



OCONEE COUNTY
PLANNING COMMISSION
415 S. Pine St. Walhalla, SC 29691
864.638.4218
OconeeSC.com
planninginfo@oconeesc.com

COMMISSION MEMBERS

Mike Johnson, At-Large
Teresa Spicer, District 1
Joe Fravel, District 4
Mickey Haney, At-Large

David Nix, District 2
Brit Adams, District 3
Jake Marcengill, District 5

AGENDA

6:00 pm, Monday, October 6, 2025
Oconee County Council Chambers

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes from September 4, 2025
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments: Comprehensive Plan 5-year review - update
8. Discussion and potential recommendation to County Council regarding necessary amendments to the Oconee County Code of Ordinances, including Chapters 26, 32, and 38, in relation to subdivision regulations, including land development standards, and definitions and designations of subdivisions and types thereof; standards applicable to roads, drives, and driveways; and other matters materially related thereto, including by way of example and not limitation, definitions, Drainage and Stormwater.
 - a. Public Comment
 - b. Discussion/ vote
9. Adjourn

The meeting will be broadcasted live on the County's YouTube channel, which can be found on the County's website at www.oconeesc.com.

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Teresa Spicer, District 1
Joe Farvel, District 4
Mickey Haney, At-Large

David Nix, District 2
Absent - Brit Adams, District 3
Absent - Jake Marcengill, District 5

STAFF

Elise Dunaway
Ed Halbig

MINUTES

6:00 pm, Monday September 4, 2025
Oconee County Council Chambers

1. Call to Order – Mr. Johnson called the meeting to order at 6:10 PM.
2. Invocation was led by Mr. Haney
3. Pledge of Allegiance was led by Mr. Johnson
4. Approval of minutes from, August 4th 2025 – Mr. Nix made a motion to approve the minutes; Seconded by Mr. Haney. Approved unanimously.
5. Public Comment: there being none.
6. Commission Member Comments: Mr. Johnson thanked those in attendance.
7. Staff Comments: Mr. Halbig reported on ACOG Continuing Education training.
8. Discussion and potential recommendation to County Council regarding necessary amendments to the Oconee County Code of Ordinances, including Chapters 26, 32, and 38, in relation to subdivision regulations, including land development standards, and definitions and designations of subdivisions and types thereof; standards applicable to roads, drives, and driveways; and other matters materially related thereto:
Public Comment:
Jim Codner spoke about having a public hearing prior to sending proposed changes to council, and spoke to specific proposed changes.
Tom Markovich spoke about improvements to the document and the need for further definition.

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Mr. Johnson asked Mr. Haney to review the changes.

Mr. Haney made a motion to approve the change to 32.211(c) to remove references to roads. Mr. Nix made a point of order to address how to proceed with review of proposed changes. Mr. Johnson seconded Mr. Haney's motion. Discussion. Ms. Spicer moved to amend to include language to indicate where road information is located. Ms. Spicer amended motion to a friendly amendment to include reference to 32.211(c) in chapter 26. Mr. Haney accepted amendment. Unanimous. Ms. Dunaway noted that the County Attorney would need to review the document prior to it reaching County Council.

Mr. Johnson made a motion to approve provisions "as may be required" in section 32.211(d)2. Mr. Haney seconded. The motion passed unanimously.

Ms. Spicer made a motion to accept the change to 32.211(d)4. Mr. Johnson seconded. The motion passed unanimously. Mr. Haney made a motion to approve the change to 32.212 – Building Footprints. Mr. Johnson seconded. The motion passed unanimously.

Mr. Haney made a motion to add and define "Community" and "Public" to 32-212 with assistance of Mr. Root. Ms. Spicer seconded. The motion passed unanimously.

Mr. Haney made a motion to change definition of "crosswalk". Mr. Johnson seconded. The motion passed unanimously.

Mr. Haney made a motion to update all references of "DHEC" to the "SC DES". Mr. Fravel seconded. The motion passed unanimously.

Mr. Haney made a motion to change to "Dwelling". Mr. Johnson seconded. The motion passed unanimously.

Mr. Haney made a motion to add "residential lot" to Dwelling definition parts (1), (2) and (3). Mr. Johnson seconded. The motion passed unanimously.

Mr. Haney made a motion to remove "rooms or" from definition of "dwelling units" approve the change to Mr. Nix seconded. The motion passed unanimously.



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Ms. Spicer to accept removal of “utility and” from definition of “Easement”
Mr. Nix seconded. The motion passed unanimously.

Mr. Johnson asked about the definition of “lot width” and the removal of the word “setback” in 2024 and asked Mr. Halbig to review. Mr. Haney made a motion to have input from Mr. Markovich; Mr. Johnson seconded. the motion passed unanimously. Mr. Markovich recalled the reason for the change as pertaining to irregularly shaped lots and flag lots.

Mr. Haney made a motion to remove repetition from “Minor Subdivision” definition. Mr. Nix seconded. The motion passed unanimously.

Mr. Haney made a motion to add “residential lots to definition of “Minor Subdivision” and to reserve terms of “Mid-size Subdivision” and “Major Subdivision”. Mr. Nix seconded. Discussion ensued about subdivision approval. Mr. Haney amended his motion to remove the terms “Mid-size Subdivision” and “Major Subdivision” from the document. Mr. Nix seconded. The motion passed unanimously.

Mr. Haney made a motion to add “roadway” to the definition of “Parking, off street”. Discussion of geometry of road, roadways, streets and Rights-of-Way. Mr. Johnson seconded. the motion passed unanimously.

Ms. Spicer made a motion to approve the change to definition of “Potable water”. Mr. Nix seconded. The motion passed unanimously.

Ms. Spicer made a motion to include definition of “road” from SC State Code 56-5-460. Mr. Johnson seconded. The motion passed unanimously.
Discussion.

Mr. Haney made motion to move all definitions from Private Driveway to Minor local and/or Service Roads to chapter 26. Mr. Nix seconded. The motion passed unanimously.

Mr. Haney moved to have definition of “Street” moved to chapter 26. Mr. Johnson asked that Mr. Root provide a definition of “street”. Discussion of moving “Street” and “Roadway” to chapter 26. Mr. Fravel made a motion for a short recess. Mr. Johnson seconded the motion. The motion passed unanimously.

Mr. Johnson called the meeting back to order at 7:30. Mr. Nix seconded Mr. Haney’s prior motion. The motion passed unanimously.

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Mr. Johnson asked that Mr. Root review the definition of setback as a distance from the property line to the build line as opposed to “structure” Mr. Haney seconded. The motion passed unanimously.

Mr. Haney made a motion to approve the change from “water source” to “water course”. Ms. Spicer seconded. The motion passed unanimously.

Mr. Haney made a motion to remove “Yard” definition. Ms. Spicer seconded. Discussion of the occurrence and usage of the term “yard” in the code. Mr. Haney made a motion to postpone removal of the term until Planning staff can find occurrences and usage. Ms. Spicer seconded. Motion passed unanimously.

Mr. Nix made a motion to approve the add “public” to “road right-of-way” under “Utilities” in 32-213 (d). Ms. Spicer seconded. The motion passed unanimously.

Mr. Johnson made a motion to add “public” to “roads” under “Road signs” and add “state code of laws” in 32-213 (e). Mr. Fravel seconded. The motion passed unanimously.

Mr. Haney made a motion to remove restriction on conditions of “family transfers” in 32-213 (f). Mr. Fravel seconded. The motion passed unanimously.

Mr. Johnson made a motion to remove second sentence from 32-214(f) Mr. Haney seconded. The motion passed unanimously.

Mr. Nix made a motion to remove part (3) from 32-214 (g). Mr. Haney seconded. The motion passed unanimously.

Mr. Haney made a motion to remove the width requirement from 32-214 (j). Mr. Fravel seconded. The motion passed unanimously.

Mr. Haney made a motion to remove the second sentence from 32-214 (k). Mr. Nix seconded. The motion passed unanimously.

Mr. Johnson made a motion to have the County Attorney review 32-216 (a) for correctness. Mr. Haney seconded. The motion passed unanimously.

Mr. Haney made a motion to include part (b) with the review of part (a). Mr. Johnson seconded. The motion passed unanimously.



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Mr. Fravel made a motion to include “from the appropriate governing body” to the end of 32-216(d). Mr. Haney seconded. The motion passed unanimously.

Mr. Johnson made a motion to include part (d) with review of parts (a) and (b). Mr. Fravel seconded. The motion passed unanimously.

Mr. Nix made a motion to remove width requirement from 32-216(e)(2).

Mr. Haney made a motion to remove 32-216(e)(4). Mr. Fravel seconded. The motion passed unanimously.

Mr. Johnson made a motion to remove the first sentence from 32-217(a)(1). Mr. Haney seconded. The motion passed unanimously.

Mr. Haney made a motion to add “within public road right-of-way”. Mr. Johnson seconded. The motion passed unanimously.

Mr. Haney made a motion to remove “if a public water system is not available” from 32-217(b). Mr. Johnson seconded. the motion passed unanimously.

Mr. Nix made a motion to change exceptions in 32-217(c) to “minor subdivisions and family transfer subdivisions”. Ms. Spicer seconded. The motion passed unanimously.

Mr. Johnson made a motion to remove the first sentence of 32-217(d)(1) Mr. Haney seconded. The motion passed unanimously.

Mr. Nix made a motion remove “reasonably accessible or available” from 32-217(d)(3). Mr. Haney seconded. The motion passed unanimously.

Mr. Haney made a motion to remove “and pavement” from 32-218(b)(2). Mr. Johnson seconded. The motion passed unanimously.

Mr. Haney made a motion to remove 32-218(b)(3) and (4) to be relocated to chapter 26. Mr. Johnson seconded. The motion passed unanimously.

Mr. Nix made a motion to remove 32-218(b)(4). Mr. Haney seconded. Discussion. The motion passed unanimously.

Mr. Johnson made a motion to remove the word “normally” from 32-218(b)(5). Mr. Nix seconded. The motion passed unanimously.



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Mr. Haney made a motion to change “may” to “shall” in 32-220(b). Mr. Johnson seconded. Discussion of SCDOT encroachment requirement with the subdividing of property on SCDOT right-of-way. Ms. Dunaway noted the requirement within the ordinance. Mr. Haney made a motion to postpone the change until review by the planning department. Mr. Johnson seconded. Mr. Johnson discussed the discrepancy in interpretation by planning directors. The motion passed unanimously.

Mr. Johnson made a motion to change the number of dwellings from “20” to “10” in 32-221(b). Mr. Fravel seconded. Discussion of the need to get the numbers correct, using 11 or more in (a) and ten or less in (b). Discussion of how the proposed changes to 32-221 will affect the workload of the Planning Department. The motion passed unanimously.

Mr. Nix made a motion change to “20” to “11 or more” in 32-221(a). Mr. Johnson seconded. The motion passed unanimously.

Mr. Haney made a motion to remove requirement for detailed sketch plan from 32-221(c). Mr. Johnson seconded. The motion passed unanimously.

Mr. Haney made a motion to add the following to 32-221(c)(2): “I. A statement as to whether the road will be built to public road standards”. Mr. Johnson seconded. The motion passed unanimously.

Mr. Nix made a motion to remove “public” from “crosswalks” under 32-221 3(b) and (h). Mr. Johnson seconded. the motion passed unanimously.

Mr. Haney moved to take out “or other” and add “or community” to 32-223(b)(11). Mr. Johnson seconded. The motion passed unanimously.

Discussion of 32-223(c) Certificate of Maintenance for Private roads. Mr. Haney moved to postpone and turn over to staff with assurance to adopting public roads and a means to turn private road into a public road and have it not infringe upon zoning setback motion to postpone. Ms. Spicer seconded. The motion passed unanimously.

Mr. Nix made a motion to remove “minor”. Mr. Haney seconded. The motion passed unanimously.

9. Adjournment. Mr. Nix made a motion to adjourn. Mr. Fravel seconded. The motion passed unanimously. The meeting adjourned at 9:02 pm.

Chapter 26 ROADS AND BRIDGES¹

ARTICLE I. IN GENERAL²

Words highlighted in **Blue** are newly inserted words.
Words highlighted in **Green** are the previously adopted version.

DIVISION 1. UNIFIED ROAD STANDARDS FOR THE UNINCORPORATED AREAS OF OCONEE COUNTY

Sec. 26-1. General provisions.

These general provisions shall apply to both private roads and drives and public roads. The definitions section of the land development and subdivision chapter of the Oconee County Unified Performance Standards Ordinance (Ordinance 2008-20, [as codified in chapter 32, article VI, §§ 32-211—32-226]) shall apply to this article.

- (1) *Survey standards.* Route surveys and plats shall be prepared and survey data entered thereon in accordance with the most recently adopted version of the "Minimum Standards Manual of the Practice of Surveying in South Carolina" established by the South Carolina Board of Registration for Professional Engineers and Land Surveyors, provided that all elevations information shall refer to Mean Sea Level Datum or other established datum (with a minimum of two benchmarks). Accuracy of plats and attendant data shall be no less that than required in said manual for Class B Suburban Land Surveys.

¹Cross reference(s)—Buildings and building regulations, ch. 6; environment, ch. 12; floods, ch. 16; planning and development, ch. 24; utilities, ch. 34.

State law reference(s)—County roads, bridges and ferries generally, S.C. Code 1976, § 57-17-10 et seq.

²Editor's note(s)—Ord. No. 2008-19, adopted Dec. 16, 2008 repealed Art. I, §§ 26-1—26-9, in its entirety. Articles 1—9 enacted new provisions to read as herein set out. Prior to amendment, Art. I pertained to similar subject matter and derived from Ord. No. 1975, §§ 1—4, adopted Feb. 20, 1975; Ord. No. [19]82-14, §§ II—IV, adopted Dec. 21, 1982; Ord. No. [19]83[0]3, §§ A—F, May 3, 1983; Ord. No. [19]83-[0]7, §§ 1—3, adopted Aug. 16, 1983; Ord. No. [19]91-[0]9, §§ I, II, IV—VIII, adopted Sep. 17, 1991; Ord. No. 99-22A, § I, adopted Aug. 17, 1999; Ord. No. 2001-18, adopted May 1, 2001; Ord. No. 2006-11, §§ 1—5(1), 5(2), adopted May 1, 2006; Ord. No. 2007-09, adopted Sep. 18, 2007 and Ord. No. 2008-11, adopted Aug. 5, 2008.

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- (2) *Utilities.* When utilizing a **public** road right-of-way, all utility lines shall be buried at a depth of at least 36 inches. Such lines shall be located a minimum of two feet, outside the portion of the road to be surfaced to prevent having to cut into the paved surface or reconstruct drainage structures to serve abutting properties. In order to prevent future road cuts, utility stub-outs shall be added to all utility lines extending beyond the roadway to each property line.
- (3) *Road signs ~~on public roads~~.* Road name signs shall be installed at all intersections within a subdivision. All other signs shall be installed as required by **the State Code of Law, and at the direction of the county engineer or his/her designee.** All signage will be in accordance with the manual of uniform traffic control devices. The developer shall be responsible for all cost of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of county council from time to time) prior to acceptance of road by the county. Any person who shall willfully or maliciously damage, deface, remove or otherwise tamper with a sign erected by a subdivider or the county designating the name of any county road shall be guilty of a misdemeanor and punished in accordance with this article. In addition thereto, such person shall be liable to the county for the cost incurred by the county as a result of said criminal acts.
- (4) *Submission of **public** road plans.* Construction plans for roads shall include accurate topographic information with increments of no more than five feet. In addition, all such plans should note the following items: the location and dimensions of all drainage features; routes of surface water drainage for the entire development; a typical cross section of the proposed roadway; road profiles; horizontal and vertical curve designs; right-of-way dimensions; the location of all cuts and fills; finished grade elevation; all necessary erosion control practices, which may include but are not limited to, permanent vegetation, lined or piped ditches or vegetated waterways; and contact information of all interested parties.
- (5) ***Public** road alignment and location.* The direction and pattern of roads shall take advantage of the land contour to eliminate or reduce excessive cutting and filling, and provide roads with reasonable grades.

(Ord. No. 2008-19, Art. 1(1—5), 12-16-2008)

Sec. 26-2. Private road standards and regulations.

Oconee County shall have no responsibility for nor control of the design, engineering, construction, inspection or maintenance of private driveways, drives and roads in Oconee County and shall only be involved with private driveways, drives and roads to enforce these regulations and **not beyond** the extent required for the county to carry out its other **lawful** duties and functions, such as approving the subdivision of property.

(a) *Private driveways.*

A private driveway means a driveway that provides vehicular access and road frontage to not ~~shall serve~~ no more than three single-family residential lots, residential dwellings, and shall be maintained by the property owner(s). No design standards shall apply to private driveways, but driveways must comply with applicable building and fire codes.

Move from chapter 32_ Oconee County Land Development and Subdivision Regulations Ordinance

Private driveway means a driveway that provides vehicular access and road frontage to not more than three single-family ~~residences~~ residential lots.

(b) *Private drives.*

A private drive means a privately owned and maintained right-of-way or an easement that specifically grants the right for road work, that provides vehicular access and road frontage to not less than four and not more than ten single-family residential lots. All private drives existing and in use at the time of adoption of these regulations, as well as those private drives under construction prior to the time of adoption, shall be exempted from the standards contained in this section. This exemption shall also extend to those private drives approved by the planning department prior to the time of adoption. All other private drives shall:

Move from chapter 32_ Oconee County Land Development and Subdivision Regulations Ordinance

Private drive means a privately owned and maintained right-of-way or an easement that specifically grants the right for utilities and all road work, that provides vehicular access and road frontage to not less than four and not more than ten single-family residential lots.

- (1) Serve no more than ten residential lots or dwellings;
- (2) Have a minimum road right-of-way of 20 feet, or an appropriately executed private roadway easement as defined by these regulations;
- (3) Have an appropriate encroachment permit from either the county or the South Carolina Department of Transportation;
- (4) Have a minimum driving surface width of 20 feet constructed of no less than five inches of compacted crushed stone or gravel base; a minimum height clearance of 13½ feet; include proper drainage features to appropriately shed water from the driving surface in a manner consistent with customary road construction standards; and include appropriate documentation from a professional engineer licensed by the State of South Carolina certifying the maximum weight limit of any bridge or culvert located along the drive. All bridges and any culvert over which a private drive crosses a perennial stream must include appropriate signage (located at each end of the bridge) displaying the structure's weight limits;
- (5) Be maintained by an individual, association of property owners, or commonly held by the property owners fronting the private drive;
- (6) Comply with all current fire regulations and codes;
- (7) Shall serve no more than ten dwellings lots, and shall connect to another road, either public or private, on one end only. In the event proposed construction and/or development will result in an existing private drive serving 11 or more dwellings lots, the existing drive shall be upgraded so as to meet the standards put forth in these regulations for private roads;
- (8) Parcel boundaries may extend to centerline of the road, with the appropriate road right-of-way shown on all plats and deeds;
- (9) Be named in accordance with adopted E-911 addressing regulations and procedures;
- (10) Allow at least 100 feet of sight distance for each ten miles per hour of the posted speed limit where the private drive intersects a public road. The sight distance shall be measured from a seeing height of 3½ feet, offset 15 feet from edge of road, to an object 4½ feet in height above the grade of the public road, as stated in SCDOT's 1996 Access and Roadside Management Manual. If the proposed drive does not meet the sight distance requirement, a waiver must be signed by the individual(s) constructing the private drive stating that the property owner(s) is liable and responsible for any accidents, injuries, problems, and property damage resulting from improper sight distance;
- (11) Meet all applicable stormwater management and sediment control regulations;

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- (12) Be approved in writing by planning commission or designated staff prior to submission of plat(s) to the register of deeds for recording. The following shall be prominently printed on the plat(s):

~~"THE ROAD RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE PRIVATE DRIVES NOT OWNED, MAINTAINED OR SUPERVISED BY OCONEE COUNTY, AND WERE NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY OCONEE COUNTY. ROAD RIGHT-OF-WAYS SHOWN UPON THE PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY OCONEE COUNTY AT ANY TIME IN THE FUTURE UNLESS CONSTRUCTED IN ACCORDANCE WITH ALL ADOPTED OCONEE COUNTY REGULATIONS. MAINTENANCE OF THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF _____."~~ Update

Moved from Chapter 32

The road right-of-way shown on this plat shall be private drives not owned, maintained, or supervised by Oconee County, and ~~were or~~ were not constructed pursuant to any plan for future acceptance by Oconee County. Road right-of-way shown upon the plat shall not be accepted for maintenance by Oconee County at any time in the future unless constructed in accordance ~~with and verified by non-destructive testing to ensure compliance with the~~ adopted Oconee County regulations. Maintenance of the right-of-way shall be the responsibility of _____.

