8.5. - Methods of initial rezoning.

Sec. 38-8.6. - Subsequent rezoning.

Sec. 38-8.1. - Consideration by planning commission and county council.

All proposed amendments to these regulations, official zoning map, or any other part of this document shall be reviewed by the Oconee County Planning Commission, who shall issue a recommendation to county council. Upon receipt of the planning commission report, county council shall act on the proposed amendment within 60 days.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-8.2. - Public notice requirements.

- (a) *Public hearings.* County council shall conduct all required public hearings for amendments and rezoning. No amendment to these regulations or official zoning map shall be considered for third and final reading until after the public notice and hearing requirements set forth in the South Carolina Code of Laws and this chapter have been met.
- (b) *Notice of hearing.* Notice of public hearing shall be published in a newspaper of general circulation at least 15 days prior to hearing. The notice shall carry an appropriate descriptive title and shall state the time, date, and place of the hearing. All interested parties shall be heard at the public hearing.
- (c) *Posting.* Pursuant to the provisions of the South Carolina Code of Laws, signs noting a rezoning ~~for the small-area method~~ shall be posted on or adjacent to affected parcels along public thoroughfares. In the event less than ten affected parcels are so situated as to share frontage along the same public thoroughfare, a sign shall be located on each parcel, provided no two signs are closer than 100 feet of each other. In the event ten or more affected parcels are so situated as to share frontage along the same public thoroughfare, or any number of parcels are located off of the public thoroughfare, signs shall be posted as close as is practical in a manner sufficient to insure due public notice. At a minimum, signs shall be posted at the beginning and end of any continuous shared public frontage, with no more than one mile between signs; at least one sign shall be visible from all directions in each intersection adjacent to a parcel for which rezoning is proposed. The rezoning of lands owned by the United States, the State of South Carolina, Public Universities, or Oconee County shall be posted at any major identifying signs stating the identification of the property; in the event that no signs are present, state posting guidelines shall be followed. For all other rezoning, state posting guidelines shall be followed.
- (d) *Notification of property owners.* A written notice containing all pertinent information related to any public hearing shall be sent by first class mail to the registered owner of each **affected** parcel, **wholly or partially within a circle with a radius of ¼ mile, as measured from the boundary of the parcel the hearing pertains to**, at least 15 days prior to the event. For the purposes of this section, the name

ARTICLE 8. - AMENDMENTS AND REZONING

and address of the owner of the parcel shall be that listed on tax records maintained by the Oconee County Tax Assessor.

- (e) *Action by council.* After conducting a duly advertised public hearing, county council shall consider all information presented at the hearing, staff review, and the recommendation received from the Oconee County Planning Commission, prior to making their decision.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-8.3. - Reconsideration of request for amendment.

When county council shall have denied a request for an amendment to this chapter, it shall not consider the same or a less restrictive reclassification for an amendment affecting the same property until one year from the date of said denial. A more restrictive classification is not subject to the one-year period.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-8.4. - Effective date of change.

Any ordinance effecting a change in the text of the zoning chapter or zoning maps shall become effective upon final adoption by council.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-8.5. - Methods of initial rezoning.

Upon adoption of this chapter, rezoning of a parcel or group of parcels shall be initiated by one of the following methods:

- (1) *Method 1—Planning district request initiated by citizens.*

- a. Any group of citizens living within any planning district described within this section may petition for initial rezoning for the entirety of their district. The planning districts, which are based on the approximate boundaries traditionally used by local fire stations as service areas, are as follows:

1. Oakway District
2. Salem District
3. Corinth-Shiloh District
4. Mountain Rest District
5. Walhalla District
6. Westminster District
7. Seneca District
8. Fair Play District
9. Long Creek District
10. Cleveland District
11. Keowee Ebenezer District

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12. Friendship District
13. Cross Roads District
14. Picket Post-Camp Oak District
15. South Union District
16. West Union District
17. Keowee District

The boundaries of each planning district shall conform to the exterior property line of all parcels lying within; in no instance shall a single parcel lie in more than one planning district. Parcels shall be assigned to a planning district based on the location of its centroid, which shall be determined by the Oconee County Geographic Information System (GIS). The boundaries of the various planning districts are shown on the map of planning districts, which shall be adopted as part of these standards.

- b. Petitions by citizens to county council to initiate a rezoning of an entire planning district shall be made in the following manner:
 1. Citizen petition. Citizens wishing council to amend the map of their planning district shall acquire the signatures of a minimum of 15 percent of the owners of parcels lying within the boundaries of the said planning district. The petition shall contain the following statement of support:
 2. "I hereby certify that I own a parcel lying within the _____ Planning District, and I support the consideration by Oconee County Council of amending the zoning map."
 3. Presentation to county council. If county council finds the petition is within the parameters of this chapter, they may direct the planning commission and planning department to proceed with amending the zoning chapter and map. Council may take first reading, in title only, on the zoning amendments at this time.
 4. Review of land use map. The planning commission shall undertake a review of the district's portion of the future land use map.
 5. Initial zoning meeting in district. Following the review of the future land use map, the planning department will schedule a public meeting to begin working with citizens to develop a proposed zoning map. Nominations for the district planning advisory committee will be called for at this time.
 6. Appointment of district planning advisory committee. County council will review the nominations for the district planning advisory committee and appoint individuals to the committee. The committee shall consist of seven owners of parcels lying within the district. The committee shall elect a chair who shall conduct committee meetings, call subsequent meetings as necessary, and set forth the agenda for subsequent meetings.
 7. Creation of proposed district zoning map. With assistance from planning staff, the district planning advisory committee will use the future land use map as a guide in creating proposed changes to the district's portion of the official zoning map. All proposed amendments shall be chosen from the zoning districts and their corresponding regulations established in this chapter.
 8. Planning commission review of proposed zoning map. When completed, the committee shall present their draft map to the planning commission for review. The

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planning commission shall review the changes to ensure that they are compatible with the comprehensive plan. During this time, the planning department shall mail a survey to all district property owners soliciting their opinion of the proposed changes, with a deadline to respond of 30 days. At the end of the survey period, the commission shall forward a recommendation regarding the proposed changes to county council. A positive recommendation of the commission shall require both a finding of compliance with the comprehensive plan, and a minimum of 51 percent of the returned responses to the survey favoring the proposed changes.

9. Consideration of recommendation. County council shall consider the proposed zoning map amendments and may take second reading on the chapter at this time.
10. Comment period. A comment period of no less than 30 days shall be held at this time.
11. Consideration of survey results by county council. Upon the completion of the comment period, county council may hold a public hearing on the proposed amendments. Once the public hearing has been completed, county council may take third and final reading of an ordinance to amend the planning districts portions of the official zoning map.
12. Failed attempts to amend the zoning chapter. In the event county council formally rejects a citizen-initiated petition to amend a planning district's portion of the official zoning map for any reason, a new attempt to amend the map through citizen petition shall not be considered sooner than two years from the date of council's decision.

(2) *Method 2—Small area rezoning.*

- a. This method of rezoning shall be initiated by a signed petition containing signatures of one or more of the listed property owners of a minimum of 51 percent of the affected properties in the area in question established by one of the following two methods, chosen by the petitioner.
 1. Any property owner, or group of property owners of parcels, with a combined minimum ownership of at least 200 acres may petition county council for initial rezoning, provided the petition[s] include at least 51 percent of the property owners of the properties in question signed by one or more of the property owners of each [as stated above] representing a minimum of 75 percent of the acreage within the established boundary for the rezoning request.
 2. Any property owner, or group of property owners, may petition county council for initial rezoning, provided the platted subdivision(s) proposed for rezoning is recorded in the office of the Oconee County Registrar of Deeds and/or is an area with all parcels 1.5 acres or less, and provided the proposal for rezoning is contiguous with a total area of at least 25 acres, or contains a minimum of 20 parcels.
- b. Upon obtaining 51 percent of the required signatures for a method chosen above, petitioners may add any parcel that is contiguous to such active rezoning request as long as there is a favorable petition (as described herein) for such parcel(s).
- c. Parcels totally encompassed by a small area rezoning request, which in their own rights are now unable to meet the minimum requirements of the two methods described above, shall be included by staff in such small area request, as part of the request, prior to first reading, if their inclusion would not defeat the 51 percent requirement of this section.
- d. In addition, any property owner owning a parcel, currently in the control free district, which is contiguous to parcels that have already been rezoned from the control free district, may petition (as described herein) to rezone their parcel(s) provided the requested rezoning is similar in nature to that which has been previously adopted for the contiguous area.

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- e. For the purposes of this chapter, in addition to standard definitions, parcels separated by a perennial stream or a cove within a body of water shall be considered contiguous.
 - f. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in [section 38-8.1](#) (above), and public notice requirements contained in [section 38-8.2](#) (above), as well as other applicable standards established by the South Carolina Code of Laws, 1976, as amended. Citizens who cannot meet the standards established under this method may utilize method 1 or method 3 as an alternative option.
- (3) *Method 3—County Initiated.* The governing body of the county may at any time after adoption of these standards rezone any parcel or parcels owned or maintained by Oconee County. Additionally, county council may at any time rezone any parcel or group of parcels to bring them into compliance with the goals established in the Oconee County Comprehensive Plan. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in [section 38-8.1](#) (above), and public notice requirements contained in [section 38-8.2](#) (above), as well as other applicable standards established by the South Carolina Code of Laws, 1976, as amended.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-8.6. - Subsequent rezoning.

- (a) Subsequent to the initial change of zoning of any parcel or group of parcels following adoption of these regulations, any individual property owner may make application, [which shall contain a written description of the purpose for the rezoning](#), for rezoning of a parcel(s). All such rezoning shall be subject to the standards set forth in these regulations and South Carolina Code of Laws, 1976, as amended.
- (b) Notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone a parcel or group of parcels pursuant to the goals established in the Oconee County Comprehensive Plan.
- (c) Subsequent to the initial change of zoning of any parcel or group of parcels, any individual property owner may make application, [which shall contain a written description of the purpose for the rezoning](#), for rezoning of a portion of a parcel(s). No portion of a parcel within the Control Free District shall be rezoned pursuant to the provisions of Sec. 38-8.6.c. At the time of application submittal, a property owner shall also provide a plat or legal description which clearly identifies the area for which the request has been submitted.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 9. - GENERAL PROVISIONS

ARTICLE 9. - GENERAL PROVISIONS

Sec. 38-9.1. - Use interpretation.

Sec. 38-9.2. - Zoning map interpretation.

Sec. 38-9.3. - Dimensional requirements: General provisions and exceptions.

Sec. 38-9.4. - Height.

Sec. 38-9.5. - Other requirements.

Sec. 38-9.1. - Use interpretation.

- (a) Each zoning district has uses permitted by right, conditional uses, and special exception uses. Lists are shown for each district placing uses under one of the three categories. Uses not expressly permitted are prohibited. The following describes the processes of each of the three categories that the uses are subject to:
- (1) *Uses permitted by right:* Administrative review and approval subject to district provisions and other applicable requirements only.
 - (2) *Conditional uses:* Administrative review and approval subject to district provisions, other applicable requirements, and conditions outlined in this chapter.
 - (3) *Special exceptions:* The board of zoning appeals review and approval is subject to any and all district provisions, other applicable requirements, and conditions of approval. Some special exceptions may also be subject to conditions in this chapter. Those uses currently governed by the Unified Performance Standards Sections of the Oconee County Code of Ordinances as special exceptions shall be governed by those standards unless otherwise noted in this chapter.
- (b) A mix of two or more uses on the same lot of record is permitted as long as both uses are listed as permitted within the zoning district. The requirements for the most restricted use shall apply. For example, if "Use A" is permitted by right and "Use B" is permitted with a special exception, then the property requires a special exception for both uses.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-9.2. - Zoning map interpretation.

The map entitled Oconee County Official Zoning Map, as adopted and amended by the Oconee County Council establishes the official zoning districts and overlay districts. Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the zoning official shall employ the following rules of interpretation.

- (1) *Centerline:* Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be the centerline of such street or alley right-of-way, railroad right-of-way, or utility easement boundary. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

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- (2) *Edge line:* Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the centerline of such street or alley right-of-way, railroad right-of-way, or utility easement boundary.
- (3) *Lot line:* Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- (4) *County/municipal limits:* Boundaries indicated as approximately following county/municipal limits or extraterritorial boundary lines shall be construed as following the county/municipal limits or extraterritorial boundary lines.
- (5) *Watercourses:* Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (6) *Extensions:* Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
- (7) *Scaling:* In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.
- (8) In the event physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are different than those shown on the official zoning map, the board of zoning appeals shall have the authority to interpret zoning district boundaries.

{Ord. No. 2012-14, § 1, 5-15-2012}

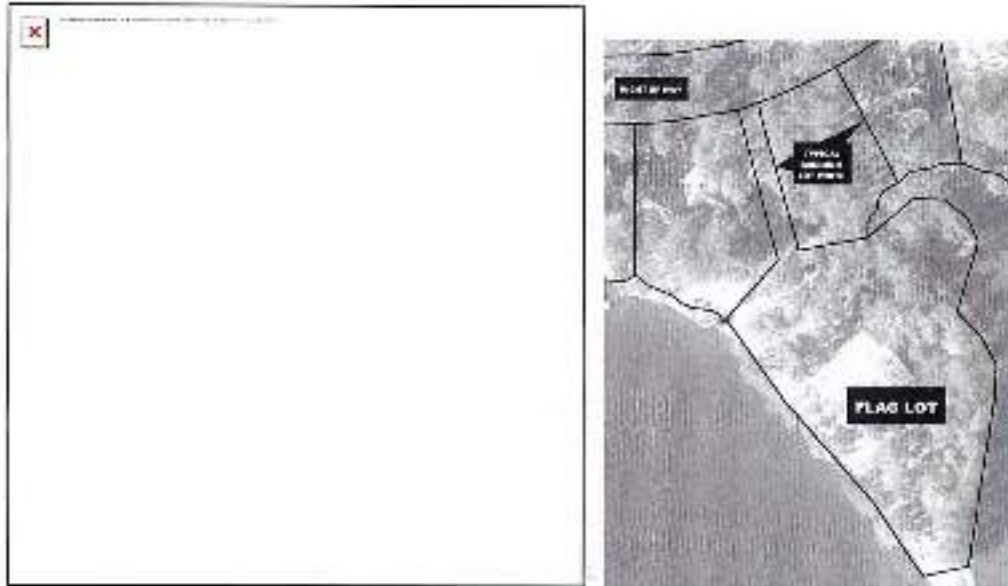
Sec. 38-9.3. - Dimensional requirements: General provisions and exceptions.

In addition to the dimensional requirements listed below and district dimensional requirements, further dimensional requirements may be set forth in [Article 5](#) for those uses listed as conditional. The control free district shall be exempt from the provisions of this section.

- (1) *Lot size and configuration.*
 - a. Public utilities and government uses shall not be subject to the minimum lot size requirements, but shall meet the setback requirements.

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- b. A flag lot shall contain no more than two single-family dwellings and uninhabited accessory structures. Flag lots may be permitted under the following conditions:
1. The maximum flagpole length shall be 300 feet.
 2. The minimum flagpole width shall be 30 feet;
 3. The front setback shall be measured from where the lot meets the district minimum width requirements.
 4. The flagpole portion of the lot shall not be used to calculate area, width, or setbacks of the lot or to provide off-street parking.
 5. There shall be no more than one flag lot per each four lots, per subdivision or development.

(2) *Setbacks.*

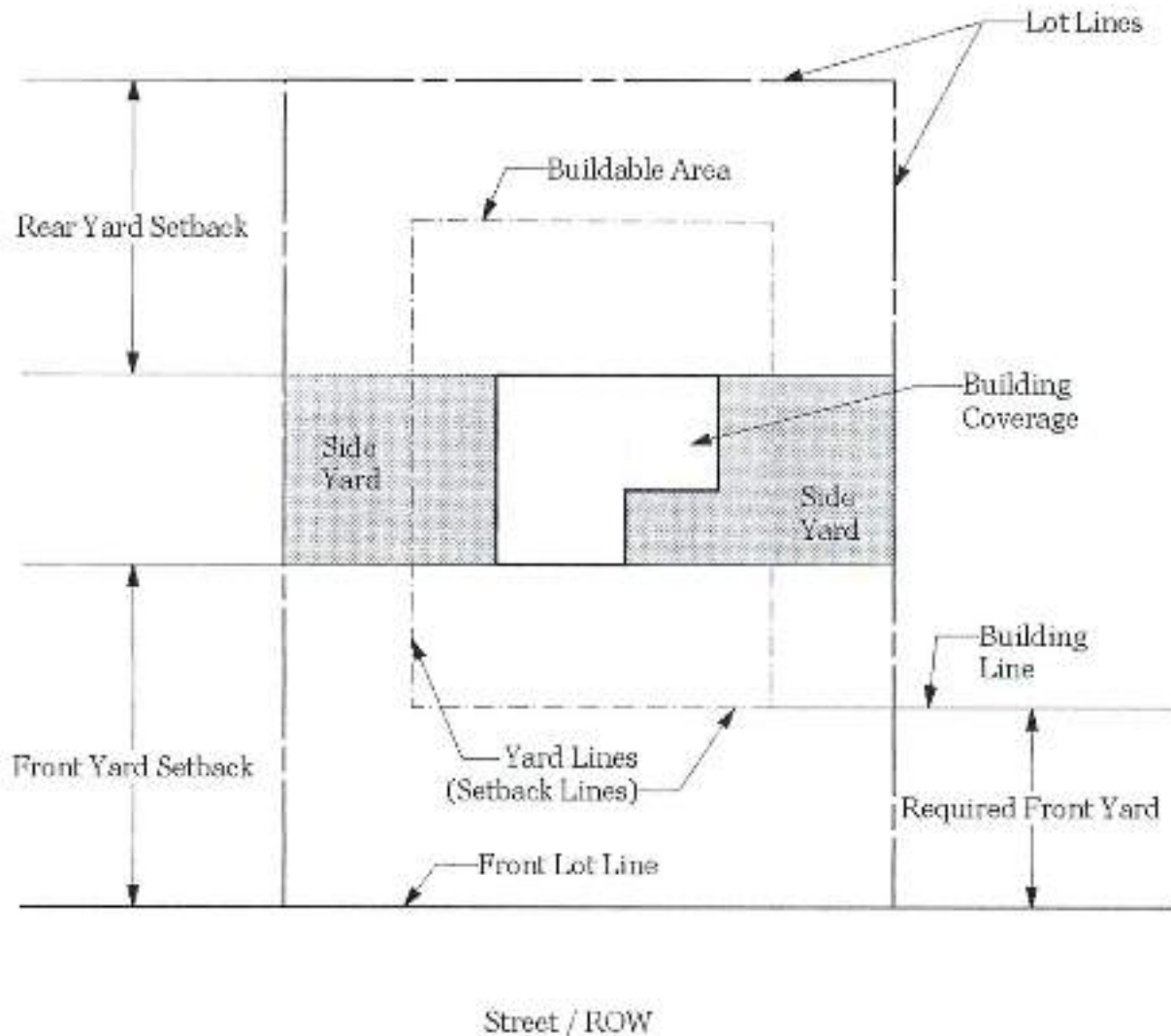
- a. The required front, side, and rear yards for individual lots shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable" area within which the approved structure(s) shall be placed.

