

Staff identified clarifications: Ordinance 2012-14 April 16, 2012

Page 16, [2) Method 2-Small Area Rezoning c)]

-“request” is misspelled

Page 16, [2) Method 2-Small Area Rezoning f)

-last sentence should state, **“Citizens who cannot meet the standards established under this method may utilize method 1 or method 3 as an alternative option.”**

Page 18 [section 38-9.1] 1 c.

-Unified* Performance Standards is spelled incorrectly. Currently says United

Page 20-21, [Section 38.9.3 2) e)]

- In order to avoid conflicting language regarding encroachments, we should remove the language in this section and replace this language to point to chapter 26 of the Code, which governs encroachments. Suggested language: **“Road design and encroachment criteria is governed by the standards in Chapter 26, of the Oconee County Code of Ordinances, as amended.”**

Page 24

Remove the amended dates beside ARD and PRLD. MUD does not need parenthesis.

Page 35

- the title “Agricultural Residential District” should be capitalized.

Page 39,

- need space between 1 and 2

Page 40 -42 [Zoning Use Matrix]

-The abbreviation for Agricultural District is currently “AG”; to be consistent it needs to be “AD”

Page 58 “Ministorage and Mini warehouses:” Mini storage is two words.

Section 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.

Section 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 five hundred (\$500.00) dollars or imprisoned for thirty (30) days or both.

Section 38-2.10 Zoning Districts / Abbreviations

CFD	Control Free District	Section 38-10.2
TRD	Traditional Rural District	Section 38-10.3
RRD	Rural Residential District	Section 38-10.4
CD	Conservation District	Section 38-10.5
AD	Agricultural District	Section 38-10.6
RD	Residential District	Section 38-10.7
LRD	Lake Residential District	Section 38-10.8
CCD	Community Commercial District	Section 38-10.9
HCD	Highway Commercial District	Section 38-10.10
ID	Industrial District	Section 38-10.11
ARD	Agricultural Residential District	Section 38-10.12
PRLD	Public and Recreation Lands District	Section 38-10.13
MUD	Mixed Use District	Section 38-10.14
PDD	Planned Development District	Section 38-10.15

Article 10. Zoning Districts

Section 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
TRD	Traditional Rural District	Section 38-10.3
RRD	Rural Residential District	Section 38-10.4
CD	Conservation District	Section 38-10.5
AD	Agricultural District	Section 38-10.6
RD	Residential District	Section 38-10.7
LRD	Lake Residential District	Section 38-10.8
CCD	Community Commercial District	Section 38-10.9
HCD	Highway Commercial District	Section 38-10.10
ID	Industrial District	Section 38-10.11
ARD	Agricultural Residential District	Section 38-10.12
PRLD	Public and Recreation Lands District	Section 38-10.13
MUD	Mixed Use District	Section 38-10.14
PDD	Planned Development District	Section 38-10.15

Natural Vegetative Buffer

Page 44, [Section 38-11.1 (5) (a)]

- A. Does Council wish to establish a buffer along all stream within the overlay? If so, we should clarify language to state:

“A natural vegetative buffer shall be established on all waterfront parcels whose property line is located within 25 feet from the full pond contour and on all parcels traversed by a named perennial stream within the boundary of the lake overlay. Those parcels not meeting the above criteria shall be exempt from this standard.”

- B. If Council does not wish to establish a buffer along all streams within the overlay and only apply the buffer to waterfront lots then language should state:

“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 the above criteria shall be exempt from this standard.”

(1) Natural Vegetative Buffer

(a) ~~Strike language and replace with either A or B above~~

- (b) The buffer shall extend to a depth of twenty-five (25) feet measured along a perpendicular line from the full-pond contour; in the event, or any permanent shoreline stabilization, such as rip-rap or retaining walls, ~~and the like, or a perennial stream 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.
- (c) All ~~existing~~ 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 25-natural buffer areas unless the total square footage occupied by the structure, not to exceed 20% of the required buffer area, is added to the buffer at another location on the same parcel, provided the resulting ~~in a~~ buffer area is equal to the required buffer area, and the effectiveness of the buffer is not compromised.
- (d) 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.
- (e) No development activity or soil disturbance shall occur in the buffer area, unless permitted by the zoning administrator.
- (f) 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.
- (g) 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.
- (h) Natural, existing vegetation is encouraged; however, the following mix of plants shall be required for every twenty-five hundred (2500) square feet of vegetative buffer area that is established by planting ~~Any re-established buffer shall meet all standards, including:~~
- (i) The following mixture of plants for every twenty-five hundred (2500) square feet of natural vegetative buffer shall be required when existing:
 1. 3- large maturing shade trees, equally spaced, 4 inch or greater caliber at 4 feet
 2. 3-understory trees, equally spaced, 2 inch or greater caliber at 4 feet
 3. 6-small evergreen trees
 4. 20- shrubs; or
 - (ii) A diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses where available and suited to the site.

- (l) A view lane of no more than 15% 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.
- (i) 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.
- (k) 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 may, in its sole discretion, grant or not grant such variance, for good cause shown.

-“view lane” is currently defined and governed by the definition located in the subdivision regulations. We recommend adding the definition to the zoning ordinance. “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.”

**STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE NUMBER 2012-14**

AN ORDINANCE TO REWRITE AND REVISE CHAPTER 38 ZONING OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina (the "State"), acting by and through its governing body, the Oconee County Council (the "County Council"), has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the "Code of Ordinances"), as amended, from time to time; and

WHEREAS, Chapter 38 of the Code of Ordinances contains terms, provisions and procedures applicable to zoning in Oconee County; and

WHEREAS, from time to time, provisions of the Code of Ordinances need to be amended, to update such provisions, to add guidelines and procedures and rules applicable to Oconee County government, and to update all provisions of the Code of Ordinances, to keep them in concert and accord with state and county law and regulations; and

WHEREAS, there is a need to revise the zoning procedures and law of the County, based on three years of practical experience with such procedures and law, and to meet the changing needs of the County; and

WHEREAS, there is a need to amend, specifically, the provisions of Chapter 38 *Zoning* of the Oconee County Code of Ordinances:

NOW, THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled that:

1. The entire content of the current Chapter 38 *Zoning* of the Oconee County Code of Ordinances is hereby revoked, rewritten, stricken, and replaced in its entirety with the rewritten Chapter 38 of the Oconee County Code of Ordinances contained as Attachment A, hereto, and hereby incorporated herein as fully as if set forth verbatim, herein, which shall, after enactment of this ordinance, constitute the effective zoning provisions of the County. All zoning and land use maps of the County in effect and in use in Oconee County at the time of enactment of this ordinance shall remain in full force and effect, and shall become the maps adopted by this ordinance and Attachment A, hereto, to the effect that use of any such maps is called for by this Ordinance or Attachment A.

2. Oconee County Council hereby declares and establishes its legislative intent that Attachment A, hereto, as may perhaps be amended from time to time, become the applicable zoning provisions of Oconee County, from and after its adoption, states its intent to so adopt Attachment A, and directs that a public hearing thereon be undertaken by the Oconee County Council or the Oconee County Planning Commission, in accord with and as required by Section 6-29-760 and by Section 4-9-130, South Carolina Code, 1976, as amended.