- (13) ~~Signage shall comply with the manual for uniform traffic control devices.~~

Moved from Sec. 26-3 (m)

Road ~~maintenance~~ signs ~~on private Drives~~. Where subdivision roads are not to be dedicated to the state or county for public maintenance the subdivider shall install ~~signs that control traffic flow in a safe manner as specified the manual of uniform traffic control devices. Also, "Private Road" signs~~ at the beginning of the private subdivision roads. ~~there shall be signs which state "Private Road" The subdivider may assume the responsibility to install signs provided the county engineer approves in writing the signage.~~

- (c) *Private roads.*

~~Private road means a privately-owned and maintained right-of-way that contains a roadway constructed in accordance with these regulations and provides vehicular access and road frontage to more than ten single-family residential lots. Private roads shall provide vehicular access and road frontage to developments, or sections of developments, containing more than ten dwellings lots. All private, nondedicated roads shall be prominently indicated as such on plats prior to subdivision approval. Maintenance arrangements for such roads must be noted in writing on subdivision plat submittals and must be subsequently recorded. The development served by a private road shall have direct access into a public road, and no such private road shall be laid out so as to serve property outside the development. All private roads shall:~~

Moved from Chapter 32_ Oconee County Land Development and Subdivision Regulations Ordinance

Private road means a privately-owned and maintained right-of-way that contains a roadway constructed in accordance with these regulations and provides vehicular access and road frontage to more than ten single-family residential lots.

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- (1) Serve a minimum of 11 lots;
 - (2) Have a minimum road right-of-way width of **50-32** feet;
 - (3) **Have a minimum driving surface width of 20 feet constructed of no less than five inches of compacted crushed stone or gravel base; a minimum height clearance of 13½ feet; include proper drainage features to appropriately shed water from the driving surface in a manner consistent with customary road construction standards; and include appropriate documentation from a professional engineer licensed by the State of South Carolina certifying the maximum weight limit of any bridge or culvert located along the drive. All bridges and any culvert over which a private drive crosses a perennial stream must include appropriate signage (located at each end of the bridge) displaying the structure's weight limits; Be designed in accordance with the regulations set forth in subsections 26-3(e) and (f) of these regulations;**
 - (4) **Be constructed in accordance with the regulations set forth in subsections 26-3(f) and (r) of these regulations;**
 - (5) Be maintained by an **individual** association of property owners or the developer and be designated on all plats and recorded in appropriate deed covenants and restrictions, or an appropriately executed private roadway easement as defined by these regulations;
 - (6) Parcel boundaries may extend to the centerline of the road, with the appropriate right-of-way designated on all plats and deeds;
 - (7) Be legally certified for compliance by a surveyor/engineer licensed by the State of South Carolina;
 - (8) Be named in accordance with adopted E-911 addressing regulations;
 - (9) Meet all stormwater management and sediment control regulations;
 - (10) Be properly approved in writing by planning director prior to submission of plat(s) to the register of deeds for recording. The following shall be prominently printed on the plat(s):

"THE ROAD RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE PRIVATE ROADS, ~~does or does not meet the public road requirements~~, NOT OWNED, MAINTAINED OR SUPERVISED BY OCONEE COUNTY AND NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY OCONEE COUNTY. ROAD RIGHT-OF-WAY SHOWN UPON THE PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY OCONEE COUNTY AT ANY TIME IN THE FUTURE UNLESS CONSTRUCTED IN ACCORDANCE WITH ALL OCONEE COUNTY REGULATIONS. MAINTENANCE OF THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE _____."

Moved from Chapter 32

The road right-of-way shown on this plat shall be private drives not owned, maintained, or supervised by Oconee County, and ~~were or~~ were not constructed pursuant to any plan for future acceptance by Oconee County. Road right-of-way shown upon the plat shall not be accepted for maintenance by Oconee County at any time in the future unless constructed in accordance ~~with and verified by non-destructive testing to ensure compliance with the~~ adopted Oconee County regulations. Maintenance of the right-of-way shall be the responsibility of _____.

_____ Date Owner/Developer

Update

- (11) **Have installed signs that control the traffic flow in a safe manner as specified by standards in the Manual for Uniform Traffic Control Devices;**

With the exception of the requirements put forth in this section, all private roads shall meet the requirements for all public roads as defined by this article.

Moved from Sec. 26-3 (m)

Road ~~maintenance~~ signs ~~on private roads~~. Where subdivision roads are not to be dedicated to the state or county for public maintenance the subdivider shall install ~~signs that control traffic flow in a safe manner as specified the manual of uniform traffic control devices. Also, "Private Road" signs~~ at the beginning of the private subdivision roads. ~~there shall be signs which state "Private Road" The subdivider may assume the responsibility to install signs provided the county engineer approves in writing the signage.~~

(Ord. No. 2008-19, Art. 2(1—3), 12-16-2008; Ord. No. 2013-16, § 2A, 7-16-2013; Ord. No. 2022-23, § C, 10-18-2022)

Sec. 26-3. Public roads

Moved from Chapter 32

Public road means 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 United States, the State of South Carolina, or the county.

- (1) **Arterial road** means a major road with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials and from collector streets.
- (2) **Collector road** means a road that typically exceeds 800 ADTs and has the primary purpose of intersecting traffic from intersecting local road and handling movements to the nearest arterial road. A secondary function is to provide direct access to abutting properties. A road that connects local access roads to the highway systems major and high-speed arterial roads. The collector road provides both land access service and traffic service within residential subdivisions.
- (3) **Local road (major)** means a road in which the road typical number of average daily traffic (ADT) ranges from 401 to 800 and contains two or more access points. The primary purpose is to provide access to abutting properties and receiving traffic from minor local roads.
- (4) **Local road (minor)** means a road in which the typical number of average daily traffic (ADT) ranges from zero to 400 and has the primary purpose of providing access to abutting properties. This road normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.

Public road right-of-way width means an easement within which utility installation, utility maintenance, roadway construction, and roadway maintenance shall occur according to the standards put forth in these regulations.

The following are the required road rights-of-way and minimum road widths allowable for **public roads**:

Arterial roads:

Right-of-way: 66 to 120 feet (as determined by the county engineer)

Road widths: 28 feet (as determined by the county engineer)

Collector roads:

Right-of-way: 66 feet

Road widths: 24 feet

Major local:

Right-of-way: 50 feet

Road widths: 22 feet

Minor local and/or service roads:

Right-of-way: 50 feet

Road widths: 20 feet

The above widths are driving surface widths and exclude widths added by curb and gutter and/or asphalt valleys.

- (a) *Continuation of adjoining road system.* The proposed road layout shall extend existing roads on a logical course at a width which meets the minimum required by this article. A minimum 100:1 taper section shall be used to transition from one width to another.
- (b) *Road system coordination.* The road system within a subdivision shall be coordinated with existing, proposed, and anticipated roads (hereinafter "surrounding roads") outside the subdivision, as determined by the county or the State of South Carolina. Subdivision roads shall intersect with surrounding roads at safe and convenient locations and where necessary to permit the efficient movement of traffic between residential neighborhoods by emergency service vehicles. Subdivision roads shall only enter arterial roads when absolutely necessary. Whenever connections to surrounding roads are required by this section, the road right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. All temporary dead-end streets **must be approved by the planning director and the county engineer, comply with SCDOT road standards.**
- (c) *Road names.* A proposed road which is obviously in alignment with or an extension of an existing named road shall bear the name of the existing road. Except for the above, in no case shall the name of a proposed road duplicate or be phonetically similar to an existing road name, irrespective of the use of suffix (road, avenue, boulevard, drive, place, court, lane, etc.). It shall be unlawful for any person in laying out any new road to name such road on any final plat or instrument, without first obtaining the approval of the Oconee E-911 Addressing Office.
- (d) *Residential buffers for collector or arterial roads.* Where a subdivision abuts or contains an existing or proposed collector or arterial road; lots which abut or are adjacent to these existing or proposed collector or arterial roads shall face a local road. Other treatment may also be required, as necessary, for adequate protection of the landscape and residential properties and for separation of through and local traffic. Special treatment may be required, such as screen planting contained in a nonaccess reservation along the rear property line adjacent to the arterial road.
- (e) *Road design (geometric criteria).* In general, geometric criteria for road design shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. Local and collector residential roads (public) shall be designed in accordance with the following standards.

- (1) Minimum right-of-way, pavement, and shoulder width shall be as follows:

Road Type	Right-of-Way	Pavement	Shoulder
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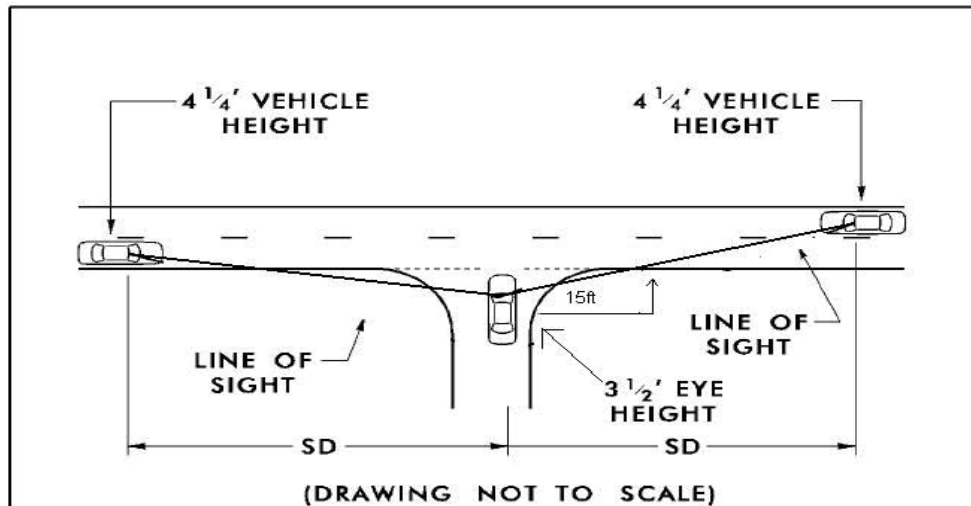
Arterial ¹	66' or greater	28'	10'
Collector	50'	24'	8'
Major local	50'	22'	6'
Minor local	50'	20'	4'

¹As determined by county engineer

For high density residential or nonresidential subdivisions or portions thereof, additional right-of-way or pavement width shall be provided when determined as necessary by the planning commission or county engineer.

- (2) Cul-de-sacs shall comply with current fire regulations and codes. Dead-end streets without turnarounds are prohibited. All unpaved islands located within perimeters of a cul-de-sac shall be round in configuration, centered within the right-of-way, curbed and properly drained. The area utilized by any unpaved island shall not be considered part of the minimum area needed to meet the required dimensions for the cul-de-sac or right-of-way and shall be governed by the same standards for planted median islands, as set forth in this article.
- (3) Horizontal curvature shall be introduced at any change in road direction, and the minimum centerline radius shall be 150 feet for local roads and 250 feet for collector roads. Arterial road curvature shall be in accordance with state highway department standards. Minimum tangent between reverse curves shall be 150 feet for local roads, and 100 feet from curve to any intersecting road right-of-way.
- (4) Stopping distance on vertical curves, horizontal curves, or normal intersections shall allow at least 100 feet of sight distance for each ten miles per hour of the posted speed limit where the road intersects another public road.
 - a. The sight distance shall be measured from a seeing height of 3½ feet, offset 15 feet from edge of road, to an object 4¼ feet in height above the grade of the public road, as stated in SCDOT's 1996 Access and Roadside Management manual. See drawing.

SIGHT DISTANCE REQUIREMENTS
(DISTANCES GIVEN ARE FOR FLAT GRADES)



DESIGN VEHICLE ENTERING ARTERIAL	SIGHT DISTANCE (SD) PER 10 MPH OF ARTERIAL SPEED FOR ARTERIAL WIDTH OF:		
	2 LANES	4 LANES	6 LANES
	FEET	FEET	FEET
PASSENGER CAR	100	120	130
SCHOOL BUS	130	150	170

- b. Minimum sight distance at intersections shall provide a clear sight triangle. The right-of-way shall be clear of obstacles to enable the minimum sight distance required, as determined by the speed limit of the road being accessed increases. The necessary right-of-way in either direction shall be entered upon the final plat prior to recording. Modifications may be required by the county engineer in order to **ensure** safety.
- (5) Roads shall be designed to intersect as nearly as possible at right angles. In no case shall the angle of intersection be less than 75 degrees. Minimum radius of curb or pavement edge at intersections shall be at least 20 feet at intersections with local roads and 25 feet at intersections with collector roads.
- (6) Road grades shall be no less than 0.5 percent and no greater than 12 percent. The following shall apply:

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Road Classification	Maximum Grade
Arterial Roads	4 percent
Collector Roads	6 percent

Local	12 percent
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- (7) Proposed intersections on one side of a road shall coincide with existing or proposed intersections on the opposite side. Minimum centerline offset for intersections on the opposite side of a road shall be 150 feet. No two roads may intersect on the same side of a road at a centerline separation distance of less than 400 feet.
 - (8) Intersections shall be designed with a flat grade whenever practical. When approaching an intersection in hilly or rolling areas, a leveling area shall be provided having not greater than a five percent grade at a distance of 30 feet, measured from the nearest right-of-way line of the intersecting street.
 - (9) If the developer proposes a planted median island, the road right-of-way shall be divided in half for each half of the road (25 feet each side) with each lane centered in the right-of-way. A perpetual maintenance plan shall be submitted to the county prior to construction of said planted median island. the county shall not be responsible for maintaining any median vegetation. Vegetation within the right-of-way may be removed by the county if it presents a safety or visual hazard. All planted medians shall be drained and maintained by methods submitted by the developer and approved by the county engineer.
 - (10) All driveway locations must be approved by the county engineer.
- (f) *Road construction.* In general, all public roads shall be constructed in accordance with the SCDOT "Standard Specifications for Highway Construction" (latest edition) as it related to earthwork, bases/subbases, paved surfaces, etc. The following requirements shall also apply:
- (1) Paved road surfaces are required for all new roads. The county engineer may wave the strict application of aggregate requirements for hot mixed asphalt pavement with materials prepared with stone from the county rock quarry.
 - (2) The minimum base course for all roads shall consist of type #1 (550 lbs. per square yard) crushed gravel aggregates compacted on the roadway to a depth of not less than five inches. Compaction of the aggregate shall comply with the standards set forth in this article.
 - (3) *Local roads.* When hot asphaltic mix will be applied, specifications for set up are same as for the surface treatment. Asphalt shall be applied at no less than two-inch compacted of type as specified by the county engineer.
 - (4) *Collector roads.* Road base shall include 550 lbs. of stone per square yard (approx. 5) with two-inch surface course of asphaltic concrete.
 - (5) *Industrial/commercial roads.* Road base shall include 650 lbs. of stone per square yard (approx. 6) with two-inch surface course of asphaltic concrete.
 - (6) Road paving is required for all new nonresidential subdivisions falling under the jurisdiction of this article. Pavement design requirements for a nonresidential subdivision shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials; or the Portland Cement Institute; or the National Asphalt Institute. All designs shall be subject to review and approval of the county engineer and the county planning commission. However, in no case shall the paving standard be less than the standard required for a new residential subdivision.
 - (7) The entire right-of-way area shall be cleared of all stumps, roots, brush, and other objectionable materials prior to grading roads. All tree stumps and other vegetation shall be removed to a depth of two feet below the sub-grade. Rock, when encountered, shall be scarified to a minimum depth of three inches below sub-grade. The entire right-of-way shall be graded.

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- (8) All debris and other material deemed unsuitable by the county engineer shall be removed before any dirt or soil is placed in fills for the subgrade. Unsuitable materials include any organic matter, unstable soil, trash, large stones, or other items that prevent the soil from being properly compacted.
- (9) All fill lifts shall be formed by placing and spreading the material in successive, uniform, horizontal layers of not more than six inches in depth for the full width of the cross section and shall be kept level by the use of approved equipment. Prior to each subsequent layer the compacted layer shall be scarified before placing fill. The county engineer or his designated representative may call for compaction tests at the completion of any of the six-inch lifts being made. Each level will be compacted to a 95 percent proctor.
- (10) Suitable material shall be placed in the embankment for the formation, compaction, and shaping of all embankments, subgrades, shoulders, slopes, intersections, approaches and private entrances to conform to the typical cross section shown on the approved road construction plan.
- (11) When an embankment is to be on a hillside or against an existing embankment sloping more than 20 degrees from the horizontal, the slope of the hillside or existing embankment shall be plowed deeply or cut into steps before filling is commenced. All embankments shall be formed by placing and spreading the material in successive, uniform, horizontal layers of not more than six inches in depth for the full width of the cross section and shall be kept level by the use of approved equipment. Embankments over and around pipes, culverts, arches, bridges, or other structures shall be constructed of materials approved by the county engineer.
- (12) All pipe culverts shall consist of the following materials:
- a. Reinforced concrete conforming to the requirements of American Association of State Highway Officials (AASHTO) M170 Class 3 pipe.
 - b. High density polyethylene (HDPE) corrugated with a smooth interior pipe conforming to the requirements of American Association of State Highway Officials (AASHTO) M294M, Type S pipe.
- All pipe culverts shall be of sufficient size to adequately insure proper drainage. Calculations by a professional engineer licensed by the State of South Carolina must be submitted and approved by the county engineer. Rip-rap shall be securely installed over an approved silt barrier to the height of the high water mark around the end of all pipe culverts.
- (13) In the event that the engineer, after consultation with appropriate authorities, deems the crossing of a watercourse to necessitate a bridge, such bridge shall conform to current SCDOT specifications for steel reinforced concrete bridges of at least 24 feet in width. Such bridges shall be at an elevation as to be approved by the county engineer.
- (14) All drainage inlets and outlets not accessible from the road right-of-way must include a permanent easement allowing the county access to the adjacent property needed to perform necessary maintenance work. Oconee County will not be responsible for any damage off of the right-of-way due to high water or flash flood conditions
- (g) *Compaction and testing.* Compaction of sub-grade and base courses shall conform to the applicable sections of the latest published edition of the South Carolina Highway Department Standard Specifications for Highway Construction. Nuclear compaction test may be conducted on all sub-bases as directed by the county engineer. A loaded (minimum of 60,000 lbs. gross weight) tandem roll test of the sub-base shall be performed. Any of the compaction tests may be directed by the county engineer or his designated representative during an intermediate six-inch lift. A loaded (minimum of 60,000 lbs. gross weight) tandem roll test will also be performed upon setup of the base material prior to paving the road. Any substandard materials will be replaced and retested as directed by the county engineer or his designated representative. Upon completion of a road, all fills shall be protected by either seeding or rip-rap. All fills of 2½:1 or steeper

shall be protected by rip-rap. Shoulders and other disturbed soil along the entire cleared area of the right-of-way shall be seeded in such a manner as to ensure uniform sod.