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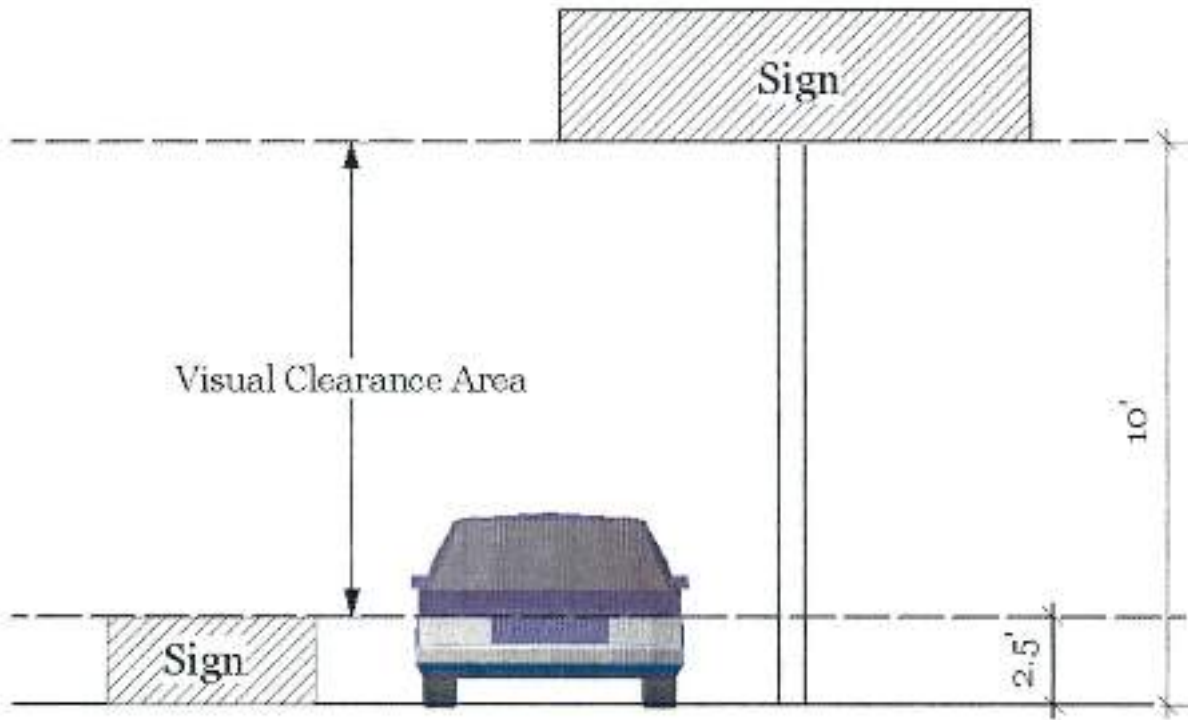


ARTICLE 9. - GENERAL PROVISIONS



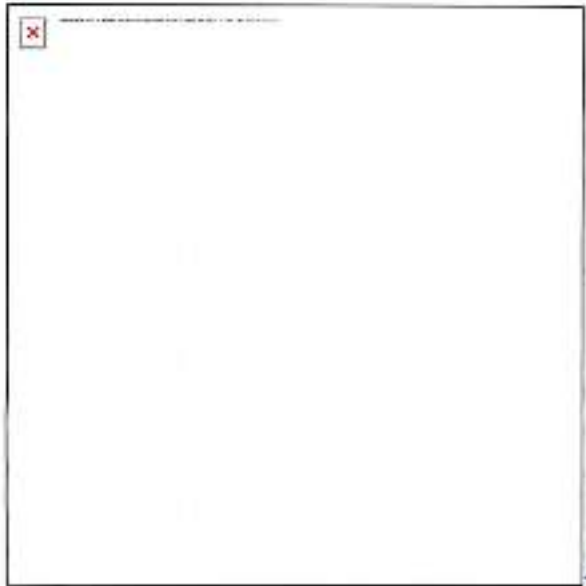
- b. Where a property abuts a street right-of-way, the setback shall be measured from the right-of-way line.
- c. Corner lots shall be considered to have two fronts and shall meet the front setback for the district.
- d. Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.
- e. Signs shall have a setback of no less than ten feet from the right-of-way.
- e.f Road design and encroachment criteria is governed by the standards in [Chapter 26](#), of the Oconee County Code of Ordinances, as amended.

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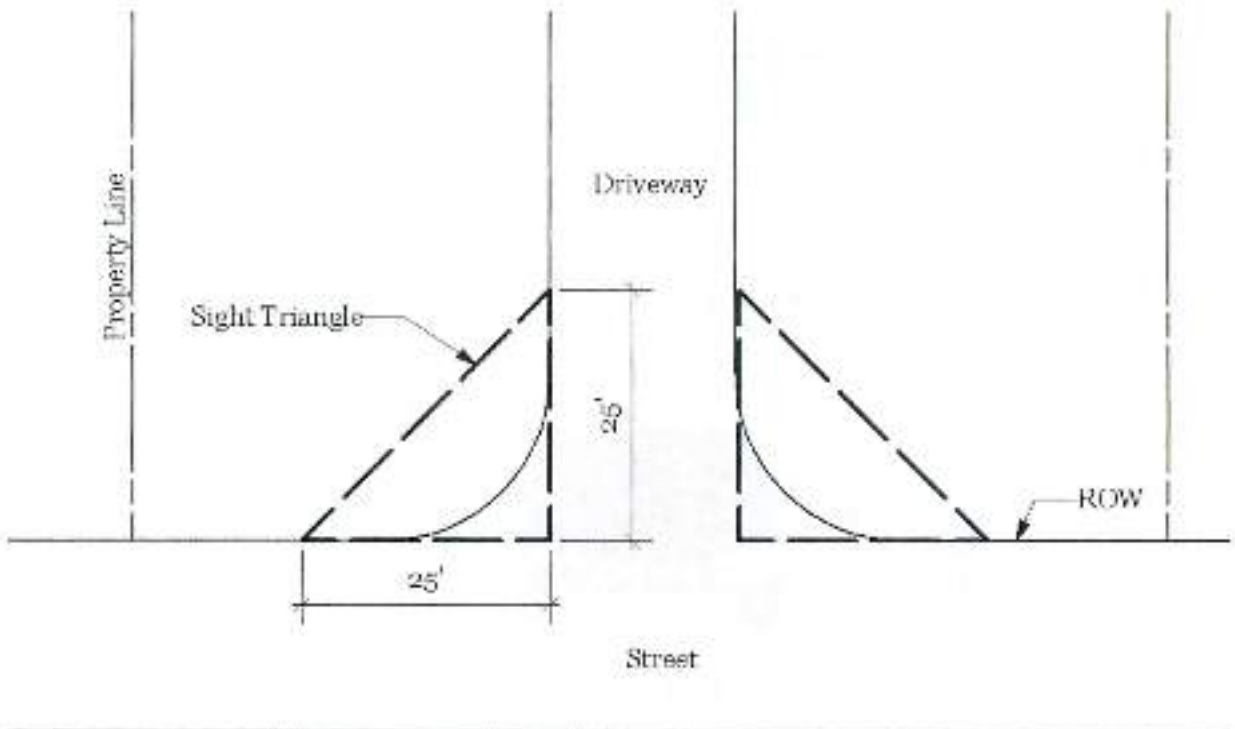


Visual Clearance Illustration

ARTICLE 9. - GENERAL PROVISIONS



Sight Triangle Illustration



- 4.g Any garage door shall be set back a minimum of 20 feet from the property line that it faces so that vehicles may be parked in the driveway without encroaching into the right-of-way. If the district setback is greater than 20 feet, then the more restrictive setback shall prevail.

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- g.h The side and rear setbacks in the CCD and HCD shall not apply to the shared property line of attached buildings.
- h.i The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.
- i.j Steps and heating and cooling units may project into a required yard a distance not to exceed five feet but no closer than five feet of a property line. Fences, freestanding walls, hedges, and septic lines may be located in any setback, so long as they remain on the property.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-9.4. - Height.

(a) 1. Requirements.

All proposed structures not specifically exempted by this article that are greater than 65 feet in height, or otherwise subject to the exemptions found in subsection 38-9.4.2.(a)i. (18) and (19) and greater than 199 feet in height, shall be subject to review and approval by the Oconee County Board of Zoning Appeals only as a special exception. In addition to the requirements for special exceptions established in Chapter 38, Article 7 of this Code, as amended, the Board shall issue findings on each of the following criteria:

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

2. Height

- (a) Structure height is measured from the average elevation of the finished grade of the Structure to the highest point of the Structure; all methods relating to the establishment of elevations, grades, and distances shall conform to those set forth in codes adopted by Oconee County.

i. Exemptions

The height limitations of this chapter shall not apply to the following:

- (1) Belfries.
- (2) Chimneys.
- (3) Church spires.
- (4) Conveyors.
- (5) Cooling towers.

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- (6) Cupolas.
- (7) Domes.
- (8) Elevator bulkheads.
- (9) Fire towers.
- (10) Flag poles.
- (11) Ornamental towers and spires.
- (12) Public monuments.
- (13) Public utility poles.
- (14) Silos.
- (15) Skylights.
- (16) Smoke stacks.
- (17) Stage towers or scenery lofts.
- (18) Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property zoned as an Industrial District (ID) in accordance with chapter 38 of the Oconee County Code of Ordinances.
- (19) Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property designated by Oconee County as county industrial parks.
 - ii. Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.
 - iii. This section shall in no way exempt any structure from the application of standards or regulations contained in other chapters of this Code or other articles of this chapter, including, without limitation, any standards or regulations regarding height restrictions for certain areas of Oconee County, such as airport approach height restrictions.
- (b) Communication towers, antennas, and water tanks shall be exempt from district height requirements in these standards, but shall instead be subject to standards provided for in the Oconee County Unified Performance Standards Chapters of the Oconee County Code of Ordinances; however, all other district dimensional standards shall apply as specified.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-9.5. - Other requirements.

In addition to zoning district regulations see the following sections for other requirements:

- (1) See [Article 5](#) for "Conditional uses".
- (2) See [Article 7](#) for "Special exceptions".
- (3) See Appendix A for specifications on "Landscaping", "Buffering", "Parking", "Lighting", and "Signage". Standards contained on Appendix A shall apply only to those zoning districts or overlay districts specifically identified in [Article 10](#), "Zoning District", and [Article 11](#), "Overlay Districts", as being subject to Appendix A, each of which may be subject to all or part of the entire appendix, but only as specified. In no instance shall standards contained in Appendix A apply to any zoning district or overlay district unless so specified in such sections.

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- (4) Notwithstanding any other provision herein to the contrary, proposed utility generation facilities and structures needed by regional and local utility providers in the production, transmission, and distribution of electricity, natural gas, water, or sewer services, as well as any facility or structure necessary to comply with any federal or state license requirements, related to such production, transmission, ~~and~~ distribution, safety and security of utility generation facilities shall be permitted by right in any district and shall be exempt from any standard set forth in this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)

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ARTICLE 10. ZONING DISTRICTS

ARTICLE 10. ZONING DISTRICTS

- Sec. 38-10.1. Establishment of Base Zoning Districts.
- Sec. 38-10.2. Control Free District (CFD).
- Sec. 38-10.3. Agriculture District (AD).
- Sec. 38-10.4. Agricultural Residential District (ARD).
- Sec. 38-10.5. Community Commercial District (CCD).
- Sec. 38-10.6. Conservation District (CD).
- Sec. 38-10.7. Highway Commercial District (HCD).
- Sec. 38-10.8. Industrial District (ID).
- Sec. 38-10.9. Lake Residential District (LRD).
- Sec. 38-10.10. Mixed Use District (MUD).
- Sec. 38-10.11. Planned Development District (PDD).
- Sec. 38-10.12. Public and/or Recreation Lands District (PRLD).
- Sec. 38-10.13. Residential District (RD).
- Sec. 38-10.14. Rural Residential District (RRD).
- Sec. 38-10.15. Traditional Rural District (TRD).

Sec. 38-10.1. Establishment of base zoning districts.

Base zoning districts are created to provide comprehensive land use regulations throughout Oconee County. There are 14 base zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located in accordance with the Oconee County Comprehensive Plan. All permitted, conditional, and special exceptions are identified in the zoning use matrix. All conditional uses shall meet the guidelines established in [Article 5](#) of this chapter. Likewise, all special exceptions shall meet the guidelines established in [Article 6](#) of this chapter. For the purpose of this chapter, Oconee County is hereby divided into the following base zoning districts. These districts shall comply with all of the general and specific requirements of this chapter.

CFD	Control Free District	Section 38-10.2
AD	Agricultural District	Section 38-10.3
ARD	Agricultural Residential District	Section 38-10.4
CCD	Community Commercial District	Section 38-10.5

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CD	Conservation District	Section 38-10.6
HCD	Highway Commercial District	Section 38-10.7
ID	Industrial District	Section 38-10.8
LRD	Lake Residential District	Section 38-10.9
MUD	Mixed Use District	Section 38-10.10
PDD	Planned Development District	Section 38-10.11
PRLD	Public and Recreation Lands District	Section 38-10.12
RD	Residential District	Section 38-10.13
RRD	Rural Residential District	Section 38-10.14
TRD	Traditional Rural District	Section 38-10.15

(Ord. No. 2012-14, § 1, 3-15-2012)

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Sec. 38-10.2. Control Free District (CFD).

The control free district is intended to be the initial zoning district for all parcels within the jurisdiction at the time of initial adoption of zoning in Oconee County, only; any parcel subsequently rezoned to any other district shall not be a part of the control free district at any future date

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. lot size	Max. Density	Min. width (ft.)	Front setback (ft.)	Side setback (ft.)	Rear setback (ft.)	Structure height (ft.)
	N/A	N/A	N/A	25	5	10	65
Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	
	N/A	N/A	25	5	10	65	

(Ord. No. 2012-10-01, 5-15-2012)

Sec. 38-10.3. Agriculture District (AD).

Title: Agriculture district.

Definition: Those areas in which rural lifestyles have traditionally been and continue to be intertwined with agricultural activity and production which has a significant economic impact to the area and Oconee County.

Intent: Agricultural districts are intended for the protection of farm land in Oconee County while ensuring sufficient residential and commercial development opportunities exist to serve the needs of citizens living in those areas.

*Dimensional requirements:**

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Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	35	10	20	65

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	100	35	10	20	Ch. 32 Article 9

Conditional Use (permitted if conditions are met)		
Bed and Breakfast Inns	Conservation subdivisions	Home occupations and businesses

Permitted		
Agricultural production, crops, livestock, and poultry	Farm and roadside markets	Museums, cultural centers, historical sites, sightseeing, and similar institutions
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	Forestry/Silviculture	Outdoor Retail
Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc.	Fuel supply services	Places of worship
Auction houses	Greenhouses, nurseries, and landscape	Public, Private, and Commercial parks and

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	commercial services	recreation, camping or social facilities Public and private utilities
Building and Trade Contractors, including materials and supply uses	Health care services, service retail, and emergency short term shelters	
Cemeteries and accessory uses	Laundromats	Restaurants (up to 2,500 square feet)
Civic, fraternal, professional, and political organizations	Lumber and saw mills (permanent)	Roadside Stands
Commercial Fishing, Hunting and Trapping	Lumber and saw mills (portable)	Single-family detached residential
Day Care Facilities (all ages)	Mixed Use Buildings and parcels	Taxidermy, slaughter houses and wild game processing
Distribution and other Warehouses	Motor vehicle services and repair	
Emergency services	Motor vehicle services and gas stations (excluding truck stops)	

Special Exception (requires approval from Board of Zoning Appeals)		
Air strips	Group Homes	Retail uses (up to 5,000 square feet)
Auditorium/Indoor Public Assembly	Gun and Archery clubs and shooting range	Salvage yard, Junkyard and Recycling Operations
Communications towers	Hotels, Motels, and Inns	Single-family subdivisions (20 units or less)
Convenience stores (excluding motor vehicle services)	Light Manufacturing	Solid waste landfill and Waste Management Services (excluding hazardous waste)
Educational buildings, and Research Facilities (all types)	Marinas	Waste management services (excluding hazardous waste)
Financial Services	Mining	
Government buildings (excluding correctional facilities)	Restaurants (greater than 2,500 square feet)	

*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

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ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.4. Agricultural Residential District (ARD).

Title: Agricultural residential district (ARD).

Definition: For those areas that have maintained their rural uses, including engaging in agricultural and forestry practices, while the neighboring areas have experienced a growth in residential development not typical to rural areas.

