

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

## COMMISSION MEMBERS

Teresa Spicer, District I  
Brit Adams, District III  
Gary Gaulin, District V  
Mickey Haney, At-Large

David Nix, District II  
Frankie Pearson, Chairman, District IV  
Mike Johnson, Vice Chair, At-Large

## AGENDA

6:00 pm, Monday July 17, 2023

Council Chambers - Oconee County 415 S Pine St, Walhalla SC 29691

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes from June 5, 2023
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Discussion of Comprehensive Plan Goals for 2023, chapters 5
  - a. Public Comment
  - b. Discussion/ vote
9. Discussion regarding the development of an ordinance to foster the identification and safe repair or removal of structures that have become unsafe for occupation as a result of fire damage and natural disasters.
  - a. Public Comment
  - b. Discussion/ vote
10. Discussion regarding Agricultural II zoning district
  - a. Public Comment
  - b. Discussion/ vote
11. Adjourn

*If you are not able to attend in person and you have a comment, you may submit it by contacting the Planning Department at [planninginfo@oconeesc.com](mailto:planninginfo@oconeesc.com) or 864-638-4218, so that we may receive your comment and read it into the record. Meetings available on YouTube: "YourOconee"*

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

## Minutes

6:00 pm- Monday, June 5, 2023

Council Chambers - Oconee County Administrative Complex

### Members

Teresa Spicer

Brit Adams - Absent

Gary Gaulin

Mike Johnson

David Nix

Frankie Pearson

Mickey Haney

### Staff Present

James Coley, Planning Director

Elise Dunaway, Assistant to Planning & Codes

### Media

Lauren Pierce – The Journal

1. Call to order – Mr. Pearson called meeting to order at 6:01 PM.
2. Invocation - led by Mr. Nix.
3. Pledge of Allegiance - led by Mr. Haney.
4. Approval of minutes from May 15, 2023 – Mr. Gaulin made a motion to approve the minutes; seconded by Mr. Johnson. Approved unanimously 6/0
5. Public comment (non-agenda items):  
None
6. Commission member comments:  
None
7. Staff comments:  
Mr. Coley presented three subdivisions: Seneca Falls on S. Oak St, Stork Way – Seneca Multi Family, and Wells Crossing.
8. Discussion of Comprehensive Plan Goals for 2023, chapter 4.
  - a. Public Comment: None
  - b. Discussion / Vote:  
Mr. Gaulin made a motion that the review of the Comprehensive Plan Goals for Chapter 4 be noted as complete. Seconded by Mr. Haney. Approved 6/0.

9. Discussion regarding Commercial Junkyard Ordinance

- a. Public Comment: None
- b. Discussion / Vote:

Mr. Nix made a motion to add “woven wire” to the fence definition. Seconded by Mr. Haney. Approved 6/0.

Mr. Gaulin made a motion to add, “Constructed and maintained” to the fence definition. Seconded by Mr. Nix. Approved 6/0.

Mr. Nix made a motion to strike major and minor local street definition as well as Section 32-754 (d). Seconded by Mr. Nix. Motion Failed 3/3

Mr. Nix made a motion to remove Section 32-755 (a. 3.). Seconded by Mr. Pearson. Approved 6/0.

Mr. Nix made a motion to amend Section 32-755 (a. 2.) to expand by 25%. Seconded by Mr. Gaulin. Motion Failed 3/3.

Mr. Pearson made a motion to change Section 32-755 (a. 2.) percentage to 15%. Seconded by Mr. Johnson. Approved 4/2.

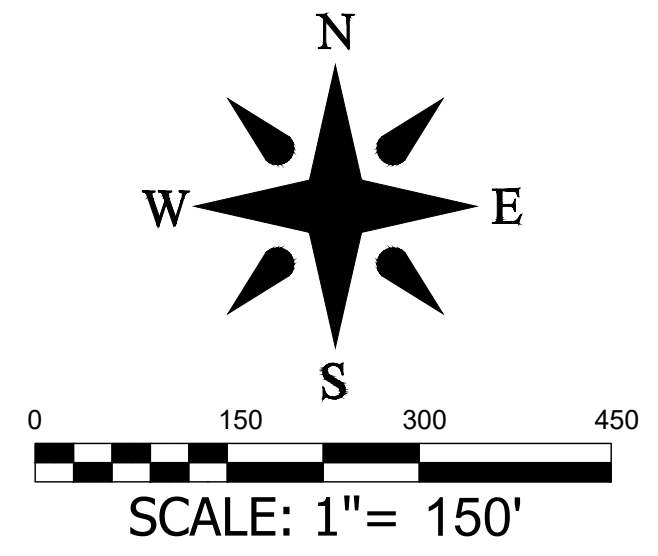
Mr. Pearson made a motion to send all documents with changes to the Law Enforcement and Safety committee. Seconded by Mr. Gaulin. Approved 6/0.

10. Discussion regarding the development of an ordinance to foster the identification and safe repair or removal of structures that have become unsafe for occupation as a result of fire damage and natural disasters.

- a. Public Comment:  
None

Mr. Pearson made a motion to postpone discussion until July meeting. Seconded by Mr. Johnson. Approved 6/0.

11. Adjourn – The meeting was unanimously adjourned at 7:12 PM.



**DEVELOPMENT DATA**

PROPERTY ADDRESS: SOUTH CHERRY LAUREL WAY  
SALEM, SC 29676

PIN NUMBER: 066-00-01-013

PROPERTY SIZE: 28.39 AC.

ZONING REVIEW: OCONEE COUNTY

EROSION CONTROL REVIEW: SCDHEC

STORMWATER REVIEW: SCDHEC

ZONING CLASSIFICATION: CFD - CONTROL FREE

PROPOSED NUMBER OF UNITS: 37

PROPOSED DENSITY: 1.3 UNITS/AC.

