

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

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

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

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

1. Oakway District
2. Salem District
3. Corinth-Shiloh District
4. Mountain Rest District
5. Walhalla District
6. Westminster District
7. Seneca District
8. Fair Play District
9. Long Creek District
10. Cleveland District
11. Keowee Ebenezer District
12. Friendship District
13. Cross Roads District
14. Picket Post-Camp Oak District
15. South Union District
16. West Union District
17. Keowee District

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

- b. Petitions by citizens to county council to initiate a rezoning of an entire planning district shall be made in the following manner:

1. Citizen petition. Citizens wishing council to amend the map of their planning district shall acquire the signatures of a minimum of 15 percent of the owners of parcels lying within the boundaries of the said planning district. The petition shall contain the following statement of support:
2. "I hereby certify that I own a parcel lying within the _____ Planning District, and I support the consideration by Oconee County Council of amending the zoning map."
3. Presentation to county council. If county council finds the petition is within the parameters of this chapter, they may direct the planning commission and planning

department to proceed with amending the zoning chapter and map. Council may take first reading, in title only, on the zoning amendments at this time.

4. Review of land use map. The planning commission shall undertake a review of the district's portion of the future land use map.
5. Initial zoning meeting in district. Following the review of the future land use map, the planning department will schedule a public meeting to begin working with citizens to develop a proposed zoning map. Nominations for the district planning advisory committee will be called for at this time.
6. Appointment of district planning advisory committee. County council will review the nominations for the district planning advisory committee and appoint individuals to the committee. The committee shall consist of seven owners of parcels lying within the district. The committee shall elect a chair who shall conduct committee meetings, call subsequent meetings as necessary, and set forth the agenda for subsequent meetings.
7. Creation of proposed district zoning map. With assistance from planning staff, the district planning advisory committee will use the future land use map as a guide in creating proposed changes to the district's portion of the official zoning map. All proposed amendments shall be chosen from the zoning districts and their corresponding regulations established in this chapter.
8. Planning commission review of proposed zoning map. When completed, the committee shall present their draft map to the planning commission for review. The planning commission shall review the changes to ensure that they are compatible with the comprehensive plan. During this time, the planning department shall mail a survey to all district property owners soliciting their opinion of the proposed changes, with a deadline to respond of 30 days. At the end of the survey period, the commission shall forward a recommendation regarding the proposed changes to county council. A positive recommendation of the commission shall require both a finding of compliance with the comprehensive plan, and a minimum of 51 percent of the returned responses to the survey favoring the proposed changes.
9. Consideration of recommendation. County council shall consider the proposed zoning map amendments and may take second reading on the chapter at this time.
10. Comment period. A comment period of no less than 30 days shall be held at this time.
11. Consideration of survey results by county council. Upon the completion of the comment period, county council may hold a public hearing on the proposed amendments. Once the public hearing has been completed, county council may take third and final reading of an ordinance to amend the planning districts portions of the official zoning map.
12. Failed attempts to amend the zoning chapter. In the event county council formally rejects a citizen-initiated petition to amend a planning district's portion of the official zoning map for any reason, a new attempt to amend the map through citizen petition shall not be considered sooner than two years from the date of council's decision.

(2) Method 2—Small area rezoning.

- a. This method of rezoning shall be initiated by a signed petition containing signatures of one or more of the listed property owners of a minimum of 51 percent of the affected properties in the area in question established by one of the following two methods, chosen by the petitioner.
 1. Any property owner, or group of property owners of parcels, with a combined minimum ownership of at least 200 acres may petition county council for initial rezoning, provided the petition[s] include at least 51 percent of the property owners of the properties in question signed by one or more of the property owners of each [as

stated above] representing a minimum of 75 percent of the acreage within the established boundary for the rezoning request.

2. Any property owner, or group of property owners, may petition county council for initial rezoning, provided the platted subdivision(s) proposed for rezoning is recorded in the office of the Oconee County Register of Deeds and/or is an area with all parcels 1.5 acres or less, and provided the proposal for rezoning is contiguous with a total area of at least 25 acres, or contains a minimum of 20 parcels.
 - b. Upon obtaining 51 percent of the required signatures for a method chosen above, petitioners may add any parcel that is contiguous to such active rezoning request as long as there is a favorable petition (as described herein) for such parcel(s).
 - c. Parcels totally encompassed by a small area rezoning request, which in their own rights are now unable to meet the minimum requirements of the two methods described above, shall be included by staff in such small area request, as part of the request, prior to first reading, if their inclusion would not defeat the 51 percent requirement of this section.
 - d. In addition, any property owner owning a parcel, currently in the control free district, which is contiguous to parcels that have already been rezoned from the control free district, may petition (as described herein) to rezone their parcel(s) provided the requested rezoning is similar in nature to that which has been previously adopted for the contiguous area.
 - e. For the purposes of this chapter, in addition to standard definitions, parcels separated by a perennial stream or a cove within a body of water shall be considered contiguous.
 - 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)

ATTACHMENT A
To Ordinance 2016-40

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	Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	N/A	Greater than or equal to ½ acre	N/A	N/A	25	5	10	65
	N/A	Less than ½ acre to greater than or equal to ¼ acre	N/A	N/A	15	5	5	65
	N/A	Less than ¼ acre	N/A	N/A	10	5	5	65
Nonresidential Uses	Minimum Lot Size				Minimum Yard Requirements			Max. Height
	Min. Lot Size	Lot Size	Min. Width (ft.)		Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	N/A	Greater than or equal to ½ acre	N/A		25	5	10	65
	N/A	Less than ½ acre to greater than or equal to ¼ acre	N/A		15	5	5	65
	N/A	Less than ¼ acre	N/A		10	5	5	65

“These setback requirements shall not apply to subdivision plats that were recorded in the Office of the Oconee County Register of Deeds prior to May 7, 2002.