(h) *Inspections.*

(1) A developer/owner shall notify the county engineer at least 48 hours prior to any requested inspection. Work done prior to inspection is done so at the contractor's and owner's own risk and may, upon decision of the county engineer or designee, be required to be removed and redone or have the quality substantiated by any tests deemed necessary all at the contractor's and/or owner's sole expense. Inspections shall be required for the following:

- a. At the completion of clearing and grubbing operations;
- b. At the completion of rough grading;
- c. At the completion of all utility construction along road right-of-way (including but not limited to water, sewer, electrical);
- d. At the completion of subgrade;
- e. After installation and compaction of base course;
- f. During all pavement applications; and
- g. Final acceptance inspection.

(2) The contractor/owner's engineer shall be present for the following inspections:

- a. Rough grading inspections;
- b. Subgrade;
- c. Base course inspections; and
- d. Final acceptance inspection.

(i) *Financial responsibility for maintenance.* Following acceptance for maintenance by the county of any road, the developer/owner shall be financially responsible for all maintenance necessary due to deficiencies resulting from initial construction for a period of three years. The developer/owner shall post a bond or a letter of credit for the estimated cost of maintaining the road for three years from the date of acceptance. The county engineer shall determine the amount of the bond or letter of credit. The bond or letter of credit shall be maintained by the county finance department. The bond or letter of credit shall expire after three years from the date of acceptance of the road, or in the case of a subdivision road, after a build out of 70 percent of the subdivision, whichever occurs first. In order to facilitate the acceptance process, once a road had been substantially completed the developer/owner may request a written punch list from the county engineer. The punch list will note the items that must be completed prior to acceptance of the road by the county.

(j) *Contracts.* Notwithstanding any other provision of this section, the owner/developer may utilize an independent contractor to perform road work. In such case, the owner/developer shall be fully responsible for work performed by the contractor on said roads.

(k) *Financial liability.* The owner/developer shall be responsible for all costs in the design and construction of a road until said road is accepted as a county road by the county.

(l) *Road swales and channels.* All roadway ditches and channels shall be designed to contain, at minimum, a peak flow from a 25-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a 25-year frequency storm shall not exceed the permissible velocities for the type of lining used. Rip-rap shall be placed for stops in road drainage swales as instructed by the county engineer. Swales shall be stabilized against erosion by grassing with a mixture of rye and bermuda grass, or

the appropriate grass for the season. Road swales shall be installed at a maximum depth of three feet and be designed to enable mowing by adjoining property owners.

- (m) ~~Road maintenance signs on private roads.~~ Where subdivision roads are not to be dedicated to the state or county for public maintenance the subdivider shall install signs that control traffic flow in a safe manner as specified the manual of uniform traffic control devices. Also, "Private Road" signs at the beginning of the private subdivision roads. there shall be signs which state "Private Road" The subdivider may assume the responsibility to install signs provided the county engineer approves in writing the signage.

~~Road signs on public roads.~~ Road name signs shall be installed at all intersections with a subdivision. All other signs shall be installed as required by State Code of Law. ~~by and at the direction of the county engineer or his/her designee.~~ All signage will be in accordance with the Manual of Uniform Traffic Control. The developer shall be responsible for all costs of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of county council from time to time) prior to acceptance of road by the county. Any person who shall willfully or maliciously damage, deface, remove or otherwise tamper with a sign erected by a subdivider or the county designating the name of any county road shall be guilty of a misdemeanor. In addition, thereto, such person shall be liable to the county for the cost incurred by the county as a result of said criminal acts.

- (n) *Roadside drainage.* Roads may be constructed with drainage swales shoulders at a 12:1 slope. Where road grade exceeds ten percent, curb and gutter, paved drainage swales, or rip rap swales shall be provided. Curb and gutter may be roll type or standard 90 degrees curb.

- (o) *Temperature and weather restriction on asphalt paving work.*

- (1) No hot mix asphalt surfacing work shall be performed on wet surface, or when the temperature is below 45 degrees Fahrenheit in the shade and falling, or when weather conditions are otherwise unfavorable. unless approved in writing by the county engineer, no surface treatment of a road planned by the owner/developer for acceptance into the county road system shall be begun before March 15 of each year. Unless approved in writing by the county engineer, surface treatment of a road planned by the owner/developer for acceptance into the county road system shall be completed prior to October 15.
- (2) The mixture shall be delivered to the spreader at a temperature between 225°F and 325°F and, except for sand asphalt mixture for base course construction, within 30°F of the temperature at the plant.

- (p) *Drainage structures.*

- (1) Crossline pipes shall be designed to carry runoff from a 25-year, 24-hour design storm and shall be RCP Class III concrete. The design shall be determined using runoff data sources and standard methods approved by the county engineer. In no event shall a pipe less than 18 inches in diameter be accepted by the county. Crossline pipes or structures along Waters of the State shall be designed to pass a 100-year, 24-hour design storm.
- (2) Concrete culverts must conform to South Carolina Highway Department requirements. HDPE double wall corrugated with a smooth interior pipe conforming to the requirements of American Association of State Highway Officials (AASHTO) M294M, Type S pipe or an approved equivalent shall be accepted where sufficient fill over the pipe is provided. No corrugated metal pipes shall be accepted. No culvert shall be less than 15 inches in diameter.
- (3) Unless approved by the county engineer prior to construction, all pipes shall be laid in a trench. All trenches shall be excavated so as to allow for safe and proper installation. All backfill work shall comply with standards specified by the pipe manufacturer; however, in no case shall backfill covering a culvert be less than ten inches deep (pavement and/or base thickness shall not be considered part of this

required minimum depth). All fill shall be compacted to 95 percent of standard proctor test in the top foot of fill.

- (4) The jointing of sections of culvert shall be done in a workmanlike manner in accordance with the standard practice recommended by the manufacturer of the culvert being used.
- (5) The ends of all pipe culverts shall be properly protected to prevent piping, erosion and scour. Placement of filter fabric and rip-rap shall be considered minimum treatment. End treatments shall be approved by the county engineer and shown on the plans.
- (6) All crossline drainage culverts shall be located in natural drainage areas or depressions, and shall terminate in a dedicated drainage easement no less than 20 feet wide.
- (7) Junction boxes of an approved type will be constructed at all points where the line of pipe changes course or direction ten degrees or more and at proper intervals along the line of pipe.
- (8) A means of access to inlet and outlet points of drainage structures and appurtenances must be provided and shown on the plans. Oconee County shall not be held liable for flood damage outside recorded drainage easements.
- (9) Exits for surface water in sideline ditches shall comply with the standards put forth in the following table:

Table—Surface Water Exit Intervals

Road Grade	Maximum Exit Interval
0—2 percent	800 feet
2.1—4 percent	700 feet
4.1—6 percent	600 feet
6.1—8 percent	500 feet
8.1—10 percent	400 feet
10.1—12 percent	300 feet
More than 12 percent	200 feet

- (10) Exit intervals for surface water along curb and gutter roads, also known as catch basin spacing, shall be designed to limit the spread to seven feet from the face of curb. The two-year design storm shall be the basis for determining the stormwater runoff. In no case shall the spacing exceed 800. Special attention should be used designing exits at cul-de-sacs, to prevent overtopping the curb and catch basin.
- (q) Sidewalks are only permitted in county rights-of-way when they meet the following conditions:
- (1) A financially responsible entity, as determined by the county in its sole discretion (the "responsible entity"), agrees to perform necessary maintenance and repair to the sidewalk and accepts all real and potential liability arising from the existence and use of the sidewalk. The responsible entity must, prior to sidewalk construction, enter into an agreement with the county that establishes the responsible entity's maintenance, repair, and liability obligations. These obligations will include the duty to defend and hold the county harmless from any damages or claims for damages in any way related to sidewalk construction, maintenance, and repair.
 - (2) The sidewalk shall be designed by a professional engineer, licensed in the State of South Carolina, to meet the most recent applicable South Carolina Department of Transportation ("SCDOT") minimum

standards and be in a form consistent with all applicable SCDOT standard drawings. The sidewalk shall be constructed in strict compliance with the approved design. Sidewalk design and construction must be timely submitted for approval by appropriate county personnel.

- (3) Necessary maintenance and repair of the sidewalk will be performed expeditiously and in a manner consistent with the most recent applicable SCDOT minimum design standards and standard drawings.
- (r) Sidewalks are only permitted in private rights-of-way when they meet the following conditions:
 - (1) A financially responsible entity, as determined by the county in its sole discretion (the "responsible entity"), agrees to perform necessary maintenance and repair to the sidewalk and accepts all real and potential liability arising from the existence and use of the sidewalk.
 - (2) The sidewalk shall be designed by a professional engineer, licensed in the State of South Carolina, to meet the most recent applicable South Carolina Department of Transportation ("SCDOT") minimum standards and be in a form consistent with all applicable SCDOT standard drawings. The sidewalk shall be constructed in strict compliance with the approved design. Sidewalk design and construction must be timely submitted for approval by appropriate county personnel.
 - (3) The final plat submitted for approval and recordation must include the following:

"THE SIDEWALK LOCATED IN THE RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE PRIVATE, NOT OWNED, MAINTAINED, OR OVERSEEN BY OCONEE COUNTY, AND NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY OCONEE COUNTY. SIDEWALKS IN RIGHTS-OF-WAY SHOWN UPON THIS PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY OCONEE COUNTY AT ANY TIME IN THE FUTURE. MAINTENANCE OF THE SIDEWALK SHALL BE THE RESPONSIBILITY OF _____."
 - (4) Necessary maintenance and repair of the sidewalk will be performed expeditiously and in a manner consistent with the most recent applicable SCDOT minimum design standards and standard drawings.

(Ord. No. 2008-19, Art. 3(1—17), 12-16-2008; Ord. No. 2010-17, § 2A, 9-21-2010; Ord. No. 2022-23, §§ A, B, 10-18-2022)

Sec. 26-4. Commercial and industrial roads and streets.

- (a) In addition to residential road requirements set forth, the following standards shall apply to commercial and industrial roads.
 - (1) *Rights-of-way and road widths.* The following right-of-way and road widths are established:
 - a. Right-of-way: Minimum width is 66 feet.
 - b. Roadway width: Width is 24 feet with 12-foot lanes plus two-foot valley gutters or six-inch high curbing and two-foot concrete valley on each side.
 - (2) *Grades.*
 - a. The minimum grade shall not be less than one percent and the maximum shall not be more than seven percent.
 - b. All proposed street grades, when intersecting an existing street or highway, shall be constructed so as to meet the same horizontal grade at the existing intersection and shall have an elevation for a distance of 30 feet equal to the curb line grade of the existing street to which the proposed connection is being made. All proposed street connections to existing streets or highways having existing sidewalks crossing their intersection alignment shall be constructed by removal of the sidewalk to the new proposed curb radii.

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- (3) *Horizontal (circular) curves.* Where a deflection angle of more than five degrees in the alignment of the street occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature at the centerline of the proposed street right-of-way shall not be less than 250 feet.
 - (4) *Vertical (crest-sag) curves.* Changes in vertical grade shall be connected by vertical curves of minimum length equal to 25 times the sum of both approaching grades stated in percent of grade. Example: A five percent slope upward meeting a four percent slope downward requires a curve length of $9 \times 25 = 225$ feet.
 - (5) *Intersecting roads and road offsets.*
 - a. Intersecting roads. Industrial/commercial roads shall be laid out so as to intersect as nearly as possible at right angles and no road shall intersect any other road at an angle less than 80 degrees.
 - b. Road offsets. Where there is an offset in the alignment of a road across an intersection, the offset of the centerline shall be not less than 200 feet.
 - (6) *Cul-de-sacs.* The circular right-of-way radius shall be 66 feet and paved turning circle with the same center point and a radius of 50 feet is required.
 - (7) *Temperature and weather restrictions on asphalt paving work.*
 - a. No hot mix surfacing work shall be performed on wet surface, or when the temperature is below 45 degrees Fahrenheit in the shade and falling, or when weather conditions are otherwise unfavorable. Unless approved in writing by the county engineer, no surface treatment of a road planned by the owner/developer for acceptance into the county road system shall be begun before March 15 of each year. Unless approved in writing the county engineer, no hot mix surface treatment of a road planned by the owner/developer for acceptance into the county road system shall be done after October 15.
 - b. The mixture shall be delivered to the spreader at a temperature between 225 degrees Fahrenheit and 325 degrees Fahrenheit and except for sand asphalt mixture for base course construction, within 30 degrees Fahrenheit of the temperature at the plant.

(Ord. No. 2008-19, Art. 4(1—7), 12-16-2008)

Sec. 26-5. Road upgrades.

(a) *Upgrade of existing county roads.*

- (1) Roads owned and/or maintained by the county shall be listed on a road maintenance plan maintained by the county road department. Any road not meeting the current standards for public roads as adopted by the county shall be identified. Those roads that do not meet the current county standards and are in the primary development areas identified on the county future land use map shall be placed on the priority upgrade list. A rating system shall be used to prioritize the roads on the priority upgrade list, with those roads receiving the highest score having the highest priority. Until the county future land use map is amended in 2009, primary development areas shall include those areas identified in the comprehensive plan defined as residential areas and transitional growth areas.
- (2) Roads on the priority upgrade list shall be upgraded in such a manner as to account for the current and projected traffic levels. These projections shall be based upon the best information available and anticipate changes occurring over the next 25-year period.
- (3) The following rating factors shall be used in determining the priority upgrade list:
 - a. Condition and width of driving surface;

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- b. Existing hazards;
 - c. Right-of way acquisition; and
 - d. Current and projected traffic levels.
- (4) County roads (whether paved or gravel) that are located outside the primary development areas as identified in the county future land use map may be placed on the priority upgrade list based on the recommendation of the county engineer and the agreement of the council's transportation committee.
- (5) The county engineer shall review all roads within the county road system on an annual basis and make recommendations to the county planning commission regarding changes to the priority upgrade list. The planning commission shall review the priority upgrade list on an annual basis and make recommendations to county council for changes to the list. The county engineer shall estimate a projected completion date for all roads on the Priority Upgrade List. The county engineer shall update the projected completion date on an annual basis. The county engineer shall consider available funding sources in making these completion projections.
- (6) In the event that a developer/subdivider is required to upgrade a county road in the primary development area, in accordance with section 26-5(b) of this article, the county and the developer/subdivider shall enter into a reimbursement agreement. The reimbursement agreement shall allow the developer/subdivider to receive reimbursement for the total cost of upgrading the road to the minimum county road standard. The cost of upgrading a county road may include the cost of right-of-way acquisition and the moving of existing utilities. The cost of upgrading the road shall not include the upgrade of utilities within the road right-of-way. The source for reimbursement shall be from rollback taxes, if any, and the incremental tax increase of property resulting from New Development accessed by the upgraded road. The reimbursement agreement shall include not more than ten percent of any rollback taxes on the property to be developed and such percentage of said incremental tax increase sufficient to allow the developer/subdivider to receive reimbursement for his/her/its total cost in upgrading the road over a period of time not to exceed ten years from the date that the county approves the final plat and the plat is recorded. Any reimbursement agreement shall only include the county portion of any rollback tax or incremental tax increase.
- (7) A developer/subdivider who is planning a development that will impact a county road in such a way that the road classification will change, and said road is already scheduled to be upgraded by the county within the next five years, according to the Priority Upgrade List, may be assigned a higher priority on the Priority Upgrade List by agreeing to allocate ten percent of the proposed development for affordable housing or provide the same amount of affordable housing in another location in the county. Affordable housing provided in this section shall be of the same type of construction (ex. stick built, modular, etc.) as the new development.
- (b) *Impact on existing roads system.* In order for the county to approve a subdivision site plan, a subdivision plat or a building permit for a subdivision project, the county road or network of county roads that serve said proposed development must be adequate to accommodate any increase in traffic resulting from said proposed development. For all developments consisting of more than ten dwelling units, the developer/subdivider shall submit a traffic impact/road capacity study demonstrating the impact of traffic upon any county road servicing the subdivision, either directly or indirectly. The extent of the study shall be determined by the county engineer on a case by case basis. The traffic impact/road capacity study shall be reviewed by the county planning director and the county engineer. In the event that the county planning director and the county engineer determine that the subdivision will increase the average daily traffic (ADT) on a county road to the extent that said road will need to be upgraded to safely accommodate the increase in traffic, improvements to the road must be made in accordance with the road classification set forth in the definitions section of the land development and subdivision regulations ordinance (Ordinance 2008-20 [as

codified in chapter 32, article VI, §§ 32-211—32-226]). The developer/subdivider shall be responsible for all costs (including right-of-way acquisition) necessary to upgrade the road.

(c) *Criteria for road improvement projects.*

- (1) A minimum of 50 feet of right-of-way is required for the entire road.
- (2) Utilities must not be located, to the extent practicable, beneath the road surface (excluding sanitary sewer).
- (3) A minimum of 50 feet radius of right-of-way is required for the purpose of constructing an appropriate turnaround for improvements projects along terminating roads.
- (4) Road improvement projects to match existing county standards, to the extent practicable.

The above criteria shall apply to paved and unpaved road improvement projects. From time to time, council may need to waive the above requirements on a case-by-case basis.

(d) *Scoring gravel roads.*

- (1) A trip generation prediction will be calculated with data collection and other methods outlined by the Institute of Transportation Engineers.
- (2) ADT (Modeled or Measured Average Daily Trips) will be combined with safety Parameters as follows:

Slope or grade	X 20 points
Intersection	X 20 points
Width	X 20 points
No Cul-de-sac	X 20 points
Alignment	X 20 points

- (3) ADT and safety parameters will be the primary factors in scoring gravel roads.
- (4) For example, if traffic counts were measured to be 480 ADT; and the slope exceeded 12 percent, it was 20 feet, and had no cul-de-sac the score would equal $480 + 60 = 540$.

(Ord. No. 2008-19, Art. 5(1—4), 12-16-2008)

Sec. 26-6. Acceptance of roads into county road system.

The following provisions shall apply to the construction of any road intended for future acceptance into the county road system.

- (1) No road shall be accepted by the county for maintenance and incorporated within the county road system unless the same be shown and delineated upon a plat of survey duly recorded in the office of the county Register of Deeds.
- (2) A construction plan with sufficient detail, including a cross section of the proposed road, shall be submitted to the county engineer prior to commencement of construction. No construction shall commence unless the plan has been approved by the county engineer.
- (3) A deed granting a right-of-way as specified in this article shall be tendered to the county by the property owner/developer before a road shall be accepted into the county road system. Upon acceptance of such deed or right-of-way by the county, the owner/developer shall be notified in writing of the fact of such acceptance, and the same writing shall constitute an agreement on the part

of the county to maintain and incorporate the said road into its system. The county administrator shall accept or deny the proffered deed or right-of-way for the county upon receipt of certification by the county engineer that said road has been constructed in accordance with the regulations set forth in this article.