PROPERTY OWNER: CLIFFS TIMBER LLC

CONTACT: STEWART TATE  
ADDRESS: 1400 16TH STREET 320  
DENVER, CO 80202

EMAIL: STEWART@SHAWTATE.COM

PHONE: 704-281-0279

DEVELOPER: CLIFFS TIMBER LLC

CONTACT: STEWART TATE  
ADDRESS: 1400 16TH STREET 320  
DENVER, CO 80202

EMAIL: STEWART@SHAWTATE.COM

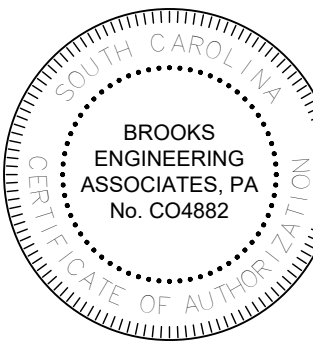
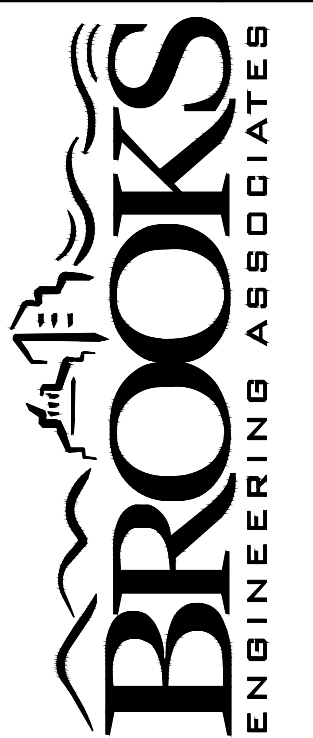
PHONE: 704-281-0279

ENGINEER: BROOKS ENGINEERING ASSOCIATES

CONTACT: JOHN KINNAIRD, PE  
ADDRESS: 15 ARLINGTON ST  
ASHEVILLE, NC 28801

EMAIL: JKINNAIRD@BROOKSEA.COM

PHONE: 828-232-4700

Project No: <b>581622</b>	CLIFFS GOLF COTTAGES DEVELOPMENT PLAN		OCONEE COUNTY NORTH CAROLINA	Reviewed: MCB Scale: AS NOTED Date: 06/05/2023	No. 1	REVISIONS/SUBMISSIONS OCONEE COUNTY REVIEW	Date 06/05/2023
	C-1.2	OVERALL SEPTIC PLAN					
Drawing Title: <b>OVERALL SEPTIC PLAN</b>							
				15 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brooksea.com			
Planning • Engineering • Surveying • Environmental Services •				<b>PRELIMINARY - NOT FOR CONSTRUCTION</b>			

File Location: L:\2022 Projects\581622 Cliffs Timber Cottages\Drawings\Civil\Base\581622.dwg

**PRELIMINARY PLAT LEGEND**

- NEW PROPERTY LINES
- - - NEW RIGHT OF WAY
- · · · · BUILDING SETBACK LINE
- - - P-SE NEW SEWER EASEMENT

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C48	275.00'	152.44'	150.50'	N 49°48'57" W	31°45'42"
C49	375.00'	321.18'	311.46'	N 09°23'55" W	49°04'23"
C50	55.00'	293.67'	50.00'	S 74°51'43" E	305°55'43"
C51	325.00'	278.36'	269.33'	S 09°23'55" E	49°04'23"
C52	225.00'	112.55'	111.38'	S 48°15'56" E	28°39'40"
C53	225.00'	64.55'	64.33'	N 21°57'22" E	16°26'19"
C54	375.00'	48.29'	48.25'	N 17°25'32" E	7°22'39"
C55	55.00'	293.67'	50.00'	N 36°41'32" E	305°55'43"
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LINE	BEARING	DISTANCE
L30	N 53°18'28" W	12.48'
L31	S 53°18'28" E	2.15'