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

(a)

Lot arrangements. All lots shall be arranged such that there will be no apparent difficulties in securing driveway encroachment permits or building permits for reasons of topography or other conditions and must have driveway access from an approved road. The developer shall be liable for all lots within a proposed subdivision.

(b)

Lot dimensions. Except where circumstances such as topography, watercourses, road alignment or existing site boundary configurations dictate otherwise, the following requirements shall apply:

(1)

Dimensions of corner lots shall be large enough to allow for the erection of buildings observing the minimum yard setbacks from both streets, without encroaching into side and rear yard setbacks, established in the building line section of this chapter.

(2)

Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for that type of development, without encroaching into yard setbacks.

(c)

Lot size. Minimum lot size shall be .57 acres (approximately 25,000 square feet) with traditional onsite septic tanks served by public water, unless DHEC requires greater area or dimensions. All required setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.

(d)

~~Building lines. All (See building section 38-10.2 for all setback lines requirements shall be: Front yard 25 feet from in the closest control edge free district of the right of way on lots abutting local roads are 40 feet from the right of way on lots abutting collector roads county. Side yard setback of ten feet from each property line or right of way and rear yards setback of 25 feet from the rear property line or right of way except for those abutting collector roads, which shall have a setback of 40 feet.)~~

(e)

~~Double frontage lots and access to lots (Reserved.)~~

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~~Every lot shall have at least 25 feet of frontage on a public or private road.~~

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~~Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential traffic from traffic arterials or to overcome specific disadvantages of topography and orientation.~~

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~~Lots shall not in general derive access exclusively from arterial and collector roads. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial and collector roads.~~

(f)

Usable area. All lots adjacent to floodplains, creeks, and wetlands should use these natural features as lot boundaries when possible. Lots containing areas unsuitable for usage shall not use these areas in calculating minimum lot area.

(g)

Septic system setback.

(1)

Traditional septic systems shall be constructed so that they comply with all regulations of the South Carolina Department of Health and Environmental Control (DHEC).

(2)

The applicant shall provide the planning director a copy of all South Carolina Department of Health and Environmental Control (DHEC) permit drawings and an approved DHEC permit application for the proposed septic systems utilized within the development.

(3)

The developer must demonstrate to the planning director that the proposed development will not adversely affect the present water table and the existing water supplies; and also demonstrate that the proposed water supply system will not be adversely affected by existing septic systems.

(h)

Lot drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to prevent concentration of stormwater from each lot to any adjacent property. Drainage systems used to control water on one property shall not increase the water flow on adjacent properties without legal easements.

(i)

Lakes and streams. If a tract being subdivided contains a water body, or portion thereof, the ownership of and the responsibility for safe and environmentally compliant maintenance of the water body is to be placed so that it will not become a local government responsibility. The minimum area of a lot required under this article may not be satisfied by land that is under water. Where a watercourse other than storm drainage separates the lot's buildable area from the road providing access, an engineer's certified structure shall be provided linking the buildable area to the road. All watercourses shall remain free of obstructions and degradations.

(j)

Easements. Easements having a minimum width of ten feet and located along the side or rear lot lines shall be provided as required for utilities and drainage.

(k)

Entrances. One entrance is required for every 100 lots in a proposed subdivision, or a maximum of 100 lots on a dead end road with a cul-de-sac. This requirement may be waived by the planning director due to topography and feasibility. Every effort shall be made to not have an entrance directly onto an arterial road.

(l)

~~*Vegetative buffers* **Reserved.** The approval of subdivisions, site plans and/or building permits for construction of new residential units or commercial projects to be located within 1,000 feet of Lakes Keowee, Hartwell, and Jocassee shall be contingent upon the establishment of a natural vegetative buffer of a width of less than 25 feet, with a view land width of no more than 15 percent of the total length of a natural vegetative buffer. The buffer shall meet the following standards:~~

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~~To reduce nonpoint source pollution, a natural buffer of 25 feet shall be maintained with no grasses or ornamental vegetation established within that buffer. To reduce nonpoint pollution a vegetative buffer of 25 feet measured horizontally from the full pond elevation shall be maintained with no manicured laws or other managed grasses established within that buffer. A diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses are preferred vegetation where available and suited to the site. Additionally, no clear cutting or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the 25 foot buffer area. Right of way maintenance activities by utilities shall be exempt.~~

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~~No trees larger than six inch caliper at four feet from the ground shall be removed unless certified to be a hazard by a registered forester or arborist.~~

~~(3)~~

~~Trees may be limbed up to 50 percent of their height.~~

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

(Ord. No. 2008-20, Art. 4(4.1—4.12), 12-16-2008; Ord. No. 2015-15, § 1(Att. A), 6-2-2015)

Removed setback language via 2015