3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

4. All ordinances, orders, resolutions, and actions of Oconee County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded. However, nothing contained herein, or in Attachment A, hereto, shall cancel, void, or revoke, or shall be interpreted as cancelling, voiding, or revoking in any regard any prior zoning or rezoning acts, actions, or decisions of Oconee County or Oconee County Council, in any regard.

5. All other terms, provisions, and parts of the Oconee County Code of Ordinances not amended hereby, directly or by implication, shall remain in full force and effect.

6. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by Oconee County Council, and will apply to all zoning processes initiated after first (1st) reading hereof. All zoning processes actually initiated by submitting a properly and legally completed rezoning petition to Oconee County Council, at a minimum, prior to first (1st) reading of this ordinance and the establishment of the pending ordinance doctrine thereby, shall be completed under the zoning rules and regulations of Chapter 38, of the Oconee County Code of Ordinances, as in effect prior to final adoption of this ordinance.

ORDAINED in meeting, duly assembled, this _____ day of _____, 2012.

ATTEST:

Elizabeth Hulse,
Clerk to Oconee County Council

Joel Thrift,
Chairman, Oconee County Council

First Reading: April 3, 2012
Second Reading: April 16, 2012
Third Reading: _____
Public Hearing: _____

**STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE NUMBER 2012-14**

**AN ORDINANCE TO REWRITE AND REVISE CHAPTER 38 *ZONING*
OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN
LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER
MATTERS RELATED THERETO.**

Attachment A

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Article 1. Legal Provisions

Section 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.

Section 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.

Section 38-1.3 Jurisdiction

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

Section 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.

Section 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.

Section 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 Sec. 38-4.1. Nonconforming (or grandfathered) uses shall be subject to the standards listed in Article 4, “Nonconforming Uses”, of this Chapter.

Section 38-1.7 Effective Date of Ordinance

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.

Article 2. Application and Enforcement

Section 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.

Section 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.

Section 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.

Section 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 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 (2) sets of plans drawn to an appropriate engineering scale, one (1) 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 storm water 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.

Section 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 fifteen (15) days, and shall be subject to any and all limitations 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 fifteen (15) day periods; however, no more than three (3) such renewals shall be approved.

Section 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.

Section 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. Complainants must reside within the same planning district in which the potential violation lies. All complaints shall be acted on within ten (10) days of submission. Anonymous reports of alleged violations will not be considered valid.

Section 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.

Section 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 five hundred (\$500.00) dollars or imprisoned for thirty (30) days or both.

Article 3. Official Zoning Map and Zoning Districts

Section 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.

Section 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.

Article 4. Nonconforming Uses

Section 38-4.0

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 non-conforming 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.

Section 38-4.1 Discontinuation of Use

Any non-conforming use discontinued or abandoned for a period of twelve (12) months or more shall void any exemption as a non-conformity, and thereafter the use shall conform to all provisions of these regulations. However, suspension of a use for longer than twelve (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.

Section 38-4.2

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 twelve (12) months, no permit is required under this Chapter, provided, 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 non-conforming structure that is a non-conformity 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 fifty (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 variance 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.

Article 5. Conditional Uses

Section 38-5.0

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.

Section 38.5.2 Auction Houses (zoning district: 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 fifteen (15) feet shall be submitted at the time of application for a zoning permit. Parking areas shall be no closer than fifteen (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 (4) feet in height.

Section 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.

Section 38.5.4 Cemeteries and Accessory Uses (zoning district: CCD)

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

Section 38.5.6 Conservation Subdivision (zoning districts: TRD, AG, ARD, RRD, RD, LRD, HCD)

- 1) A licensed landscape architect shall design the site layout and preliminary layout plans for the subdivision
- 2) A minimum of 50% of the gross area shall be preserved as green space.
- 3) Lot size may be reduced to 10,000 square feet provided that a non-traditional septic system is approved by the South Carolina Department of Health and Environmental Control (DHEC). An increase in green space by at least 15% shall permit the developer to decrease the minimum lot size by 20% (to 8,000 square feet).
- 4) 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.
- 5) At least half of the lots shall directly abut conservation land or face conservation lands from across the street.
- 6) 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.

- 7) 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.

Section 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.

Section 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 3 working bays shall be permitted, unless otherwise approved by the Board of Zoning Appeals.

Section 38.5.9 Outdoor Retail (zoning district: MUD)

Setbacks from the roadway shall be a minimum of fifty (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.

Section 38.5.17 Restaurants (up to 2,500 square feet) (zoning district: 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.

Article 6. Board of Zoning Appeals

Section 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.

Section 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.

Article 7. Variances and Special Exceptions

Section 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 a 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.

Section 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;

- 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.

Article 8. Amendments and Rezoning

Section 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 sixty (60) days.

Section 38-8.2 Public Notice Requirements

- 1) **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.
- 2) **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.
- 3) **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 10 effected parcels are so situated as to share frontage along the same public thoroughfare, a sign shall be located on each parcel, provided no two (2) signs are closer than one hundred (100) feet of each other. In the event ten (10) 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 1 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.
- 4) **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 at least fifteen (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.
- 5) **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.

Section 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.

Section 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.

Section 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:
 - i) Oakway District
 - ii) Salem District
 - iii) Corinth-Shiloh District
 - iv) Mountain Rest District
 - v) Walhalla District
 - vi) Westminster District
 - vii) Seneca District
 - viii) Fair Play District
 - ix) Long Creek District
 - x) Cleveland District
 - xi) Keowee Ebenezer District
 - xii) Friendship District
 - xiii) Cross Roads District
 - xiv) Picket Post-Camp Oak District
 - xv) South Union District
 - xvi) West Union District
 - xvii) 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 (1) 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:
- i) Citizen Petition- Citizens wishing County Council to amend the map of their Planning District shall acquire the signatures of a minimum of fifteen percent (15%) of the owners of parcels lying within the boundaries of the said planning district. The petition shall contain the following statement of support:
 - ii) “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.”
 - iii) 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.
 - iv) Review of Land Use Map-The Planning Commission shall undertake a review of the district’s portion of the Future Land Use Map.
 - v) 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.
 - vi) 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.
 - vii) 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.
 - viii) 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 thirty (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% of the returned responses to the survey favoring the proposed changes.
 - ix) Consideration of Recommendation- County Council shall consider the proposed zoning map amendments and may take second reading on the Chapter at this time.
 - x) Comment Period- A comment period of no less than thirty (30) days shall be held at this time.
 - xi) 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.

- xii) 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 a minimum of 51% of the affected property owners in the area established by one of the following two methods, chosen by the petitioner.
 - i) Any property owner, or group of property owners, may petition County Council for initial rezoning, provided the parcels proposed for such rezoning are contiguous and comprise no less than two hundred (200) acres in area with at least 65% of parcels 1.5 acres or greater; or
 - 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 for such parcel(s).
- c) Parcels 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 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 3 as an alternative option provided County Council is willing to initiate the request.

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 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.

Section 38-8.6 Subsequent Rezoning

- 1) 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 for rezoning of a parcel(s). All such re-zonings shall be subject to the standards set forth in these regulations and South Carolina Code of Laws, 1976, as amended.
- 2) 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.

Article 9. General Provisions

Section 38-9.1 Use Interpretation

- 1) 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:
 - a. Uses Permitted by Right: Administrative review and approval subject to district provisions and other applicable requirements only.
 - b. Conditional Uses: Administrative review and approval subject to district provisions, other applicable requirements, and conditions outlined in this Chapter.
 - c. 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 United 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.
- 2) 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.