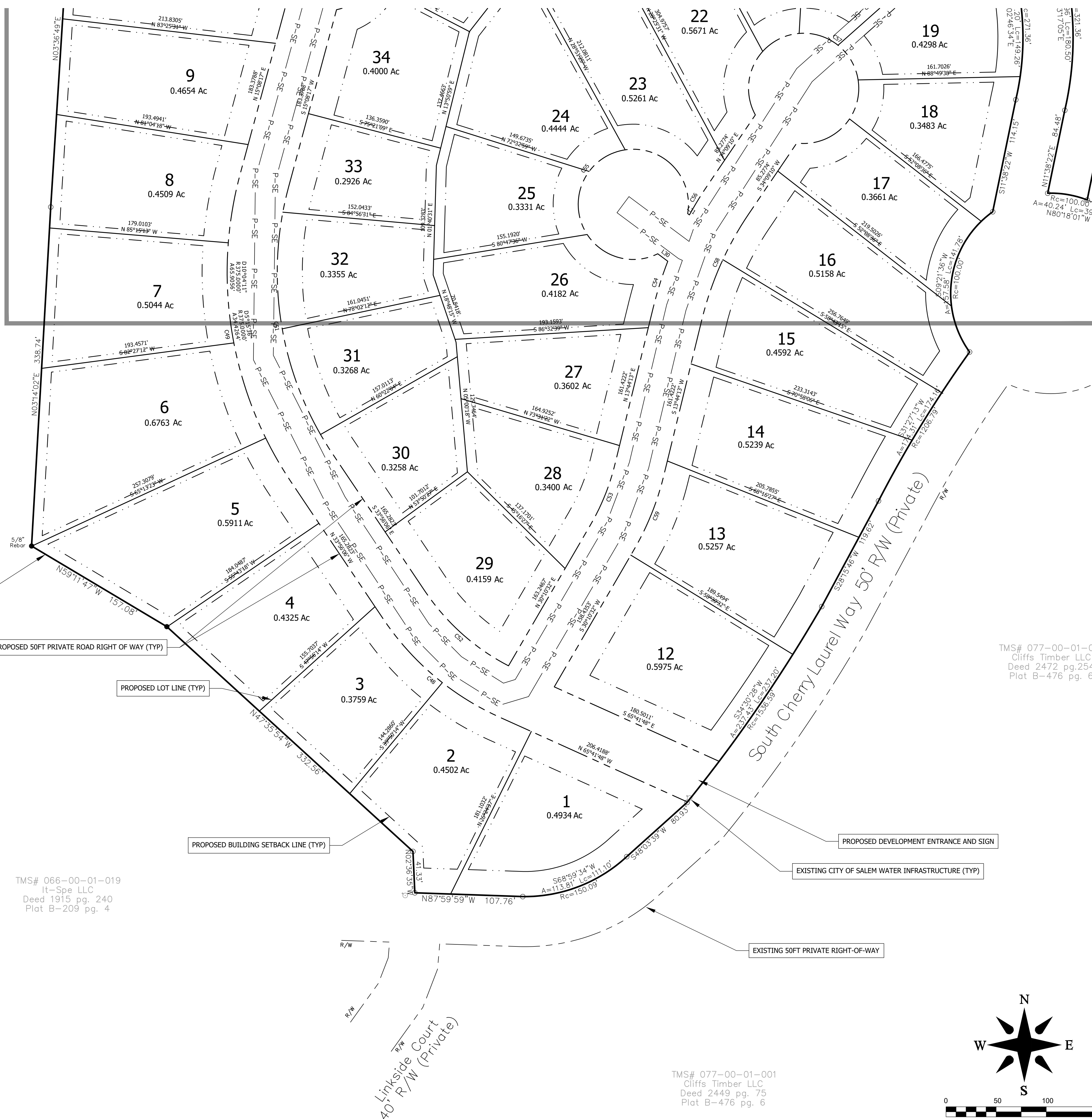
**SITE AND ZONING NOTES**

- PROPERTY ZONING: CFD - CONTROL FREE  
 MINIMUM LOT SIZE ALLOWED: N/A  
 MINIMUM LOT SIZE PROPOSED: 0.29 AC.  
 MAXIMUM BUILDING HEIGHT: 65'  
 SETBACKS:  
 FRONT: 25'  
 REAR: 10'  
 SIDE: 5'  
 MAXIMUM DENSITY ALLOWED: N/A  
 MAXIMUM UNITS ALLOWED: N/A  
 PROPOSED NUMBER OF UNITS: 37  
 PROPOSED DENSITY: 1.3 UNITS/AC. UNITS PER ACRE
- SEWER WILL BE PROVIDED BY A COMMUNITY SEPTIC SYSTEM
  - WATER WILL BE PROVIDED BY THE TOWN OF SALEM AS A PUBLIC WATER SYSTEM EXTENSION
  - ALL OTHER UTILITIES WILL BE PROVIDED BY LOCAL UTILITY COMPANIES
  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF DETAILS, SPECIFICATIONS, AND OTHER DEVELOPMENT ORDINANCES OF OCONEE COUNTY

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 STORMWATER REVIEW: SCDHEC  
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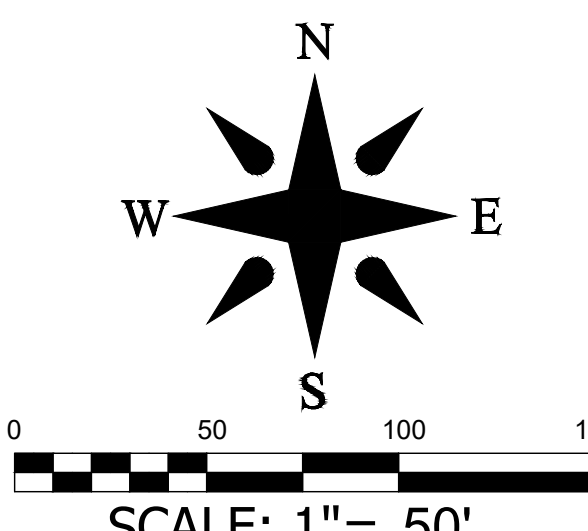
SEE SHEET C-1.4

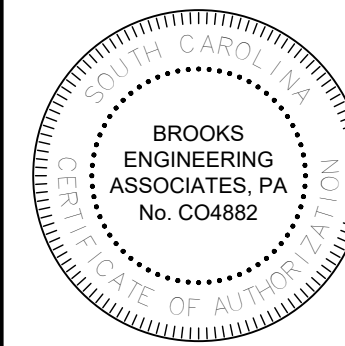
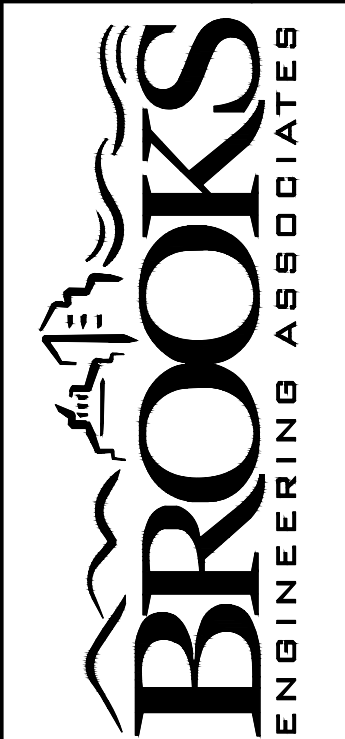


TMS# 077-00-01-0  
 Cliffs Timber LLC  
 Deed 2472 pg.254  
 Plat B-476 pg. 6

TMS# 066-00-01-019  
 It-Spe LLC  
 Deed 1915 pg. 240  
 Plat B-209 pg. 4

TMS# 077-00-01-001  
 Cliffs Timber LLC  
 Deed 2449 pg. 75  
 Plat B-476 pg. 6



Project No: <b>581622</b>	C-1.3	CLIFFS GOLF COTTAGES DEVELOPMENT PLAN	NORTH CAROLINA OCONEE COUNTY	PRELIMINARY PLAT SOUTH	Drawing Title:	Date 06/05/2023	REVISIONS/SUBMISSIONS OCONEE COUNTY REVIEW
						No. 1	REVISIONS/SUBMISSIONS OCONEE COUNTY REVIEW
						PRELIMINARY - NOT FOR CONSTRUCTION	
Reviewed: MCB Scale: AS NOTED Drawn: SGE Checked: JHK		Date: 06/05/2023		15 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brooksea.com			
						Planning • Engineering • Surveying • Environmental Services •	
File Location: L:\2022 Projects\581622 Cliffs Timber Cliffs Golf Cottages\DWG\Civil\Bases\581622.dwg							



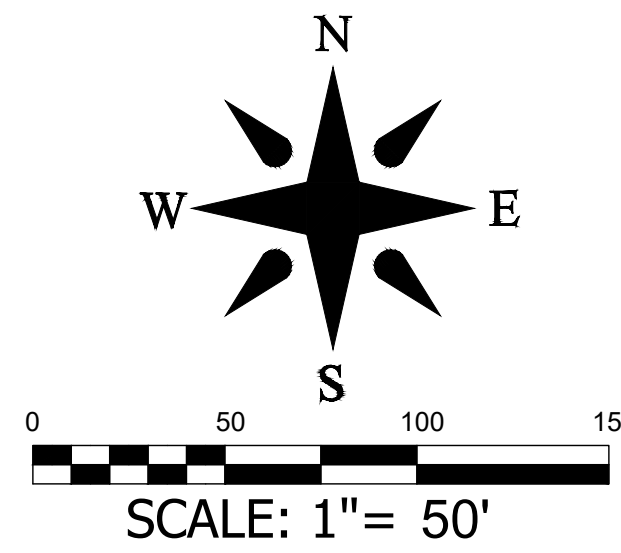
**PRELIMINARY PLAT LEGEND**

- NEW PROPERTY LINES
- - - NEW RIGHT OF WAY
- · - · - BUILDING SETBACK LINE
- - - P-SE — NEW SEWER EASEMENT

Cliffs Golf Areas 1-5  
TMS# 066-00-01-021  
It-Spe LLC  
Deed 1915 pg. 240  
Plat B-243 pg. 1-2