Intent: The Agricultural Residential districts are intended to allow for most agricultural, forestry, and other related uses that are typically found in rural communities; however, in consideration for the residential areas nearby, certain uses are prohibited in this zoning district.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre	1 dwelling unit per acre	80	35	5	10	65
Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre with availability of utilities		80	35	10	30	65

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Conditional Use (permitted if conditions are met)	
Conservation subdivisions	Home occupations and businesses

Permitted		
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	Forestry/Silviculture	Places of worship
Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc.	Greenhouses, nurseries, and landscape commercial services	Public, Private, and Commercial parks and recreation, camping or social facilities
Bed and Breakfast Inns	Laundromats	Public and private utilities
Cemeteries and accessory uses	Lumber and saw mills (portable)	Roadside Stands
Civic, fraternal, professional, and political organizations	Motor vehicle services and repair	Single-family detached residential
Emergency services	Museums, cultural centers, historical sites, sightseeing, and similar institutions	Single-family subdivisions (10 units or less)
Farm and roadside markers	Outdoor Retail	

Special Exception (requires approval from Board of Zoning Appeals)		
Auction houses	Dry Care Facilities (all ages)	Multi-family residential development (structures containing 5 or more residential units)
Building and Trade Contractors, including materials and supply uses	Golf courses, country clubs, driving ranges	Multi-family residential development (structures containing no more than 4 residential units)
Commercial Fishing, Hunting and Trapping	Group Homes	Restaurants (up to 2,500 square feet)
Communications towers	Health care services, service retail, and emergency short term shelters	Retail uses (up to 5,000 square feet)
Convenience stores (excluding motor vehicle services)	Medinas	Taxidermy, slaughter houses and wild game processing

*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, S 1, 5-15-2012)

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Sec. 38-10.5. Conservation District (CD).

Title: Conservation district.

Definition: Those areas designated for preservation and protection.

Intent: This district is intended to protect and promote the continuation of Oconee County's natural resources.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	10 acres	1 dwelling per 10 acres	600	35	20	50	65

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	10 acres	600	35	20	50	65

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Conditional Use (permitted if conditions are met)		
Home occupations and businesses	Conservation subdivisions	

Permitted		
Agricultural production, crops, livestock, and poultry	Forestry/Silviculture	Roadside Stands
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	Lumber and saw mills (portable)	Single-family detached residential
Cemeteries and accessory uses	Places of worship	
Farm and roadside markets	Public and private utilities	

Special Exception (requires approval from Board of Zoning Appeals)		
Bed and Breakfast Inns	Educational buildings, and Research Facilities (all types)	Museums, cultural centers, historical sites, sightseeing, and similar institutions
Commercial Fishing, Hunting and Trapping	Government buildings (excluding correctional facilities)	Public, Private, and Commercial parks and recreation, camping or social facilities
Communications towers	Greenhouses, nurseries, and landscape commercial services	Taxidermy, slaughter houses and wild game processing
Conservation subdivisions	Golf and Archery clubs and shooting ranges	

*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

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Sec. 38-10.6. Community Commercial District (CCD).

Title: Community commercial district.

Definition: Those areas well suited to supporting low intensity commercial activity centered around providing service to the adjacent community.

Intent: This district is intended to protect rural areas, while allowing for the development of commercial and business establishments that are low intensity and provide basic goods and services to the surrounding community.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	25	5	10	65
Nonresidential Uses	Minimum Lot Size		Min. Width (ft.)	Minimum Yard Requirements			Max. Height
	Min. Lot Size			Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)		100	25	5	10	65

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Conditional Use (permitted if conditions are met)		
Auction houses	Cemeteries and accessory uses	Motor vehicle services and repair
Bed and Breakfast Inns	Home occupations and businesses	

Permitted		
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	Greenhouses, nurseries, and landscape commercial services	Outdoor Retail
Agricultural support services veterinarians, kennels, feed/seeds, supply stores, implements, etc.	Health care services, service retail, and emergency short term shelters	Places of worship
Auditorium/Indoor Public Assembly	Hotels, Motels, and Inns	Public, Private, and Commercial Parks and recreation, camping or social facilities
Building and Trade Contractors, including materials and supply uses	Laundromats	Public and private utilities
Civic, fraternal, professional, and political organizations	Laundry and dry cleaning services	Railroad stations
Convenience stores (excluding motor vehicle services)	Lumber and saw mills (portable)	Residential care facilities
Day Care Facilities (all ages)	Mannas	Restaurants (up to 2,500 square feet)
Educational buildings, and Research Facilities (all types)	Mini storage or mini warehouses	Restaurants (greater than 2,500 square feet)
Emergency services	Mixed Use Buildings and uses	Retail uses (up to 5,000 square feet)
Farm and roadside markets	Motor vehicle parking and garages (as a principal business use)	Roadside Stands
Financial Services	Motor vehicle sales and rental	Single-family detached residential
Forestry/Silviculture	Motor vehicle services and gas stations (excluding truck stops)	Single-family subdivisions (10 units or less)
Funeral homes and services	Museums, cultural centers, historical sites, sightseeing, and similar institutions	
Government buildings (excluding correctional facilities)	Office uses, general	

Special Exception (requires approval from Board of Zoning Appeals)		
Communications towers	Liquor stores and bars	Single-family subdivisions (more than 10 units)
Distribution and other warehouses	Movie theater	Taxidermy, slaughter houses and wild game processing
Fuel supply services	Multi-family residential development (structures containing 5 or more residential units)	
Light manufacturing	Multi-family residential development (structures containing no more than 4 residential units)	

*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

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Sec. 38-10.7. Highway Commercial District (HCD).

Title: Highway commercial district.

Definition: Those areas well suited for higher intensity more regional scale commercial activity typically found adjacent to major highways and intersections.

Intent: This district is intended to provide commercial goods and services to a larger service area at a more regional scale. The uses are much more intense than what would be expected in a community commercial district.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/6 acre (7,260 sf)	6 dwellings per acre	70	25	5	10	65
Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/4 acre (10,890 sf)		70	30	5	10	65 Ch. 32 Article 9

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Conditional Use (permitted if conditions are met)		
Auction houses	Conservation subdivisions	Home occupations and businesses

Permitted		
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	Government buildings (excluding correctional facilities)	Multi-family residential development (structures containing 5 or more residential units)
Agricultural support services: veterinarians, kennels, food/seeds, supply stores, implements, etc.	Greenhouses, nurseries, and landscape commercial services	Museums, cultural centers, historical sites, sightseeing, and similar institutions
Auditorium/Indoor Public Assembly	Health care services, service retail, and emergency short term shelters	Office uses, general
Bed and Breakfast Inns	Hotels, Motels, and Inns	Outdoor Retail
Building and Trade Contractors, including materials and supply uses	Laundry Mats	Places of worship
Cemeteries and accessory uses	Laundry and dry cleaning services	Public, Private, and Commercial parks and recreation, camping or social facilities
Civic, fraternal, professional, and political organizations	Light Manufacturing	Public and private utilities
Convenience stores (excluding motor vehicle services)	Liquor stores and bars	Railroad stations
Day Care Facilities (all ages)	Lumber and saw mills (portable)	Residential care facilities
Distribution and other Warehouses	Manufactured Home Dealers	Restaurants (up to 2,500 square feet)
Educational buildings, and Research Facilities (all types)	Marinas	Restaurants (greater than 2,500 square feet)
Emergency services	Mini storage or mini warehouses	Retail uses (up to 5,000 square feet)
Farm and roadside markets	Mixed Use buildings and parcels	Retail uses (5,000—50,000 square feet)
Financial Services	Motor vehicle parking and garages (as a principal business use)	Retail uses (greater than 50,000 square feet)
Forestry/Silviculture	Motor vehicle sales and rental	Roadside Stands
Fuel supply services	Motor vehicle services and repair	Single-family detached residential
Funeral homes and services	Motor vehicle services and gas stations (excluding truck stops)	
Golf courses, country clubs, driving ranges	Movie theaters	

Special Exception (requires approval from Board of Zoning Appeals)		
Air strips	Heavy Manufacturing	Taxidermy, slaughter houses and wild game processing
Communications towers	Liquor stores and bars	
Gun and bowery clubs and shooting ranges	Multi-family residential development (structures containing no more than 4 residential units)	

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.8. Industrial District (ID).

Title: Industrial district.

Definition: Those areas suited for light and/or heavy industries.

Intent: The intent of this district is to provide for the industrial and commercial needs of Oconee County while protecting other uses from potential negative impacts associated with such activities.

*Dimensional requirements:**

ID District	Minimum District Size		Minimum District Buffer			Max. Height
		10 Acres		50 feet		
Nonresidential Uses (interior lots)	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	90	30	10	15	200

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ARTICLE 10. ZONING DISTRICTS

Conditional Use (permitted if conditions are met)

Permitted		
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	Government buildings (excluding correctional facilities)	Motor vehicle sales and rental
Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc.	Greenhouses, nurseries, and landscape commercial services	Motor vehicle services and repair
Building and Trade Contractors, including materials and supply uses	Heavy Manufacturing	Motor vehicle services and gas stations (excluding truck stops)
Cemeteries and accessory uses	Greenhouses, nurseries, and landscape commercial services	Public and private utilities
Convenience stores (excluding motor vehicle services)	Light Manufacturing	Railroad stations
Distribution and other Warehouses	Lumber and saw mills (permanent)	Retail uses (up to 5,000 square feet)
Educational buildings, and Research Facilities (all types)	Lumber and saw mills (portable)	Retail uses (5,000 – 50,000 square feet)
Emergency services	Manufactured Home Dealer	Roadside Stops
Forestry/Silviculture	Mini storage or mini warehouses	Salvage yard, Junkyard, and Recycling Operations
Fuel supply services	Motor vehicle parking and garages (as a principal business use)	Waste management services (excluding hazardous waste)
Special Exception (requires approval from Board of Zoning Appeals)		
Air strips	Places of worship	Retail uses (greater than 50,000 square feet)
Communications towers	Restaurants (up to 2,500 square feet)	Solid waste landfill and Waste Management Services; (excluding hazardous waste)
Correctional facilities and half-way houses	Restaurants (greater than 2,500 square feet)	

*See Article 8 for general provisions and exceptions to Dimensional Requirements.

(Ord. No. 2012-14, July 5-15-2012)

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ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.9. Lake Residential District (LRD).

Title: Lake residential district.

Definition: Those areas around the lakes where the primary land is single family residential with limited multi-family residential use.

Intent: This district is intended to provide for residential single family development around the lakes and for those related uses that are normally associated with lake residential communities. Those uses that may generate negative secondary effects impacting the quality of life shall be discouraged.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (10,890 sf) Utilities Available	4 dwellings per acre	80	25	5	10	65
	½ acre Utilities not available	2 dwellings per acre	80	25	5	10	65
Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre or ⅓ acre depending on availability of utilities		80	35	10	30	65

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ARTICLE 10. ZONING DISTRICTS

Conditional Use (permitted if conditions are met)		
Conservation subdivisions	Home occupations and businesses	

Permitted		
Emergency services	Lumber and saw mills (portable)	Single-family subdivisions (10 units or less)
Forestry/Silviculture	Places of worship	Single-family detached residential
Golf courses, country clubs, driving ranges	Roadside Stands	

Special Exception (requires approval from Board of Zoning Appeals)		
Bed and Breakfast Inns	Multi-family residential development (structures containing 5 or more residential units)	Single-family subdivisions (more than 10 units)
Day Care Facilities (all ages)	Multi-family residential development (structures containing no more than 4 residential units)	
Mannas	Public, Private, and Commercial parks and recreation, camping or social facilities	

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

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ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.10. Mixed Use District (MUD).

Title: Mixed use district.

Definition: Those areas in which a mix of uses situated adjacent or nearby imposes no significant negative impacts, with the proximity of the activities associated with the development enhancing the surrounding properties.

Intent: This district is intended to provide for the development of mixed-use projects, as well as the continuation of, or expansion of, areas comprised of a blend of compatible uses.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre	2 units per acre	100	25	5	10	65
Non-residential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre		100	25	5	10	65 Ch. 32 Article 9

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ARTICLE 10, ZONING DISTRICTS

Conditional Use (permitted if conditions are met)		
Auction houses	Home occupations and businesses	Outdoor Retail
Conservation subdivisions	Motor vehicle services and repair	

Permitted		
Building and Trade Contractors, including materials and supply uses	Greenhouses, nurseries, and landscape commercial services	Places of worship
Cemeteries and accessory uses	Health care services, service retail, and emergency short term shelters	Public and private utilities
Civic, fraternal, professional, and political organizations	Laundromats	Restaurants (up to 2,500 square feet)
Convenience stores (excluding motor vehicle services)	Lumber and saw mills (portable)	Retail uses (up to 5,000 square feet)
Emergency services	Mixed Use Buildings and parcels	Roadside Stands
Financial Services	Motor vehicle services and gas stations (excluding truck stops)	Single-family detached residential
Forestry/Silviculture	Multi-family residential development (structures containing no more than 4 residential units)	Single-family subdivisions (10 units or less)
Funeral homes and services	Museums, cultural centers, historical sites, sightseeing, and similar institutions	Multi-family residential development (structures containing 5 or more residential units)
Government buildings (excluding correctional facilities)	Office uses, general	Single-family subdivisions (more than 10 units)

Special Exception (requires approval from Board of Zoning Appeals)		
Communications towers	Group homes	Residential care facilities
Day Care Facilities (all ages)	Laundry and dry cleaning services	Restaurants (greater than 2,500 square feet)
Distribution and other Warehouses	Light Manufacturing	Retail uses (5,000 – 50,000 square feet)
Educational buildings, and Research Facilities (all types)	Dance stores and bars	Single-family subdivisions (more than 10 units)
Fuel supply services	Multi-family residential development (structures containing 5 or more residential units)	-

*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 7-15-2012)

ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.11. Public and/or Recreational Lands District (PRLD).

Title: Public and recreational lands district.

Definition: Those areas set aside for the promotion, use, and protection of natural resources in the form of (but not limited to) parks, forests, and educational or research facilities; or federal, state, and county owned lands typically maintained for the benefit of the public.

Intent: This district is meant to provide for a continuation and identification of public lands and to allow for those uses typically associated with accomplishing the mission of the agency charged with the care and promotion of the land.

Conditional Use (permitted if conditions are met)

Permitted		
Educational buildings, and Research Facilities (all types)	Government buildings (excluding correctional facilities)	Places of worship
Farm and roadside markets	Lumber and saw mills (portable)	Public picnic, and commercial parks and recreation, camping or social facilities
Forestry/Silviculture	Museums, cultural centers, historical sites, sightseeing, and similar institutions	Public and private utilities

Special Exception (requires approval from Board of Zoning Appeals)

Commercial Fishing, Hunting and Trapping	Group Homes	
Communications towers	Marinas	

Dimensional requirements: See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5/15/2012)

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ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.12. Planned Development District (PDD).

Title: Planned development district.

Definition: Those areas suitable for relatively intense mixed-use development that offers significant amounts of open space and designed amenities that enhance the surrounding scenic, natural, and cultural characteristics.

Intent: This district is intended to allow flexibility in development that will result in improved design, character, and quality of new mixed-use developments in order to preserve natural and scenic features of open spaces that might be negatively impacted by more restrictive zoning districts.

Definitions: For the purposes of this district, the following definitions shall apply.

- (1) *Impervious surface ratio (ISR)*—The ratio of impervious surface area to a development's total area ($ISR = \text{Area of Impervious Surface} / \text{Total Project Area}$).
- (2) *Open space*—Portions of a project not occupied by private lots, amenities, public road right-of-ways, or other restricted or built-upon areas, that are generally accessible for passive recreational use by the development's residents, tenants, patrons and guests. Open space shall not include lawns, landscaping, and other areas considered accessory to a specific amenity or structure, but may include required buffer areas.

Uses:

Permitted uses: A listing of uses permitted within a particular planned development district shall be contained in a plan adopted as part of the regulations applying to that district only. Uses may be of similar residential or commercial character, or may consist of a mix of residential, commercial, or other appropriate uses. Uses shall be restricted to those listed in the adopted plan.

Dimensional requirements:

Project Area, Density and Open Space			Minimum Yard Requirements and Lot Size		Max. Height
Min. Project Area	Max. Density	Min. Open Space	Front, Side and Rear Setbacks	Min. Lot Size	Structure Height (ft.)
5 acres	Set in approved plan	15% of Site Project Area	Set in approved plan	Set in approved plan	65 Ch.32 Article 9

*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

Additional requirements:

ARTICLE 10. ZONING DISTRICTS

- (1) With the exception of the draft ordinance of amendments necessary to amend these zoning regulations to approve the planned development, all draft plans, agreements, or other materials related to the establishment of a planned development district shall be the responsibility of the developer.
- (2) All such plans shall be stamped and signed by an appropriate design professional licensed by the State of South Carolina.
- (3) Proposed planned developments shall meet standards established for non-residential parking, buffering/screening, and lighting established in Appendix A of [Chapter 38 \(Zoning\)](#) of the Oconee County Code of Ordinances, as amended.
- (4) All commercial signage in proposed planned developments shall be designed and located so as to avoid any negative impacts on neighboring uses both inside and outside the development. All road signage shall meet the standards established in the latest edition of the Manual of Uniform Traffic Control Devices.
- (5) All variations from adopted county regulations shall be specifically and clearly stated in the approved plan. Any regulation, standard or requirement not varied in an approved plan shall be strictly applied.
- (6) Proposed planned developments shall consist of a use mix of no less than five percent commercial, and 20 percent residential.
- (7) All historic and/or culturally significant structures and sensitive natural areas within the boundaries of the proposed planned development shall be identified on plans, and protected, preserved and maintained by methods endorsed by appropriate state and federal agencies. A maintenance plan for each such significant or sensitive feature shall be included as part of an approved planned development plan.
- (8) To the extent possible, all proposed planned developments shall be designed to provide for pedestrian and bicycle traffic, with 'bicycle lanes' included on roads designed to accommodate more than 400 average daily trips (ADT's). An all-weather trail or sidewalk designed to safely accommodate both pedestrian and bicycle traffic may be approved in lieu of this requirement.
- (9) Stormwater control measures shall be designed and maintained so as to adequately ensure post-construction runoff generated from planned development meets minimum requirements as defined by state regulations. Low impact development (LID) measures utilizing controls such as natural infiltration and vegetative conveyance systems, as well as stormwater wetlands, bio-retention areas, and vegetative filter strips are encouraged to be utilized to the extent possible.