- (4) Prior to acceptance by the county for maintenance and incorporation within the county road system, all roads shall meet all road construction standards set forth in this article.
- (5) No road shall be accepted into the county road system until the surface is treated in a manner and using such materials as approved by the county engineer. The county engineer shall furnish specification requirements upon request. The county engineer shall be notified by the developer/owner prior to the commencement of any construction, and shall be given periodic progress reports and periodic inspection reports as specified by the county engineer. Such progress and inspection reports are to include notification of the ending and planned commencement of construction intervals or phases. The county engineer shall certify in writing to county council that the road to be accepted into the county road system has been constructed in accordance with the regulations set forth in this article. A copy of the certification shall be sent to the county administrator.
- (6) The county may accept a road as a county road through the creation of a special tax district, a legislatively created administration division of the county whereby resident freeholders fund, through the collection of uniform fees included on the annual property tax bill, upgrades to existing private roads in order for such roads to meet the standards of and for the purpose of acceptance into the county road system.
- (7) No expenditures of any public funds shall be made on any road or right-of-way, which has not been accepted as a county road.
- (8) The roadway must connect to at least one federal, state, county, or municipal roadway.
- (9) No private road shall be accepted into the county public road system if the designated rights-of-way requirements conflict with the setback and lot density zoning standards.
- (10) The county administrator is hereby authorized to accept roads and rights-of-way on behalf of county.

(Ord. No. 2008-19, Art. 6, 12-16-2008)

Sec. 26-7. Regulating the use of county roads.

- (a) *Connection to, or easements or rights-of-way on county roads.* Notwithstanding any other provision of this Code, all connections to county roads, whether temporary or permanent, such as, without limitation, driveway cuts, logging or construction cuts, roadway intersections, and every other form of connection, must be approved in writing, in advance of any such connection, temporary or permanent, by the county engineer, in accordance with subsection 26-3(e)(10) hereof.

The county may only authorize encroachments or grant easements or rights-of-way, for any purpose, on those county roads for which it owns the right to do so, such as on rights-of-way deeded to the county in fee simple title. For other roads, such as those for which the county owns less than fee simple title, such as roads for which the county has only prescriptive easements, the county may only grant encroachments, easements, and rights-of-way consistent with its interests. Any encroachment, easement or right-of-way granted by the county on a county road must be approved in writing by the county engineer after making a full investigation of the matter and considering all factors, including the applicant's needs, as well as the needs of the county, including, without limitation, good engineering standards, the need to maintain county rights-of-way and keep them open, the convenience of the traveling public, and other similar professional considerations. If the county engineer approves such encroachments, easements, or rights-of-way, the easements or rights-of-way may only be granted by county

council, by ordinance, following a public hearing as a conveyance of interests in real property. The county engineer may approve encroachments properly undertaken in accordance with this chapter.

- (b) *Work on county right-of-way.* Property owners adjoining the county road right-of-way may request that the county perform work within the right-of-way to install new driveway aprons, mailbox turnouts, and/or culverts within the county maintained right-of-way. The county, at its sole discretion, may elect to perform such work on a first pay, first scheduled, time-available basis. If the county performs such work, the property owner shall pay 2.5 times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the county from any liability associated with said work, in advance of scheduling the project. If the county constructs such driveway aprons, mailbox turnout, or culverts within the county right-of-way, such work will be maintained by the county as a part of the county road system from that point.

The county engineer, or his designee will provide a nonbinding, cost estimate for the material cost of the project. Special services or equipment needed to complete the job will be billed as invoiced by the contractor or vendor providing the special service or equipment.

(c) *Drainage.*

- (1) Property owners adjoining the road right-of-way may request that the county perform work to assist the property owner with a drainage problem. The county may, at its sole discretion, construct berms, swales and/or ditches, or install pipe along the county maintained road right-of-way. The property owner shall pay 2.5 times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the county from any liability associated with future drainage problems, in advance of the county considering and scheduling such project. Such projects will be scheduled, if at all, on a first pay, first scheduled, time-available basis and will be maintained by the county, as a part of the county road system from that point.
- (2) The county engineer or his designee, will provide a cost estimate for the material costs of the project. Special services or equipment needed to complete the job will be billed as invoiced by the contractor or vendor providing the special service or equipment.
- (3) The county cannot assist in any drainage matter outside of the road right-of-way, and may only perform work within the county right-of-way.
- (4) No property owner or any other person shall modify any drainage in any manner that affects a county road without the written approval, in advance, of the county engineer.

(d) *Damages.*

- (1) Any person, entity or utility that engages in an activity which causes damage to a county road or road structure shall be responsible for repairing said county road or road structure to SCDOT standard specifications for highway construction. This does not include normal wear and tear to a road caused by normal use of said road.
- (2) Any person driving, operating or moving any vehicle, object or contrivance upon any county road or road structure shall be liable for any damage which road or structure may sustain as a result of dragging, scraping, breaking or any other damage done to said road or structure. Any such persons will also be liable to the county for the cost of such injury or damage.

(e) *Encroachment.*

- (1) All persons desiring to excavate within, encroach upon, or in any way alter a county maintained road and/or right-of-way, shall notify the county engineer and submit to the county road department an application for an encroachment permit, together with the required fees and security as determined and established periodically by county council. Notice will be given by the applicant to the county at least 48 hours prior to initiating such work, and only after receiving an approved permit from the

county. A schedule of required fees and securities shall be available for review from the county road department. No person may excavate within, encroach upon, or in any way alter a county maintained road or right-of-way without the written approval, in advance, by approved permit, of the county engineer. In determining whether to approve any such request, and issue a permit, the county engineer will consider all factors, including the needs of the applicant, as well as the needs of the county, including, without limitation, good engineering standards, the need to maintain county rights-of-way and keep them open, the convenience of the traveling public, the applicant's compliance with previous permits, including temporary permits, and policies of the county, and other similar professional considerations, including, without limitation, the provisions of the encroachment permit policy (encroachment permit policy) which is maintained by the Oconee County Road and Bridges Department and approved by county council from time to time and is included herein by reference. The county engineer may impose restrictions on any granted approval and permit under this section, consistent with such professional considerations; including, without limitation, up to and including temporary suspension or permanent revocation of such permit, for failure to comply with the permit terms or these policies. Any appeal from any decision of the county engineer under this section will be treated as a request for a variance from road standards and handled in accordance with the procedures of section 26-8 of this Code.

Oconee County Council shall, from time to time, approve the county's encroachment permit policy, including, without limitation, the policy itself, as well as the encroachment permit application form, and the schedule of fees for the application of the policy. The initial encroachment permit policy, encroachment permit application form, and fee schedule are attached as exhibits to this section, and are hereby approved. For minor nonsubstantive revisions, the county, acting by and through the county council, may revise the policy, application form, or fees, as it desires, in the future by simple resolution of county council, and may include the fees schedule in the schedule of departmental fees that is contained in a proviso in the annual county budget ordinance. More substantial, and all substantive revisions to policy, application form, and fees must be revised by county council ordinance, including, without limitation, the annual county budget ordinance.

- (2) Upon completing the permitted activity, the applicant shall restore the county maintained road and/or right-of-way to its original condition (except for any permanent alteration approved by county permit, and through a county-granted right-of-way or easement), insuring that all repairs conform to the requirements contained in the SCDOT standard specifications for highway construction and the encroachment permit policy. Eighteen months after the permitted activity is satisfactorily completed, the security shall be returned to the applicant provided the county engineer, upon final inspection, approves the repair. If the county engineer deems the repair to be unacceptable, the security shall be retained by the county and used to properly repair and restore the road and/or right-of-way to its original condition. Once the road and/or right-of-way has been properly repaired, any excess security will be returned to the applicant, it being understood that, in one form or another, all costs of encroachment upon, or any alteration of a county maintained road or right-of-way shall be borne by the applicant.
- (3) Driveway aprons and mailbox turnouts abutting county maintained roads are encroachments, subject to the provisions of this section, and will be the responsibility of the property owner, as to construction and maintenance, subject to the provisions of subsection 26-7(b), and subject to the caveat that if the county constructs or manages a road project, driveway aprons and mailbox turnouts may be part of the project, subject to the terms of such subsection 26-7(b).
- (4) Violation of the encroachment permit policy is a violation of this Code and is punishable by civil fine of \$500.00/day/violation. Each and every day of a continuing violation shall be deemed a new and separate offense. Failure to pay any civil fine levied hereunder shall constitute a violation of this Code and shall be punished in accordance with section 1-7, hereof.

(f) *Road safety.*

- (1) All persons shall park vehicles and equipment at least three feet from the edge of the driving surface on all roads. Parked vehicles and equipment shall not block ditches and swales or in any way inhibit drainage.
- (2) No person shall place any type of material within three feet of the driving surface.
- (3) No person shall place a sign on a road in the county that will restrict visibility or inhibit sight lines of drivers.
- (4) Signs (other than these regulated by state or federal law, such as political signs) remaining in place for more than seven days on county roads, will require an encroachment permit from the county road department.

(g) *Inspections.* A developer/owner or any other affected entity shall notify the county engineer at least 48 hours prior to any requested inspection required by this chapter for public or private roads. Inspection fees, for such inspections, shall be established by resolution, ordinance or other official act of county council from time to time, and must be paid, in full, before the county will finally accept the road(s) in question. All such fees, once paid, shall be maintained by the county in a separate account used only for the road inspection program of the county, and will only be in such amount(s) as will be sufficient to maintain such program. Work done prior to inspection is done at the contractor's and owner's own risk and may, upon decision of the county engineer or designee, be required to be removed and redone or have the quality substantiated by any tests deemed necessary, all at the contractor's and/or owner's sole expense. Inspections shall be required for the following:

- (1) At the completion of clearing and grubbing operations;
- (2) At the completion of rough grading;
- (3) At the completion of all utility construction along road right-of-way (including but not limited to water, sewer, electrical);
- (4) At the completion of subgrade;
- (5) After installation and compaction of base course;
- (6) During all pavement applications; and
- (7) At final acceptance inspection.

(h) *Penalties.* Failure to comply with any of the requirements of this article constitutes a misdemeanor and shall be punishable as set forth in section 1-7. In addition, in the event that the county must file a civil suit in order to enforce its rights under this article, the county shall be entitled to reasonable attorney's fees.

(Ord. No. 2008-19, Art. 7(1—5), 12-16-2008; Ord. No. 2010-17, § 2B, 9-21-2010; Ord. No. 2013-16, § 2B, 7-16-2013)

Editor's note(s)—The Oconee County Roads and Bridges Department Encroachment Permit Application and Policy are incorporated herein by reference as if fully set out at length. A copy is on file and available for inspection at the offices of the county.

Sec. 26-8. Variance from road standards.

- (a) Any variance from these road standards shall be consistent with the intent of this article, and shall be approved in writing by the board of zoning appeals. Any person or entity requesting a variance from road

standards shall submit a written request for a variance to the planning director of the county. A variance can only be granted for actions to take place in the future. No variance may be granted for past actions.

- (b) Prior to scheduling a variance hearing before the board of zoning appeals, the person or entity requesting said variance shall work with the county planning department and the county road department in an effort to eliminate or minimize the need for a variance. After reasonable efforts and no other solution can be reached, a hearing shall be scheduled before the board of zoning appeals. The county staff shall submit written reports to the board of zoning appeals setting forth the county regulation in question, the efforts made to remedy the situation, and a recommendation setting forth the county's position regarding the variance. These written reports shall be submitted to the person or entity requesting the variance at least five days before the variance hearing.
- (c) Notice of the variance hearing shall be provided by first-class mail to the person or entity requesting the variance at least 15 days prior to the hearing. Notice of the hearing shall also be published in a newspaper of general circulation in the county at least 15 days before the hearing.
- (d) Any party may be represented by counsel. Any person or entity that would be directly impacted by the granting or denial of the variance may participate as a party in the hearing, provided notice of intent is submitted in writing to planning department at least seven days prior to the hearing. The planning department shall immediately notify all other parties of the new party's participation. The county may support or oppose the variance request or be neutral.
- (e) The board shall make the initial determination concerning the variance request and may consider any and all evidence it deems relevant concerning the variance issue. The paramount issue for all variance requests shall be the reasonable safety of the road under the proposed circumstances. If the board concludes that a safe road can be constructed without strict application of the regulations set forth in this article or other county ordinances and policies, the board may then consider issues such as the cost of right-of-way acquisition, placement of utilities, and unusual circumstances in determining whether to grant a variance. The board should use reasonable discretion in its decision making.
- (f) A person or entity whose request for a variance has been denied by the board may appeal the board's decision to the transportation committee of the county council.

(Ord. No. 2008-19, Art. 8, 12-16-2008)

Sec. 26-9. Road closure and abandonment.

- (a) Prior to any request for abandonment and closure of an Oconee County public road being brought before county council, county staff, including, without limitation, the Oconee County Roads and Bridges Department, will conduct a thorough investigation, adequate to determine: whether the road in question is, or ever has been, a county road; whether the road still is a county road; whether the road is still in general public use or has been practically abandoned; whether the county has any documentation relating to the status of the road, such as a dedication of right-of-way or easement, or a deed, or whether such road was subject to a prescriptive easement or easement by usage; whether there is any other information which would assist county council in determining whether the best interests of the Oconee County public will be served by consenting to the abandonment and closure of the road in question or by not so consenting. As a part of the investigatory process addressed herein, the Oconee County Roads and Bridges Department will post, adjacent to the road in question, a sign, marked so as to be as conspicuous as possible, prominently providing notice that the road, or portion thereof abutting the sign, is proposed for abandonment and closure, soliciting citizen comments concerning such proposed abandonment and closure, and providing notice of address and telephone number at the Oconee County Public Works Department to which concerned citizens may forward comments concerning such proposed abandonment and closure.

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- (b) Following the investigation referred to in paragraph 1, *supra*, county staff will make a recommendation to the Transportation Committee of Oconee County Council, which, in turn, will make a recommendation to Oconee County Council as to whether the request for abandonment and closure should be honored or not, and provide the results of the staff investigation to county council for its use and final determination whether the county will consent to such abandonment and closure. Included with the recommendation will be any public comments received and the recommendation(s) of county staff and the transportation committee.
 - (c) County council shall then, in public meeting, make a determination as to whether the request for abandonment and closure should be consented to by the County, acting by and through county council, and shall signify its decision by motion, if such decision be negative, and shall signify its decision by resolution of county council, if such decision be positive.
 - (d) If county council consents to the abandonment and closure of a county public road, as addressed herein, the resolution of county council consenting to such abandonment and closure shall state, with particularity, the road, or section thereof, to be closed; the basis for county council's decision to consent to the abandonment and closure of the road; and the absolute requirement that, prior to the road, or portion thereof, in question being closed, the primary private party(ies) in interest (unless the county, itself, is the party requesting the road closure, in which case the county will be the primary party in interest to comply with this section) shall fully comply with all applicable law, including, without limitation, S.C. Code 1976, § 57-9-10, as amended, and shall provide all required notice and service of process. Only upon the meeting of such conditions and the fulfillment of such procedures will the county council consent to such abandonment and closure be considered final, and that shall be stated in such resolution.

(Ord. No. 2010-28, §§ 1—5, 10-19-2010)

Sec. 26-10. Legal provisions.

- (a) These regulations expressed in this article shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.
- (b) *Conflict with other laws, ordinances, or regulations.* Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of these regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

(Ord. No. 2008-19, Art. 9(16.1, 16.2), 12-16-2008; Ord. No. 2010-28, § 5, 10-19-2010)

Sec. 26-11. Identify roads in the county road system.

- (a) *Purpose.* The purpose of this section is to establish the criteria, method and means of identification of all roads making up and comprising the Oconee County (the "county") road and highway system (the "county road system") and to discontinue from the county road system those streets, roads and highways found by the county to be useless and unnecessary for the convenience and necessity of the general public. Nothing herein shall be deemed to amend, alter, or revoke, in any regard section 26-6 of the Oconee County Code of Ordinances (the "Code of Ordinances"), relating to the acceptance of roads into the county road system, nor any other section of chapter 26 of the Code of Ordinances, except as explicitly addressed herein.
- (b) *Oconee County road map.* The county department that currently maintains the Geographic Information System (the "GIS") of the county shall maintain in its office a map of the county and such other records as may be deemed necessary or convenient showing the location and number of each roadway within the

county which is a part of the county road system (the "county map"). On the direction of the Oconee County Council, in accordance with policy established by the Oconee County Council and actions of the Oconee County Council, the public works director shall request the county department that maintains the GIS to make such additions and deletions of road and highway sections upon such county map, as may be necessary to keep such county map current as conclusive evidence of the existence of a county road or highway. The public works director shall review such additions and deletions of road and highway sections, made through the GIS, to such county map for accuracy and shall inform the county administrator that such county map has been updated appropriately. At such time, the county administrator shall inform the county council that such county map has been updated as directed by county council. Where practical, written rights-of-way shall be obtained on roads and highways maintained by the county. Provided, however, recognizing that many roadways presently a part of the county road system have been acquired by prescriptive right or use, written easements or deeds of right-of-way shall not be necessary to conclusively establish the existence of a county road. All newly-constructed county roads, including subdivision roads, shall become a part of the county road system only in accordance with section 26-6, hereof, and only when granted by written instrument, either by deed or dedication on plats of subdivisions duly filed in the office of the clerk of court which are formally accepted by the administrator of the county, pursuant to policy established by the Oconee County Council.

Notwithstanding any other provision of this section, it shall not be necessary to notify the Oconee County Council when merely the name of an existing county road or highway section, which is currently included in the county road system, as evidenced by the inclusion of the road or highway section in the county map, is changed on the county map in accordance with existing county policy and procedures, to keep such county map current.

(c) *Findings of fact.* The Oconee County Council, by this section, declares the following findings of fact:

- (1) An attempt has been made and will continue to be made to identify all roadways located in the county which are useful and necessary for the traveling public and have been designated and treated by the county as county roads; and
- (2) Such roadways have been maintained by the county since at least January 1, 1981, or have been dedicated to and accepted by the county in accordance with then-current county policies as county roads; and
- (3) There exist many roadways which were formerly maintained by the county, upon which maintenance is no longer required by reason of disuse or which were maintained by the county under circumstances possibly contrary to the statutory law of this state, none of which have ever been accepted by the county as county roads or designated as such in accordance with then-current county policies.

(d) *Official roads; discontinuance of all other roads as Oconee County roads.* Based upon the continuing findings of fact of the Oconee County Council set out by subsection (c) hereof, the official road and highway system of Oconee County shall include only the following roads as Oconee County roads:

- (1) Those unpaved roads or highways continuously maintained by county equipment as duly authorized by the administrator (or his/her predecessor) of the county since January 1, 1981, and thereafter, and treated as and called county roads; and
- (2) Those roadways, streets or highways accepted into the county road system since January 1, 1981, by reason of and in accordance with the provisions of the Code of Ordinances pertaining to non-subdivision roads, including newly-constructed roads, and subdivision roads; and
- (3) All paved or asphalted roads running in and through the county other than roads and highways of the state and federal highway systems, and roads designated on the county records as "private roads", upon receipt of evidence satisfactory to the county administrator and public works director that such road(s) are, in fact, public roads of the county, including, without limitation, through proof of dedication to public use and acceptance by the county, or by proof of continuous use and maintenance as public roads by the county for the period of time as statutorily required by Section 15-67-210, et

seq., of the Code of Laws of South Carolina, 1976, or successor legislation, as amended, to establish adverse possession, or other good and sufficient proof; provided, however, any portion of a paved road which has been barricaded or blocked because of the construction of Lakes Keowee, Hartwell or Jocassee shall not be considered part of the county road system from the point of the blockade and shall not be maintained by the county. Upon the identification of any such "orphaned" sections of roads which were previously county roads, actions shall be initiated by the county pursuant to Section 57-9-10, et seq., of the Code of Laws of South Carolina, 1976, as amended, to make such orphaned parts be judicially closed and abandoned and title thereto vested as dedicated by the courts.