Remainder of  
TMS# 066-00-01-013  
Cliffs Timber LLC  
Deed 2449 pg. 75

Remainder of  
TMS# 066-00-01-013  
Cliffs Timber LLC  
Deed 2449 pg. 75



TMS# 066-00-01-007  
Justin R. Kenney  
Deed 2061 pg. 317  
Plat A-715 pg. 6

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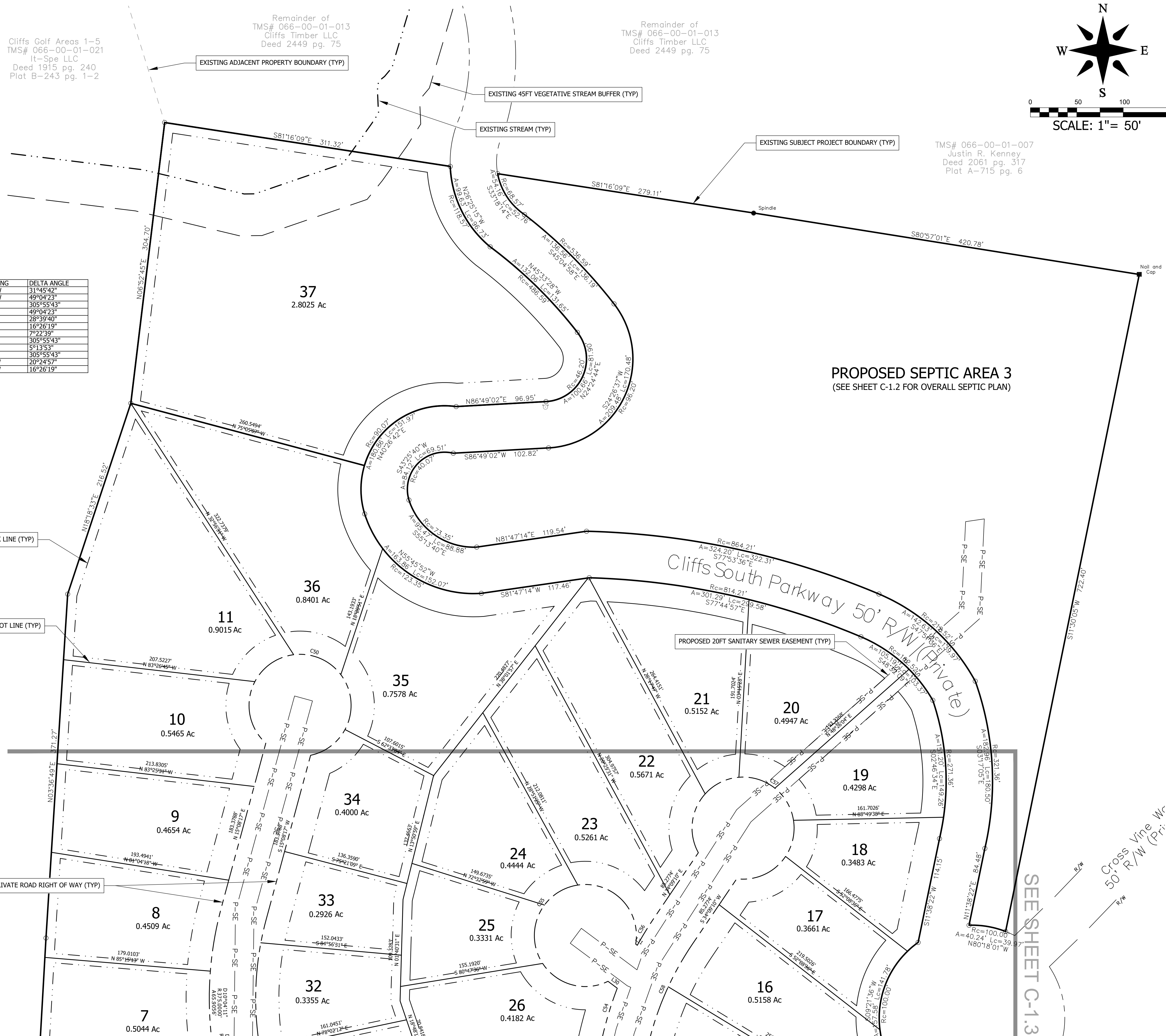
**PROPOSED SEPTIC AREA 3**  
(SEE SHEET C-1.2 FOR OVERALL SEPTIC PLAN)

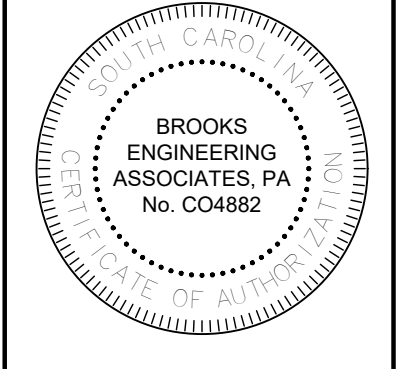
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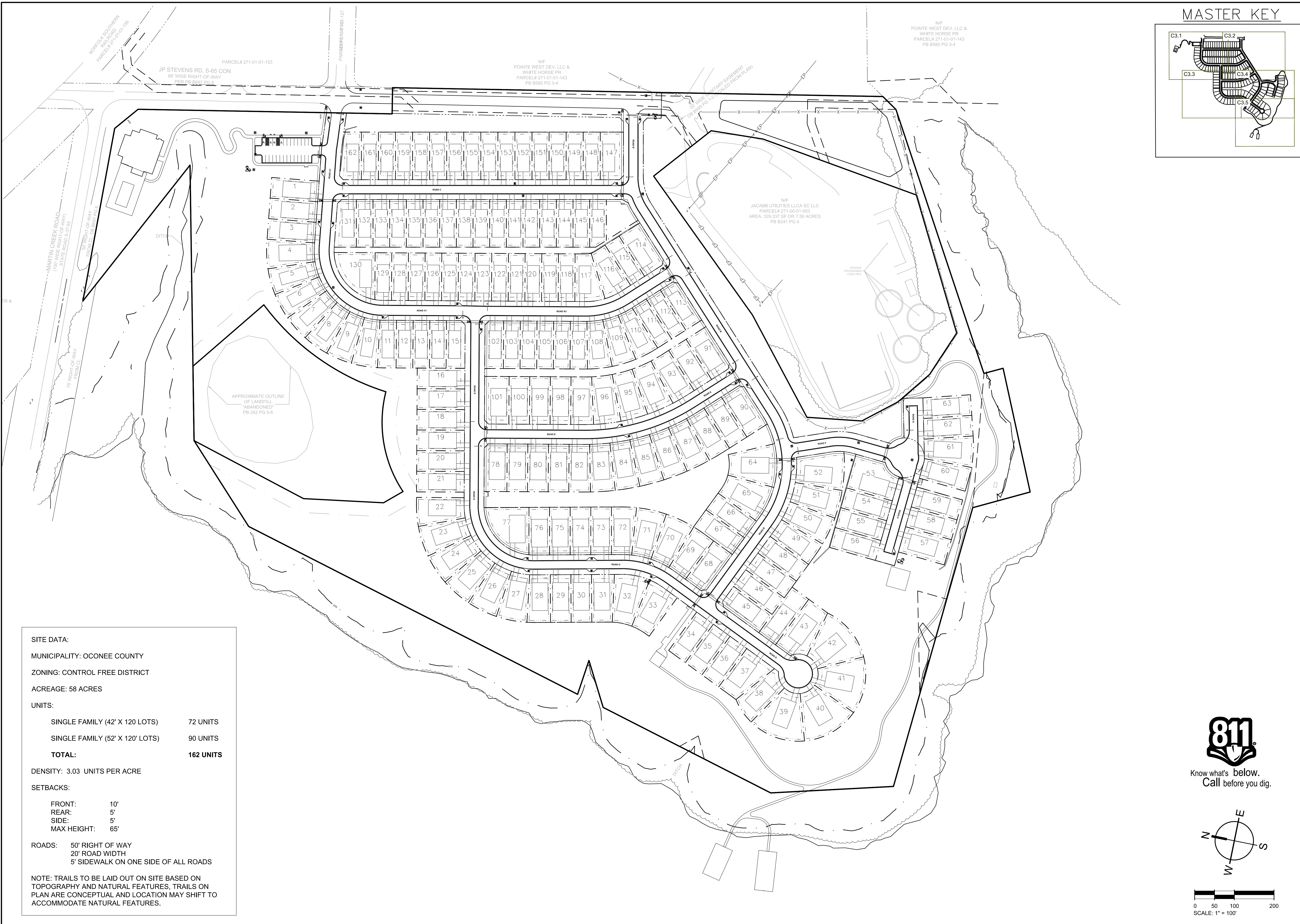