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ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.13. Residential District (RD).

Title: Residential district.

Definition: Those areas where the primary land use is single family residential.

Intent: This district is intended to provide for residential single family development in the county and for those related uses that are normally associated with residential communities. Those uses that may generate negative secondary effects impacting life shall be discouraged.

*Dimensional requirements:**

Residential Uses	Density and Lot Size		Minimum Yard Requirements				Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sf) Utilities Available	4 dwellings per acre	80	25	5	10	65
	½ acre Utilities not available	2 dwellings per acre	80	25	5	10	65
Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements				Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre or ½ acre depending on availability of utilities		80	35	10	30	65

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ARTICLE 10. ZONING DISTRICTS

Conditional Use [permitted if conditions are met]		
Conservation subdivisions	Home occupations and businesses	

Permitted		
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	Government buildings (excluding correctional facilities)	Public, Private, and Commercial parks and recreation, camping or social facilities
Cemeteries and accessory uses	Lumber and saw mills (portable)	Roadside Stand
Emergency services	Multi-family residential development (structures containing no more than 4 residential units)	Single-family detached no dental
Forestry/Silviculture	Museums, cultural centers, historical sites, sightseeing, and similar institutions	Single-family subdivisions (10 units or less)
Golf courses, country clubs, driving ranges	Places of worship	Single-family subdivisions (more than 10 units)

Special Exception [requires approval from Board of Zoning Appeals]		
Bed and Breakfast Inns	Group Homes	Office uses, general
Clubs, fraternal, professional, and political organizations	Marinas	Residential care facilities
Day Care Facilities (all ages)	Mixed Use Buildings and projects	
Educational buildings, and Research Facilities (all types)	Multi-family residential development (structures containing 5 or more residential units)	

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

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ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.14. Rural Residential District (RRD).

Title: Rural residential district.

Definition: Those areas wanting to protect the rural nature of their community but allow for limited residential growth.

Intent: The intent of this district is to allow for residential development in rural areas that wish to minimize the impact of dense residential development.

Dimensional requirements: *

Residential Uses	Density and Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres	1 dwelling per 5 acres	400	35	20	50	65
Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres		600	35	20	50	See Ch. 32 Article 9

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ARTICLE 10. ZONING DISTRICTS

Conditional Use (permitted if conditions are met)		
Conservation subdivisions	Home occupations and businesses	Restaurants (up to 2,500 square feet)

Permitted		
Agricultural production, crops, livestock, and poultry	Forestry/Silviculture	Places of worship
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	Government buildings (excluding correctional facilities)	Public, Private, and Commercial parks and recreation, camping or social facilities
Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc.	Greenhouses, nurseries, and landscape commercial services	Public and private utilities
Auction houses	Health care services, senior retail, and emergency short term shelters	Retail uses (up to 5,000 square feet)
Bed and Breakfast Inns	Lumber and saw mills (portable)	Goodsie Stands
Cemeteries and accessory uses	Mixed Use Buildings and parcels	Single-family detached residential
Civic, fraternal, professional, and political organizations	Motor vehicle services and gas stations (excluding truck stops)	Single-family subdivisions (10 units or less)
Emergency services	Museums, cultural centers, historical sites, sightseeing, and similar institutions	Taxidermy, Slaughter houses and wild game processing
Farm and roadside markets	Outdoor Retail	

Special Exception (requires approval from Board of Zoning Appeals)		
Air strips	Day Care Facilities (all types)	Marinas
Commercial Fishing, Hunting and Trapping	Educational buildings, and research facilities (all types)	Residential care facilities
Communications towers	Group Homes	Restaurants (greater than 2,500 square feet)
Convenience stores (excluding motor vehicle services)	Golf and Archery clubs and shooting ranges	Retail uses (5,000—50,000 square feet)

*See [Article 9](#) for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-16 § 1, 5-15-2012)

ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.15. Traditional Rural District (TRD).

Title: Traditional rural district.

Definition: Parcels located in areas with little or no commercial, industrial, or other significant development; residential development is primarily limited to single-family dwellings. Public infrastructure is limited.

Intent: This district is meant to provide for a continuation of traditional lifestyles in sparsely populated areas with low intensity commercial, industrial, or other development; and to preserve the character of more remote rural areas. Additionally, residents of traditional rural areas typically have access to fewer public conveniences than more urban areas, but retain greater freedom in the manner in which they use their land.

*Dimensional requirements:**

Residential uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. lot size	Max. Density	Min. width (ft.)	Front setback (ft.)	Side setback (ft.)	Rear setback (ft.)	Structure height (ft.)
	½ acre (21,780 sf)	2 dwellings per acre	80	35	10	20	65
Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	
	½ acre (21,780 sf)	80	35	10	20	65Ch. 32 Article 9	

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ARTICLE 10. ZONING DISTRICTS

Conditional Use (permitted if conditions are met)		
Conservation subdivisions	Home occupations and businesses	Restaurants (up to 2,500 square feet)

Permitted		
Agricultural production, crops, livestock, and poultry	Financial Services	Multi-family residential development (structures containing no more than 4 residential units)
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	Forestry/Silviculture	Museums, cultural centers, historical sites, sightseeing, and similar institutions
Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc.	Government buildings (excluding correctional facilities)	Office uses, general
Auction houses	Greenhouses, nurseries, and landscape commercial services	Outdoor Retail
Auditorium/Indoor Public Assembly	Health care services, service retail, and emergency short term shelters	Places of worship
Bed and Breakfast Inns	Laundromats	Public, Private, and Commercial parks and recreation, camping or social facilities
Building and Trade Contractors, including materials and supply uses	Laundry and dry cleaning services	Public and private utilities
Cemeteries and accessory uses	Light Manufacturing	Railroad stations
Clubs, fraternal, professional, and political organizations	Lumber and saw mills (permanent)	Retail uses (up to 5,000 square feet)
Commercial Fishing, Hunting and Trapping	Lumber and saw mills (portable)	Roadside Stands
Convenience stores (excluding motor vehicle services)	Mixed Use Buildings and Parcels	Single-family detached residential
Day Care Facilities (all ages)	Motor vehicle services and repair	Single-family subdivisions (10 units or less)
Distribution and other Warehouses	Motor vehicle services and gas stations (excluding truck stops)	Taxidermy, slaughter houses and wild game processing
Emergency services	Movie theater	
Farm and roadside markets	Multi-family residential development (structures containing 5 or more residential units)	

Special Exception (requires approval from Board of Zoning Appeals)		
Air strips	Hotels, Motels, and Inns	Retail uses (5,000—50,000 square feet)
Communications towers	Marinas	Salvage yard, Junkyard, and Recycling Operations
Educational buildings and research facilities (all types)	Mining	Single-family subdivisions (more than 10 units)
Golf courses, country clubs, driving ranges	Motor vehicle sales and rental	Solid waste landfill and Waste Management Services; (excluding hazardous waste)
Group Homes	Residential care facilities	Waste management services (excluding hazardous waste)
Gun and Archery clubs and shooting ranges	Restaurants (greater than 2,500 square feet)	

*See Article 9 for general provisions and exceptions to dimensional requirements.

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Zoning Use Matrix

Zones →	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Uses ↓	Zoning Use Matrix											
Agricultural production, crops, livestock, and poultry	P	P	X	P	P	X	X	X	X	X	X	X
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	P	P	P	P	P	X	P	X	P	P	P	X
Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc.	P	P	P	X	P	X	X	X	P	P	P	X
Air strips	S	S	X	X	S	X	X	X	X	S	S	X
Auction houses	P	P	S	X	P	X	X	X	C	C	X	C
Auditorium/Indoor Public Assembly	P	S	X	X	X	X	X	X	P	P	X	X
Bed and Breakfast Inns	P	C	P	S	P	X	S	S	C	P	X	X
Building and Trade Contractors, including materials and supply uses	P	P	S	X	X	X	X	X	P	P	P	P
Cemeteries and accessory uses	P	P	P	P	P	X	P	X	C	P	P	P
Civic, fraternal, professional, and political organizations	P	P	P	X	P	X	S	X	P	P	X	P
Commercial Fishing, Hunting and Trapping	P	P	S	S	S	S	X	X	X	X	X	X
Communications towers	S	S	S	S	S	S	X	X	S	S	S	S

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Zones →	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Conservation subdivisions	C	C	C	SC	C	X	C	C	X	C	X	C
Convenience stores (excluding motor vehicle services)	P	S	S	X	S	X	X	X	P	P	P	P
Correctional facilities and half way houses	X	X	X	X	X	X	X	X	X	X	S	X
Day Care Facilities (all ages)	P	P	S	X	S	X	S	S	P	P	X	S
Distribution and other Warehouses	P	P	X	X	X	X	X	X	S	P	P	S
Educational buildings, and Research Facilities (all types)	S	S	X	S	S	P	S	X	P	P	P	S
Emergency services	P	P	P	X	P	X	P	P	P	P	P	P
Farm and roadside markets	P	P	P	P	P	P	X	X	P	P	X	X
Financial Services	P	S	X	X	X	X	X	X	P	P	X	P
Forestry/Silviculture	P	P	P	P	P	P	P	P	P	P	P	P
Fuel supply services	X	P	X	X	X	X	X	X	S	P	P	S
Funeral homes and services	X	X	X	X	X	X	X	X	P	P	X	P
Golf courses, country clubs, driving ranges	S	X	S	X	X	X	P	P	X	P	X	X
Government buildings (excluding correctional facilities)	P	S	X	S	P	P	P	X	P	P	P	P
Group Homes	S	S	S	X	S	SX	S	X	X	X	X	S
Greenhouses, nurseries, and landscape commercial services	P	P	P	S	P	X	X	X	P	P	P	P

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Zones →	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Gun and Archery clubs and shooting ranges	S	S	X	S	S	X	X	X	X	S	X	X
Health care services, service retail, and emergency short term shelters	P	P	S	X	P	X	X	X	P	P	X	P
Heavy Manufacturing	X	X	X	X	X	X	X	X	X	S	P	X
Home occupations and businesses	C	C	C	C	C	X	C	C	C	C	X	C
Hotels, Motels, and Inns	S	S	X	X	X	X	X	X	P	P	X	X
Laundry Mats	P	P	P	X	X	X	X	X	P	P	X	P
Laundry and dry cleaning services	P	X	X	X	X	X	X	X	P	P	X	S
Light Manufacturing	P	S	X	X	X	X	X	X	S	P	P	S
Liquor stores and bars	X	X	X	X	X	X	X	X	S	S	X	S
Lumber and saw mills (permanent)	P	P	X	X	X	X	X	X	X	X	P	X
Lumber and saw mills (portable)	P	P	P	P	P	P	P	P	P	P	P	P
Manufactured Home Dealer	X	X	X	X	X	X	X	X	X	P	P	X
Marinas	S	S	S	X	S	S	S	S	P	P	P	X
Mini storage or mini warehouses	X	X	X	X	X	X	X	X	P	P	P	X
Mining	S	S	X	X	X	X	X	X	X	X	X	X
Mixed Use Buildings and parcels	P	P	X	X	P	X	S	X	P	P	X	P
Motor veh. parking/garages (as a principal business use)	X	X	X	X	X	X	X	X	P	P	P	X

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Zones →	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Motor vehicle sales and rental	S	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle services and repair	P	P	P	X	X	X	X	X	C	P	P	C
Motor vehicle services and gas stations (excluding truck stops)	P	P	X	X	P	X	X	X	P	P	P	P
Movie theater	P	X	X	X	X	X	X	X	S	P	X	X
Multi-family residential development (structures containing 5 or more residential units)	P	X	S	X	X	X	S	S	S	P	X	SC
Multi-family residential development (structures containing no more than 4 residential units)	P	X	S	X	X	X	P	S	S	S	X	P
Museums, cultural centers, historical sites, sightseeing, and similar institutions	P	P	P	S	P	P	P	X	P	P	X	P
Office uses, general	P	X	X	X	X	X	S	X	P	P	X	P
Outdoor Retail	P	P	P	X	P	X	X	X	P	P	X	C
Places of worship	P	P	P	P	P	P	P	P	P	P	S	P
Public, Private, and Commercial parks and recreation, camping or social facilities	P	P	P	S	P	P	P	S	P	P	X	X
Public and private utilities	P	P	P	P	P	P	X	X	P	P	P	P
Railroad stations	P	X	X	X	X	X	X	X	P	P	P	X
Residential care facilities	S	X	X	X	S	X	S	X	P	P	X	S

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Zones →	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Restaurants (up to 2,500 square feet)	C	P	S	X	C	X	X	X	P	P	S	P
Restaurants (greater than 2,500 square feet)	S	S	X	X	S	X	X	X	P	P	S	S
Retail uses (up to 5,000 square feet)	P	S	S	X	P	X	X	X	P	P	P	P
Retail uses (5,000—50,000 square feet)	S	X	X	X	S	X	X	X	X	P	P	S
Retail uses (greater than 50,000 square feet)	X	X	X	X	X	X	X	X	X	P	S	X
Roadside Stands	P	P	P	P	P	X	P	P	P	P	P	P
Salvage yard, Junkyard, and Recycling Operations	S	S	X	X	X	X	X	X	X	X	P	X
Single-family detached residential	P	P	P	P	P	X	P	P	P	P	X	P
Single-family subdivisions (10 units or less)	P	S	P	X	P	X	P	P	P	X	X	P
Single-family subdivisions (more than 10 units)	S	X	X	X	X	X	P	P	S	X	X	SC
Solid waste landfill and Waste Management Services; (excluding hazardous waste)	S	S	X	X	X	X	X	X	X	X	S	X
Taxidermy, slaughter houses and wild game processing	P	P	S	S	P	X	X	X	S	S	X	X
Waste management services (excluding hazardous waste)	S	S	X	X	X	X	X	X	X	X	P	X
Wi-Fi Tower, if height < 65 feet	P	P	P	P	P	P	P	P	P	P	P	P
Wi-Fi Tower, if height > 65 feet	S	S	S	S	S	S	S	S	S	S	S	S

X—Not permitted C—Conditional use - permitted if conditions are met
P—Permitted S—Special exception - approved by Board of Zoning Appeals

[Ord. No. 2012-14, § 1, 5-15-2012]

ARTICLE 11. - OVERLAY DISTRICTS

The following overlay districts are hereby created to guide development within areas of Oconee County deemed to be of extraordinary value to its citizens. The standards applicable within the boundaries of the various overlays are intended to encourage and maintain positive attributes, while limiting the negative effects associated with unmanaged growth.

Sec. 38-11.1. - Lake overlay district.

Sec. 38-11.2. - I-85 overlay district.

Sec. 38-11.1. - Lake overlay district.

- (a) *Title:* Lake overlay district.
- (b) *Definition:* The lake overlay is not intended to be a separate zoning district, but shall be assigned to the shoreline areas of Oconee County lakes that are considered by county council to be vital to the economic prosperity and general well-being of all county citizens.
- (c) *Intent:* This overlay is intended to protect water quality, maintain natural beauty, and limit secondary impacts of new development that may negatively affect the lifestyles of those living near the lakeshore and the general enjoyment of the lakes by all citizens.
- (d) *Complaints:* The following applies to those parcels wholly or partially within the Lake Overlay: All complaints of violations shall be submitted in writing on a form provided by the Community Development Director. The complaint shall include a detailed description of the alleged violation, as well as the complainant's name, address and signature. Any person who owns a parcel(s), wholly or partially within the Lake Overlay, may file a complaint regarding a parcel that is wholly or partially within the Lake Overlay.
- (e) *Boundary:* The boundaries of the lake overlay district are shown on the Official Oconee County Zoning Map, and are divided into the following sub-districts:
 - (1) *Keowee/Jocassee Overlay (Lakes Keowee and Jocassee).* The following standards shall apply within 750 feet of the full pond contour of Lake Keowee and Lake Jocassee, to be measured along a perpendicular line from the full-pond contour.
 - a. *Standards.*
 - 1. No single-family or multi-family development shall have a net density greater than two dwelling units per acre within the boundary of the overlay.
 - 2. All single family lakefront lots shall:
 - (i) be a minimum of ½ acre in area,
 - (ii) be a minimum of 100 feet wide at the build line,
 - (iii) have side setbacks that, when combined, equals a minimum of 20 feet with the minimum side setback for one side being 5 feet
 - (iv) have a minimum setback of 50 feet from the full pond contour.
 - 3. All multi-family building of 5 units or more on the lakefront shall:
 - (i) have a minimum setback of 100 feet from the full pond contour,
 - (ii) be setback a minimum of 50 feet from all structures on the property,

(iii) have a minimum of a 25 foot side setback.

4. All multi-family buildings with two – four units on the lakefront shall:

(i) have a minimum setback of 50 feet from the full pond contour.

(ii) be setback minimum of 50 feet from all structures on the property.

(iii) utilize a staggered pattern when placing more than one structure on the property. Specifically, the front façade of each structure shall not be in line with each other. Front facades building lines shall be setback a minimum 25 feet from one another as show below:

INSERT PHOTO

For the purposes of this article, lakefront shall not mean any area allocated to the Vegetative Buffer described below.

5. No structure constructed in the overlay shall have a building height greater than 65 feet above finished grade. In no circumstance shall the grade elevation be altered beyond that necessary to provide for structural soundness. For the purposes of this section, unless otherwise stated, all dimensions, heights, elevations and other specifications related to structures shall be measured in accordance with adopted building codes.
6. Marinas and commercial boat storage shall comply with Duke Energy's regulations and shall not be located within a mile radius of an existing platted and properly recorded subdivision.
7. All non-residential projects that have a proposed developed area fully or partially located within the boundaries of the Lake Keowee/Jocassee Overlay shall be subject to a special exception hearing by the board of zoning appeals. The board of zoning appeals shall use Appendix A as a guide and for good cause shown they may waive the strict application of any standard therein.
8. Natural vegetative buffer.
 - (i) A natural vegetative buffer shall be established on all waterfront parcels whose property line is located within 25 feet from the full pond contour. Those parcels not meeting this criteria shall be exempt from this standard.
 - (ii) The buffer shall extend to a depth of 25 feet measured along a perpendicular line from the full-pond contour; in the event permanent shoreline stabilization, such as rip-rap, retaining walls, is located at the full-pond contour, the buffer may begin at the back of the stabilization, provided the minimum required area is achieved. Right-of-way maintenance activities by all utilities shall be exempt.
 - (iii) All structures and landscaping existing at the time of adoption of this chapter shall be considered as permitted and shall not be considered impediments to the buffer. Any new structures or any other new objects that are impediments to the establishment of the required buffer shall be placed outside the natural buffer areas unless the total square footage occupied by the structure, not to exceed 20 percent of the required buffer area, is added to the buffer at another location on

the same parcel, provided the resulting buffer area is equal to the required buffer area, and the effectiveness of the buffer is not compromised.