Notwithstanding any other provision of this section and upon recommendation of the administrator or the Oconee County Council, on a case-by-case, specific basis, and only for good and sufficient cause shown, of record, any other road may be declared by the Oconee County Council to be a part of the county road system.

No other roads are part of the county road system, nor shall they be part of the county road system without dedication to public use and acceptance by the county in strict accord with the Code of Ordinances. Only roads that are part of the county road system in accordance with this section shall be reflected on the county map as county roads.

- (e) *Status of abandoned state highways and roads within municipalities.* Notwithstanding the provisions of Section 57-5-120 of the Code of Laws of South Carolina, 1976, as amended, any section of the state highway system so abandoned outside the limits of any municipality located in the county shall not become a part of the county road system unless specifically accepted by the county as a county road or highway and the abandonment of such road or highway by the State of South Carolina shall be prima facie evidence that the same is useless and not necessary or convenient for use by the public of the county. By appropriate action, however, the county may accept and incorporate any such abandoned roadway into its county road system, at the Oconee County Council's sole discretion, and in accordance with this chapter.

In the event a county municipality's boundaries are expanded, through annexation or other such action, and such expanded boundaries then encompass or include any part of a road that has previously been maintained by the county and incorporated as a county road into the county road system, as evidenced by such road's inclusion in the county map, the municipality whose expanded boundaries then encompass such road portion shall be solely and exclusively responsible for all maintenance, of whatever kind, of such road portion in accordance with Section 5-27-110 et seq., of the Code of Laws of South Carolina, 1976, as amended. Such road portion, only (not the remainder of the road which is not annexed), shall be removed from the county road system and the county map, in accordance with the guidelines and procedures set forth in this chapter, and such road portion shall henceforth be a road of that municipality and shall no longer be a county road.

(Ord. No. 83-7, §§ I—V, 8-16-1983; Ord. No. 2013-08, § 2(Exh. A), 1-21-2014)

Sec. 26-12. Acceptance of certain unpaved roads.

- (a) *Rudimentary roads.* There is hereby established a class of public roads to be known as "rudimentary roads."
- (b) *Rudimentary road program.* There is hereby established a rudimentary road program (the "program") by which the county may receive and accept a limited number of substandard roads into the county public road system for minimal upgrade and minimal maintenance as rudimentary roads.
- (c) *Criteria for substandard roads to be accepted into the program.* In order for a substandard road to be accepted into the program it must meet the following criteria:
- (1) The road must serve 11 or more occupied residences.

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- (2) The road must be unpaved and in a state of severe disrepair, such that it may be impassable by emergency vehicles or otherwise dangerous.
 - (3) The county must be deeded a 50-foot right-of-way easement, with language acceptable to the county, to carry out all tasks necessary herein for the length of the road to be accepted by the county. The road must be centered within the deeded right-of-way.
 - (4) The road must have a cul-de-sac at its termination point, if any.
 - (5) All property owners adjacent to, and served by, the road must agree to remove any structures, improvements, debris, etc. that exist within the right-of-way.
 - (6) All property owners adjacent to, and served by, the road must agree to accept the conditions and results of limited upgrade and maintenance, as well as resulting stormwater runoff.
 - (7) All property owners adjacent to, and served by, the road must agree that use of the road by the general public will be unrestricted.
 - (8) All property owners adjacent to, and served by, the road must agree to release, indemnify, and hold the county harmless from any claims or damages arising, or alleged to have arisen, from or in any way related to the program established hereby.
 - (9) The road shall be subject to an emergency service access review.
- (d) *Petition for acceptance into the program.*
- (1) The county's roads and bridges department shall establish a petition containing the elements outlined in subsection (c) above, to be completed and submitted by the community requesting acceptance of a substandard road into the program. The petitioning community is solely responsible for all costs associated with compiling a complete petition, including but not limited to costs related to any necessary investigations, surveys, agreements, deeds and/or rights-of-way.
 - (2) The county engineer shall review the petition and provide a "staff report" determining whether the petition is complete.
 - (3) Complete petitions, along with the staff report, shall be submitted to the transportation committee of the county council, which in turn will provide the staff report to the county council, making a recommendation as to whether the petition for acceptance into the program should be accepted or not. Included with the recommendation will be any public comments received. The county council shall then, in public meeting, make a determination as to whether the petition for acceptance into the program should be approved by the county or not. If the county council approves the petition, it shall signify so by resolution.
- (e) *Minimal upgrading and maintenance standards established for rudimentary roads.* Once accepted into the program, the subject road will be minimally upgraded and maintained as follows:
- (1) The road shall be upgraded to a width of 20 feet and be centered in the 50-foot right-of-way.
 - (2) The road's center line's vertical and horizontal alignment shall remain in roughly the same orientation as its pre-existing condition.
 - (3) The road surface shall be upgraded to a minimum thickness of six-inch compacted stone. It shall not be paved.
 - (4) The shoulders of the road shall extend four feet from the road surface.
 - (5) From the edge of the shoulders there shall exist, or be constructed, 18-inch deep ditches, with a minimum 2:1 slope.
 - (6) There shall exist or be constructed tail ditches at frequent intervals (e.g., every 400 feet).

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- (7) Any existing drainage pipes shall be extended to accommodate the new road width.
 - (8) If the road terminates, as opposed to intersects with another public road, a cul-de-sac with an 80-foot diameter shall be constructed. In this case, a deeded right-of-way of 100 feet shall also be required for the subject area.
 - (9) No maintenance of storm drains, pipes, ditches, culverts, catch basins, etc. will be performed by the county.
 - (10) Maintenance (limited to blading and stone replacement) shall be on an as needed basis but not to exceed one time per calendar year, barring the need for emergency-related work as determined by the roads and bridges department.
 - (11) Any upgrades occurring after the initial minimal upgrades performed by the county must meet current county standards for public roads (thus removing the subject road from the rudimentary road class) be approved by the county in writing, and be paid for by the residents.
- (f) *Relation to other ordinances, resolutions or other enactments.*
- (1) As the provisions of this section create a distinct program by which the county may receive and accept a limited number of substandard roads into the county public road system for minimal upgrade and minimal maintenance as rudimentary roads, this section does not operate to repeal or rescind any existing ordinances, resolutions, or other enactments of the county to the extent there exist any conflicts herewith. Nonetheless, any such conflicts do not operate to preclude the effect of the provisions contained herein.
 - (2) To the extent any ordinance, resolution, or other enactment of the county does not conflict with the provisions and intent of this section, such ordinance, resolution, or other enactment applies here with equal force.
- (g) *Miscellaneous.*
- (1) Rudimentary roads shall not be eligible for improvements as contemplated by section 26-5.
 - (2) Subdivisions will not be permitted/allowed along rudimentary roads.
 - (3) Additional ingress/egress encroachments along rudimentary roads are prohibited.
 - (4) Rudimentary roads are subject to such other limitations and restrictions as the county administrator, in his or her sole discretion, shall deem necessary for carrying out the intent of this section while not otherwise impacting the integrity or purposes of the county public road system.
 - (5) Operation of the program may be significantly limited or completely suspended based on existing budgetary constraints.

(Ord. No. 2016-16, §§ 1—7, 6-7-2016)

Secs. 26-13—26-100. Reserved.

ARTICLE II. ROAD NAMING AND ADDRESSING

Sec. 26-101. Name.

The name of this article shall be the "Oconee County Road Naming and Addressing Ordinance".

(Ord. No. 2007-10, § 1, 7-17-2007)

Sec. 26-102. Purpose and intent.

It is the purpose of this article to enhance efficient emergency response and further the orderly development of the county by establishing standards for the naming of roads and assigning addresses to structures, and to provide for the creation of office policies and procedures to assist the staff in implementing these standards.

(Ord. No. 2007-10, § 2, 7-17-2007)

Sec. 26-103. Authority.

This article is adopted pursuant to provisions of S.C. Code 1976 Title 23, Chapter 47; and Title 6, Chapter 29.

(Ord. No. 2007-10, § 3, 7-17-2007)

Sec. 26-104. Jurisdiction.

This article shall apply to all areas within the boundaries of the county that are designated by the State of South Carolina to be the responsibility of the county in the naming of roads and addressing.

(Ord. No. 2007-10, § 4, 7-17-2007)

Sec. 26-105. Finding of facts.

The county council hereby establishes and adopts the following standards to regulate the assignment of road names and addresses, and to establish penalties such as are necessary to discourage activities that impair effective implementation of this article.

(Ord. No. 2007-10, § 6, 7-17-2007)

Sec. 26-106. Road naming.

- (a) The county planning commission shall approve and authorize road names pursuant to S.C. Code 1976 § 6-29-1200 and § 23-47-60. To this end, the planning commission may establish policies and procedures as necessary to enable staff to carry out this directive in the most efficient and equitable manner possible.
- (b) All policies and procedures governing road naming shall be contained in a public document entitled, "Oconee County Road Naming and Addressing Policies", which may be amended by the county planning commission from time to time as necessary.
- (c) The county planning commission shall maintain a master list of a road names assigned in the county.
- (d) Appropriate fees may be established by resolution of county council from time to time to cover costs related to road naming.

(Ord. No. 2007-10, § 6, 7-17-2007)

Sec. 26-107. Road signage.

- (a) All road signage shall meet the standards put forth in the Federal Highway Administration's Manual of Uniform Traffic Control Devices, and policies outlined in the "Oconee County Road Naming and Addressing Policies."

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- (b) Appropriate fees may be established by resolution, ordinance or other official act of county council from time to time to cover costs related to road signage.
 - (c) All costs associated with the installation of signage in a new subdivision shall be borne by the developer/owner.
 - (d) All costs associated with changing signage on an existing road for nonemergency related reasons shall be paid by the party initiating the change.
 - (e) Property owners' associations ("POAs") and homeowners' associations ("HOAs") which are properly organized as legal entities and insured to the satisfaction of county council, and which satisfactorily demonstrate to county council the financial ability to do so, may request the county, acting by and through the county council, to enter into a legally binding agreement with such POA/HOA authorizing the POA/HOA to maintain road signage within its respective community, subject to: agreeing to indemnify the county and hold the county harmless as to all harm, damages, or liability which might occur because of the POA/HOA's maintenance of such signage; compliance with subsection 26-107(a) hereof; complete payment by the POA/HOA of all costs of any type associated with maintaining such signage; and maintenance by the POA/HOA of adequate insurance, naming the county as an additional insured, to fulfill its obligations hereunder and thereunder. If the POA/HOA meets all conditions of this subsection, it may utilize signage of its own design and choosing, consistent with county roads and bridges department policies as to sign background color, lettering style, and inclusion of road number designation on street name signage, to the satisfaction of county council, in that respective community.

(Ord. No. 2007-10, § 7, 7-17-2007; Ord. No. 2010-17, § 2C, 9-21-2010; Ord. No. 2012-21, § 2, 7-17-2012)

Sec. 26-108. Addressing and numbering.

- (a) A uniform system of assigning address numbers for properties, principal buildings, and other structures shall be implemented in conformance to S.C. Code 1976 § 23-47-60.
- (b) All addresses assigned after the adoption of these standards shall be unique within the jurisdiction of these regulations, and comply with the standards put forth in the "Oconee County's Road Naming and Addressing Policy."
- (c) Addresses existing at the time of the adoption of these standards may be changed as necessary to provide for an efficient emergency response, and to accomplish the purpose and intent of state regulations and this article. Any address found to present a potential threat to the health; safety and welfare of the public shall be changed as soon as is practicable.
- (d) Written notification of assigned addresses shall be provided to the owner, occupant, or agent of each building in all instances of new or changed addresses.
- (e) Assigned addresses shall be displayed in such a manner as to meet all applicable state and local standards.

(Ord. No. 2007-10, § 8, 7-17-2007)

Sec. 26-109. Appeals.

Appeals to a decision made by the county addressing staff must be submitted in writing to the planning director, and must indicate the specific reason for the appeal. The planning director shall forward all appeals to the planning commission, who shall act on the appeal pursuant to the standards established in S.C. Code 1976, Title 6, Chapter 29.

(Ord. No. 2007-10, § 9, 7-17-2007)

Sec. 26-110. Administration and implementation.

The county addressing office shall assign all addresses issued in the county pursuant to state regulations and the standards contained in this article. The addressing office shall be the sole party authorized to issue addresses within the jurisdiction of this article.

Every owner, agent, or other responsible party of each house, building or other addressed structure shall display the correct address in such a manner as is necessary to meet the standards put forth in this article. Specific guidelines related to displaying addresses shall be available from the addressing office.

(Ord. No. 2007-10, § 10, 7-17-2007)

Sec. 26-111. Enforcement.

No building permit, land use permit, or other county-sanctioned authorization shall be issued for any building, structure, development or other usage until appropriate addresses have been assigned.

Final approval of any structure erected, repaired, altered, or modified after the effective date of this article shall be withheld by the building official until such time as the appropriate address has been properly posted.

Failure to post and maintain appropriate signage or addressing as required by this article shall be considered a violation of these regulations, and may subject the owner, agent or responsible party to all penalties proscribed herein.

(Ord. No. 2007-10, § 11, 7-17-2007)

Sec. 26-112. Violations and penalties.

- (a) *Failure obtain or to post addresses.* Failure by an owner, agent, or responsible party to obtain an appropriate E-911 address, or to knowingly place an incorrect address in such a manner other than is provided for by this article, shall constitute a violation of this article. The owner, agent, or responsible party shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50.00 dollars or imprisoned for a term not to exceed 30 days. Each day that the said violation continues to exist, shall constitute a separate offense.
- (b) *Tampering with street signs, posting illegal street.* Removing or defacing a street name sign in any manner, placing a street name sign in any location not approved for such by the county roads department, or being found in possession of a stolen street sign shall constitute a violation of this article. Any person found in violation shall pay all cost associated with the replacement or repair of the signs, and shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than \$250.00 dollars per offense or imprisoned for a term not to exceed the authority of the magistrate's courts.
- (c) *Removing or defacing numbers.* Any person who unlawfully removes, defaces, marks, changes, destroys or renders an existing posted address number, or road number unreadable in any manner shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned for a term not to exceed the authority of the magistrate's court.

(Ord. No. 2007-10, § 12, 7-17-2007)

Secs. 26-113—26-150. Reserved.

ARTICLE III. A PROGRAM TO DESIGNATE OCONEE COUNTY'S SCENIC HIGHWAYS; ESTABLISHED³

Sec. 26-151. Oconee County scenic highways.

Highways located within Oconee County, South Carolina and found to be of special value to the citizens may be designated as scenic highways pursuant to the rules, regulations, and criteria set forth below.

(Ord. No. 2017-22, § 1(Exh. A), 9-19-2017)

Sec. 26-152. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Highway means all those roads, streets and highways within the federal, state or Oconee County highway system.

Intrinsic qualities means those significant tangible and intangible resources found within a scenic corridor that are known to be distinct within the region. "Intrinsic qualities" include:

- (1) *Scenic*: The composition of features that are regionally representative, associative or inspirational. These features are memorable, distinct, visually impressive, and continuous across the view.
- (2) *Historic*: Landscapes and structures that educate and stir an appreciation for the legacy of Oconee County's past.
- (3) *Cultural*: Activities or objects that represent unique and distinctive expressions of community life, customs or traditional ways and identify a place, region or culture.
- (4) *Recreational*: Passive and active leisure activities directly dependent on the scenic qualities of the area and usually associated with outdoor recreation as we seek to refresh and renew our spirits.
- (5) *Natural*: Relatively undisturbed and visually pleasing natural areas and/or ecologically sensitive landscapes representing natural occurrences including landforms, water, vegetation and wildlife characteristics.
- (6) *Archaeological*: Sites, artifacts or structures recognized by the scientific or academic communities as being representative of past human life and activities.

Scenic highway means a highway or segment of a highway receiving a designation as such pursuant to the provisions contained in this article and based on it deserving such recognition due to scenic vistas, cultural or historical significance, or other criteria specified by county council. All scenic highways shall be divided into two route categories:

³Editor's note(s)—Ord. No. 2017-22, § 1(Exh. A), adopted Sept. 19, 2017, amended art. III in its entirety to read as herein set out. Former art. III, §§ 26-151—26-157, pertained to similar subject matter, and derived from Ord. No. 2007-21, §§ I—V, App. A, App. B, adopted Oct. 21, 2008.

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- (1) Highways with limited development visible from the highway, yet still retaining special characteristics worthy of preservation, shall be designated a category I scenic highway.
 - (2) Highways with little or no development visible from the highway lying outside primary growth areas, shall be designated a category II scenic highway.

(Ord. No. 2017-22, § 1(Exh. A), 9-19-2017)

Sec. 26-153. Designation process.

- (a) Applications shall be submitted in writing to the planning department by a sponsoring agency.
- (b) Upon receipt of an application for the designation of a highway as a scenic highway, the planning director, or their designee, shall forward the application to the staff liaison for the planning commission, who shall then place review of the application on the next appropriate planning commission agenda.
- (c) The planning commission shall review applications for compliance with the criteria for designating a scenic highway established in this article (see section 26-156, appendix B). Upon completion of the review, the planning commission shall by vote determine a recommendation regarding the designation of the subject highway. The planning commission's recommendation shall be forwarded to county council. In the event county council determines the proposed highway merits designation as a scenic highway, it shall so indicate its decision by ordinance.
- (d) Any highway proposed for designation as a scenic highway that is rejected for designation by county council, may not be proposed again for a period of one year from the date of publication of the decision.

(Ord. No. 2017-22, § 1(Exh. A), 9-19-2017; Ord. No. 2019-10, § 1(Exh. A), 3-5-2019)

Sec. 26-154. Regulations.

- (a) It shall be unlawful for any person other than the owner, owner's agent, or other individual with the full knowledge and consent of the owner of a property situated along the right-of-way of a designated and properly identified scenic highway to dig, pull up, gather, remove, cut, maim, break, or injure in any way a public or private property, to include any injury done by fires intentionally set, and to include any injury done to any wild, cultivated, or ornamental plants, shrubs, and trees. These provisions shall not apply where the acts hereby prohibited are done by or under the instructions of county or state authorities lawfully in charge of such public roads, highways or lands, or by a utility in the lawful pursuit of installation or maintenance of their facilities. Violation of this provision of this article shall be punishable by a fine not to exceed \$500.00.
- (b) The sponsoring organization or group submitting an application to the county for designation of a highway as a scenic highway shall be responsible for the removal of trash along the portion of the highway so designated as a scenic highway no fewer than three times each year. Permits and/or required notifications related to any and all activities inside a right-of-way shall be the responsibility of the sponsoring organization or group. Any individual taking part in trash removal duties, or any other activities related to the standards of this article, shall comply with any and all standards and practices utilized by the entity responsible for maintenance of the highway.
- (c) A member of the county staff shall be designated by the county administrator to review the status of all county designated scenic highways every two years. In the event it is determined that a route fails to meet the criteria established in this article, a report shall be made to the planning commission, which shall recommend a course of action to county council. Such recommendations include, but are not limited to, reclassification to a lower category and/or redesignation.