Section 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.
- 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.

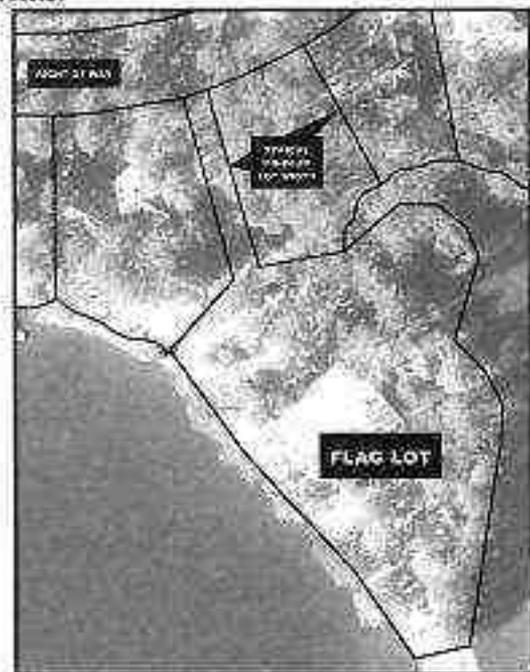
- 3) **Lot Line:** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- 4) **County/Municipal Limits:** Boundaries indicated as approximately following County/Municipal limits or extraterritorial boundary lines shall be construed as following the 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.

Section 38-9.3 Dimensional Requirements: General Provisions & 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.

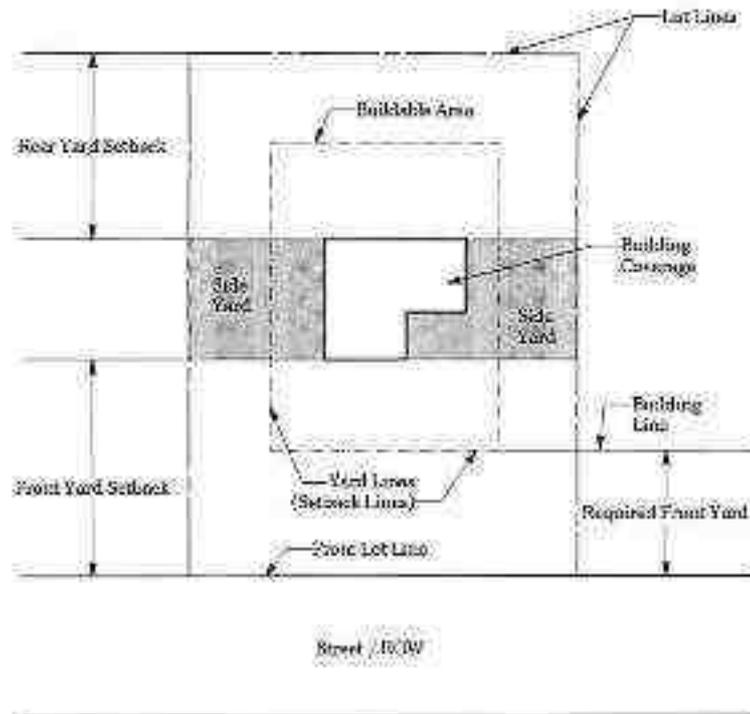
1) Lot Size & Configuration

- 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 (2) single-family dwellings and uninhabited accessory structures. Flag lots may be permitted under the following conditions:
 - i) The maximum flagpole length shall be 300 feet.
 - ii) The minimum flagpole width shall be 30 feet.
 - iii) The front setback shall be measured from where the lot meets the district minimum width requirements.
 - iv) 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.
 - v) There shall be no more than one (1) flag lot per each 4 lots, per subdivision or development.



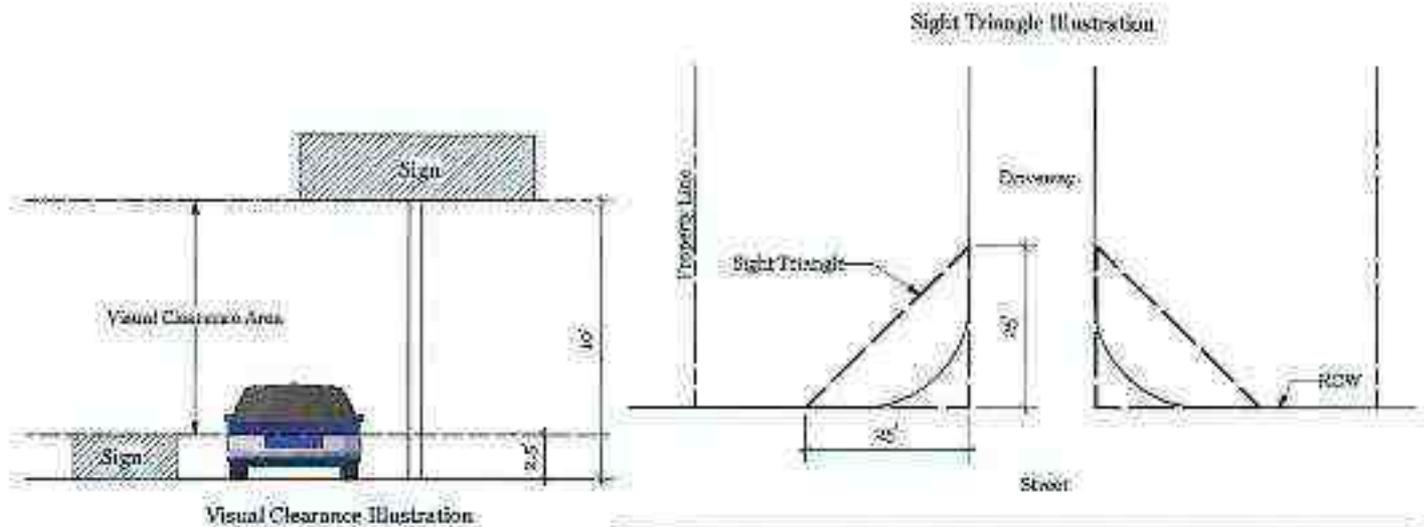
2) Setbacks

- 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) 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" in diameter, pruned to a height of eight (8) feet, and poles and support structures less than 12" in diameter), shall exist between a height of two and one-half (2.5) feet and eight (8) 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 twenty-five (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 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 (2) feet into any required yard.
- i) Steps and heating and cooling units may project into a required yard a distance not to exceed five (5) feet but no closer than five feet of a property line. Fences, free standing walls, hedges, and septic lines may be located in any setback, so long as they remain on the property.

Section 38-9.4 Height

- 1) The height of a building or structure shall be measured according to methods provided for in adopted building codes. The height of a tree shall be measured as the distance from the ground at the base to the highest point of vegetation.
- 2) The height limitations of this Chapter shall not apply to the following:
 - a) Belfries
 - b) Chimneys
 - c) Church spires
 - d) Conveyors
 - e) Cooling towers
 - f) Cupolas
 - g) Domes
 - h) Elevator bulkheads
 - i) Fire Towers
 - j) Flag Poles
 - k) Ornamental towers and spires
 - l) Public monuments
 - m) Public utility poles
 - n) Silos
 - o) Skylights
 - p) Smoke stacks
 - q) Stage towers or scenery lofts

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.