- (iv) In order to ensure that the natural buffer is maintained during the development of property a properly installed and maintained silt fence shall be installed 25 feet from the full pond elevation, separating the buffer from the developed area, until the completion of construction. No construction or disturbance shall occur below the silt fence unless it is deemed necessary by a certified arborist to remove diseased trees. Dead trees may be removed with the approval of the zoning administrator. No trees larger than six-inch caliber at four feet from the ground shall be removed unless certified to be a hazard by a registered forester or arborist. Trees may be limbed up to 50 percent of their height. A removal plan shall be submitted for approval.
- (v) No development activity or soil disturbance shall occur in the buffer area, unless permitted by the zoning administrator.
- (vi) Shoreline stabilization shall be permitted provided any soil disturbance or other stabilization activities are supervised and approved by the appropriate licensed design professional and submitted to the zoning administrator.
- (vii) A map indicating those parcels to which the standards of this section apply, as well as the status of the establishment of the required buffer, shall be created and maintained as a layer in the county's Geographic Information System (GIS), and shall be available to the public.
- (viii) Natural, existing vegetation is encouraged; however, the following mix of plants shall be required for every 2,500 square feet of vegetative buffer area that is established by planting:
 - (1) The following mixture of plants for every 2,500 square feet of natural vegetative buffer shall be required when existing:
 - a. Three large maturing shade trees, equally spaced, four-inch or greater caliber at four feet.
 - b. Three understory trees, equally spaced, two-inch or greater caliber at four feet.
 - c. Six small evergreen trees.
 - d. Twenty shrubs; or
 - (2) A diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses where available and suited to the site.
- (ix) A view lane of no more than 15 percent of the buffer area shall be permitted in the natural buffer area. Impervious surface no greater than 20 percent of the allowed view lane area is permitted. All impervious surfaces shall be considered part of the view lane. Other structures must be temporary.
- (x) No new manicured lawns or other managed grasses shall be established within the buffer area. Additionally, no clear cutting or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the buffer area.
- (xi) In the event that a property owner is unable to establish the said buffer they may request a variance, to be considered at a hearing before the board of zoning appeals, stating the reasons why a buffer cannot be established. The board of

zoning appeals of zoning appeals may, in its sole discretion, grant or not grant such variance, for good cause shown.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-11.2. - I-85 overlay district.

Title: I-85 overlay district.

Definition: The I-85 overlay district is not intended to be a separate zoning district, but shall be assigned to those areas county council has determined to be essential to the future economic prosperity and general well being of all Oconee County citizens.

Intent: The overlay is intended to promote development that reflects the best building and site design practices in a manner that will maintain the greatest marketability of the area over time, while limiting any negative effects that may impact the existing lifestyle of the area's citizens.

Boundary: The boundaries of the I-85 overlay district shall be shown on the Official Oconee County Zoning Map:

The I-85 overlay district shall be divided into the following sub-districts:

- (a) Carolina Gateway (Interstate 85).
- (b) Fair Play Village.
- (c) Cleveland Creek.

Standards:

- (1) No new residential subdivision development consisting of more than ten residential housing units proposed for any sub-district of the I-85 overlay shall have a gross density greater than ~~one~~ two dwelling units per acre, unless otherwise specified by this chapter.
- (2) Sexually oriented businesses, as defined by the Unified Performance Standards chapter of the Oconee County Code of Ordinances, shall not be located in the I-85 overlay district.

The following standards shall apply within one or more of the sub-districts of the I-85 overlay, as specified:

- (1) Carolina Gateway sub-district:
 - A. The regulations contained within Appendix A of this chapter shall apply in their entirety to all non-residential uses within the Carolina Gateway (Interstate 85) overlay, excluding agriculture uses.
- (2) Fair Play Village sub-district:
 - A. All new primary and accessory residential buildings proposed to be located within the boundaries of the Fair Play Village sub-district shall be subject to the following standards:
 - 1. Maximum density: Two dwelling units per acre.
 - 2. Setbacks: Front - 25 feet; Side - Five feet; Rear - Ten feet.
 - B. All new lots/parcels shall have a minimum lot width on road frontage of 100 feet.
 - C. All structures and properties located in the Fair Play Village overlay constructed, installed or maintained in such a manner as to permit the harborage of rodents, mosquitoes, or any

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other pest or vermin, shall within 30 days of notification (by certified mail) by the zoning administrator repair, upgrade, clean or otherwise improve the structure or property so as to mitigate the situation. In the event the owner of a structure deemed to be in violation of this standard can demonstrate the need for additional time beyond 30 days from the date of notification to complete necessary work, provided all imminent hazards to residents and the public have been mitigated, the zoning administrator may grant up to an additional 60 days for completion.

- D. Proposed structures to be located in the Fair Play Village sub-district subsequent to the adoption of this standard shall be subject to the following:
1. All non-residential and non-agricultural structures and uses shall conform to the standards established in Appendix A of this chapter, and excepting those required by this or any other chapter of the Oconee County Code of Ordinances to be approved as a special exception by the Oconee County Board of Zoning Appeals, shall be subject to review and approval by the Oconee County Planning Commission.
 2. Single-family residential developments proposed to consist of greater than two units, and all multi-family residential developments, shall be subject to review and approval by the Oconee County Planning Commission.
 3. Proposed structures, of any type, intended for occupancy shall meet the following standards:
 - i. Foundations and/or underpinning shall be constructed of concrete, masonry (brick or block), or similar material, and designed so as to provide a continuous, permanent, and attractive impediment to the harborage of rodents and vermin.
 - ii. A lawn or landscaped area cleared of weeds, excess undergrowth, and any other materials or debris that may attract rodents, mosquitoes, and other potential threats to occupants and/or the public shall be established for each residential unit prior to final approval for occupation.
 - iii. Access to residences shall be from an all-weather driveway and/or parking area.
 4. New development proposed to be located in the area delineated on the Official Oconee County Zoning Map as the "Village Center" of the Fair Play Village sub-district shall, in addition to all other standards applicable to the Fair Play Village sub-district, be subject to the following:
 - i. Orientation: All new primary residential structures located in the Village Center shall be oriented to the public thoroughfare.
 - ii. All industrial uses shall be approved as a special exception by the board of zoning appeals.
 - iii. The height of all proposed structures shall be no greater than 30 feet, to be determined by measures approved in adopted building codes.
 5. Free-standing signage of any type subject to permit by this chapter of the Code of Ordinances, to include monument or other signage not attached to or otherwise supported by a primary structure, shall not exceed seven feet in height above grade. No signage shall be situated or installed on a berm or other elevated surface or device intended to increase the height of a sign subject to this standard.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2012-34, § 2(Exh. A), 1-22-2013)

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ARTICLE 12. - TERMS AND DEFINITIONS

ARTICLE 12. - TERMS AND DEFINITIONS

Sec. 38-12.1. - Rules of construction and interpretation of terms.

Sec. 38-12.2. - Definitions.

Sec. 38-12.1. - Rules of construction and interpretation of terms.

The following rules shall govern the interpretation of words and phrases used in this chapter:

- (1) *Customary meanings of words.* The words and phrases used in this chapter shall have their customary meanings except for specific words and phrases.
- (2) *Tense.* The present tense includes the future tense.
- (3) *Number.* The singular number includes the plural number, and the plural number includes the singular number.
- (4) *Person.* The word "person" includes a firm, association, partnership, trust, company, corporation or any other entity usually defined in legal usage as a person.
- (5) *Shall and may.* The word "shall" is mandatory; the word "may" is permissive.
- (6) *Used and occupied.* The word "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
- (7) *Building.* The word 'building' includes all structures of every kind, except fences and walls regardless of similarity to buildings.
- (8) *Used for.* The term 'used for' shall include the phrases: arranged for, designed for, intended for, and occupied for.
- (9) *Lot.* The word "lot" shall include the words: piece, tract, and plot.
- (10) *Contiguous as applied to lots.* The word "contiguous" shall be interpreted as meaning: sharing a common lot boundary at any point, and not separated by an intervening public street or alley.
- (11) *Contiguous as applied to planning districts or zoning classifications.* The word "contiguous" shall be interpreted as meaning: sharing a common boundary at any point, disregarding any intervening public street or alley.
- (12) *On the premises of.* The phrase "on the premises of" as applied to accessory uses or structures shall be interpreted to mean: on the same lot or on a contiguous lot in the same ownership.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-12.2. - Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word shall is mandatory, not directory.

Abandoned sign: A sign which is not being maintained as required by S.C. Code of Laws, 1976, as amended § 57-25-110, or which is overgrown by trees or other vegetation not on the road right-of-way, or

ARTICLE 12. - TERMS AND DEFINITIONS

which has an obsolete advertising message or no advertising message for a period of six months. Any public service signage shall not be considered abandoned under this definition.

Abutting: Having property or district lines in common; i.e.; two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

Access: A way of approaching or entering a property. Access also includes ingress, the right to enter and egress, and the right to leave.

Accessory building or use: A building or use, not including signs, which is:

- (1) Conducted or located on the same parcel as the principal building or use, except as may be specifically provided elsewhere in the chapter;
- (2) Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and
- (3) Either in the same ownership as the principal use or is clearly operated or maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Addition (to an existing building): Means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior to the initial flood insurance study for that area, and the addition, renovation or reconstruction does not equal 50 percent of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Adult entertainment establishment (sexually oriented business): Includes clubs and eating and drinking establishments with nude or seminude entertainment or dancing; physical culture establishments, such as but not limited to, establishments that include adult bookstores, adult motion picture theaters, adult motels and hotels, and other similar establishments which depict or emphasize sexual activities and/or nudity.

Affected land (relating to mining): The surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and settling ponds.

Agriculture: The practice of farming by means of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry, and animal and poultry husbandry.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley: A public or private right-of-way or easement primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street, and not intended for general traffic.

Alter: To make any structural changes in the supporting or load-bearing members of a building, such as load-bearing walls, columns, beams, girders, or floor joists.

Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in a multi-family structure, duplex, or as an accessory use in a single family home or a commercial building.

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Apartment house: (See Multi-family housing)

Area of special flood hazard: Is the land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

Awning, canopy, marquee: A roof-like cover that is temporary or portable in nature and that project from the wall of a building for the purpose of shielding a doorway or window from the elements. Canopies and marquees are rigid, structures of a more permanent nature attached to a building or supported by columns extending to the ground.

Bed and breakfast: Sleeping accommodations for travelers where meals may be included or available. There is no restaurant, but a dining room may be used by overnight guests only. The owner must be a resident.

Billboard: Large format outdoor advertising displays or signs intended for viewing from extended distances. Billboards include but are not limited to 30-sheet posters, eight-sheet posters, vinyl-wrapped posters, bulletins, wall murals, and stadium/arena signage as defined by the Outdoor Advertising Association of America. Typically the sign area of a billboard ranges anywhere from 50 square feet to 872 square feet.

Board of zoning appeals: A local body, created by ordinance pursuant to the authority of Chapter 28 of Title 6 of the South Carolina Code of Laws, 1976, as amended, whose responsibility is to hear appeals from decisions of the zoning administrator and to consider requests for variances from the terms of the zoning chapter.

Boarding house: A building other than a hotel, inn, or motel, where, for compensation, meals are served and lodging is provided.

Buffer: A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

Buffer, undisturbed natural vegetative: An area consisting of an undisturbed, maintenance free, self-perpetuating stand of vegetation comprised of plants, trees, and vegetation that normally survive in Oconee County without the need of fertilizers, herbicides, or pesticides.

Buildable area (building envelope): The space remaining on a parcel after the minimum open space requirements (yards, setbacks) have been met.

Building: Any roofed structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto.

Building, accessory: See Accessory Building or Use.

Building footprint: The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.

Building height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.

Building lot coverage: The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

Building, principal (main): A building in which is conducted the principal use of the parcel on which it is situated.

Building setbacks: The minimum distance from the property line to closest projection of the exterior face of buildings, walls, or other form of construction (i.e. decks, landings, terraces, porches, and patios on grade).

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Building setback line: The line on the front, rear, and sides of a lot, set according to the district regulations, which delineates the areas upon which a structure may be built or maintained. At the time of application, all yard setbacks are determined from the most recent Oconee County Tax Map.

Front yard setback—Shall be measured from the roadway right-of-way as shown on tax maps.

Side and rear yard setbacks—Shall be measured from the property lines as shown on tax maps.

Corner lot setbacks—Shall be measured from the roadway right-of-ways it is adjacent to.

On a flag lot the "building setback line" runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the "flag" part of the lot, not the "pole" part), which is closest to the street. (The minimum lot width must be met in this area, as well. Therefore, if the point closest to the street is a corner rather than a line, the setback will have to extend as far as necessary to meet the required minimum lot width!)

Built-upon area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc.

Campground: Land upon which, for compensation, shelters (such as tents, travel trailers, and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

Centerline: A line along the center of a road, highway, river, creek, or property that equal divides the object into two equal parts; a line running through the middle.

Centroid: The geometric center of a polygon. In spatial information systems (GIS), the centroid is a point in a polygon to which attribute information about that specific area is linked. It is the "center of gravity" or mathematically exact center of an irregularly shaped polygon. The centroid is the center.

Certificate of occupancy: Official certification that a premise conforms to provisions of the zoning chapter (and state building code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Civic, fraternal, professional, and political organizations: A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.

Common open space or green space: A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common open space shall be substantially free of structures, but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

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Conditional use(s): Provisions that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district which have been set forth in the text of the zoning chapter.

Condominium: An attached multi-family dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual, and such ownership is not inclusive of any land.

Contractor: One who accomplishes work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from his business location. As used in this chapter, the term "contractor" does not include general assembly, fabrication, or manufacture at his business location.

Convenience store: A commercial building where a variety of items are sold, which may include food, magazines, automobile accessories and maintenance supplies, and other such items. In addition to the commercial building, other services on the premises may include gasoline sales, and a coin operated (automated) car wash.

Conversion: Changing the original purpose of the building to a different use.

County council: The governing body of Oconee County.

Covenant: A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.

Current land use map: A nonregulatory map that graphically represents the existing land use, by parcel, throughout the county.

Day care facility (adults and children): A commercial facility, which provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. All state registration requirements and inspections shall be met.

Dedication: The transfer of property from private to public ownership with or without compensation involved.

Density: The average number of families, persons, housing units, or buildings per unit of land.

Density, gross: The total number of dwelling units proposed on a property per acre.

$$\text{Gross density} = \frac{\text{Proposed number of dwelling units}}{\text{The total acreage}}$$

Density, net: The total number of dwelling units proposed on a property per acre after the area of the infrastructure is taken into account.

$$\text{Net Density} = \frac{\text{Proposed number of dwelling units}}{(\text{The total acreage} - \text{roads and right-of-ways})}$$

District, zoning: A specifically delineated area in a planning district, shown on the official zoning map, within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Dripline: A collective name for all vertical lines from the earth to the outmost tips of the crown of a tree. These lines will completely encircle the tree and thereby define its outermost reaches.

Driveway: A private roadway located on a parcel or lot used for vehicle access.

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Dwelling: A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

Dwelling, single-family: A building containing one dwelling that is entirely surrounded by open space on the same lot, but may include separate units as accessory uses to be occupied only by employees or relatives of the household.

Easement: A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property. No land is dedicated to the party receiving an easement, only permission to use the land for a specific purpose.

Elevated building: Means, for floodplain management purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

Erect: Build, construct, erect, rebuild, reconstruct, or re-erect any building or other structure.

Exempted residential facility: Residential summer camps, day facilities, and religious retreat facilities, any of which do not provide for long-term stays of 30 days or more. Hospitals, nursing homes, and accredited college/accredited university housing are exempted from this definition.

Facade: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Farm and roadside market: A market or stand operated on a seasonal or year-round basis that allows for agricultural producers to retail their products and agricultural related items directly to consumers and enhance income through value-added products, services, and activities.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and,
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area (for determining off-street parking and loading requirements): the gross total horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production. However, "floor area", for the purpose of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted above); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or business or professional offices.

Floor area, gross: The total floor area enclosed within a building.

Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

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Frontage: All of the real property abutting a street line measured along the street right-of-way.

Future land use map (FLUM): A nonregulatory map that graphically represents what the citizens would like to see the county look like in the future; bringing together the goals expressed in all of the elements of the Comprehensive Plan.

Garage, private: A building or space used as an accessory to, or a part of, the main building permitted in any district, providing for the storage of motor vehicles, and in which no business, occupation, or service for profit is in any way conducted, except in an approved home occupation.

Glare: The effect of brightness in the field of view that causes annoyance or discomfort or interferes with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

Grade: The percent of rise or descent of a sloping surface; the average elevation of a specified area of land.

Greenhouses, nursery, and landscape commercial services: A place where various plants and trees are grown for sale, transplanting, or experimentation.

Groundcover: Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

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

Home occupation: Any occupation or profession carried on entirely within a dwelling or accessory building on the same parcel by one or more occupants thereof, providing the following:

- (1) That such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes; this shall be construed to include in-home duly licensed daycare;
- (2) That no more than 25 percent of the total floor area of the dwelling is used for such purposes;
- (3) That there is no outside or window display;
- (4) That no mechanical or electrical equipment is installed or used other than is normally used for domestic, or hobby purposes; and,
- (5) That not more than one person not a resident of the dwelling is employed in connection with the home occupation.