Project No: <b>581622</b>	C-1.4	CLIFFS GOLF COTTAGES DEVELOPMENT PLAN OCONEE COUNTY	NORTH CAROLINA BROOKS ENGINEERING ASSOCIATES Planning • Engineering • Surveying • Environmental Services •	Date 06/05/2023	REVISIONS/SUBMISSIONS OCONEE COUNTY REVIEW
				No. 1	Date 06/05/2023
			<b>PRELIMINARY - NOT FOR CONSTRUCTION</b>		
Reviewed: MCB Scale: AS NOTED Date: 06/05/2023 Designed: SGE Drawn: SGE Checked: JHK		15 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brooksea.com			
SEE SHEET C-1.3					
Drawing Title: <b>PRELIMINARY PLAT NORTH</b>					

File Location: L:\2022 Projects\581622 Cliffs Timber Golf Cottages\DWG\Civil-Basis-581622.dwg



501 WANDO PARK BOULEVARD, SUITE 200 | MOUNT PLEASANT, SC 29464 | 508 RHETT STREET, SUITE 101 | GREENVILLE, SC 29601  
 THIS DRAWING SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION.  
 COPYRIGHT © SEAMON, WHITESIDE & ASSOCIATES, INC.



**SITE DATA:**

MUNICIPALITY: OCONEE COUNTY

ZONING: CONTROL FREE DISTRICT

ACREAGE: 58 ACRES

UNITS:

SINGLE FAMILY (42' X 120' LOTS)	72 UNITS
SINGLE FAMILY (52' X 120' LOTS)	90 UNITS
<b>TOTAL:</b>	<b>162 UNITS</b>

DENSITY: 3.03 UNITS PER ACRE

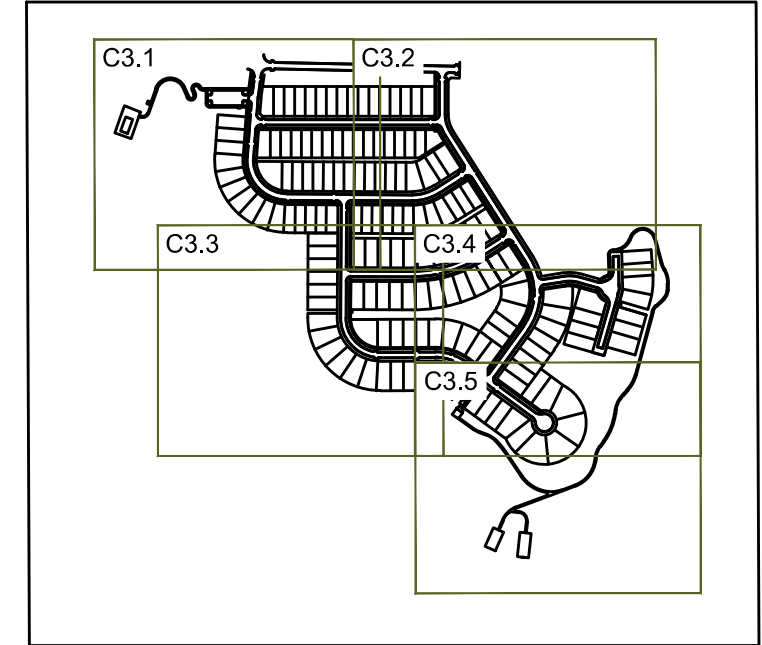
SETBACKS:

FRONT:	10'
REAR:	5'
SIDE:	5'
MAX HEIGHT:	65'

ROADS: 50' RIGHT OF WAY  
20' ROAD WIDTH  
5' SIDEWALK ON ONE SIDE OF ALL ROADS

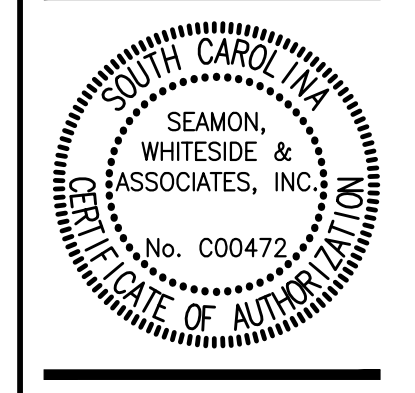
NOTE: TRAILS TO BE LAID OUT ON SITE BASED ON TOPOGRAPHY AND NATURAL FEATURES, TRAILS ON PLAN ARE CONCEPTUAL AND LOCATION MAY SHIFT TO ACCOMMODATE NATURAL FEATURES.