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- (d) Regulations contained in this section shall apply equally to both category I and category II scenic highways; however, category II scenic highways shall receive preference in the pursuit of funding to be utilized in maintaining and enhancing the intrinsic values leading to their designation.
 - (e) All county rules and regulations concerning scenic highways shall apply immediately to a nominated highway until a determination is made as to whether or not the highway shall be designated a scenic highway. A determination of this issue must be made within six months of the county receiving an application.

(Ord. No. 2017-22, § 1(Exh. A), 9-19-2017)

Sec. 26-155. Appendix A.

A scenic highway corridor management plan shall include the following components:

- (1) A detailed description of the section of the highway to be designated, including two or more of the intrinsic qualities as defined in this article; a specification as to how the highway in question fits the criteria; an identification of any problem areas that may impact the scenic highway designation.
- (2) A marked map clearly indicating the section of the highway the applicant is proposing for designation.
- (3) Photographs or videos of areas which the applicant considers to be of intrinsic value or significance.
- (4) Letters of support from citizens, businesses, civic groups, and other organizations.
- (5) A maintenance plan outlining proposed litter collection activities.
- (6) Any additional proposed actions intended to enhance and maintain the highway if awarded designated.

(Ord. No. 2017-22, § 1(Exh. A), 9-19-2017)

Sec. 26-156. Appendix B.

Criteria for designating a highway as a scenic highway.

- (a) The planning commission shall consider the following in determining whether a highway should be designated as a scenic highway.
 - (1) Intrinsic qualities (as defined by this article).
 - (2) Additional amenities and support (such as but not limited to):
 - a. Hospitality features.
 - b. Length of route.
 - c. General support for proposed route.
 - d. Financial commitment.
 - e. Role in regional/statewide strategy.
 - f. Protective easements, zoning overlays, or other land use restrictions.
 - (3) Features negatively impacting the scenic qualities of the highway, (such as but not limited to):
 - a. Junkyards/litter.
 - b. Dilapidated/unattractive structures.
 - c. Excessive advertising.

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- d. Heavy traffic uses.
 - e. Mining/lumbering scars.
 - f. Heavy industry.
 - g. Parallel and visible utilities along highway.
 - h. Landfills/other pollutants visible from route.

(4) Feasibility of maintenance plan and responsibilities.

(Ord. No. 2017-22, § 1(Exh. A), 9-19-2017)

ARTICLE VI. LAND DEVELOPMENT AND SUBDIVISION REGULATIONS¹

Sec. 32-211. General provisions.

- (a) *Short title.* This article shall be known and cited as the "Oconee County Land Development and Subdivision Regulations Ordinance."
- (b) *Authority.* These land development and subdivision regulations are adopted under authority granted by S.C. Code 1976, tit. VI, ch. 29, § 6-29-1120 et seq.
- (c) *Jurisdiction.* These regulations shall apply to the development and subdivision of land within the unincorporated areas of the county as now or hereafter established and any incorporated municipality which contracts with the county for these regulations to be administered within such municipality. Regulations contained within this article that apply to the construction and maintenance of roads shall apply to all roads and drainage structures, whether public or private, constructed within any unincorporated area of the county and municipalities contracted with the county for administration of these regulations. Regulations contained within this article that apply to the construction and maintenance of roads, appurtenances or drainage structures shall apply to all public and private roads, drives and driveways in the unincorporated areas of the county; also included shall be all municipalities contracted with the county to administer these regulations. These regulations shall not apply to those roads completed, under construction, or approved (accepted) by the county prior to adoption of this article by county council. In the event that a regulation in this article conflicts with any other county regulation, the more stringent standard shall apply.
- (d) *Purpose.* The purpose of this article is to protect and promote the public health, safety and general welfare of the citizens of the county, South Carolina, providing for the harmonious, progressive, and orderly development of land. These regulations are established for the following specific purposes, among others, as provided for in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code 1976, § 6-29-1120, et seq.):
- (1) To encourage the development of an economically sound and stable county;
 - (2) To ensure assure the timely provision of required streets, utilities, and other facilities and services to new land developments where easements or right-of-way have been granted;
 - (3) To ensure assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
 - (4) To ensure assure the provision for of needed public open spaces, easements, right-of-way, and building sites, including any in new land developments through the dedication or reservation of land for

¹Editor's note(s)—Ord. No. 2008-20, adopted Dec. 16, 2008, repealed Ch. 32, Art. VI, Div. 1, §§ 32-211—32-234 and Div. 2, §§ 32-311—32-316, in its entirety. Arts. 1—16 of said ordinance enacted new provisions to read as herein set out. Prior to amendment, Art. VI pertained to subdivisions and land development and derived from Ord. No. 2002-05, §§ 6.1.1, 6.1.2, 6.2.1, 6.3—6.23, adopted May 7, 2002; Ord. No. 2004-14, adopted Jun. 15, 2004; Ord. No. 2006-07, §§ 7.1—7.4, adopted May 1, 2006 and Ord. No. 2006-20, §§ 1(6.3), 2(6.3), 3(6.5(6.5.13)), 4(6.7(6.7.14)), adopted Aug. 15, 2006 and Ord. No. 2008-19, adopted Dec. 16, 2008.

State law reference(s)—Authority to regulate subdivisions and land development, S.C. Code 1976, § 6-29-1110 et seq.

recreational, educational, transportation, and other public purposes; and if needed/required within and/or for new land development as determined by zoning or other state or local government regulation.

- (5) To ensure assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the county's comprehensive plan.

(Ord. No. 2008-20, Art. 1(1.1—1.4), 12-16-2008)

Sec. 32-212. Definitions.

When used in this article, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular.

Affordable housing means a housing unit for which the total annual cost of a sale (including mortgage, amortization, taxes, insurance, and condominium and association fees) constitutes no more than 28 percent of the annual household income for a household earning no more than 80 percent of the area's median income, by household size, as reported by U.S. Housing and Urban Development (HUD); or for a rental housing unit, the total annual cost for rent and utilities can constitute no more than 30 percent of the annual household income for a household earning no more than 80 percent of the area median income, by household size, as reported by HUD.

Apartment complex means a building or portion thereof, other than a hotel, divided into more than two dwelling units which are arranged in such a manner as to be used for lodging by separate households.

Applicant means the developer or agent of the developer who applies for a subdivision review and is designated as the primary contact for said subdivision.

Average daily traffic means the number of trips made by vehicles that will be utilizing a road, intersection or other reference point in a 24-hour period.

Block means a parcel of land entirely surrounded by roads or highways, railroad rights-of-way, waterway, or combination thereof.

Building footprint means the area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts courtyards. ???

Building line (also referred to as "building setback line") means a line beyond which no part of the structure of any building shall project, unless specifically permitted in this Code of Ordinances, with the exception of subsurface projection of footings, measured perpendicular to the property line. This includes, but is not limited to, the building, eaves, porches, decks, chimneys, bay windows, and fire escapes.

Building permit means a document or certificate issued by the county authorizing construction, enlargement, alteration, moving of, or demolition of a building or structure, or the placement of a mobile home (manufactured housing).

Cleared or grubbed areas means the area within the road right-of-way that is cleared of vegetation.

Comprehensive plan means any legally adopted part or element of the Comprehensive Plan of Oconee County, South Carolina. This plan may include, but is not limited to, the community facilities, population, economic development, land use, natural resources, and housing elements.

Condominium complex means a building or group of buildings containing dwelling units which are individually owned. The structure, common areas, and other facilities are owned by the developer and/or the owners of the individual units on a proportional or individual basis.

Why 10'.

Crosswalk means an area with a width ~~of ten or more feet~~, determined by developer dedicated for ~~public pedestrian~~ use, and intended for pedestrian access to adjacent land area.

Cul-de-sac means a local road (minor) with one end open to traffic and the other end terminated with a planned vehicular turnaround.

Density means the number of dwelling units or lots per acre of land developed or used for residential purposes.

- (1) *Low density*: Two or less dwelling units per acre.
- (2) *Medium density*: From 2.1 to 6.0 dwelling units per acre.
- (3) *High density*: Over six dwelling units per acre.

Developer means an individual, partnership or corporation (or agent therefore) that undertakes the activities covered by these regulations.

Development means any manmade change to improved or unimproved real estate including, but not limited to: new homes, building structures, dredging, filling, grading, paving, or excavation operations.

~~DHEC means the South Carolina Department of Health and Environmental Control.~~ **New Name**

Dwelling means a building or portion of a building arranged and/or designed to provide living quarters for one or more families where each dwelling **unit** is provided with separate kitchen and bathroom facilities.

- (1) *Single-family dwelling* means a detached dwelling designed for or occupied exclusively by one family on a single ~~residential~~ lot.
- (2) *Duplex* means a building arranged or designed to be occupied by two families living independently of each other on a single ~~residential~~ lot.
- (3) *Group dwelling* means a group of two or more principal structures built on a single ~~residential~~ lot, parcel or tract of land and designed for occupancy by separate families.
- (4) *Multiple-family dwelling* means a building or series of buildings on the same parent parcel used or designed as a dwelling place for three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling unit means one or more rooms connected together and constituting a separate, independent housekeeping establishment, with provisions for cooking, eating, **and** sleeping, and physically set apart from any other ~~rooms or~~ dwelling units in the same structure.

Easement means a grant of one or more specific property rights by the property owner permitting a specific use or uses to the public, a corporation, or another person or entity.

Easement, private roadway means an easement that grants access for all ~~utility and~~ roadway construction and maintenance.

Flag lot means a lot shaped like a flag on a pole. The "flag" shaped area is situated behind another lot and is the portion of a flag lot where structures may be located. The "pole" shaped area is the portion of the lot by which vehicular access to the flag area from its adjoining road is located. (See chapter 38 for specific provisions addressing flag lots.)

Flood means a temporary overflowing of water onto land that is usually devoid of surface water.

Floodplain means land areas adjoining a river, stream or watercourse which are subject to a one percent or greater chance of flooding in any given year. These areas are specifically established by the Federal Emergency Management Agency, according to the Flood Insurance Study for the county.

Full pond level means full pond level is 660 feet above mean sea level on Lake Hartwell, 800 feet above mean sea level on Lake Keowee, and 1,110 feet above mean sea level on Lake Jocassee.

Half road means a road located so that a cross means section of its width lies on more than one parcel.

Lake means a considerable inland body of standing water.

Land development means the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Lot means a single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.

- (1) Corner lot means a lot with frontage on at least two intersecting roads located at the point of intersection.
- (2) Lot depth means the mean horizontal distance between the front and rear lot lines.
- (3) Double frontage lot means a parcel having frontage on two or more roads which is not located at any intersection of such roads.
- (4) Lot width, unless indicated otherwise by context, means the straight-line distance between the points where the front building line intersects the two side lot lines.

Minor subdivision means ~~a minor subdivision is~~ any subdivision of a parcel that is reviewed by the county that:

- (1) Results in a total of no more than ten ~~residential~~ lots; and
- (2) May or may not involve the construction of a private drive, private road, or public road.

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~~*Midsize subdivision* means any subdivision of a parcel that is reviewed by the county that:~~

- ~~(1) — Results in a total of no more than one hundred residential lots; and~~
- ~~(2) — May or may not involve the construction of a private drive, private road, or public road.~~

~~*Major subdivision* means any subdivision of a parcel that is reviewed by the county that:~~

- ~~(1) — Results in a total of more than one hundred residential lots; and~~
- ~~(2) — May or may not involve the construction of a private drive, private road, or public road.~~

Mobile home (manufactured housing unit) means a detached, single-family dwelling designed for long-term occupancy, designed to be transported on its own axle and wheels, arriving at the site in sections or a complete dwelling unit, usually including major appliances and furniture, and ready for occupancy. Removal of wheels and placement of a foundation does not change the mobile home classification. A travel trailer is not a mobile home.

Multi-family housing means 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. ??? look where Multi-family housing is used

Natural vegetative buffer means plants, trees, and vegetation that normally survive in the county without the need ~~of~~ for fertilizers, herbicides, or pesticides.

Oconee County road means any paved road, gravel road, dirt road or bridge that is owned and/or regularly maintained by the county and considered part of the county road system.

Open space site means a tract of land provided in residential subdivisions to meet the local recreational needs and desires of residents. Such tracts may include play areas, parks, natural woods, open fields and meadows and areas of scenic beauty.

Owner's engineer means an engineer registered and in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

Owner's land surveyor means a land surveyor registered and in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

Parking, off ~~street~~ the roadway means an area adequate for parking an automobile with room for safely opening doors on both sides, together with properly related access to a ~~public~~ roadway arranged so that no maneuvering incidental to parking shall occur on any road ~~way~~.

Perennial stream means any creek, river, or other watercourse that has flowing water year-round.

Person means any individual, corporation, company, partnership, organization, utility and/or municipality.

Planning commission means the county planning commission and planning staff specifically authorized to carry out certain functions on its behalf.

Plat means a map or drawing which is an accurate graphical representation of a subdivider's plan for a subdivision.

- (1) *Sketch plan* means a simple sketch of a proposed subdivision layout showing roads and other principal features. The sketch plan is preparatory to the preliminary and final plats and may enable the subdivider to save time and expense in reaching general agreement as to the form of the plat and the objectives of these regulations.
- (2) *Preliminary plan (plat)* means a drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its working ability in all aspects.
- (3) *Final plat (plan)* means a drawing which shows the 'as built' layout of all road construction, public utilities, public facilities, and lots to be sold.

Potable water means water ~~used or treated by a water company or utility to be sold for human consumption.~~ also known as drinking water, comes from surface collection and/or ground sources and is treated to levels that meet state and federal standards for human consumption.

Move to chapter 26_Roads and Bridges

Private driveway means a driveway that provides vehicular access and road frontage to not more than three single-family ~~residences~~ residential lots.

Private drive means a privately owned and maintained right-of-way or an easement that specifically grants the right for ~~utilities and all~~ road work, that provides vehicular access and road frontage to not less than four and not more than ten single-family residential lots.

Private road means a privately-owned and maintained right-of-way that contains a roadway constructed in accordance with these regulations and provides vehicular access and road frontage to more than ten single-family residential lots.

Public road means 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 United States, the State of South Carolina, or the county.

- (1) *Arterial road* means a major road with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials and from collector streets.
- (2) *Collector road* means a road that typically exceeds 800 ADTs and has the primary purpose of intersecting traffic from intersecting local road and handling movements to the nearest arterial road. A secondary function is to provide direct access to abutting properties. A road that connects local access roads to the highway systems major and high-speed arterial roads. The collector road provides both land access service and traffic service within residential subdivisions.
- (3) *Local road (major)* means a road in which the road typical number of average daily traffic (ADT) ranges from 401 to 800 and contains two or more access points. The primary purpose is to provide access to abutting properties and receiving traffic from minor local roads.
- (4) *Local road (minor)* means a road in which the typical number of average daily traffic (ADT) ranges from zero to 400 and has the primary purpose of providing access to abutting properties. This road normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.

Public road right-of-way width means an easement within which utility installation, utility maintenance, roadway construction, and roadway maintenance shall occur according to the standards put forth in these regulations.

The following are the required road rights-of-way and minimum road widths allowable for **public roads**:

Arterial roads:

Right-of-way: 66 to 120 feet (as determined by the county engineer)

Road widths: 28 feet (as determined by the county engineer)

Collector roads:

Right-of-way: 66 feet

Road widths: 24 feet

Major local:

Right-of-way: 50 feet

Road widths: 22 feet

Minor local and/or service roads:

Right-of-way: 50 feet

Road widths: 20 feet

The above widths are driving surface widths and exclude widths added by curb and gutter and/or asphalt valleys.

Sanitary sewer means a constructed conduit connected with or as a sewer system for the carrying of liquids and solids other than stormwaters to a sanitary treatment facility.

Setback means 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 at the front of the lot if the road right-of-way projects over the property line, and measured from the property lines on the remaining portions of the property).

Setback line means the line indicating the minimum distance permitted between the property line or road right-of-way line, as applicable, and the building line.

Sketch plan See Plat (plan).

Storm sewer means a constructed conduit connected with or as a storm sewer system for the carrying of stormwaters to a ~~water source~~, ~~watercourse~~

Stream means a flow of water in a channel or bed, such as a brook, creek or river.

~~Street. See Public road.~~ ~~Need a new definition of street~~

~~Roadway~~

~~"Need definition of roadway. Replace street with Roadway." Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder or berm. S.C. Code 56-5~~

Subdivider means any person, firm, corporation owner, agent, developer, or other legal entity who directly or indirectly attempts to subdivide land within the jurisdiction of this article. See also "developer."

Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose (whether immediate or future) of sale, lease, or building development; including all division of land involving a new roadway or an alteration in an existing roadway. Also instances in which the further division, relocation of lot lines, or the rearrangement (including combinations of lots) of any lot or lots within a subdivision previously approved or recorded according to law. The alteration of any roadways or the establishment of any new roads within any subdivision previously approved or recorded according to law. A subdivision can include townhouses, condominium complexes, apartment complexes and multi-family housing.

The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivision:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the county;
- (2) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the county planning commission which shall indicate that fact on the plats; and
- (3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Terrain classifications means classification of terrain by grade ranges as follows:

Townhouse means a building or group of buildings containing a dwelling unit or units constructed in a series or group of attached units with property lines separating such units.

Traditional septic systems means a waste disposal system designed for the treatment and disposal of domestic sewage by means of an onsite septic tank and soil absorption system utilizing a traditional drain field on a single lot. All such systems are subject to the review and approval of the South Carolina Department of Health and Environmental Control.

Transfer or sale of lots means any means by which the ownership of a property changes hands; including, but not limited to, the purchase of trade of a property subject to a mortgage, the assumption of a mortgage debt by the property purchaser, and any exchange of possession of the property under a land sales contract or any other land trust device.

Utilities means utilities shall consist of any and all utility services to a subdivision, including water, sewer, storm sewer, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual, private company, authority, or a governmental entity.

View lane means 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.

Watercourse means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Update in all areas used.

Yard means a space that lies between the principal building or buildings and the nearest lot line or road right-of-way, as applicable. The minimum required yard shall be ~~non-buildable area unoccupied and unobstructed from the ground upward~~, except as may be expressly permitted BZA.

- (1) *Front yard* means a yard situated between the front building line and the front lot line or road right-of-way, as applicable, extending the full width of the lot.
- (2) *Rear yard* means a yard situated between the rear building line and the rear lot line extending the full width of the lot.
- (3) *Side yard* means a yard between the side building line and a side lot line that extends from the front yard to the rear yard.

(Ord. No. 2008-20, Art. 2, 12-16-2008; Ord. No. 2024-23, §§ 1, 2(Exh. A), 10-15-2024)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 32-213. Requirements and standards.

- (a) *Unapproved plat prohibition.* No plat of the subdivision of any land within the unincorporated areas of the county as now or hereafter established, and any incorporated municipality which contracts with the county for these regulations to be administered within such municipality, shall be filed with or recorded by the county register of deeds until such plat shall have been submitted to and approved by the county planning commission, planning director, or designee according to the procedures set forth in this article. No road or other way shall be accepted or maintained, nor shall any water line, sewerage, road lighting or similar improvements extended or connected, nor shall any permit be issued by any department of the county for any or other improvements in any subdivision established hereafter which has not been approved by the county planning department and met such requirements as prescribed by the county council.
- (b) *Survey standards.* Plats shall be prepared and survey data entered thereon in accordance with the most recent adopted version of the "Minimum Standards Manual of the Practice of Surveying in South Carolina" established by the South Carolina Board of Registration for Professional Engineers and Land Surveyors provided that all elevations information shall refer to Mean Sea Level Datum or other establish datum (a minimum of [Z] assumed elevation with two benchmarks).