Hotel: A building or other structure kept, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants. Rooms are furnished for the accommodation of such guests, and the hotel may or may not have one or more dining rooms, restaurants, or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, are located in the same building. Entry to sleeping rooms shall be from the interior of the building.

Impervious surface: Four square feet or more of continuous surface area of any material that prevents absorption of stormwater into the ground.

Intensity of use: A measure of the extent to which a land parcel is developed.

Landfill, solid waste: A sanitary landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

Landfill, waste management services: A facility where waste material and refuse is placed temporarily for shipping to the appropriate facility.

Landscape architect: A professional landscape architect registered by the State of South Carolina.

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Landscaped area: A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns, and plantings.

Large-maturing tree: An evergreen or deciduous tree having a mature height of over 35 feet. Examples include but are not limited to: sycamore, oak, deodar cedar, red maple, elm, red cedar.

Large-maturing shade tree: An evergreen or deciduous tree having a mature height of over 35 feet with a substantial canopy that provides shade and overhead cover. Examples include but are not limited to: sycamore, oak, red maple, elm.

Loading area or space, off-street: An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

Lot: A parcel of land in undivided ownership occupied, or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this chapter, either shown on a plat of record or described by metes and bounds and recorded with the register of deeds. For the purpose of this chapter, the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

Lot, corner: A lot abutting the intersection of two or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than 135 degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this chapter, such as in corner visibility requirements.

Lot, depth: The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

Lot, interior: A lot other than a corner lot.

Lot lines: The lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

Lot, through: An interior lot having frontage on two streets.

Lot, width: The straight line distance between the points where the building setback line intersects the two side lot lines.

Lot of record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Oconee County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Oconee County Register of Deeds by the owner or predecessor in title thereto.

Marina: Any commercial business on a public access body of water where commercially rented, leased, or for sale boat slips for overnight, on water or docked storage of boats; or access for trailered boats to be cast into the water. Other activities such as restaurants and mini-storage for boating purposes may be permitted on premises. Common docks for subdivision development is excluded.

Mining:

- (1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.
- (2) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.

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- (3) The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

Mining does not include:

- (1) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
- (2) Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.
- (3) Mining operations where the affected land does not exceed one acre in area.
- (4) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land.
- (5) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area.

Mini storage or mini warehouses: A building, or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or business activities shall occur out of the rented units.

Mixed use building or parcel: Any building comprised of a mixture of light commercial and residential uses; the commercial area shall be at least 25 percent of the building with the residential area, comprising no less than 35 percent of the building area. Parcels with existing or permitted residential structures may also include independent structures of light commercial usage limited to the permitted uses in the said district. Also, within any district, in addition to the permitted uses, multi-family residential (not to exceed four units), retail up to 2,500 square feet, restaurants up to 2,500 square feet, and office uses up to 2,500 square feet are also considered permitted use for mixed use buildings or parcels.

Motel: A building or other structure kept, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants and where rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants, or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

Motor vehicle services and gas stations (excluding truck stops): Any building or land use for the dispensing, sale, or offering for sale at retail any automobile fuels along with accessories and services such as lubricants or tires, car washing, except that mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors. There shall be no fuel pumps within 15 feet of any property line or street right-of-way and incidental activities shall not include tire re-treading, major body work, major mechanical work, or upholstery work.

Motor vehicle services and repair: Any buildings or land used for the servicing or repairing of vehicles excluding fuel sales, but including the sale and/or the installation of lubricants or tires, car washing, mechanical and electrical repairs, tire repairs, and body work.

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

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Nonconforming lot: A lot of record at the time of adoption or amendment, respectively, of this chapter which does not meet the minimum requirements for area and/or width applicable in the district in which such lot is located.

Nonconforming structure: A structure which existed lawfully on the date this zoning chapter became effective or the effective date of any amendments and does not conform to the permitted uses for the zoning district in which it is situated. Nonconforming uses are incompatible with permitted uses in the districts involved. Such nonconformities are permitted to continue until they are removed or vacated, as specified in this chapter.

Nonconforming use: A use that lawfully occupied a building or land at the time this chapter, or any amendment thereto, became effective, which has been lawfully continued and which does not now conform to the use regulations.

Ordinance: The Zoning Enabling Ordinance, Oconee County Ordinance 2007-18, creating this chapter, and any ordinance amendatory thereof. Whenever the effective date of the chapter is referred to, the reference includes the effective date of any amendatory ordinance.

Overlay district: A district, which applies additional supplementary or replacement regulations to land that is already classified in an existing zoning district.

Parking bay: The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking lot or area: An area or plot of land used for, or designated for, the parking or storage of motor vehicles, either as a principal use or as an accessory use.

Parking space: A storage space of not less than 160 square feet for one automobile, plus the necessary access space.

Parking space, off-street: A parking space located outside of a dedicated street right-of-way.

Permitted uses: Those uses explicitly stated as permitted in the definition of a particular zoning district or any use that clearly meets the definition and intent of the zoning district in question, including accessory buildings and uses.

Petition: For the purposes of the zoning regulations contained in this chapter, a signed document in which one or more property owner(s) provides county council input as to their opinion on the proposed zoning or future use of their property, surrounding properties, or an area being considered for rezoning. Petitions are simply one mechanism for providing county council with such public input and do not limit or in any manner bind county council's decisions, and as such should in no way be considered to be a vote for or against a proposed rezoning. It is ultimately the sole prerogative and duty and decision of county council whether to zone any area(s) in Oconee County or not, and how to zone such area(s), if at all, in accordance with state law, the Comprehensive Land Use Plan of the county, and applicable zoning practices and regulations of the county.

Planning district advisory committee: A committee appointed by county council from within a planning area considering zoning. This committee will, among other activities, create a proposed zoning map to be considered as an amendment to the existing county zoning map and this chapter.

Planning district: Various planning areas modeled on the approximate Oconee County Fire Districts; although the planning areas are based upon the fire district boundaries, no link between the two exists, and either may be amended without impacting the boundaries of the other.

Person: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Pervious pavement: Paving material that permits full or partial absorption of stormwater into the ground.

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Place of worship: For the purposes of this chapter, any parcel or building, church, synagogue, temple, mosque, or other facility used primarily for religious worship; or, any parcel, building, or facility owned, managed, or otherwise governed by a religious organization with the intent to enhance or otherwise further the mission or purpose for which such organization exists.

Planned development district (PDD): A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

Planning commission: The public agency in a specific jurisdiction usually empowered to prepare a comprehensive land plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

Plant material: Large-maturing trees, understory trees, and/or shrubs.

Planting island: In parking lot design, a built-up, curbed structure placed at the end or within parking rows for landscaping and as a guide to traffic.

Plat: A map, usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing, and length of every street and alley line, lot line, and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this chapter and other ordinances and amendments.

Premises: A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

Private road or street: Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public. The right-of-way has not been dedicated to either the State of South Carolina or Oconee County.

Property owner(s): For the purposes of this chapter, the person(s), entity(ies), corporation(s), or partnership(s), whether one or more, listed as being an owner of record of the property in question, either recorded with the deed of the property or as listed by the public tax records of Oconee County.

Public road or street: Roads, avenues, boulevards, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cul-de-sacs and other ways including the entire right-of-way considered public and both dedicated to and accepted by the State of South Carolina or Oconee County.

Residential care facility (including, without limitation, convalescent homes): A facility which combines the functions of any combination of a retirement community, rest home, nursing home, and convalescent home, providing residential facilities for independent living, assisted care, and, possibly, nursing care.

Right-of-way: An area owned and maintained by a municipality, the State of South Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

Roadside stand: Typically a seasonally temporary stand less than 200 square feet used to sell farm and garden products, hand crafts, and other homemade items; or those locations used for educational, religious, or recreational fundraisers; or those locations used for the conveyance of public information. Stands must be authorized by the property owner and the appropriate right-of-way entity such as SCDOT, Oconee County, etc. Unsafe or abandoned structures, or any structure that presents a health or safety threat to the public, shall not be considered a legitimate roadside stand.

Salvage yard, junk yard, and recycling operations: Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and batteries. A "junk

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yard" includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. A "junk yard" for vehicles is defined as four or more junk, inoperable or unlicensed vehicles stored on the property.

Screening: The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

Searchlight: An apparatus with reflectors for projecting a powerful beam of light of approximately parallel rays in a particular direction, usually devised so that it can be swiveled about.

Setback: The required minimum distance between every structure and the lot lines of the lot on which it is located (measured from the road right-of-way in the front and property lines on the remaining portions of the property).

Sight triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

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

Sign, awning: A sign mounted, painted, or attached to an awning.

Sign, banner: Any sign, except an awning sign, made of flexible fabric-like material.

Sign, canopy: A sign mounted, painted, or attached to a canopy.

Sign, directional: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit".

Sign, flashing: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. For the purposes of this chapter any moving, illuminated sign shall be considered a "flashing sign". Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

Sign, hanging: A sign forming an angle with a building which extends from the building and is supported by the building.

Sign, monument: A freestanding sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade level.

Sign, portable: A sign that is not permanent, affixed to a building, structure, or the ground.

Sign, projecting: A sign forming an angle with a building which extends from the building and is supported by the building.

Sign, revolving/rotating: Any sign or part of a sign that changes physical position or light intensity by any movement or animation or that gives the visual impression of such movement.

Sign, roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary: A sign or advertising display intended to be displayed in connection with a specific event for a limited duration.

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Sign, wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and that does not project more than six inches from such building or structure.

Sign, window: A sign that is mounted for display on or within a window, and intended to be viewed from the outside.

Single-family detached residential: A parcel or lot containing a detached dwelling unit; includes homes and manufactured homes, but in no way excludes activities generally associated with residential living, such as; private parties, gardening, personal workshop(s), keeping of household pets and other animals such as horses provided sufficient acreage is available for such animals.

Site plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes such things as lot lines, streets, building sites, reserved open space, buildings, major landscape features—both natural and manmade and depending on requirements, the locations of proposed utility lines as well as 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 chapter have been satisfied.

Special exception: A special exception use is one which is not permitted by right, but which may be permitted after a public hearing by the board of zoning appeals and all conditions stated in this chapter are met. The zoning chapter lists, by zoning district, those uses that may be allowed by right or by special exception. Uses that are included or fit the intent of these lists will be considered in each zoning district.

Spot zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the goals in the comprehensive plan.

Stormwater: Water that accumulates on land as a result of precipitation events, and can include runoff from impervious areas such as roads and roofs.

Street line: The line between the street right-of-way and abutting property (i.e. right-of-way line).

Structure: Anything constructed or erected, not including signs, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.

Structural alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

Subdivision: The current official definition is found in the Oconee County Subdivision Regulations, including exceptions stated therein. All subdivisions shall conform to and with the dimensional requirements stated in this chapter, with the exception of existing and properly approved and recorded plats.

Substantial improvement: Means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Tree protection: Measures taken, such as temporary fencing and the use of tree wells, existing at a minimum outside the dripline, to protect existing trees from damage or loss during and after project construction.

Understory tree: An evergreen or deciduous tree with a mature height of less than 35 feet. Examples include but are not limited to: red bud, dogwood, crape myrtle, wax myrtle, ornamental cherry.

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Use: Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to; residential, manufacturing, retailing, offices, public services, recreational, and educational.

Variance: A variance is a waiver of the dimensional terms of the zoning chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship; and does not involve a change in the use of the property.

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

Viewshed: An area of land, water, and/or other environmental elements that are visible from a fixed vantage point (or series of points along a linear transportation facility).

Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this chapter is unoccupied and unobstructed from the ground upward, except as may be expressly permitted.

Yard, front (highway yard): A yard across the full width of the lot extending from the front line of the building.

Yard, rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

Yard, side: An open space on the same lot with a building, between the building and the side line of the lot, extending through, from the front building line, to the rear of the lot.

Zoning: A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The zoning chapter consists of two parts - a text and a map.

Zoning administrator: The official person in charged with the enforcement of the zoning chapter.

Zoning chapter: The zoning chapter of the Oconee County Code of Ordinances, currently [Chapter 38](#).

Zoning district: An area established by this chapter where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

(Ord. No. 2012-14, § 1, 5-15-2012)

Appendix A

- (a) *Building standards.* Diversity in design consistent with the local natural and architectural surroundings is encouraged.
- (1) To the extent feasible, primary facades and entrances shall face the street.
 - (2) All buildings less than or equal to 20 feet in height shall have a setback of at least 30 feet from the property line along the primary road. Setback from remaining property lines shall be 15 feet.
 - (3) Buildings more than 20 feet in height shall have a setback of 30 feet plus an additional distance equal to one foot in horizontal distance for each one foot in additional vertical distance (building height over 20 feet) along the primary road. Setbacks from remaining property lines shall be 25 feet.
 - (4) Exterior building materials visible from the traffic lanes shall not consist of unadorned concrete masonry units (concrete blocks), corrugated metal, and/or sheet metal. Pre-cast panels and pre-engineered metal wall units, and 'split-faced' and other rusticated masonry wall are permitted.
 - (5) Suitable materials for treating building facades may include, but are not limited to: stone, brick, glass, wood siding, split block, or stucco. Alternative materials may be approved by the planning director, community development director or designee.
 - (6) Blank, uninterrupted building facades shall not face residential areas or public or private street right-of-ways. Design techniques using architectural elements or repetitive features should be utilized to visually break up the facade. Examples include, but are not limited to: windows, doors, columns, canopies, lighting fixtures, building offsets/projections, decorative tile work, artwork, or other elements approved by the planning director, community development director or designee. The following standards apply:
 - a. Industrial uses shall not have blank walls greater than 50 feet in length.
 - b. All other uses shall not have blank walls greater than 30 feet in length.
 - (7) The appearance of strip development resulting from flat, unvaried roof lines is discouraged. Roofline variation may be achieved using one or more of the following methods: vertical or horizontal offsets in ridge lines, variation in roof pitch, gables, or dormers.
 - (8) Roof mounted mechanical equipment shall be enclosed or screened to ensure such features are not visible to the extent possible. Enclosures and screens shall be compatible with the architectural style of the building.
 - (9) Shipping and receiving areas/docks shall be located in the rear of the structure and should not be visible from primary adjacent parking areas or street rights-of way.
- (b) *Signage standards.* The sign standards are created to maintain and enhance the aesthetic environment of transportation and economic gateways into Oconee County. The location and design of all signs shall be consistent with the objective of high-quality development and safe and efficient vehicular and pedestrian circulation.
- (1) *General standards.* All signs, including their supports, braces, guys, anchors, electrical parts and lighting fixtures, and all painted and display areas shall be constructed and maintained in accordance with the building and electrical codes adopted by Oconee County.
 - a. It shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign (with the exception of signage requiring no permit) without first obtaining a sign permit from the planning department, except as relates to routine maintenance and repair or the changing of tenant name panels.

- b. A preliminary sign permit application along with applicable fees and sign plan shall be submitted to Oconee County. The detailed sign plan shall include the following information, stamped by a South Carolina licensed surveyor, landscape architect, or engineer:
 - 1. Parcel number.
 - 2. Scale of site plan and north arrow.
 - 3. Drawing of entire property with all existing and proposed structures shown.
 - 4. Length of street frontage.
 - 5. Dimensioned setbacks from street and side property line.
 - 6. Plan drawing with actual dimensions of sign (as seen from above).
 - 7. Location of all existing signs.
 - 8. Location of all proposed signs.
 - 9. Elevation drawing of the proposed sign or sign revision including size, height, copy, colors, illumination, materials.
 - 10. Verification that the proposed sign(s) meet all requirements set forth in this chapter.
 - c. All on-premises nonconforming signs shall come into compliance with these standards when abandoned or the cost of repairs or replacement of such signs is beyond 50 percent of their replacement costs. Nonconforming signs are subject to all requirements of this code regarding safety, maintenance, and repair.
 - d. Signage shall be set back a minimum of ten feet from right-of-way, side, or rear property lines.
 - e. No sign shall produce a traffic hazard, such as visual obstruction at intersections or glare from lighting. Signs shall not obstruct the view of or resemble traffic directional/safety signs.
 - f. Rooftop signs are prohibited.
 - g. Flashing or animated signs are prohibited.
 - h. No sign shall be attached to a utility pole or street sign, or attached to or painted on tree trunks, rocks, or other natural objects.
 - i. No sign shall be placed within the public rights-of-way.
 - j. Signs shall not rotate or revolve.
- (2) *Signs allowed without a permit.* The following signs require no permit. These signs are subject to all requirements of this code regarding safety, maintenance, and repair.
- a. *Temporary/portable signs:*
 - 1. Shall be displayed only for the duration of time that they remain relevant to a specific event.
 - 2. Temporary signs shall be removed within seven days following the conclusion of the specific event being promoted.
 - 3. No temporary sign exceeding six square feet may be erected on a residential parcel.
 - 4. The maximum allowable size of any non-residential temporary sign is 32 square feet.
 - b. Traffic, directional, warning, official notice or informational signs authorized by any public agency.
 - c. Building nameplates with related inscriptions.
 - d. Window signs.

