

Public Comment
June 5, 2017

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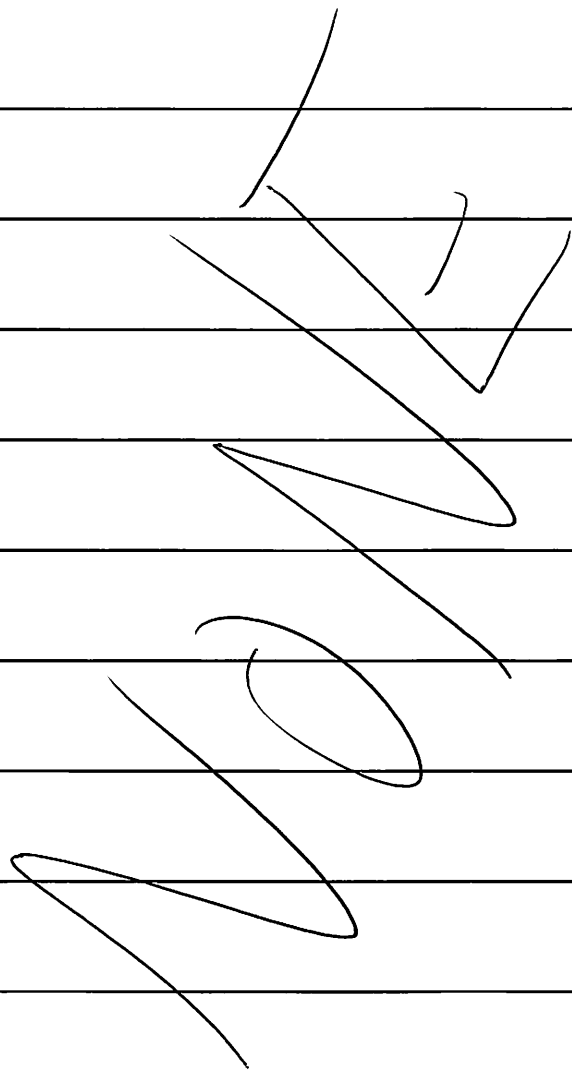
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NO

2) Method 2- Small Area Rezoning

- a) After initial adoption of Zoning, proposed changes or amendments to the zoning district map may be initiated by petition of any interested property owner with a property interest in the parcel of property being petitioned for a map change in accordance with the following procedures.
 - i) Submission of an application of rezoning to the Planning Department
 - ii) Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in Section 8.1 (above), and public notice requirements contained in Section 8.2 (above), as well as other applicable standards established by the South Carolina Code of Laws, 1976, as amended.

- ~~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% of the affected properties in the area in question established by one of the following two methods, chosen by the petitioner.~~
 - ~~i) 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 fifty one percent [51%] 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 seventy five percent [75%] of the acreage within the established boundary for the rezoning request.~~
 - ~~ii) 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 twenty five (25) acres, or contains a minimum of twenty (20) parcels.~~
- ~~b) Upon obtaining 51% 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% 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 8.1 (above), and public notice requirements contained in Section 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.~~

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	

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(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2015-15, § 2(Att. B), 6-2-2015)

ARTICLE 7. - VARIANCES AND SPECIAL EXCEPTIONS

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- 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. 38-9.3. - 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.

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.

b. Where a property abuts a street right-of-way, the setback shall be measured from the right-of-way line.

c. Corner lots shall be considered to have two fronts and shall meet the front setback for the district.

d. Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

e. Road design and encroachment criteria is governed by the standards in [Chapter 26](#), of the Oconee County Code of Ordinances, as amended.

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

g. The side and rear setbacks in the CCD and HCD shall not apply to the shared property line of attached buildings.

h. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

i. Steps and heating and cooling units may project into a required yard a distance not to exceed five feet but no closer than five feet of a property line. Fences, freestanding walls, hedges, and septic lines may be located in any setback, so long as they remain on the property.

(Ord. No. 2012-14, § 1, 5-15-2012)