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(c) *Subdivision name.*

- (1) All subdivision names must be submitted to the addressing office. Names must be easy to read and pronounce. Proposed names may be rejected by the addressing office if in the opinion of emergency response officials, pronunciation may impair an efficient response.
- (2) Subdivision names that may be confused as homonyms (having the same or similar pronunciation) of existing subdivision names shall not be approved.
- (3) Names that are vulgar, ethnically offensive, or otherwise problematic shall not be approved.
- (4) Subdivision names spelled in an unconventional, complex, or potentially confusing manner shall not be approved.
- (5) A subdivision shall be designated by only one name.
- (6) Special characters, including numbers, are not allowed.
- (7) No duplicates of existing subdivision names are allowed.

- (d) *Utilities.* When utilizing a public road right-of-way, all utility lines shall be buried at a depth of at least 36 inches. Such lines shall be located a minimum of two feet outside the portion of the road to be surfaced to prevent having to cut into the paved surface or reconstruct drainage structures to serve abutting properties. In order to prevent future road cuts, utility stub-outs shall be added to all utility lines extending beyond the roadway to each property line.

Review Sec.56-5-450 & Sec. 56-5-6310

- (e) *Road signs on public roads.* Road name signs shall be installed at all intersections with a subdivision. All other signs shall be installed as required by State Code of Law. by and at the direction of the county engineer or his/her designee. All signage will be in accordance with the Manual of Uniform Traffic Control. The developer shall be responsible for all costs of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of county council from time to time) prior to acceptance of road by the county. Any person who shall willfully or maliciously damage, deface, remove or otherwise tamper with a sign erected by a subdivider or the county designating the name of any county road shall be guilty of a misdemeanor. In addition, thereto, such person shall be liable to the county for the cost incurred by the county as a result of said criminal acts.

Ask Mr. Root does this include all family transfers of property?

- (f) *Family transfers.* When no consideration, other than a nominal monetary amount and love and affection, is paid to the grantor of subdivisions resulting from family transfers as defined by this section of this article, the following shall apply:

- (1) Subdivision of parcels that results from the conveyance of parcels deeded by parents to children, children to parent, sibling to sibling, grandparents to grandchildren or grandchild to grandparent, and does not involve the construction or extension of any road, bridge, or drainage structure to provide

access to interior lots, and does not involve the creation of any new drainage easement, shall be received as information only and approved administratively by the planning director.

- (g) *Minor subdivision.* (Reserved).
- (h) *Compliance with road standards.* Road plans and supporting documentation needed to comply with all adopted the county road standards shall be included with the submission of subdivision plans. Approval of the subdivision shall not be granted unless all applicable road standards are met.

(Ord. No. 2008-20, Art. 3(3.1[a.], 3.1[b.], 3.2—3.7), 12-16-2008; Ord. No. 2018-14, § 1(Att. A), 12-4-2018)

Sec. 32-214. Lot improvements.

- (a) *Lot arrangements.* All lots shall be arranged such that there will be no apparent difficulties in securing driveway encroachment permits or building permits for reasons of topography or other conditions and must have driveway access from an approved road. The developer shall be liable for all lots within a proposed subdivision.
- (b) *Lot dimensions.* Except where circumstances such as topography, watercourses, road alignment or existing site boundary configurations dictate otherwise, the following requirements shall apply:
 - (1) Dimensions of corner lots shall be large enough to allow for the erection of buildings observing the minimum yard setbacks from both streets, without encroaching into side and rear yard setbacks, established in the building line section of this chapter.
 - (2) Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for that type of development, without encroaching into yard setbacks.
- (c) *Lot size.* Minimum lot size shall be determined by the underlying zoning district located in chapter 38. All required setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.
- (d) *Building lines.* (See section 38-10.2 for all setback requirements in the control free district of the county.)
- (e) *Reserved.*
- (f) *Usable area.* All lots adjacent to floodplains, creeks, and wetlands should use these natural features as lot boundaries when possible. ~~Lots containing areas unsuitable for usage shall not use these areas in calculating minimum lot area.~~
- (g) *Septic system setback.*
 - (1) Traditional septic systems shall be constructed so that they comply with all regulations of the South Carolina Department of Health and Environmental Control (new name) (DHEC).
 - (2) The applicant shall provide the planning director a copy of all South Carolina Department of Health and Environmental Control (new name) (DHEC) permit drawings and an approved (new name) DHEC permit application for the proposed septic systems utilized within the development.
 - (3) ~~The developer must demonstrate to the planning director that the proposed development will not adversely affect the present water table and the existing water supplies; and also demonstrate that the proposed water supply system will not be adversely affected by existing septic systems.~~
- (h) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to prevent concentration of stormwater from each lot to any adjacent property. Drainage

systems used to control water on one property shall not increase the water flow on adjacent properties without legal easements.

- (i) *Lakes and streams.* If a tract being subdivided contains a water body, or portion thereof, the ownership of and the responsibility for safe and environmentally compliant maintenance of the water body is to be placed so that it will not become a local government responsibility. The minimum area of a lot required under this article may not be satisfied by land that is under water. Where a watercourse other than storm drainage separates the lot's buildable area from the road providing access, an engineer's certified structure shall be provided linking the buildable area to the road. All watercourses shall remain free of obstructions and degradations.
- (j) *Easements.* Easements **having a minimum width of ten feet and** located along the side or rear lot lines shall be provided as required for utilities and drainage.
- (k) *Entrances.* One entrance is required for every 100 lots in a proposed subdivision, or a maximum of 100 lots on a dead-end road with a cul-de-sac. **This requirement may be waived by the planning director due to topography and feasibility. Every effort shall be made to not have an entrance directly onto an arterial road.**
- (l) *Reserved.*

(Ord. No. 2008-20, Art. 4(4.1—4.12), 12-16-2008; Ord. No. 2015-15, § 1(Att. A), 6-2-2015; Ord. No. 2018-26, § 1(Att. A), 10-2-2018)

Sec. 32-215. Blocks.

- (a) *Residential block length.* In order that there may be convenient access between various parts of a subdivision and in order to help prevent traffic congestion and undue inconvenience, the length of blocks hereafter established should not exceed 1,800 feet and shall not be less than 600 feet; provided, however, that such length may be modified when appropriate due to the topography or physical shape of the property being subdivided.
- (b) *Residential block width.* Blocks shall have sufficient width to allow two tiers of lots. Blocks may be one lot in depth at the boundary of the subdivision, or where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses.

(Ord. No. 2008-20, Art. 5(5.1, 5.2), 12-16-2008)

Sec. 32-216. Drainage and stormwater.

- (a) *General requirements.* In most cases the land disturbance permit required by **(new name)** DHEC will have considered the information needed for compliance with this section. However, the county will review the information to ensure that all stormwater runoff will be removed from proposed developments in perpetually maintained drainage systems designed to avoid damage to personal property. The planning director shall not approve any plat of subdivision which fails to make adequate provision for storm or floodwater runoff channels or basins. Stormwater drainage systems shall be separate and independent of any sanitary sewer system. Inlets shall be provided so that surface water is not carried across or around any road intersection except where routing around of small volumes is approved in writing by the county engineer **or Owner's engineer.**
- (b) *Nature of stormwater facilities.* The applicant may be required by the planning department or county engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in

accordance with accepted engineering standards and specifications as approved by the county engineer ~~or Owner's engineer~~. All swales, ditches, or other open drainage shall be constructed and established to minimize erosion as approved by the county engineer ~~or Owner's engineer~~.

- (c) *Accommodation of upstream drainage areas.* The owner's engineer shall determine, certify, and design drainage facilities that are large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.
- (d) *Effect on downstream drainage areas.* The owner's engineer shall study and provide the planning director and county engineer with sufficient data proving that there are no adverse impacts on existing downstream drainage facilities outside the area of the subdivision. Where it is determined that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning director may withhold approval of the subdivision until provision has been made for the improvement of said potential condition ~~or receive an approved appeal~~.
- (e) *Floodplain areas.* Floodplain areas shall be noted on all plans and plats for proposed development, and shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material, or stumps, unless explicitly permitted by ~~(new name)~~ DHEC or other appropriate state agency. All construction activity within a development shall comply with standards of the county floodplain ordinance.
 - (1) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose and to accommodate maintenance equipment and activities. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The planning department will review the information required by the ~~(new name)~~ DHEC land disturbance permit to ensure the intentions of 6.12 are met.
 - (2) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements ~~at least 20 feet in width~~ for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on all plats. Drainage easements shall be carried from the road to a natural watercourse or to other approved or adequate drainage facilities.
 - (3) When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - (4) ~~Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways except where improvements such as grassing, walkways, and playground areas are specifically approved by the planning director.~~
 - (5) All rights-of-way shall contain a permanent drainage easement for all water runoff from the road right-of-way as deemed necessary by the county engineer. It shall be the responsibility of the owner/developer to acquire any necessary drainage easements from private landowners.

(Ord. No. 2008-20, Art. 6(6.1—6.5), 12-16-2008)

Sec. 32-217. Water facilities.

- (a) *General requirements.*
 - (1) ~~Where a public water main is within 1,000 feet of a subdivision boundary, the developer shall connect thereto and install adequate central water facilities.~~ Where the accessible public water main is six

inches or greater in diameter, distribution lines shall be at least six inches in diameter. In the event that the water supplier certifies the existence of insufficient water pressure to provide service to six-inch distribution lines to the site, the planning director shall permit appropriate reductions in the diameter of distribution lines. In cases along permanent cul-de-sacs or circles less than 1,000 feet in length, a minimum diameter of 2½ inches is permitted.

- (2) Water distribution systems shall be approved by the designated utility entity and the appropriate division of (new name) DHEC.
 - (3) The location and design of all water system improvements shall be shown on the preliminary plat, and the cost of installing same shall be included in any bond to be furnished by the developer.
 - (4) All Utility lines within public road right-of-way shall be located a minimum of two feet outside of the road surface areas at the edge of the rights-of-way and shall be buried at a depth of at least 36 inches. When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.
- (b) *Individual wells and central water systems.* If a public water system is not available, wells may be used or a package central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Central water systems shall be approved by the appropriate division of (new name) DHEC. Orders of approval shall be submitted to the planning department. Non-min
- (c) *Fire hydrants.* Fire hydrants shall be required for all subdivisions except minor subdivisions, family transfer subdivisions, or where individual wells are used or a water main of less than six-inch diameter is permitted, and shall be located as defined in the adopted fire code and shall be approved by the applicable fire protection entity. In the event no adequate water supply is available, alternative methods of fire protection may be approved by appropriate fire officials, provided such measures are provided for under adopted fire code. To avoid future road cutting, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed and approved before any final paving of a road shown on the subdivision plat.
- (d) *Wastewater facilities.*
- (1) Where a public sanitary sewerage system is reasonably accessible and available, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision. When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.
 - (2) Sanitary sewer shall be designed and installed to the design standards and specifications of the city, county, or public service district into whose sewer system the subdivision is connecting and all design standards and specifications of the appropriate (new name) DHEC division.
 - (3) Where public sanitary sewerage systems are not desired by the subdivider reasonably accessible or available, package, central or individual waste collection/treatment systems may be provided. These systems must be approved by the appropriate division of (new name) DHEC prior to approval of any preliminary subdivision plan.

(Ord. No. 2008-20, Art. 7(7.1—7.4), 12-16-2008)

Sec. 32-218. Nonresidential subdivisions.

- (a) *General.* If a proposed subdivision includes land that is proposed for commercial, industrial or other nonresidential purposes, the layout of the subdivision shall incorporate such provisions and facilities as required by the standards set forth in subsection (b), below.

- (b) *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the commission that the road, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
- (1) Proposed nonresidential parcels shall be suitable in area and dimensions to the types of industrial/commercial development anticipated.
 - (2) Road rights-of-way **and pavement** shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
 - (3) **Special requirements may be imposed by the county with respect to road, curb, gutter, and sidewalk design and construction. Move to chapter 26_Roads and Bridges and define if needed.**
 - (4) **Every effort shall be made to protect adjacent residential areas from potential nuisances from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary. Lot density needs to be restricted in the zoning of commercial properties.**
 - (5) Roads carrying nonresidential traffic, especially truck traffic, shall not **normally** be extended to the boundaries of adjacent existing or potential residential areas.

(Ord. No. 2008-20, Art. 8(8.1, 8.2), 12-16-2008)

Sec. 32-219. Security in lieu of completion of improvement.

In lieu of the completion of the physical development and installation of the required improvements prior to the final plat approval, the county may accept a financial guarantee in the form of cash, bond, or escrow letter of credit with an approved financial institution, in an amount and with conditions satisfactory to it, securing to the county the actual construction and installation of such improvements and utilities within a period specified by the county engineer.

- (1) If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements he may file a performance of surety bond executed by a surety company licensed to do business in the State of South Carolina, in an amount equal to 125 percent of the owner's engineer (and verified by the county engineer) estimated cost to complete the improvements. The bond shall guarantee the completion of all improvements within a time prescribed by the planning director.
- (2) If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements, he may establish an escrow account with the county into which the subdivider shall place, prior to the sale of any lot in the subdivision, an amount equal to 125 percent of the owner's engineer (verified by the county engineer) estimated cost to complete the improvements. Funds in such escrow account shall be returned to the subdivider following completion of all improvements within time limits prescribed by the county engineer. The final determination for returning the escrowed money to the developer shall be made by the county engineer.
- (3) In the event that required improvements are not completed, inspected and approved within the required time, the county may expend escrowed funds, securities, or performance bond funds to complete the required improvements. The planning director may also, at his discretion, withhold building permits or occupancy permits in such subdivision until such improvements are completed. In which case, it shall then be unlawful to sell any further lots in the subdivision until all improvements are completed. No occupancy permits shall be issued within the subdivision, unless street

improvements are at least adequate for vehicular access by the prospective occupant(s) and by the emergency vehicles and personnel.

- (4) No building permit shall be issued for the final ten percent of lots in a subdivision, or if ten percent be less than two, for the final two lots of a subdivision, until all public improvements required by the county engineer for the subdivision have been fully completed and the county has accepted all as-built drawings.
- (5) The developer shall be required to maintain all required public improvements on the individual subdivided lots, if required by the planning director, until acceptance of the improvements by the appropriate utility or government entity. If there are any certificates of occupancy on a street not dedicated to the county, the county may on 12 hours notice effect emergency repairs and charge those costs to the developer.
- (6) Surety bonds will be returned to the developer following delivery of all as-built drawings to the county engineer, and after acceptance of all improvements by the county.

(Ord. No. 2008-20, Art. 9, 12-16-2008)

Sec. 32-220. Plat requirements and review procedures.

- (a) *General.* No lot proposed to be created through the creation of a subdivision shall be sold until a final plat showing the subdivision has been approved by the planning director, and has been recorded with the county Register of Deeds.
- (b) *Application review.* The planning director ~~may~~ shall approve a minor or family transfer ~~exempt~~ subdivision, containing no new roads, after reviewing the final plan.
- (c) *Plat recordation.* The planning director's approval of a subdivision final plan is contingent on submission of four original copies of the plat to the county Register of Deeds, and recordation of the plat by the Register of Deeds. An authorized copy of the recorded plat shall be submitted to the planning director.
- (d) *Appeal of decision.* Any person aggrieved by the planning director's decision to approve or deny an application for subdivision approval may appeal the decision to the planning commission in writing within ten working days of said decision as outlined in [section 32-223((d))], of this article.

(Ord. No. 2008-20, Art. 10(10.1—10.4), 12-16-2008)

Sec. 32-221. Sketch plan.

- (a) *Sketch plan review conference.* All persons intending to subdivide or develop property are strongly encouraged to confer with the planning director prior to proceeding. Proposed developments consisting of ~~10~~ ~~20~~ new housing units shall schedule a sketch plan review prior to any formal application.
- (b) *Basic sketch plan (optional requirements for developments less than ~~20-10~~ dwelling units)*
 - (1) The sketch plan shall be drawn to show the approximate layout of the proposed subdivision and its relationship to the surrounding area.
 - (2) Sketch plans are informal, exploratory examinations of a proposed idea. The planning director will review the proposed layout and discuss any issues with the subdivider. ~~and may require a detailed sketch plan to be submitted.~~
- (c) *Detailed sketch plan (required for ~~20-10~~ or more dwelling units)*

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- (1) The sketch plan shall be drawn at an approximate scale of not less than a scale of 200 feet to one inch and shall include a vicinity map at a scale of not less than two miles to one-inch showing the relationship of the proposed subdivision to the surrounding areas.
 - (2) All sketch plan submittals shall include the following in sketch or narrative form:
 - a. An accounting of total acreage in the tract to be divided and number of lots proposed;
 - b. Arrangement, shape, dimensions, and area of proposed lots;
 - c. Location of existing property lines, easements, road right-of-ways, buildings, or other public ways adjoining the tract to be subdivided;
 - d. Alignment, right-of-way width, and clarification of proposed roads;
 - e. Topography by contour at intervals of not more than 20 feet (as from USGS quad sheets);
 - f. Map scale, north arrow, and date;
 - g. Name/address/telephone number of legal owner or agent and the professional (surveyor or engineer) who will undertake detailed subdivision layout and improvements design;
 - h. Location of watercourses and land subject to flooding based on a 100-year frequency flood. Owner's surveyor shall indicate if property is or is not in a floodplain;
 - i. The existing and proposed uses of land throughout the subdivision;
 - j. Proposed method of water supply and wastewater treatment and other utility service;
 - k. The proposed name of the subdivision.

I. State if the road will be built to public road standards. ADD

- (3) A subdivider shall submit a sketch plan of the entire tract even if the subdivider's present plans call for the actual development of only a part of the property. All phases of the subdivision must be shown on the sketch plan and marked as future development.
- (4) Prior to sketch plan submittal, the subdivider is encouraged to interact with the county soil and water conservation district to obtain soil survey information and written site evaluation comments to be included as part of the sketch plan submittal.

(d) Sketch plan review.

- (1) A subdivider shall submit sketch plan copies and application forms in quantities specified by the planning director. The planning director shall obtain input from the county engineer and affected agencies and shall provide comments in the form of a composite list to the subdivider within 15 working days of sketch plan submitted.
- (2) If the subdivider disagrees with comments provided, the subdivider may request an informal review by the planning commission in accordance with the county planning commission rules of procedure.
- (3) In reviewing a sketch plan and sketch plan comments, the planning commission may affirm such comments or modify them to the extent as such modifications do not depart from the provisions of these adopted regulations.

(Ord. No. 2008-20, Art. 11(11.1—11.4), 12-16-2008)

Sec. 32-222. Preliminary plan and supporting data.

(a) Submittal requirements.