**MASTER KEY**

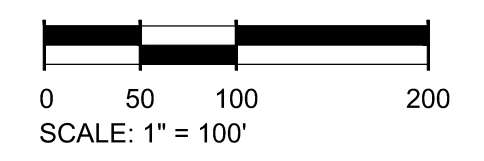
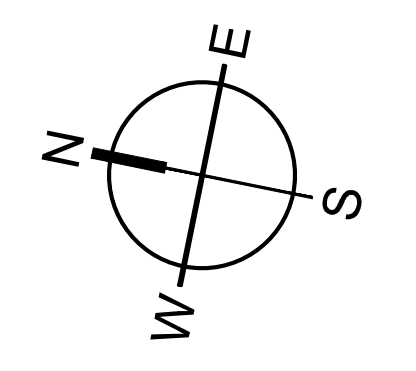


**SW**  
SEAMON WHITESIDE

MOUNT PLEASANT, SC 843.884.1667  
 GREENVILLE, SC 864.298.0534  
 SUMMERVILLE, SC 843.884.1667  
 SPARTANBURG, SC 864.298.0534  
 CHARLOTTE, NC 980.312.5450  
 WWW.SEAMONWHITESIDE.COM



**THE PIER SOUTH**  
 JP STEVENS RD  
 SENECA, SOUTH CAROLINA 29678



SW+ PROJECT: GR4250  
 DATE: 6/28/2023  
 DRAWN BY: CD/LM  
 CHECKED BY: ZJIPT

**REVISION HISTORY**

NO.	DATE	DESCRIPTION

**OVERALL SITE PLAN**

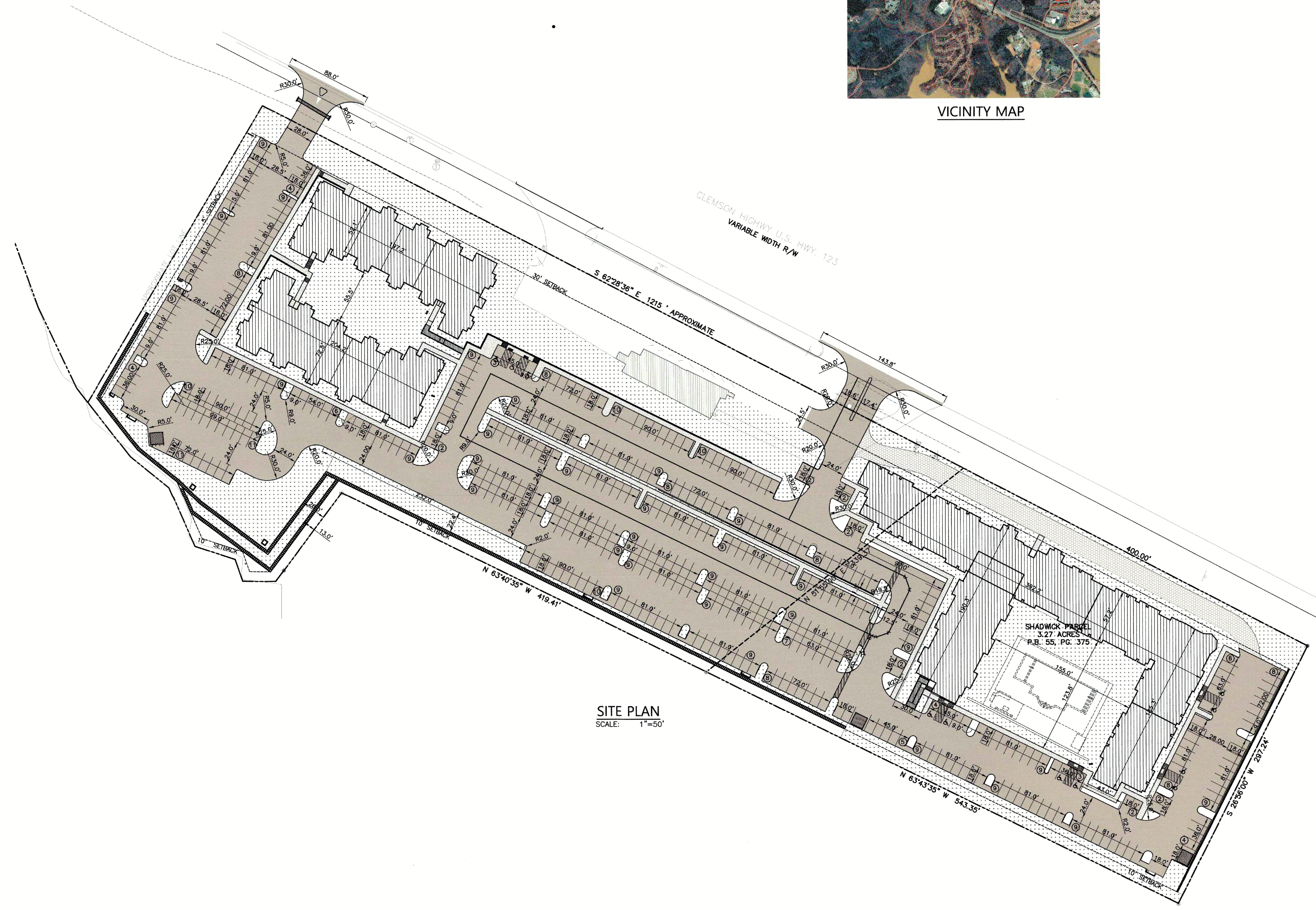
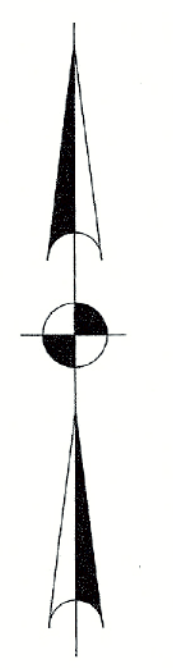








VICINITY MAP



SITE PLAN  
SCALE: 1"=50'

LEGEND

- NEW 6" CONCRETE PAVEMENT  
3000 PSI REINFORCED W/ #4 BARS @ 18" O.C.,E.W.
- PROPOSED STRUCTURE  
(REFER ARCHITECTURAL PLANS FOR DETAILS)
- PERVIOUS PAVER SYSTEM  
FOR EMERGENCY ACCESS ONLY
- NEW 7" CONCRETE PAVEMENT (DUMPSTER PAD)  
3000 PSI REINFORCED W/ #4 BARS @ 18" O.C.,E.W.
- NEW STRUCTURAL CONCRETE RAMP
- NEW 5" 3000 PSI CONCRETE FLATWORK
- NEW LANDSCAPE
- NEW MODULAR BLOCK RETAINING WALL (PERFORMANCE SPEC)
- NEW CAST IN PLACE CONCRETE RETAINING WALL