- 3) 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.

Section 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 Section 10, “Zoning District”, and Section 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.
- 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, shall be permitted by right in any district and shall be exempt from any standard set forth in this Chapter.

Article 10. Zoning Districts

Section 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.

Control Free District: CFD

Conservation District: CD

Rural Residential District: RRD

Agricultural District: AD

Traditional Rural District: TRD

Residential District: RD

Lake Residential District: LRD

Community Commercial District: CCD

Highway Commercial District: HCD

Industrial District: ID

Agricultural Residential District: ARD (amended 8-17-2010)

Public and Recreation Lands District: PRLD (amended 8-17-2010)

Mixed Use District: (MUD)

Planned Development District: PUD

Section 38-10.2 Control Free District (CFD)

The usage of parcels within areas designated as “control free” shall not be regulated by this Chapter; however, said usage shall comply with all adopted performance standards, overlay districts, or any other applicable ordinance of Oconee County or chapter of the Oconee County Code of Ordinances. 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.

Section 38-10.3 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 & 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.)
	1/2 acre (21,780 sf)	2 dwellings per acre	80	35	10	20	
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.)
	1/2 acre (21,780 sf)		80	35	10	20	

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Section 38-10.4 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 & 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	65	

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

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

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Section 38-10.6 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*

Residential Uses	Density & 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	
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		

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Section 38-10.7 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 & 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.)
	1/4 acre (10,890 sf) Utilities Available	4 dwellings per acre	80	25	5	10	65
	1/2 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.)	
	1/4 acre or 1/2 acre depending on availability of utilities	80	35	10	30	65	

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Section 38-10.8 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 & 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.)
	1/4 acre (10,890 sf) Utilities Available	4 dwellings per acre	80	25	5	10	65
	1/2 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.)	
	1/4 acre or 1/2 acre depending on availability of utilities	80	35	10	30	65	

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Section 38-10.9 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 & 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	
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	25	5	10		

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Section 38-10.10 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 & 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	
Nonresident ial 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 (10,890 sf)	70	30	5	10		

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Section 38-10.11 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			
Nonresident ial 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.)
	1/2 acre (21,780 sf)	90	30	10	15	

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Section 38-10.12 Agricultural residential district (ARD)

Title: Agricultural residential district (ARD)

Definition: Those areas for which it is desirable to protect the residential nature of their agricultural community, but also allow for the continuation of certain uses compatible with country living.

Intent: The intent of this district is to protect existing residential areas in rural communities by limiting high-density development, and high impact agricultural, commercial and industrial uses not compatible with the character of the community. In general, many residents in these areas still participate in farming- related activities, but do so primarily on a part time basis, for either personal enjoyment or supplementing their primary income through gardening, keeping a small number of livestock or poultry, or other agricultural pursuits.

Dimensional Requirements*

Residential Uses	Density & 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	

*See Article 9 for general provisions and exceptions to Dimensional Requirement (Amended 8-17-2010)

Section 38-10.13 Public and/or Recreation Lands District (PRLD)

Title: Public and Recreation 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.

Dimensional Requirements

See Article 9 for general provisions and exceptions to Dimensional Requirements.
(Amended 8-17-2010)

Section 38-10.14 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 & 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		Min. Width (ft.)	Minimum Yard Requirements			Max. Height
	Min. Lot Size			Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre		100	25	5	10	65

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Section 38-10.15 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= Area of Impervious Surface/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 & 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

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Additional Requirements:

- 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 5% commercial, and 20% 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 storm water wetlands, bioretention areas, and vegetative filter strips are encouraged to be utilized to the extent possible.

Zoning Use Matrix

Uses	TRD	AG	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
	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, & political organizations	P	P	P	X	P	X	S	X	P	P	X	P
Commercial Fishing, Hunting & 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
Conservation subdivisions	C	C	C	S	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 & 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

Uses	TRD	AG	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
	Zoning Use Matrix, cont											
Government buildings (excluding correctional facilities)	P	S	X	S	P	P	P	X	P	P	P	P
Group Homes	S	S	S	X	S	S	S	X	X	X	X	S
Greenhouses, nurseries, and landscape commercial services	P	P	P	S	P	X	X	X	P	P	P	P
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
Home occupations and businesses	C	C	C	C	C	X	C	C	C	C	X	C
Hotels, Motels, & 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 & 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 & saw mills (permanent)	P	P	X	X	X	X	X	X	X	X	P	X
Lumber & 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
Heavy Manufacturing	X	X	X	X	X	X	X	X	X	S	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 vehicle parking & garages (as a principal business use)	X	X	X	X	X	X	X	X	P	P	P	X
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	S
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, & 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

Uses	TRD	AG	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
	Zoning Use Matrix, cont.											
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 & 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
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, & 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	S
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 & 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

X-not permitted

P-permitted

C-conditional use- permitted if conditions are met

S- special exception- approved by Board of Zoning Appeals
of Zoning Appeals

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.

Section 38-11.1 Lake Overlay District

- 1) **Title:** Lake Overlay District
- 2) **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.
- 3) **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.
- 4) **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:
 - a) Keowee/Jocassee Overlay (Lakes Keowee and Jocassee) - The following standards shall apply within seven hundred and fifty (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.
 - i) Standards
 - (1) No single-family or multi-family development shall have a net density greater than 2 dwelling units per acre within the boundary of the overlay.
 - (2) 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.
 - (3) Marinas and commercial boat storage shall comply with the Duke Energy's regulations and shall not be located within a mile radius of an existing platted and properly recorded subdivision.
 - (4) 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.

(5) Natural Vegetative Buffer

- (a) A natural vegetative buffer shall be established on all waterfront parcels. This regulation shall exempt projects that are located on parcels lying no closer than 25 feet to a lake shoreline or located on parcels that are not traversed, either in full or in part, by a perennial stream, designed wetland, or other watercourse within the boundary of the overlay. The buffer shall begin at the lake's full pond level.
- (b) The buffer shall extend to a depth of twenty-five (25) feet measured along a perpendicular line from the full-pond contour or any permanent shoreline stabilization, such as rip-rap, retaining walls, and the like; or a perennial stream. Right-of-way maintenance activities by all utilities shall be exempt.
- (c) All existing structures and landscaping 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 25 natural buffer areas unless the total square footage, not to exceed 20% of the required buffer area, is added to the buffer at another location on the same parcel, resulting in a buffer area equal to the required buffer area.
- (d) 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, 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.
- (e) No development activity or soil disturbance shall occur in the buffer area, unless permitted by the zoning administrator.
- (f) 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.
- (g) 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.
- (h) Any reestablished buffer shall meet all standards, including:

- (i) The following mixture of plants for every twenty-five hundred (2500) square feet of natural vegetative buffer shall be required when existing:
 - 1. 3- large maturing shade trees, equally spaced, 4 inch or greater caliber at 4 feet
 - 2. 3-understory trees, equally spaced, 2 inch or greater caliber at 4 feet
 - 3. 6-small evergreen trees
 - 4. 20- shrubs; or
- (ii) A diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses where available and suited to the site.
- (i) 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.
- (j) 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.
- (k) 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 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.