- e. Flags and flagpoles.
 - f. On-site directional signs, where each sign does not exceed nine square feet in area or four feet in height.
 - g. Signs that display name, trademark, logo, brand, or prices, provided the display is an integral part of a vending machine, automatic teller machine, or gas pump. Such signage shall not exceed 32 square feet in area per side.
- (3) *Signs allowed that require a permit.*
- a. Allowable signs shall be the following:
 1. Monument.
 2. Wall.
 3. Hanging/projecting.
 4. Canopy/awning.
 - b. Monument signs:
 1. Shall be architecturally designed to reflect the character of the structure/development for which they are advertising.
 2. No monument sign shall exceed ten feet in height.
 3. One double faced or single faced sign shall be allowed per parcel.
 4. Developments with 400 feet of road frontage serving more than one building shall be permitted one additional sign, which shall not exceed 100 square feet in area. Minimum separation for all monument signs shall be at least 200 linear feet. However, if a building is located on a corner lot with two street facing sides, one sign may be located on each side served by an entryway.
 - c. Wall signs:
 1. Wall signage shall not exceed 15 percent of the wall area, per wall face.
 2. Wall signs shall display only one surface and shall not be mounted more than six inches from any wall.
 - d. Hanging/projecting signs:
 1. Only one projecting/hanging sign is allowed per building frontage, except for shopping centers, which may have one projecting/hanging sign for each business use.
 2. Signs shall project at a right (90 degree) angle to the building frontage.
 3. Signs shall not extend more than four feet beyond the line of the building or structure to which it is attached.
 4. Signs shall maintain a vertical clearance of eight feet above the sidewalk or ground level accessible to pedestrians.
 - e. Canopy/awning signs:
 1. Shall not exceed 15 percent of the surface area of the face or the canopy or awning to which the sign is attached.
 2. Sign shall not extend more than three inches horizontally from the surface of the awning or canopy.
 3. Sign shall not project vertically outside the area of the canopy or awning.
 - f. Illumination:
 1. No internal lighting shall include exposed incandescent or fluorescent bulbs.

2. Externally illuminated signs must have indirect light sources shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized.
 3. Signs shall not have light reflecting backgrounds but may use light reflecting lettering.
 4. No sign shall have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
- g. Maintenance: All signs shall be maintained in good condition and working order, and be free of graffiti, peeling paint or paper, faded colors, weeds, vines, and/or broken and damaged materials. No internally or externally illuminated sign shall have only partial illumination for a period of more than 30 days.
- (c) *Lighting standards.* The purpose of these standards is to assure that adequate exterior lighting is provided to facilitate crime prevention, security, and safe passage, and that exterior lights be shielded to reduce the impact of lighting on neighboring uses, potential safety hazards to the traveling public, and the effect on viewsheds and nightscapes.
- (1) Lighting plans shall be submitted with the zoning permit application on projects that include the installation of outdoor lighting fixtures. Prior to obtaining a zoning permit, an applicant must receive approval of a lighting plan. The lighting plan shall be prepared by an appropriately licensed design professional in the State of South Carolina. The plan shall include the following information:
 - a. The location, type, and height of luminaires including both building and ground-mounted fixtures.
 - b. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer.
 - c. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission.
 - d. Additional information as may be required to determine compliance with this chapter.
 - (2) Exterior lighting shall be shielded and directed to avoid illuminating the night sky.
 - (3) Lighting shall not illuminate neighboring properties or distract/harm the traveling public on road rights-of-way. Any necessary screening of lighting shall be shown on site plans. Lighting will be inspected before a certificate of occupancy is granted.
 - (4) On-site lighting may be used to accent architectural elements and provide safety and security on pedestrian walkways, at building entrances, and public areas between buildings, but shall not be used to illuminate entire portions of buildings.
 - (5) In order to promote safety and security in developments, lighting should be used at intersections, entrances, and in parking areas.
 - (6) The overall height of lighting fixtures shall not exceed 20 feet.
 - (7) Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g. beacons on towers). Searchlight and laser light operation for advertising/commercial purposes is prohibited.
- (d) *Parking standards.* Parking areas should be designed in a manner to provide safe and efficient circulation of traffic and safe access for pedestrians. Appropriate parking design and layout should be used to reduce impacts associated with impervious surfaces.
- (1) *Parking layout.* Avoid parking layouts that dominate a development. The layout of parking areas, pedestrian connections, and open space should reduce the visual impact of parking. Parking is strongly encouraged to be located to the side or rear of the building unless prevented by a physical limitation of the site.

- (2) *Perimeter parking buffer.* A perimeter parking area buffer of 15 feet shall be required on sides parallel to abutting properties or street rights-of-way. Buffers shall be planted as specified in the landscape standards.

If parking is located in the front of the building, buffer requirements will be increased to 25 feet.

- (3) *Parking striping.* Parking areas shall have parking spaces marked by surface paint lines or approved alternative traffic marking material.
- (4) *Wheel stops.* Wheel stops or curbs are required where a parked vehicle encroaches on adjacent property, pedestrian access/circulation areas, right-of-way or landscaped areas.
- (5) *Planting islands.* Parking areas shall be designed so that a planting island is provided for every ten parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Planting islands shall be surrounded by curbing to prevent vehicular damage to plantings.

Minimum size for required planting islands is nine feet by 15 feet (inside of curb). Islands shall be planted as specified in the Landscape Standards.

- (6) *Stormwater.* Parking areas shall be designed to convey and/or preferably infiltrate stormwater on-site. Stormwater shall not contribute to the subsidence, erosion, or sedimentation of the development site or off-site areas.
- (7) *Paving.* Parking areas shall be paved unless otherwise approved by the planning commission. Alternative paving materials that increase permeability such as pervious concrete, pervious asphalt, pavers, grid pavers, or any other approved pervious paving materials are encouraged.

- (e) *Landscape standards.* Trees and landscaping contribute to the public health, safety, and welfare. Among the benefits of landscaping are: screening of undesirable views; aesthetic enjoyment; climate modification; reduction of glare, noise, odors and dust; reduction of storm water runoff and flooding; buffers between land use; shelter and food for wildlife; and improved air quality. All of these benefits contribute to a higher quality of life and enhance property values within the county.

- (1) *Landscape plan.* The landscape plan shall be submitted with the zoning permit application. Prior to obtaining a zoning permit, an applicant must receive approval of a landscape plan. The landscape plan shall be prepared by a landscape architect licensed by the State of South Carolina. The landscape plan must contain all information necessary to show that the planned use, structure, or development complies with the standards set forth. This shall include utility information, irrigation plans, existing trees used for credit, and tree protection plans, if applicable.

- (2) *Installation.* No certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection. If the season or weather conditions prohibit planting of trees, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125 percent of the cost of installing the required plantings to guarantee the completion of the required planting within 270 days. The financial surety shall be canceled and/or returned upon completion of the required landscaping. If the required landscaping is not completed within the time allowed, the owner shall forfeit the guarantee and the county shall use such funding to complete the required landscaping.

- (3) *Maintenance.* The plantings that constitute a landscape area must be properly maintained in order for the landscape area to fulfill the purposes for which it is established. The owner of the property shall be responsible for the maintenance of all plant material within the landscaped areas. This includes keeping landscaped areas free of litter and debris and keeping plantings healthy and orderly in appearance. Tree staking shall be removed within eight months after installation to prevent permanent damage. All dead or diseased vegetation shall be removed. Additionally, any required vegetation that dies or becomes diseased shall be replaced.

- (4) *Minimum material size.* All required trees shall be a minimum size of 2½-inch caliper measured six inches above ground at the time of installation. All required shrubs shall be a minimum size

of three gallons at the time of installation. Reference the American Landscape and Nursery Association (ANLA) publication American Standard for Nursery Stock (ANSI Z60, 1-2004) for plant material quality specifications. All plant material shall be mulched with an organic mulch or other approved material.

- (5) *Water source.* A permanent water source (hose bib, etc.) shall be provided not more than 100 feet from any required landscaping.
- (6) *Foundation landscaping.* Landscaping shall be provided around the foundation of structures visible from any parking area. Plant material, as defined in this chapter, shall be located in a planting area adjacent to the building in the following quantities:

PR = L/3.0 where:

PR = number of plants required

L = building length, in feet, visible from any parking area

Each tree provided counts as a total of two required plants.



Foundation Landscaping

Front of Building:
 PR = L / 3.0
 PR = 64.0' / 3.0
 PR = 21.33 = 21
 (Two trees were used
 in the front, reducing
 number of plants
 required to 19.)

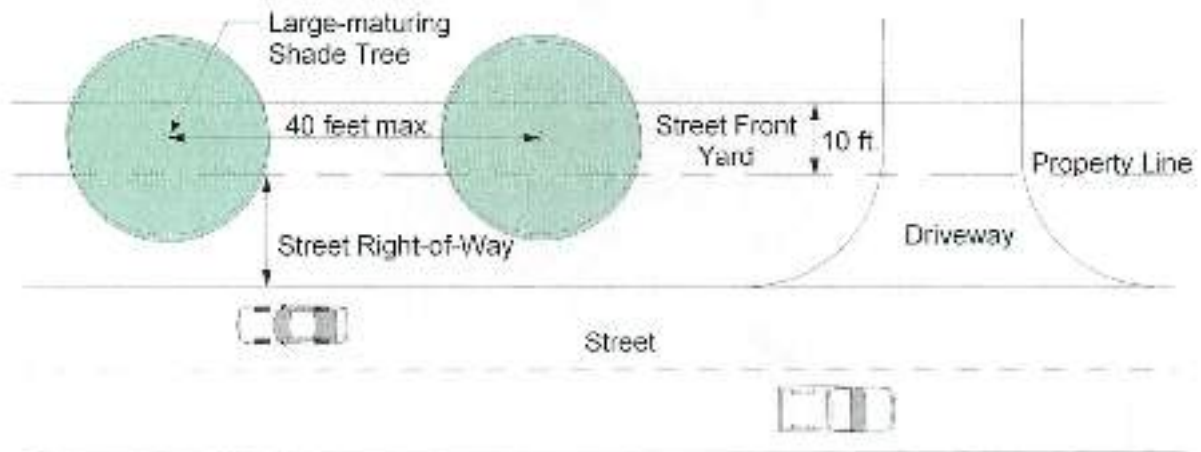


Side of Building
 (visible from parking lot):
 PR = L / 3.0
 PR = 36.0' / 3.0
 PR = 12

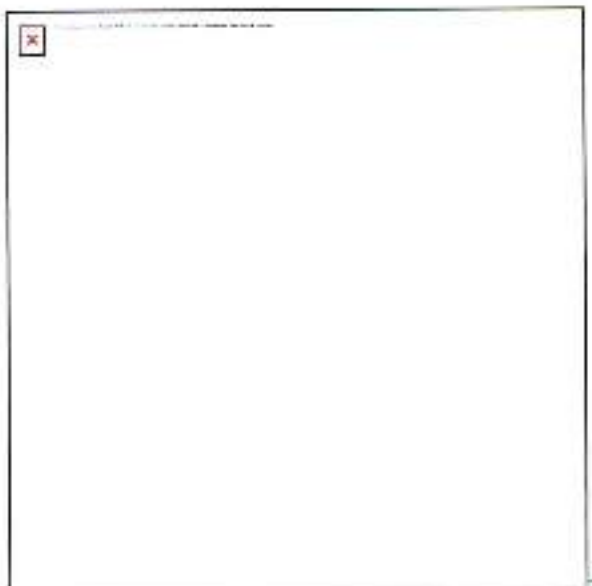
- (7) *Street front yard.* Street front yards shall be located along property adjacent to all street rights-of-way. Street front yards must be located on private property and not within the street right-of-way. Portions of the property needed for driveways are exempted from these requirements. Street front yards shall be a minimum of ten feet in width, measured from the street(s) right-of-way abutting the property. Each street front yard shall contain at least one large maturing shade tree every 40 linear feet or fraction thereof. No street front yard shall contain less than one shade tree. Shrubs, groundcover, understory, and/or turf shall cover the remaining area within the street front yard.



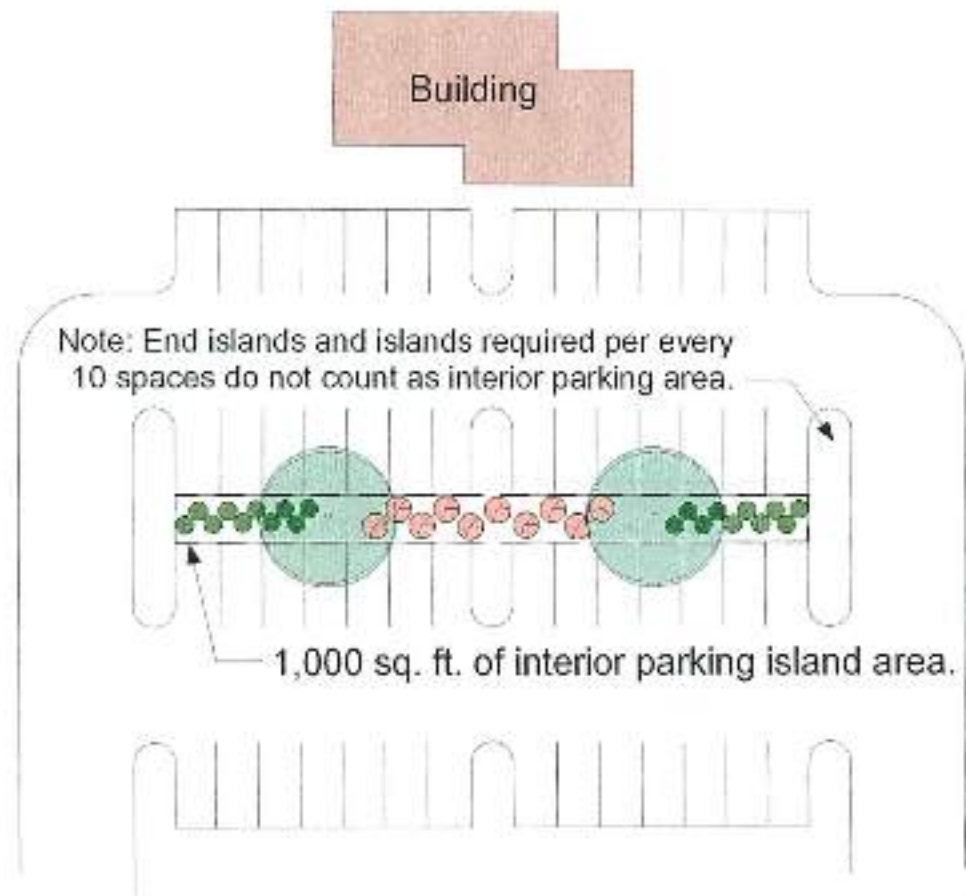
Street Front Yard



- (8) *Interior parking.* Whenever the impervious parking cover equals or exceeds 10,000 square feet, a planting area equal to ten percent of the total impervious surface must be provided as islands within the interior of the parking area. One large maturing shade tree and 15 shrubs must be planted for each 500 square feet of required interior landscape area. Plantings in landscape islands referenced under the parking islands section may not be used to satisfy this requirement. However, existing trees preserved in appropriately sized islands may be counted as outlined in the existing trees section.



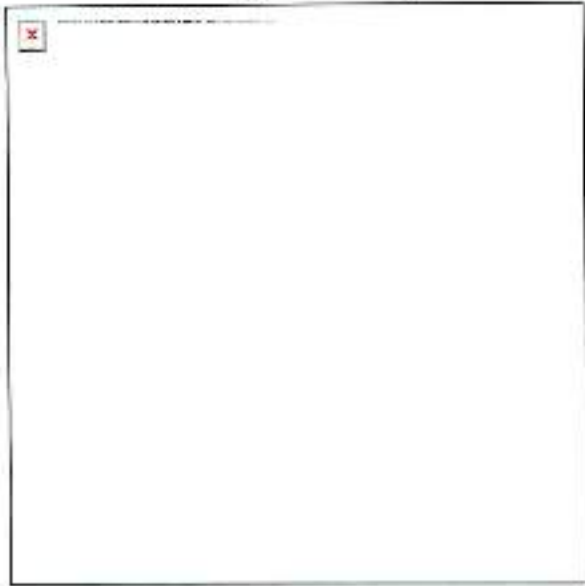
Interior Parking



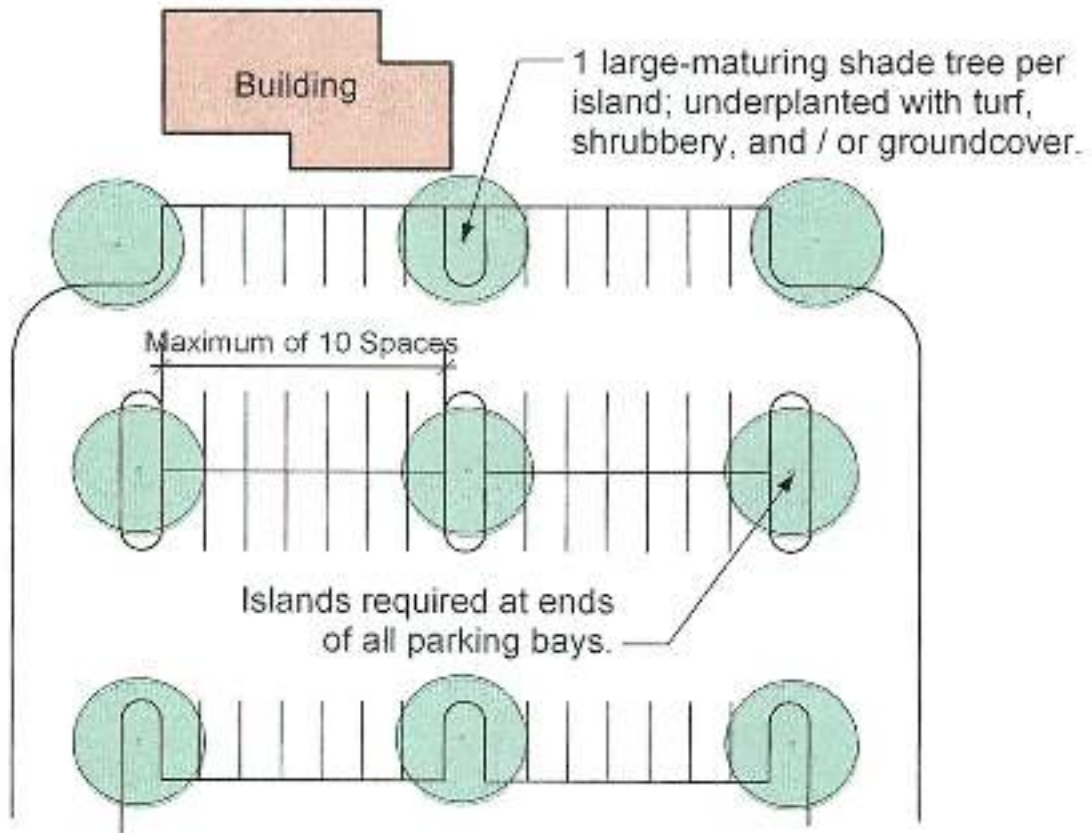
If Parking Lot area equals or exceeds 10,000 sq. ft.:
 $10,000 \text{ sq. ft.} \times 10\% = 1,000 \text{ sq. ft. of interior islands}$
To calculate required plantings within the interior islands:
 $1,000 \text{ sq. ft.} / 500 \text{ sq. ft.} = 2.0$
(1) large-maturing shade tree per 500 sq. ft. = 2 trees
(15) shrubs per 500 sq. ft. = 30 shrubs

- (9) *Existing trees.* Existing trees that have a minimum caliper size of four inches may be counted towards satisfying interior landscaping and street front yard requirements if such trees are preserved and adequately protected through all phases of construction. Credited trees shall be uniformly encircled by a fenced protection area of sufficient size (a circle whose center is the trunk and outer edge is the dripline) to insure tree health. Each four caliper inches of an existing tree shall be deemed the equivalent of one required two-inch caliper tree. If any preserved tree used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees.
- (10) *Parking islands.* A planted parking island shall be provided for every ten parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Refer to the parking standards section for parking island design standards. Planter islands shall

contain at least one large maturing shade tree, having a minimum clean trunk of six feet. Shrubbery, groundcover, and/or turf shall be used in the remainder of the island.