SITE TABULATION CHART	
PARKING REQUIRED	2 PER UNIT (162 UNITS)=324
COMPACT PARKING	5 PARKING SPACES
PARKING PROVIDED	462 PARKING SPACES TOTAL
HANDICAP PARKING REQUIRED	8 HANDICAP SPACES
HANDICAP PARKING PROVIDED	11 HANDICAP SPACES (VAN ACCESSIBLE)
	467 PARKING SPACES TOTAL
TOTAL LOT SIZE	403,501.41 SQ. FT. (9.26 ACRES)
LANDSCAPE AREA	165,914.13 SQUARE FEET
RECREATIONAL (POOL & DECK)	8,000 SQUARE FEET
BUILDING	62,481.68 SQUARE FEET
IMPERVIOUS AREA	167,105.60 SQUARE FEET

ISSUED FOR INTERIM REVIEW  
THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.  
CHARLES GOJER, P.E.  
SOUTH CAROLINA REG'N. #7111  
DATE: 07/01/2023

**Charles Gojer & Associates, Inc.**  
10121 CLEMSON BLVD.  
SENECA, SOUTH CAROLINA 29678  
PHONE: (214) 340-1199

OCONEE COUNTY, SOUTH CAROLINA

GREEN PAW MIXED USE

MASTER SITE PLAN

DATE: 07/01/2023	DRAWN BY: CGA
SCALE: AS NOTED	



## 5. CULTURAL RESOURCES

Goals/Objectives/Strategies	Accountable Agencies	Time Frame for Evaluation	Date Completed
<b>Goal 5.1. Protect the historic and cultural heritage of Oconee County, as embodied and reflected in its historic structures, sites, and districts.</b>			
<b>Objective 5.1.1. Emphasize the importance of historic and cultural resources in the policies, plans, and ordinances of local governments to ensure that the unique character of the County is preserved and enhanced.</b>			
Goals/Objectives/Strategies	Accountable Agencies	Time Frame for Evaluation	Date Completed
<b>Objective 5.1.2. Protect local sites, structures and districts which represent or reflect elements of cultural, social, economic, political, and architectural history at the community, County, regional and state levels.</b>			
<b>Goal 5.2. Strengthen countywide access, involvement, and appreciation of the arts.</b>			
<b>Objective 5.2.1. Strengthen the creative capacity of the community by providing all County residents with diverse opportunities for arts participation.</b>			
<u>Strategy 5.2.1.1.</u> Encourage residents to connect with one another and their communities through a strong awareness of and commitment to local history and historic places, as well as a deep appreciation for the arts.	<ul style="list-style-type: none"> <li>• Oconee County</li> <li>• SDOC</li> <li>• Museums and Historic Sites</li> </ul>	On-Going	
<u>Strategy 5.2.1.2.</u> Increase the awareness of Oconee County residents of all ages and income levels in visual, performing, and literary arts, and cultural programming.	<ul style="list-style-type: none"> <li>• Fine/ Performing Arts Centers</li> <li>• SDOC</li> <li>• Other Cultural and Arts Groups</li> </ul>	On-Going	
Goals/Objectives/Strategies	Accountable Agencies	Time Frame for Evaluation	Date Completed
<u>Strategy 5.2.1.4.</u> Enable residents of all ages to acquire knowledge and skills in the arts by supporting arts projects that address lifelong learning.	<ul style="list-style-type: none"> <li>• SDOC</li> <li>• Cultural and Arts Groups</li> </ul>	On-Going	
<u>Strategy 5.2.1.5.</u> Promote opportunities for volunteerism and sponsorships of tourism, cultural, and recreational offerings.	<ul style="list-style-type: none"> <li>• Oconee County</li> <li>• Municipalities</li> <li>• Cultural Organizations</li> <li>• Businesses/ Employers</li> </ul>	On-Going	
<b>Objective 5.2.2. Strengthen the creative and operational capacity of existing community arts and cultural organizations.</b>			
<u>Strategy 5.2.2.4.</u> Encourage volunteer involvement in cultural programming, organizations and events by community, faith-based, and civic groups, as well as businesses.	<ul style="list-style-type: none"> <li>• Cultural and Arts Groups</li> <li>• Faith-based Organizations</li> <li>• SDOC</li> <li>• Civic and Community groups</li> </ul>	On-Going	
Goals/Objectives/Strategies	Accountable Agencies	Time Frame for Evaluation	Date Completed
<b>Goal 5.3. Leverage the County's historic and cultural assets as an economic development resource.</b>			
<b>Objective 5.3.1. Integrate the County's heritage into the overall economic development process, especially as it relates to building a cultural tourism industry.</b>			
<u>Strategy 5.3.1.3.</u> Ensure the County's visibility in the regional tourism market to support sustainable tourism development and make the County a destination for cultural enrichment, leisure, entertainment, and the arts.	<ul style="list-style-type: none"> <li>• Upcountry SC Tourism Association</li> <li>• Visit Oconee SC</li> <li>• Oconee Chamber of Commerce</li> </ul>	On-Going	



**Objective 5.3.2. Support employers engaged in the cultural and heritage tourism, agritourism, and nature-based tourism sectors.**

Goals/Objectives/Strategies	Accountable Agencies	Time Frame for Evaluation	Date Completed
<p><u>Strategy 5.3.2.4.</u> Preserve the culture and identity tied to agriculture and the landscape of the County’s rural communities.</p>	<ul style="list-style-type: none"> <li>• Oconee County</li> <li>• Farms and Agribusinesses</li> <li>• Land Conservation Groups</li> </ul>	<p>2023</p>	



**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2023-\_\_**

**AN ORDINANCE TO FOSTER THE IDENTIFICATION AND REPAIR  
OR REMOVAL OF STRUCTURES THAT HAVE BECOME UNSAFE FOR  
HUMAN OCCUPATION AS A RESULT OF FIRE DAMAGE OR  
NATURAL DISASTER.**

**1. Title.**

This article shall be known as the “Oconee County Unsafe Building Ordinance.”

**2. 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:

*County* means the unincorporated area comprising Oconee County.

*Dwelling* means any building or structure, or part thereof, used and occupied for human habitation, or which has been so used or intended to be so used and includes any outhouses, outbuildings, or other appurtenances belonging thereto or usually enjoyed therewith.

*Owner* means the holder of the title to real estate in fee simple and every mortgagee of record, and shall also include the record owner of a mobile home, as shown on the records of the South Carolina Department of Transportation, as well as every lienholder of record. In instances where the owner of a mobile home is not also the owner of the real estate upon which the mobile home is situated, the term “Owner” shall apply to both such parties.

*Parties in interest* means all individuals, associations, corporations, and others who have an interest in a dwelling and any person or persons in possession thereof. For the purposes of this article, the term "Parties in interest" also includes the owner of the real property upon which a mobile home is situated.