Section 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 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 (10) residential housing units proposed for any sub-district of the I-85 Overlay
- 2) District shall have a gross density not greater than one (1) dwelling unit per acre, unless otherwise specified..
- 3) 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.
- 4) 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.
- 5) All new residential and non-residential buildings, accessory buildings, and other permanent structures proposed to be located within the boundaries of the Fair Play Village Sub-district shall be subject to the following standards:
 - a) Maximum Density: Two (2) Dwelling Units per acre
 - b) Minimum Lot Width on Road Frontage: One Hundred (100) feet
 - c) Minimum Yard Setbacks:

Front – Twenty Five (25) Feet Side – Five (5) Feet Rear – Ten (10) Feet

Article 12. Terms and Definitions

Section 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.

Section 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 SC 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 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% 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.

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, 8-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 672 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).

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, & 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.

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 non-regulatory 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 outermost 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.

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.

Façade: 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.

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.

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, 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 (1) foot from a uniform point source of one (1) candle.

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

Future Land Use Map (FLUM): a non-regulatory 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.

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.

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 twenty-five percent (25%) 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 (4) sq. ft. 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.

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 thirty-five (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 thirty-five (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 (2) 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 one hundred thirty-five (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.

- 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 (1) acre in area.
- 4) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) 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 (1) acre in area.

Ministorage 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% of the building with the residential area, comprising no less than 35% 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 4 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 fifteen (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.

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 one hundred sixty (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.

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.

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.

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 bottles. A “junk 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.

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 (6) 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.

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, 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 thirty-five (35) feet. Examples include but are not limited to: red bud, dogwood, crape myrtle, wax myrtle, ornamental cherry.

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.

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, 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.

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.

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.

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 twenty (20) feet in height shall have a setback of at least thirty (30) feet from the property line along the primary road. Setback from remaining property lines shall be fifteen (15) feet.
3. Buildings more than twenty (20) feet in height shall have a setback of thirty (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 twenty-five (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.
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. The following standards apply:
 - 1) Industrial uses shall not have blank walls greater than fifty (50) feet in length.
 - 2) All other uses shall not have blank walls greater than thirty (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:
 - i. Parcel number
 - ii. Scale of site plan & north arrow
 - iii. Drawing of entire property with all existing & proposed structures shown
 - iv. Length of street frontage
 - v. Dimensioned setbacks from street and side property line
 - vi. Plan drawing with actual dimensions of sign (as seen from above)
 - vii. Location of all existing signs
 - viii. Location of all proposed signs
 - ix. Elevation drawing of the proposed sign or sign revision including size, height, copy, colors, illumination, materials
 - x. Verification that the proposed sign(s) meet all requirements set forth in this Chapter.
- c. All on-premise non-conforming signs shall come into compliance with these standards when abandoned or the cost of repairs or replacement of such signs is beyond fifty (50%) percent of their replacement costs. Non-conforming signs are subject to all requirements of this code regarding safety, maintenance, and repair.
- d. Signage shall be set back a minimum of ten (10) 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:
 - i. Shall be displayed only for the duration of time that they remain relevant to a specific event.
 - ii. Temporary signs shall be removed within seven (7) days following the conclusion of the specific event being promoted.

- iii. No temporary sign exceeding six (6) square feet may be erected on a residential parcel.
- iv. 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 (9) square feet in area or four (4) 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:
 - i. Monument
 - ii. Wall
 - iii. Hanging / Projecting
 - iv. Canopy / Awning
- b. Monument Signs:
 - i. Shall be architecturally designed to reflect the character of the structure /development for which they are advertising.
 - ii. No monument sign shall exceed ten (10) feet in height.
 - iii. One (1) double faced or single faced sign shall be allowed per parcel.
 - iv. Developments with 400 feet of road frontage serving more than one (1) building shall be permitted one (1) 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 (1) sign may be located on each side served by an entryway.
- c. Wall Signs:
 - i. Wall signage shall not exceed fifteen (15%) percent of the wall area, per wall face.
 - ii. Wall signs shall display only one (1) surface and shall not be mounted more than six (6) inches from any wall.
- d. Hanging / Projecting Signs:
 - i. Only one (1) projecting / hanging sign is allowed per building frontage, except for shopping centers, which may have one projecting / hanging sign for each business use.
 - ii. Signs shall project at a right (90 degree) angle to the building frontage.
 - iii. Signs shall not extend more than four (4) feet beyond the line of the building or structure to which it is attached.
 - iv. Signs shall maintain a vertical clearance of eight feet above the sidewalk or ground level accessible to pedestrians.
- e. Canopy / Awning Signs:
 - i. Shall not exceed fifteen (15%) percent of the surface area of the face or the canopy or awning to which the sign is attached.

- ii. Sign shall not extend more than three (3) inches horizontally from the surface of the awning or canopy.
- iii. Sign shall not project vertically outside the area of the canopy or awning.
- f. Illumination:
 - i. No internal lighting shall include exposed incandescent or fluorescent bulbs
 - ii. 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.
 - iii. Signs shall not have light reflecting backgrounds but may use light reflecting lettering.
 - iv. 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 thirty (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 luminaries including both building and ground-mounted fixtures.
 - b. A description of the luminaries, 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 twenty (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 fifteen (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 twenty-five (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 (10) 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 9' x 15' (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 one hundred twenty-five (125%) percent of the cost of installing the required plantings to guarantee the completion of the required planting within two hundred seventy (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 2 1/2" caliper measured 6 inches above ground at the time of installation. All required shrubs shall be a minimum size of three (3) 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 one-hundred (100) feet from any required landscaping.

6) **Foundation Landscaping**

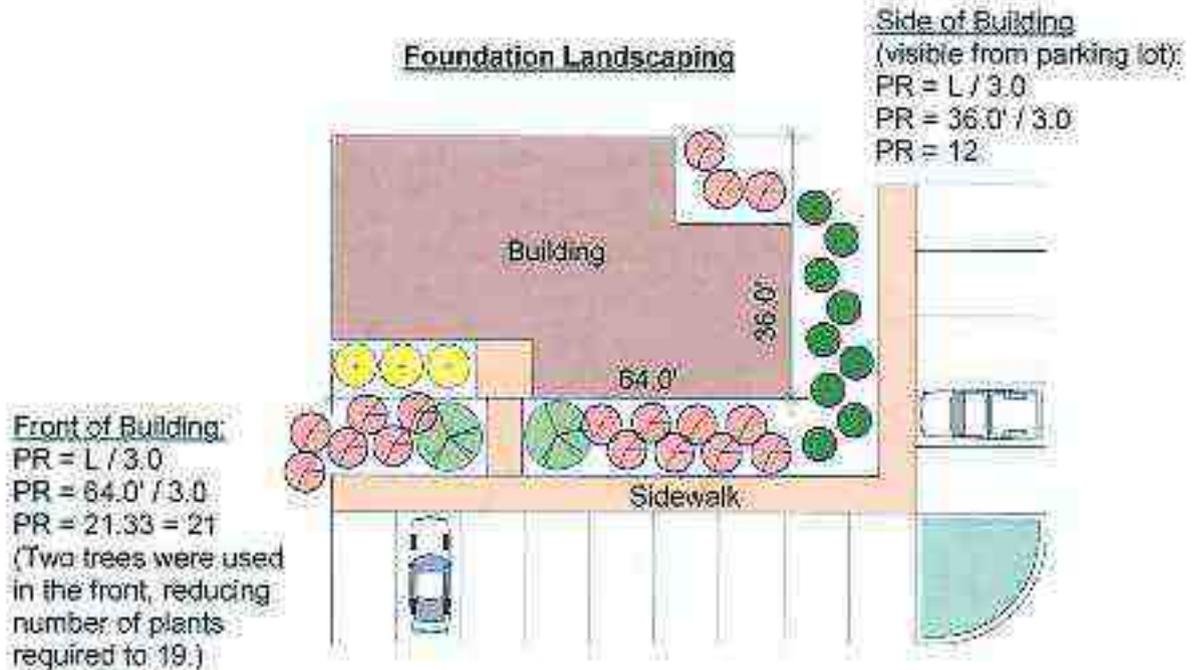
Landscaping shall be provided around the foundation of structures visible from any parking area. Plant material, as defined in this Chapter, shall be located in a planting area adjacent to the building in the following quantities:

$PR = L / 3.0$ where:

PR = number of plants required

L = building length, in feet, visible from any parking area

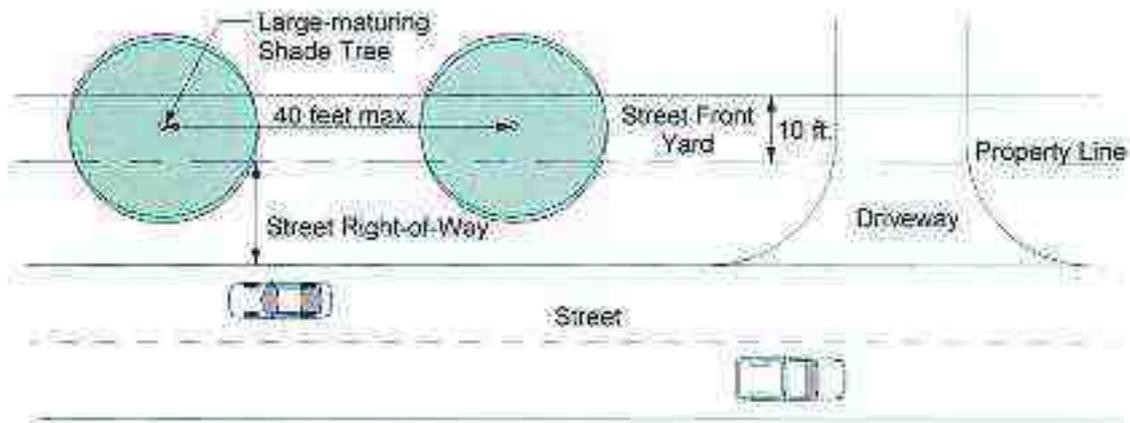
Each tree provided counts as a total of two (2) required plants.



7) **Street Front Yard**

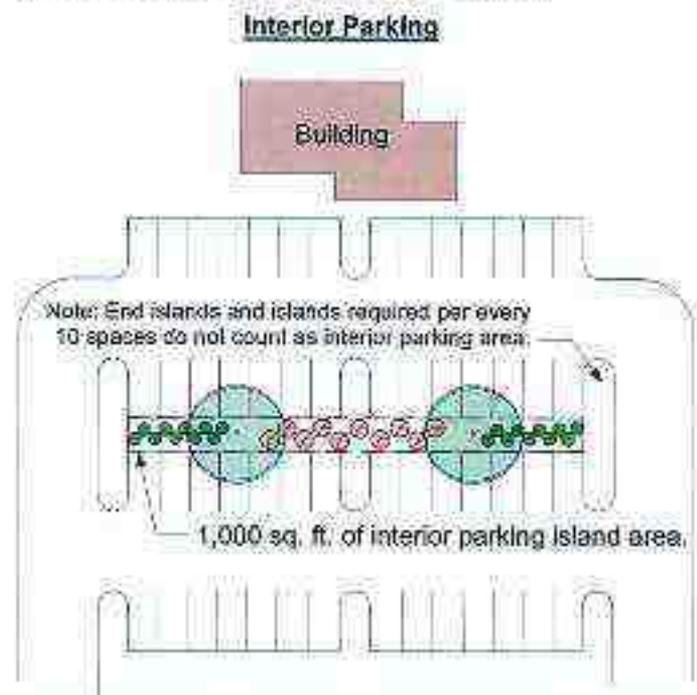
Street front yards shall be located along property adjacent to all street rights-of-way. Street front yards must be located on private property and not within the street right-of-way. Portions of the property needed for driveways are exempted from these requirements. Street front yards shall be a minimum of ten (10) feet in width, measured from the street(s) right-of-way abutting the property. Each street front yard shall contain at least one (1) large maturing shade tree every forty (40) linear feet or fraction thereof. No street front yard shall contain less than one (1) 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 (1) large maturing shade tree and fifteen (15) shrubs must be planted for each 500 square feet of required interior landscape area. Plantings in landscape areas. 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.



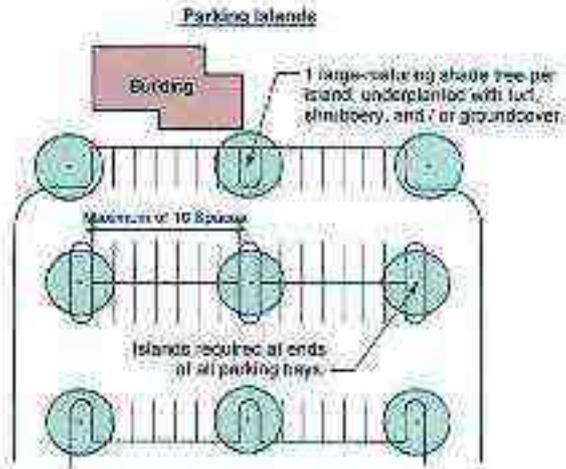
9) Existing Trees

Existing trees that have a minimum caliper size of 4 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 (4) caliper inches of an existing tree shall be deemed the equivalent of one required two (2) 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.