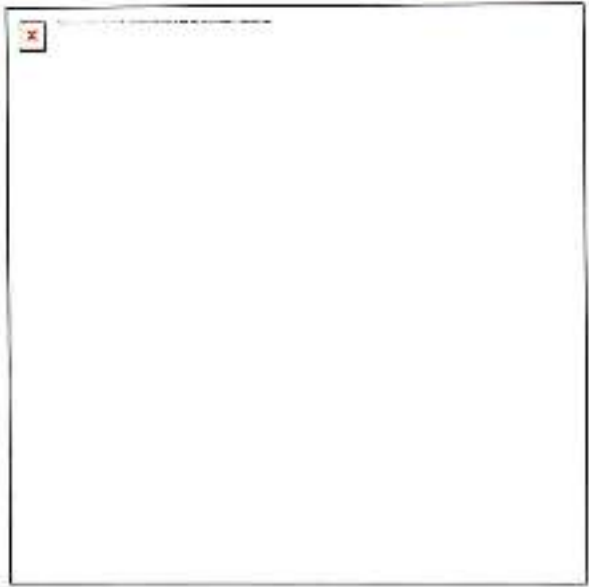


Parking Islands

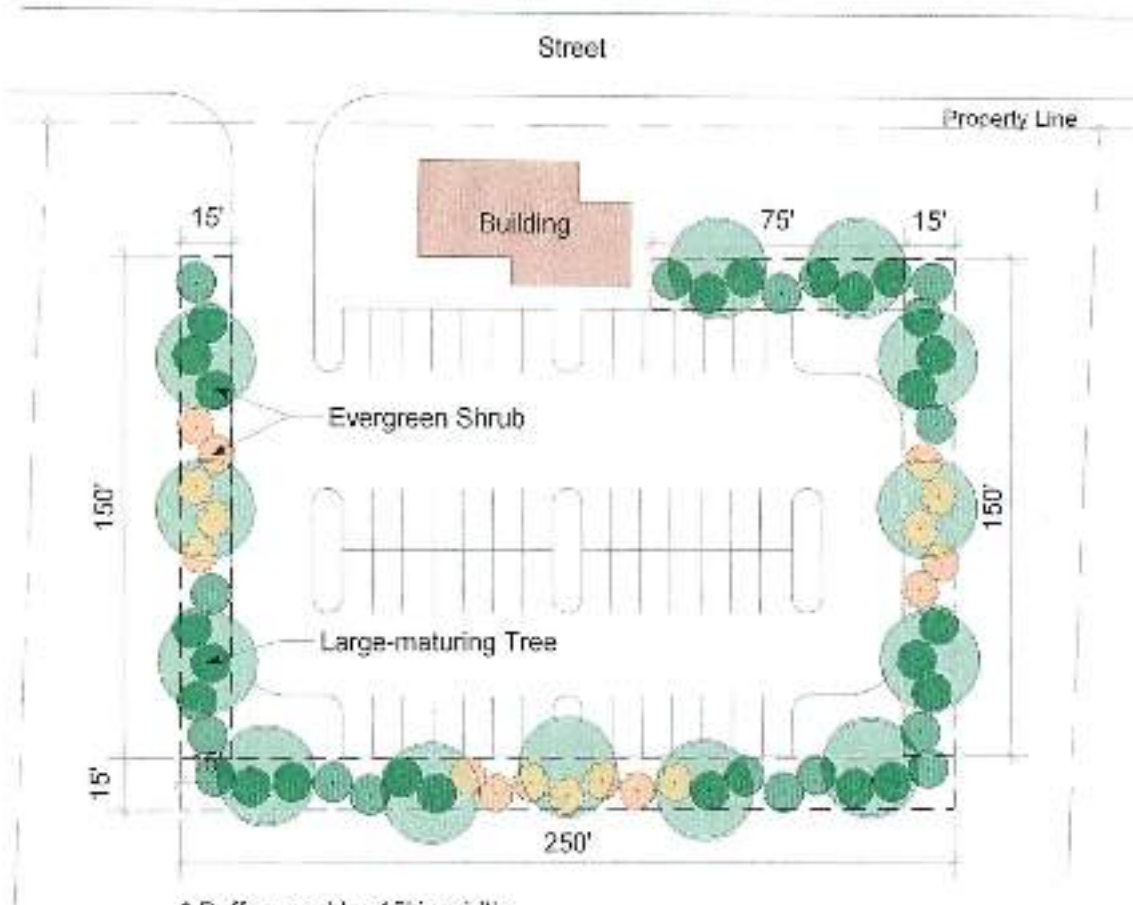


- (11) *Perimeter parking buffer.* All parking lots and vehicular use areas shall be screened from all abutting properties or rights-of-way. The landscaped area shall be directly adjacent to the parking lot edge, and shall be a minimum width of 15 feet. The perimeter shall contain at a minimum, one large maturing tree for every 50 linear feet, and evergreen shrubs in sufficient

quantity to provide screening with a minimum mature height of four feet. If parking is located in the front of the building, buffer requirements will be increased by 30 percent in terms of width and planting quantities.



Parking Perimeter Buffer



* Buffer must be 15' in width.

* 1 large-maturing tree required for every 50 linear feet of buffer.

* Evergreen shrubs as required to create a screen with a min. mature height of 4'.

150' buffer / 50' = 3 large-maturing trees

250' buffer / 50' = 5 large-maturing trees

75' buffer / 50' = 1.5 = 2 large-maturing trees

- (12) *Buffering adjacent uses.* In the event that non-residential development borders residential areas or industrial development bordering non-industrial development, a 25 feet wide landscape buffer shall be required along the common property boundary. The following mixture of plants per 100 feet of property boundary shall be required:

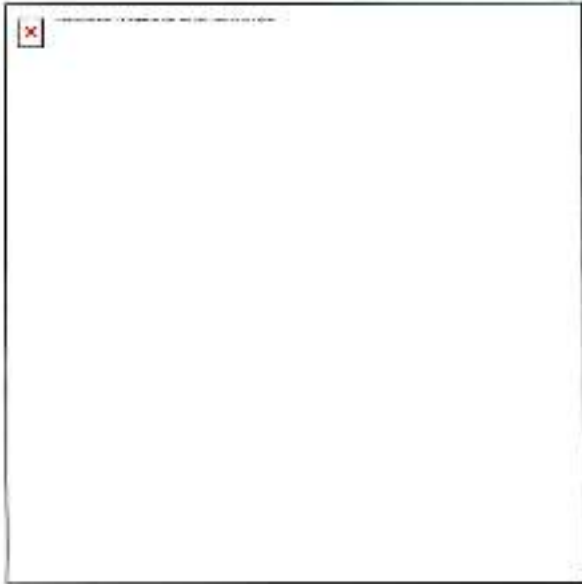
Three large maturing shade trees, equally spaced

Three understory trees, equally spaced

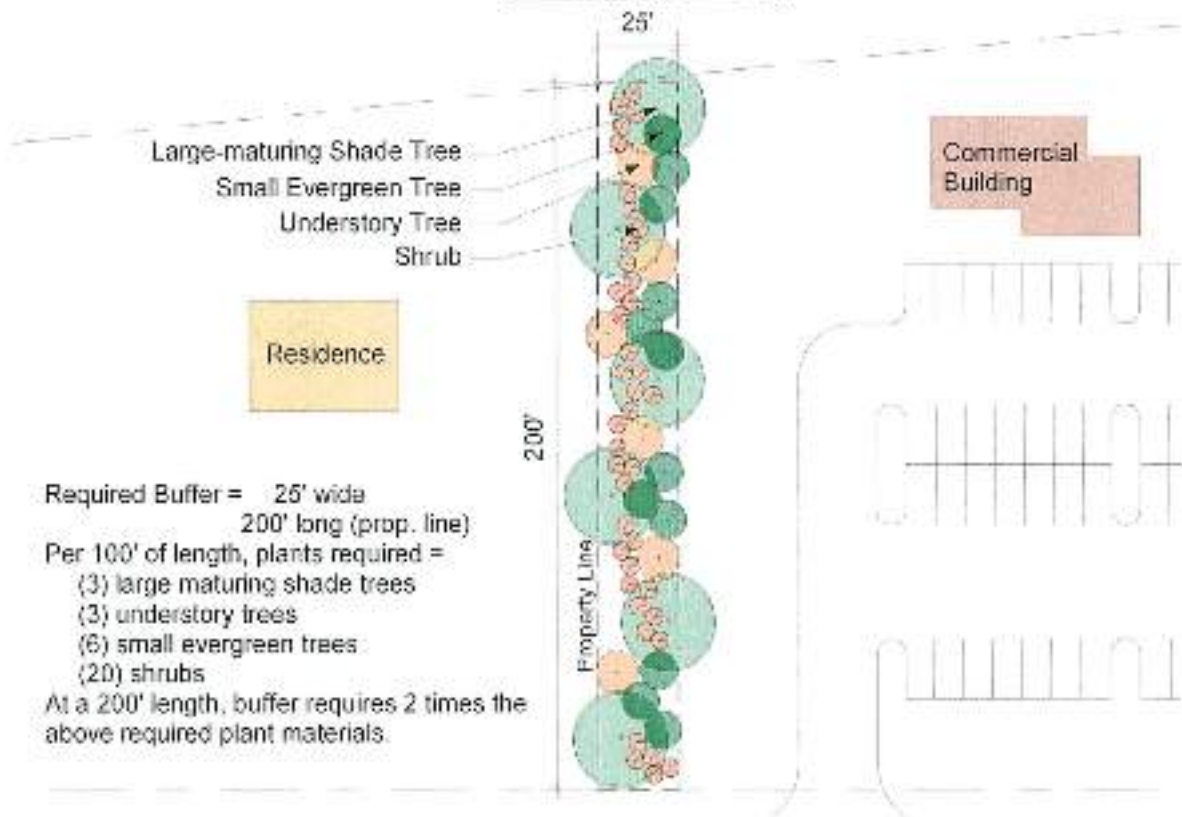
Six small evergreen trees

Twenty shrubs

If an abutting parcel contains a required buffer or screen, it shall count towards the buffer requirements.



Buffering Adjacent Uses

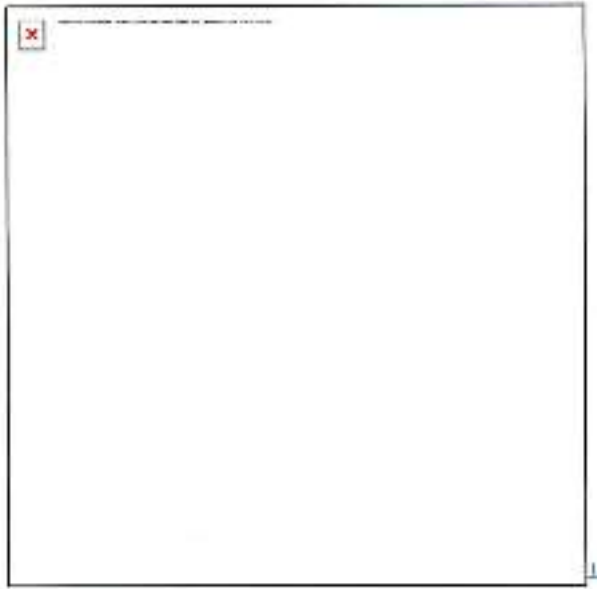


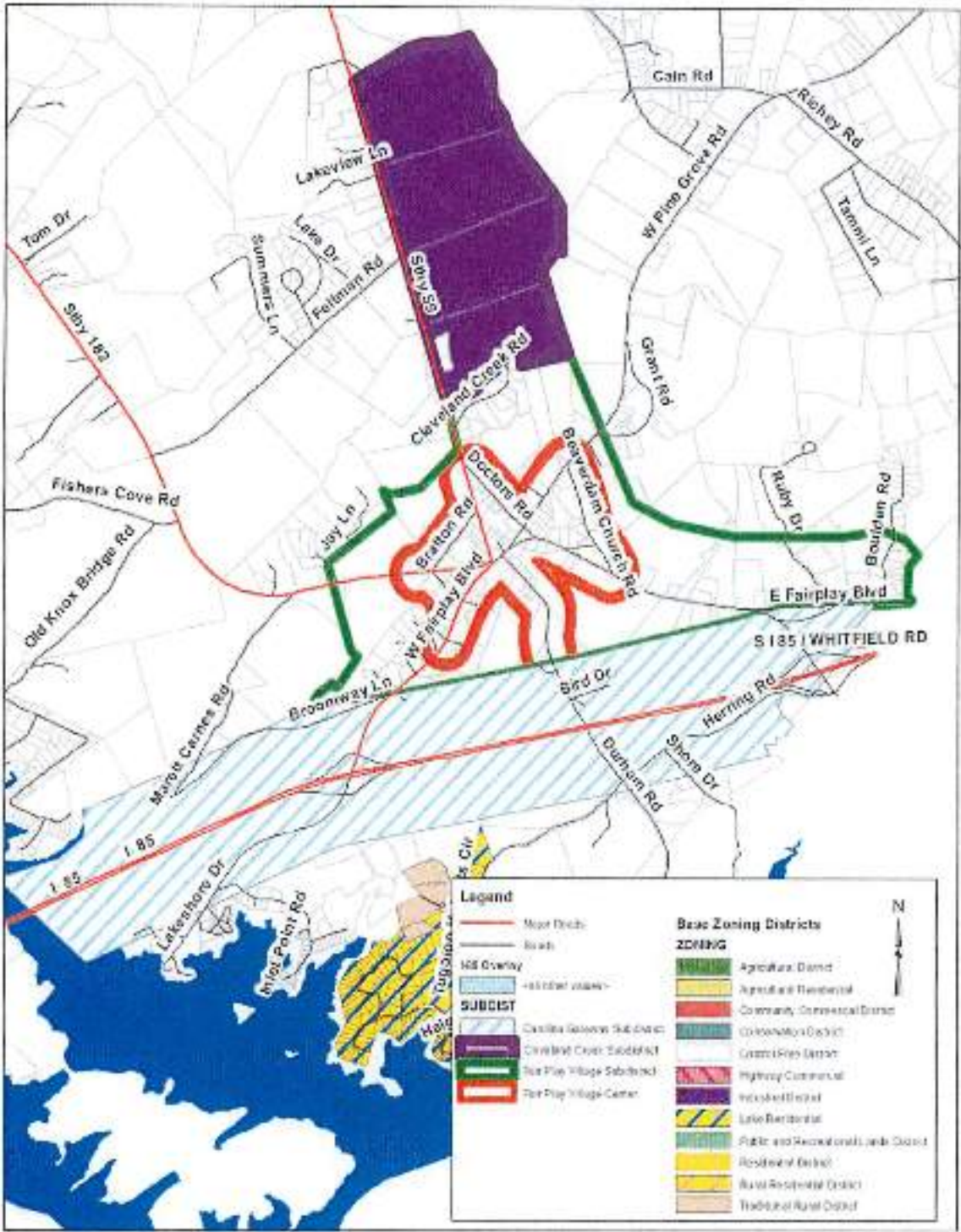
(13) *Existing natural buffers.* When a natural, undisturbed buffer is retained along a property boundary where a buffer is required, a waiver (in whole or part) of the required landscaping may be granted. The existing buffer must achieve the same screening effects as the required buffer materials and adhere to the requirements for protection and size outlined in the buffering adjacent uses section.

- (14) *Screening of collection areas.* Screening of loading and trash collection areas must be accomplished with an opaque wall of masonry, rot-resistant wood, or evergreen shrubs that are one foot taller than the object to be screened. If evergreen shrubs are used, they must achieve the required screening at the time of planting.
- (15) *Sight triangles.* The placement of any material shall not obstruct the view between access drives and streets, or the intersecting streets of a corner lot. No fence, building, wall or other structure, (excepting single

trunk trees less than 12 inches in diameter, pruned to a height of eight feet, and poles and support structures less than 12 inches in diameter), shall exist between a height of 2½ feet and eight feet above the upper face of the nearest curb (or street centerline if no curb exists) and the sight triangle. For a corner lot, the sight triangle area is the area bounded on two sides by the street right-of-way lines, each having a length of 25 feet, and a third side connecting the two right-of-way sides. For an intersecting street and driveway, the sight triangle is formed by measuring from the point of intersection of the right-of-way and the edge of drive the distance of 25 feet and connecting the points so established to form a triangle on the area of the lot adjacent to the street. Note that road design criteria concerning sight distances is governed by the standards in [Chapter 32](#), Unified Performance Standards of the Oconee County Code of Ordinances.

(Ord. No. 2012-14, § 1, 5-15-2012)





(Ord. No. 2012-14, 5-15-2012; Ord. No. 2012-34, § 3(Exh. B), 1-22-2013)