*Public officer* means the officer or officers who are designated by the County Administrator to exercise the powers prescribed by this article.

*Reasonable cost* means 50 percent or smaller of estimated cost of required repairs, alterations, and/or improvements in relation to the estimated value of a dwelling.



### **3. Public officer—Appointment.**

The public officer designated to exercise the powers prescribed by this article shall be appointed by the County Administrator and shall serve at the pleasure of the County Administrator.

### **4. Same—Powers.**

The public officer may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including, but not limited to the following powers, in addition to others herein granted:

- a. To investigate the dwelling conditions in the county in order to determine which dwellings therein are unfit for human habitation as a result of a fire or natural disaster.
- b. To administer oaths and affirmations, examine witnesses, and receive evidence.
- c. To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession, and are conducted in a manner consistent with state and federal law.
- d. To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this article.
- e. To delegate any of his functions and powers under this article to such officers and agents as he may designate.

### **5. Standards for determining fitness of dwelling for human habitation.**

The public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling that resulted from a fire or natural disaster which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the county. By way of example and not limitation, such conditions shall include the following, inasmuch as they resulted from a fire or natural disaster:

- a. Defects increasing the hazard of fire, accidents, or other calamities.
- b. Lack of adequate ventilation, light, or sanitary facilities.
- c. Dilapidation, disrepair, or structure defects.



**6. Complaints and orders—Procedures for processing; failure to comply; liens.**

- a. Whenever a petition is filed with the public officer by at least five residents of the county charging that any dwelling is unfit for human habitation as a result of fire or natural disaster, or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation as a result of fire or natural disaster, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and all parties in interest in, such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer or his designated agent at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the service of such complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.
- b. If, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation as a result of fire or natural disaster, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:
  - i. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it safe for human habitation or to vacate and close the dwelling as a human habitation; or
  - ii. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.
- c. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered, or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation and occupancy is prohibited and unlawful."
- d. If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.



- e. The amount of the cost of such repairs, alterations, or improvements, vacating and closing or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as county taxes.
- f. If a county in demolishing unfit dwellings as permitted by this section contracts with a third party not employed by the county to do the work, it must bid the work in conformity with the procurement code applicable to the county.

**7. Same—Service; posting and filing copies.**

Complaints or orders issued by the public officer pursuant to this article shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, the service of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper of general circulation in the county. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the Clerk of Court for the county. Such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

**8. Rights of persons affected by orders.**

Any person affected by an order issued by a public officer may within sixty (60) days after the posting and service of the order, petition the circuit court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause. Hearings shall be had by the court on such petitions within twenty (20) days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer or because of compliance by such person with any order of the public officer.

**9. Sale of material of removed or demolished dwelling.**

If a dwelling is removed or demolished by the public officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the circuit court by the public officer, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.



**10. Power of county to declare nuisances not impaired.**

Nothing contained in this article shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their normal removal or abatement by summary proceedings or otherwise.

**11. Provisions are cumulative.**

The powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law to the county in relation to the subject matter hereof.

**12. Penalties:**

Any violation of this article shall be a misdemeanor and, upon conviction, is punishable to full extent of the jurisdictional limits of magistrate courts located in the county. Additionally, or alternatively, the county may pursue civil litigation to compel compliance, including the pursuit of injunctive relief, damages, and other available relief.



**Sec. 38-10.6. Agriculture district II (AD II).**

*Title:* Agriculture district II.

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

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

*Dimensional requirements:\**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres	1 dwelling per 5 acres	400	35	20	50	
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 Article 9 for general provisions and exceptions to dimensional requirements.



	AD	ADII
Agricultural production, crops, livestock, and poultry	P	P
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	P	P
Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc.	P	P
Air strips	S	S
Auction houses	P	P
Auditorium/Indoor Public Assembly	S	S
Bed and Breakfast Inns	C	C
Building and Trade Contractors, including materials and supply uses	P	P
Cemeteries and accessory uses	P	P
Civic, fraternal, professional, and political organizations	P	P
Commercial Fishing, Hunting and Trapping	P	P
Communications towers	S	S
Conservation subdivisions	C	C
Convenience stores (excluding motor vehicle services)	S	S
Correctional facilities and half-way houses	X	X
Day Care Facilities (all ages)	P	P
Distribution and other Warehouses	P	P
Educational buildings, and Research Facilities (all types)	S	S

Emergency services	P	P
Farm and roadside markets	P	P
Financial Services	S	S
Forestry/Silviculture	P	P
Fuel supply services	P	P
Funeral homes and services	X	X
Golf courses, country clubs, driving ranges	X	X
Government buildings (excluding correctional facilities)	S	S
Group Homes	S	S
Greenhouses, nurseries, and landscape commercial services	P	P
Gun and Archery clubs and shooting ranges	S	S
Health care services, service retail, and emergency short term shelters	P	P
Home occupations and businesses	C	C
Hotels, Motels, and Inns	S	S
Laundry Mats	P	P
Laundry and dry cleaning services	X	X
Light Manufacturing	S	S
Liquor stores and bars	X	X
Lumber and saw mills (permanent)	P	P
Lumber and saw mills (portable)	P	P
Manufactured Home Dealer	X	X
Heavy Manufacturing	X	X
Marinas	S	S
Mini storage or mini warehouses	X	X



Mining	S	S
Mixed Use Buildings and parcels	P	P
Motor vehicle parking and garages (as a principal business use)	X	X
Motor vehicle sales and rental	X	X
Motor vehicle services and repair	P	P
Motor vehicle services and gas stations (excluding truck stops)	P	P
Movie theater	X	X
Multi-family residential development (structures containing 5 or more residential units)	X	X
Multi-family residential development (structures containing no more than 4 residential units)	X	X
Museums, cultural centers, historical sites, sightseeing, and similar institutions	P	P
Office uses, general	X	X
Outdoor Retail	P	P
Places of worship	P	P
Public, Private, and Commercial parks and recreation, camping or social facilities	P	P
Public and private utilities	P	P
Railroad stations	X	X
Residential care facilities	X	X
Restaurants (up to 2,500 square feet)	P	P
Restaurants (greater than 2,500 square feet)	S	S
Retail uses (up to 5,000 square feet)	S	S
Retail uses (5,000—50,000 square feet)	X	X
Retail uses (greater than 50,000 square feet)	X	X

Roadside Stands	P	P
Salvage yard, Junkyard, and Recycling Operations	S	S
Single-family detached residential	P	P
Single-family subdivisions (10 units or less)	S	S
Single-family subdivisions (more than 10 units)	X	X
Solid waste landfill and Waste Management Services; (excluding hazardous waste)	S	S
Taxidermy, slaughter houses and wild game processing	P	P
Waste management services (excluding hazardous waste)	S	S