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

10) Parking Islands

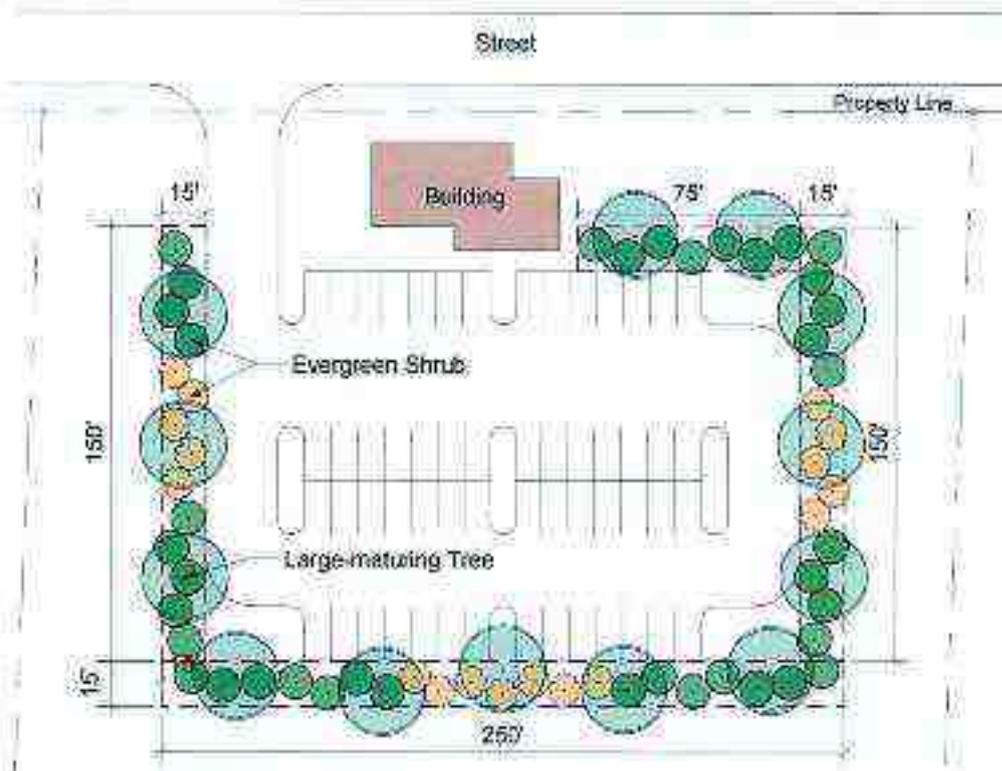
A planted parking island shall be provided for every ten (10) parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Refer to the *Parking Standards* section for parking island design standards. Planter islands shall contain at least one (1) large maturing shade tree, having a minimum clear trunk of six (6) feet. Shrubbery, groundcover, and / or turf shall be used in the remainder of the island.



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 fifteen (15) feet. The perimeter shall contain at a minimum, one (1) large maturing tree for every fifty (50) linear feet, and evergreen shrubs in sufficient quantity to provide screening with a minimum mature height of four (4) feet. If parking is located in the front of the building, buffer requirements will be increased by thirty (30%) percent in terms of width and planting quantities.

Parking Perimeter Buffer



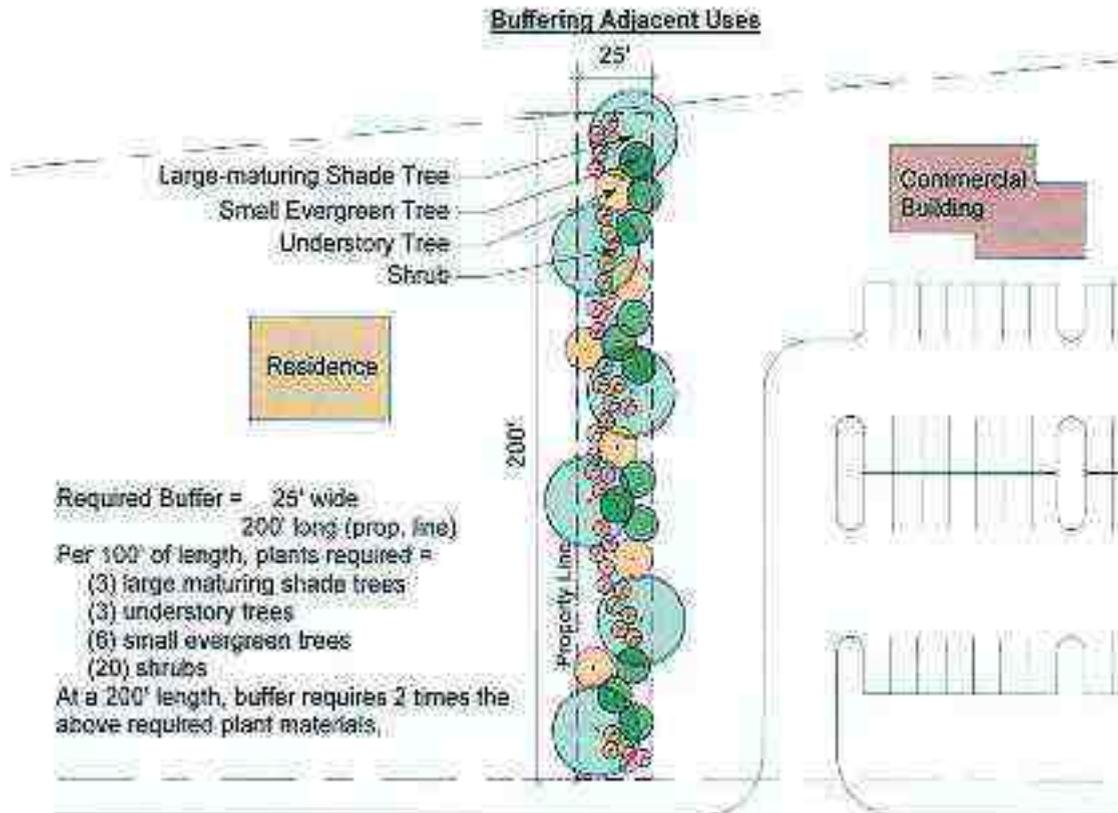
- * Buffer must be 15' in width.
- * 1 large-maturing tree required for every 50 linear feet of buffer.
- * Evergreen shrubs as required to create a screen with a min. mature height of 4'.
 - 150' buffer / 50' = 3 large-maturing trees
 - 250' buffer / 50' = 5 large-maturing trees
 - 75' buffer / 50' = 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 twenty-five (25) feet wide landscape buffer shall be required along the common property boundary. The following mixture of plants per one hundred (100) feet of property boundary shall be required:

- (3) large maturing shade trees, equally spaced
- (3) understory trees, equally spaced
- (6) small evergreen trees
- (20) shrubs

If an abutting parcel contains a required buffer or screen, it shall count towards the buffer requirements.



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" in diameter, pruned to a height of eight (8) feet, and poles and support structures less than 12" in diameter), shall exist

between a height of two and one-half (2.5) feet and eight (8) 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 twenty-five (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.

OCONEE COUNTY, SOUTH CAROLINA OFFICIAL ZONING MAP

Map

Adopted by
Oconee County Council

Approved by
Oconee County Council

In Review - September 2007

In Review - June 2008

In Review - September 2008

In Review - October 2008

In Review - December 2008

In Review - January 2009

In Review - February 2009

In Review - March 2009

In Review - April 2009

In Review - May 2009

In Review - June 2009

In Review - July 2009

In Review - August 2009

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In Review - December 2029

In Review - January 2030

In Review - February 2030

In Review - March 2030

In Review - April 2030

Oconee County
Procurement Office

April 16, 2012

TO: ✓ T. Scott Moulder, County Administrator
The Hon. Joel Thrift, Chairman, Oconee County Council

FROM: Robyn Courtright, Procurement Director



RE: RECOMMENDATION TO PROCEED WITH AWARD OF RFP
11-16, PHASE TWO INSTALLATION CONTRACTOR FOR
BROADBAND PROJECT FOCUS

Robyn M. Courtright, CPPO
Procurement Director

Oconee County
Administrative Offices
415 South Pine Street
Walhalla, SC 29691

Phone: 864.638.4143
Fax: 864.638.4142
rcourtright@oconeesc.com

We have received a protest from Edwards Telecommunications, Inc. ("Edwards"), of Columbia, SC, on April 16, 2012, in regards to the award of the above-captioned RFP [the "RFP"]. Per my attached letter of response to them, I consider their protest to be without merit, as the RFP was issued correctly, the responses were received and scored correctly, there was a responder with a significantly higher score than any other, and Edwards was the fourth ranked vendor out of the six proposals we received.

In order for Edwards to benefit from this protest, the entire RFP process would have to be thrown out and we would have to start again, as there were three vendors ahead of them, so mere disqualification of one vendor would not necessarily benefit Edwards. Edwards' protest was largely on the basis that theirs was the lowest proposal, and by a substantial margin. However, the RFP criteria, which were clearly articulated in the RFP and which were carefully followed in the scoring, clearly indicated that cost merely represented 25% of the weighted criteria. There were no other specific complaints about the RFP process, and I am not aware of any basis to void the RFP or the award to the highest rated proposer in response to the RFP.

Today, April 16, I met with Mike Powell and Kim Wilbanks to discuss the effect a protest would have on the successful completion of this project. The Procurement Provisions of the Oconee County Code of Ordinances, states the following:

(m) **Stay of Procurement During Protest or Appeal.** In the event of a timely protest under this section, the County shall not proceed further with the solicitation or with the award of the Contract until a final decision has been made and the time for appeal has expired, unless the Procurement Director, after consultation with the head of the using department, makes a written determination that the award of the Contract is necessary to protect substantial interests of the County.





Oconee County
Procurement Office



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It is my recommendation that County Council consider moving forward with the award of RFP 11-16 at the April 17, 2012 meeting. A delay of even two weeks until the next meeting could have a potentially negative effect on the contractor's ability to complete this project on time, and therefore on the County's successful completion of the contract. There are significant contract and grant issues involved with any delay, and there is a very tight deadline to get this project successfully completed, because of some prior delays which were beyond our control.

Below are some specific reasons why this contract must be awarded at the April 17, 2012 meeting, in order to protect substantial interests of Oconee County:

- A significant "two thirds" completion milestone, stated in the Federal Grant Guidelines for the entire project is July 27, 2012. If this award was delayed for two weeks, until the next County Council meeting, that could severely impact the contractor's ability to meet this milestone.
- It will be staff's recommendation, based on the scoring of the weighted criteria of the RFP to all proposals received, that award of Phase Two be made to the same contractor that was awarded Phase One, Network Controls & Electric. This vendor has met all federal audit requirements including their use of subcontractors. All payment applications and other required reports submitted by the contractor and the subcontractor have met federal guidelines.
- Network Controls & Electric was the highest scoring proposer for this phase, and since any delay will jeopardize the overall project completion date and the milestone completion date, and since there is no legitimate basis for the protest that I can determine; there is no need to delay the award to this contractor.
- Any delay in the award could harm substantial interests of the County in terms of overall project completion and milestone completion, and could harm the county significantly in terms of grant dollars and contract dollars, if we have to pay a premium to complete the project faster than is currently called for in the contract.
- The existing contractor has the ability to start work immediately upon award of this contract to stay on track to meet project completion deadlines, and thus protect grant dollars and contract dollars, and to meet the installation timelines needed by Oconee County public agencies depending on this broadband service.

**Oconee County
Procurement Office**

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- If the County is not compliant with all federal guidelines, including meeting all required deadlines and milestones, this could result in a significantly increased amount of County matching funds required, or in increased contract costs to speed up the completion date, or both.
- The award to the same contractor minimizes any additional migration of existing materials and equipment. For example, all of the fiber that has been delivered to the existing contractor's storage site would have to be moved if a different contractor was selected for Phase Two. That could save the County significant costs and minimize the risk for material and equipment loss in transition, which would cost even more time and dollars to remediate.

For all of the foregoing reasons, I have made the determination, as required by the Procurement Provisions of the Oconee County Code of Ordinances, that the contract based on the successful response to this RFP should be awarded, as scheduled, on April 17, 2012, to protect substantial interests of Oconee County.





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April 16, 2012

Mr. Buddy Timmons,
Executive Vice President
Edwards Telecommunications, Inc.
777 Old Clemson Road
Columbia, SC 29229

RE: RESPONSE TO PROTEST OF RFP 11-16, PHASE TWO
INSTALLATION CONTRACTOR FOR BROADBAND PROJECT FOCUS

Dear Mr. Timmons,

This acknowledges receipt of and is in response to your protest regarding the award of RFP 11-16, which you sent to me by email on April 16, 2012, at 8:54 am. For the reasons noted below, your protest is denied, in accordance with the RFP, itself, and the Procurement Provisions (the "Provisions") of the Oconee County Code of Ordinances (the "Code").

Below is a brief summary of the RFP process in this matter:

- RFP 11-16 (the "RFP"), to select an Installation Contractor for Phase Two of Broadband Project FOCUS, including, without limitation, the evaluation criteria, was issued by Oconee County on March 5, 2012, advertised on March 5 and 6, 2012, and sent to approximately 90 vendors.
- The responses to the RFP were opened on April 3, 2012 and six proposals were received.
- The Evaluation Committee for this RFP (the "Evaluation Committee") met on April 4, 2012 and committee members received instructions and copies of all proposals.
- The Evaluation Committee met again on April 10, 2012, to discuss and score all six proposals. The exact weighted criteria that were listed in the RFP document, which you received, and which I later reiterated to you by email, were used to score all six proposals. Per the attached scoring summary sheet, Network Controls & Electric received the highest cumulative score for its proposal for the RFP and was also ranked first by all committee members. The committee decided that interviews were not necessary, as it is allowed to do, and they proceeded to recommend award of the contract under the RFP to Network Controls & Electric.



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- This award notification was posted on the County's website on April 10, 2012 and all six vendors that submitted proposals were notified of this award via email.

The cost section of the evaluation criteria was weighted at 25%, and this was clearly stated in the RFP document, and in the reiteration which I have previously sent to you by email. Even though Edwards did have the lowest per foot cost, low cost alone was not the basis for this award. The Evaluation Committee reviewed and scored all proposals based on the RFP criteria and the result of that scoring was that Edwards was ranked fourth out of six proposals.

Therefore, I consider your protest to be meritless, as the RFP was undertaken and conducted in precise accordance with the Provisions, the RFP clearly stated the criteria by which the proposals in response to the RFP would be scored; those proposals were scored that way, and there was a highest scoring proposer, whose proposal score was much higher than any other, and, as an aside, there were three proposing vendors with a higher score than Edwards.

All scoring criteria stated in the RFP were followed and you cannot protest the scores that were given by the individual Evaluation Committee members. Please note also that you signed page 15 of the RFP document stating that you had "read and understood the provisions contained herein and agreed to be bound by same", and those provisions clearly stated the criteria by which any proposals would be evaluated and scored.

I will be happy to meet with you and share all the scoring sheets and any other information you require, after the award is made, but I see no grounds for a valid protest of this award, and so your protest is denied. I am making that determination as Procurement Director of Oconee County, in precise accordance with the Provisions of the Code.

Respectfully,



Robyn M. Courtright, CPPO
Procurement Director

ROUND 1 - PROPOSALS SUBMITTED						
	Anpro & Associates Greensboro, NC	ConTran Group Spartanburg, GA	Edwards Telecommuni- cations Columbia, SC	Mastec of NA Tampa, FL	Network Controls & Electric Greer, SC	Watts Brothers Philpot, KY
Total Score	927.50	1650	1370	1211.875	2100	1360
RANKING	6	2	4	5	1	3