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- (1) Applications for preliminary approval of a subdivision shall be submitted to the planning director for review.
 - (2) The applicant shall submit all appropriate fees at the time of application.
 - (3) Applications shall include four copies of the proposed preliminary plan.
 - (4) The applicant shall submit all responses, amended plans, additional information, or any other necessary materials to satisfy all adopted the county regulations.
 - (5) An applicant may withdraw an application for subdivision approval at any time by submitting written notice to the planning director.
 - (6) It shall be unlawful for construction to commence prior to preliminary approval of the plan as defined in this article.
 - (7) Preliminary approval typically permits a developer to proceed with the construction of all roads, utilities, and public infrastructure.
 - (8) A copy of a preliminary letter of approval from the appropriate division of the South Carolina Department of Health and Environmental Control (new name) (DHEC) shall be required for subdivisions served in part or in whole by individual onsite septic systems.
 - (9) An electronic copy of the proposed development plan showing the layout of the subdivision in an approved format and file extension shall be required.
 - (10) Properties designed to access state roads shall submit to and receive conditional approval from the South Carolina Department of Transportation ("SCDOT") prior to receiving final approval from the Oconee County Planning Department. All SCDOT comments shall be incorporated in the plans submitted to the county.

(b) *Preliminary plan requirements.*

- (1) *General.* The preliminary plan shall include the following:
 - a. The preliminary plan shall be drawn at a scale of 200 feet to one-inch or greater, and shall include a vicinity sketch at a scale of not less than one-inch = two miles. Sheet sizes should be 8.5 inches x 11 inches, 8.5 inches x 14 inches, 11 inches x 17 inches, 18 inches x 24 inches, or 24 inches x 36 inches. This map and supporting data shall be prepared according to standards set forth in this article and shall contain the following sections: General, existing conditions, and proposed conditions.
 - b. The proposed name of the subdivision, name/address/telephone of owner and/or subdivider, and name/address/telephone of surveyor and/or engineer.
 - c. A graphic scale, north arrow and date (north arrow shall be identified as magnetic, true, or grid).
 - d. The acreage to be subdivided.
 - e. The boundaries of the tract to be subdivided with all bearings and distances indicated.
 - f. A SC (new name) DHEC approved stormwater pollution prevention plan (SWPPP).
 - g. The following statement:
"NO COUNTY BUILDING PERMITS SHALL BE ISSUED FOR PROJECTS ON INDIVIDUAL LOTS PRIOR TO THE RECORDING OF A FINAL PLAT IN THE OFFICE OF THE REGISTER OF DEEDS"
- (2) *Existing conditions.* The preliminary plan shall include the following:
 - a. Deed record names of adjoining property owners or subdivisions.

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- b. Location of watercourses and land subject to flooding based on a 100-year frequency flood. Owner's surveyor shall indicate if property is or is not located in a floodplain.
 - c. Location of adjoining property lines and existing building on the property to be subdivided.
 - d. Location and right-of-way of roads, railroads, and utility lines either on or adjoining the property to be subdivided.
 - e. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the site and adjoining the tract.
 - f. The acreage of each drainage area affecting the proposed subdivision.
 - g. Topography by contour at intervals of not more than 20 feet (as from USGS Quad maps).
 - h. Elevations shall refer to sea level or assumed elevation with a minimum of 2 bench mark near the site.
 - i. Location of city and county line, if applicable, and a statement identifying the location of the nearest central water and sewer lines and fire department and the distance from same to the tract being subdivided.

(3) *Proposed conditions.* The preliminary plan shall include the following:

- a. Total number of lots, total acreage, total length of new roads.
- b. Layout of roads including all right-of-way, **public** crosswalks, road names or designations, grades, and cross sections.
- c. Profile of proposed roads showing natural and finished grades.
- d. Layout of all lots, including area; building setback lines, scaled dimensions of lots; lot and block numbers, utility easements with width and use.
- e. Construction plan of sanitary sewers (if applicable) with grade, pipe size, and location and permit to construct from **(new name)** DHEC and approval of the appropriate utility provider.
- f. Storm sewers shall be sized to accommodate runoff based upon the ten-year design storm except road crossings shall be a minimum of 25-year design storm.
- g. Construction plan for water supply system (if applicable) with pipe size and location of hydrants and valves and permit to construct from **(new name)** DHEC and, where applicable, approval of the appropriate utility provider.
- h. Designation of all land to be reserved or dedicated for public **or community** use.
- i. Designation of proposed use of all lots.
- j. Proposed major contour changes in areas where substantial cut and/or fill is to be done.

Note: Refer to survey requirements.

(c) *Preliminary review procedure.*

- (1) The planning director shall notify all appropriate review agencies for comments. These may include, but are not limited to, the following:
 - a. Appropriate division of **(new name)** DHEC.
 - b. Soil and water conservation office.
 - c. Appropriate public service district or city as applicable.

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- d. County public works department.
 - e. Appropriate fire protection entity.
 - f. County engineer.
 - g. Oconee County Sewer Commission.
 - h. Oconee County School District.
- (2) Agencies and departments shall provide written comments to the planning director within 15 working days of the date of the preliminary plan application.
 - (3) The planning director shall render a decision within 25 working days of the date of preliminary plan application. The planning director's action and reasons therefore shall be transmitted in writing to the subdivider.
 - (4) Agencies and departments shall provide written comments to the planning director within 15 working days of the date of the preliminary plan application.
 - (5) Once the submitted plans are deemed to be in compliance with all applicable the county ordinances, the applicant shall be notified in writing that the plans have been preliminarily approved.
 - (6) The planning director may grant conditional preliminary approval to **ensure** ~~insure~~ compliance with all county ordinances. All such conditions shall be met prior to final approval.
 - (7) If a plan is approved subject to conditions, the subdivider shall submit plan exhibits amended to incorporate such conditions within 20 working days of such approval. Preliminary plat approval shall be effective for one-year provided the commission may extend same for up to one additional year upon written request from the subdivider.
 - (8) A subdivider, or other party materially affected by the planning director's decision, may appeal for review by the planning commission. Such appeal shall detail the reasons therefore, and be made in writing within ten working days of the planning director's action. Affected parties shall be notified in writing of the planning commission's determination. The planning commission's decision may be appealed to the circuit court within 30 days after the actual notice of the commission's decision.
 - (9) Variances shall be considered by the planning commission pursuant to Section 1-5.5(3) of the United Performance Standards Ordinance and conducted in a manner consistent with standards put forth in the Oconee County Planning Commission Rules of Procedure.

(Ord. No. 2008-20, Art. 12(12.1—12.3), 12-16-2008; Ord. No. 2022-22, § 1, 12-6-2022; Ord. No. 2023-09, § 1, 6-6-2023)

Sec. 32-223. Final plan.

- (a) *Submittal requirements.*
 - (1) A person seeking final approval of a subdivision shall submit an application to the planning director for review of this article.
 - (2) The applicant shall also submit all appropriate fees at the time of application.
 - (3) Where the improvements required by this article and the preliminary plan have not been completed prior to the submission of the final plan for approval, approval of the plan shall be subject to the owner filing a performance guarantee in the form of cash and/or surety with the county according to the provision set forth in this article.

-
- (4) Upon 90 percent completion of the construction of road and utilities of a preliminarily approved subdivision, a final "as built" plan shall be submitted to the planning director noting any changes from the preliminarily approved plans.
 - (5) The planning director's approval of a final plan is contingent on submission of four original stamped copies of the plat to the county Register of Deeds.
 - (6) A copy of the recorded plat authorized by the Register of Deeds shall be submitted to the planning director.
 - (7) Where individual septic waste disposal is proposed, the developer shall provide a letter of final subdivision approval from the appropriate division of **(new name)** DHEC identifying each lot for which individual waste disposal is approved.
- (b) *Final plan requirements.* The final plan shall include the following:
- (1) If the final plan is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the several sections. Final plans shall be drawn at a scale of no less than 100 feet to one inch; shall be drawn on sheets 8.5 inches x 11 inches, 8.5 inches x 14 inches, 11 inches x 17 inches, 18 inches x 24 inches, or 24 inches x 36 inches; shall be prepared according to the standards set forth in this article.
 - (2) Name of owner of record.
 - (3) Name of subdivision and identification number assigned, date, north arrow, and graphic scale.
 - (4) Name, registration number, and seal of registered surveyor.
 - (5) Sufficient surveying data to determine readily and reproduce accurately on the ground the location, bearing, and length of every road line, lot line, easement, boundary line, and building line whether curved or straight. Curve boundaries will be defined by curve data to include the radius, delta angle, total area, length and the long chord by bearing and distance and shall also be defined as a traverse of chords around the curve using bearings and distance.
 - (6) Names of owners of record of all adjoining land, all property boundaries, watercourses, roads, easements, utilities and other such improvements, which cross or form a boundary line of the tract being subdivided.
 - (7) Exact boundaries of the tract of land being subdivided as noted in the survey article of this article.
 - (8) Roads, rights-of-way, percent of grades and road names. Steel or iron rods at least 20 inches long and one half inch in diameter shall be placed at all lot corners and at all other survey points not marked by permanent monuments. Property lines extending to road centerlines shall be marked by an iron stake on all offset with location clearly shown on the plat and selected so corners lie on a line of survey or a prolongation of such lines.
 - (9) Rights-of-way or easement; location, widths, and purposes.
 - (10) Lot lines, minimum building setback lines, and lot and block indicators.
 - (11) Any parks, school sites, **or** other public **or community** spaces.
 - (12) All dimensions shall be to the nearest 1/100 of a foot and angles to the nearest 20 seconds.
 - (13) Accurate description of the location of all monuments and markers.
 - (14) Utility easements, showing the widths of the following:
 - a. Water;
 - b. Gas;

- c. Sanitary sewer;
- d. Storm drainage; and
- e. Electrical line.

(15) Where individual septic waste disposal is proposed, a letter of final subdivision approval from the appropriate division of (new name) DHEC identifying each lot for which individual waste disposal is approved. Areas or lots not so approved shall not be included on the final plat unless restricted to prohibit construction of building space thereon by such notation as "reserved exclusively for open space", etc.

(c) *Final plat certificates.*

The following certificates shall appear on the final plat which is submitted to the planning commission by the subdivider:

Certificate of Accuracy (signed when submitted)

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Oconee County Land Development and Subdivision Regulations and the monuments shown have been placed to the specifications set forth in said regulations.

_____, 20____

Registration No. Registered Land Surveyor

Certificate of Ownership and Dedication (signed when submitted)

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.

Date Owner

Owner

Certificate of Maintenance for Private Roads (when applicable)

The road right-of-way shown on this plat shall be private drives not owned, maintained, or supervised by Oconee County, and ~~were or were not~~ constructed pursuant to any plan for future acceptance by Oconee County. Road right-of-ways shown upon the plat shall not be accepted for maintenance by Oconee County at any time in the future unless constructed in accordance ~~with and verified by non-destructive testing to ensure compliance with the~~ adopted Oconee County regulations. Maintenance of the right-of-way shall be the responsibility of _____. **Update**

Date Owner/Developer

Certificate of Security in Lieu of Completion (when applicable)

The developer of this subdivision has filed the appropriate security of lieu of completion prior to recording the final plat.

Date Planning Director

Strikethrough the
inapplicable
statement

Certificates of Construction (one or both as applicable/signed when submitted)

I hereby certify that the roads and drainage system, in _____ Subdivision as shown on Plat dated _____, prepared by _____ have been installed substantially in accordance with the Preliminary Plan (Construction Drawings) approved _____.

SEAL

Registered Engineer or Surveyor

I hereby certify that central () water () sewer systems in _____ Subdivision as shown on Plat dated _____, prepared by _____, have been installed in accordance with Preliminary Plat (Constructed drawings) approved _____.

SEAL

Registered Engineer or Surveyor

Certificate of Approval (to be signed upon approval)

The subdivision plat hereon has been found to comply with the Oconee County Land Development Regulations and has been approved for recording. I certify that this plat creates a subdivision subject to and approved in accordance with the ordinances of Oconee County.

Date Planning Director

(d) Final plan review procedure.

- (1) Final approval of the submitted plans shall be granted to the applicant after a review by the planning director.
- (2) Final plan application shall include all of or phases of a subdivision for which preliminary approval was granted, and shall contain documentation that all required improvements have been installed and certified.
- (3) Final plan applications may be considered, at the discretion of the planning director, if accompanied by the required security in lieu of completion of improvement.
- (4) Upon a determination that the final plan application is completed; the planning director shall render a written approval or rejection. Said decision shall be made within 30 working days of application submittal.

A subdivider or any party materially affected by the planning director's decision may appeal to the planning commission in writing within ten working days of said decision. The commission shall schedule a hearing, conduct said hearing, and render a decision within 60 days of the date of appeal. The decision of the commission is final. The decision of the commission may be appealed to the circuit court within 30 days after the actual notice of the commission's decision.

(Ord. No. 2008-20, Art. 13(13.1, 13.2, 13.4, 13.5), 12-16-2008)

Sec. 32-224. Appeal of decision.

Any person aggrieved by the planning director's decision to approve or deny an application for **minor** subdivision record plat approval may appeal the decision to the planning commission in writing within ten working days of said decision as outlined in [section 32-223((d))], of this article.

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(Supp. No. 52)

(Ord. No. 2008-20, Art. 14, 12-16-2008)

Sec. 32-225. Violations and penalties.

- (a) Any violation of these regulations shall be a misdemeanor and, upon conviction, is punishable as provided by law.
- (b) Unapproved subdivision and subsequent transfer or sale of lots. Any such agreement, negotiated before such plat has been approved by the county planning commission and recorded by the county Register of Deeds shall be considered a violation of this article and punishable as provided herein. The description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer shall not exempt the transaction from these penalties. Oconee County may enjoin such transfer or sale or agreement by appropriate action.

(Ord. No. 2008-20, Art. 15, 12-16-2008)

Sec. 32-226. Legal provisions.

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

- (1) *Conflict with other laws, ordinances, or regulations.* Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of these regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.
- (2) *Severability.* Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.
- (3) *Repeal of conflicting ordinances.* All ordinances or parts of ordinances in conflict with any of the provisions of this article are hereby repealed.
- (4) *Amendments.* The planning commission shall hold a public hearing on any proposed amendment to these regulations; notice of time and place shall be given at least 30 days prior to the hearing date. The notice shall be placed in a newspaper of general circulation. Amendments may be adopted by vote of the county council.

(Ord. No. 2008-20, Art. 16(16.1—16.4), 12-16-2008)

Secs. 32-227—32-414. Reserved.

ARTICLE VI. LAND DEVELOPMENT AND SUBDIVISION REGULATIONS¹

Blue highlights were approved at 9/4 PC meeting

Sec. 32-211. General provisions.

- (a) *Short title.* This article shall be known and cited as the "Oconee County Land Development and Subdivision Regulations Ordinance."
- (b) *Authority.* These land development and subdivision regulations are adopted under authority granted by S.C. Code 1976, tit. VI, ch. 29, § 6-29-1120 et seq.
- (c) *Jurisdiction.* These regulations shall apply to the development and subdivision of land within the unincorporated areas of the county as now or hereafter established and any incorporated municipality which contracts with the county for these regulations to be administered within such municipality. **REFERENCE TO ROADS AND RELATED ELEMENTS REMOVED**
- (d) *Purpose.* The purpose of this article is to protect and promote the public health, safety and general welfare of the citizens of the county, South Carolina, providing for the harmonious, progressive, and orderly development of land. These regulations are established for the following specific purposes, among others, as provided for in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code 1976, § 6-29-1120, et seq.):
 - (1) To encourage the development of an economically sound and stable county;
 - (2) To **ensure** the timely provision of streets, utilities, and other facilities and services as **may be required** to new land developments where **easements or right-of-way** have been granted;
 - (3) To **ensure** the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
 - (4) To **ensure** the provision **for** open spaces, **easements, right-of-way**, and building sites, **including any** dedication or reservation of land for recreational, educational, transportation, and other purposes; **if needed/required within and/or for new land development as determined by zoning or other state or local government regulation.**
 - (5) To **ensure**, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the county's comprehensive plan.

(Ord. No. 2008-20, Art. 1(1.1—1.4), 12-16-2008)

¹Editor's note(s)—Ord. No. 2008-20, adopted Dec. 16, 2008, repealed Ch. 32, Art. VI, Div. 1, §§ 32-211—32-234 and Div. 2, §§ 32-311—32-316, in its entirety. Arts. 1—16 of said ordinance enacted new provisions to read as herein set out. Prior to amendment, Art. VI pertained to subdivisions and land development and derived from Ord. No. 2002-05, §§ 6.1.1, 6.1.2, 6.2.1, 6.3—6.23, adopted May 7, 2002; Ord. No. 2004-14, adopted Jun. 15, 2004; Ord. No. 2006-07, §§ 7.1—7.4, adopted May 1, 2006 and Ord. No. 2006-20, §§ 1(6.3), 2(6.3), 3(6.5(6.5.13)), 4(6.7(6.7.14)), adopted Aug. 15, 2006 and Ord. No. 2008-19, adopted Dec. 16, 2008.

State law reference(s)—Authority to regulate subdivisions and land development, S.C. Code 1976, § 6-29-1110 et seq.

Sec. 32-212. Definitions.

When used in this article, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular.

Affordable housing means a housing unit for which the total annual cost of a sale (including mortgage, amortization, taxes, insurance, and condominium and association fees) constitutes no more than 28 percent of the annual household income for a household earning no more than 80 percent of the area's median income, by household size, as reported by U.S. Housing and Urban Development (HUD); or for a rental housing unit, the total annual cost for rent and utilities can constitute no more than 30 percent of the annual household income for a household earning no more than 80 percent of the area median income, by household size, as reported by HUD.

Apartment complex means a building or portion thereof, other than a hotel, divided into more than two dwelling units which are arranged in such a manner as to be used for lodging by separate households.

Applicant means the developer or agent of the developer who applies for a subdivision review and is designated as the primary contact for said subdivision.

Average daily traffic means the number of trips made by vehicles that will be utilizing a road, intersection or other reference point in a 24-hour period.

Block means a parcel of land entirely surrounded by roads or highways, railroad rights-of-way, waterway, or combination thereof.

Building footprint means the area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courtyards.

Building line (also referred to as "building setback line") means a line beyond which no part of the structure of any building shall project, unless specifically permitted in this Code of Ordinances, with the exception of subsurface projection of footings, measured perpendicular to the property line. This includes, but is not limited to, the building, eaves, porches, decks, chimneys, bay windows, and fire escapes.

Building permit means a document or certificate issued by the county authorizing construction, enlargement, alteration, moving of, or demolition of a building or structure, or the placement of a mobile home (manufactured housing).

Cleared or grubbed areas means the area within the road right-of-way that is cleared of vegetation.

Comprehensive plan means any legally adopted part or element of the Comprehensive Plan of Oconee County, South Carolina. This plan may include, but is not limited to, the community facilities, population, economic development, land use, natural resources, and housing elements.

Condominium complex means a building or group of buildings containing dwelling units which are individually owned. The structure, common areas, and other facilities are owned by the developer and/or the owners of the individual units on a proportional or individual basis.

Crosswalk means an area with a width determined by developer dedicated for pedestrian use, and intended for pedestrian access to adjacent land area.

Cul-de-sac means a local road (minor) with one end open to traffic and the other end terminated with a planned vehicular turnaround.

Density means the number of dwelling units or lots per acre of land developed or used for residential purposes.

(1) *Low density*: Two or less dwelling units per acre.

(2) *Medium density*: From 2.1 to 6.0 dwelling units per acre.

(3) *High density*: Over six dwelling units per acre.

Developer means an individual, partnership or corporation (or agent therefore) that undertakes the activities covered by these regulations.

Development means any manmade change to improved or unimproved real estate including, but not limited to: new homes, building structures, dredging, filling, grading, paving, or excavation operations.

DHEC-REFER TO SOUTH CAROLINA DEPARTMENT OF ENVIRONMENT.

Dwelling means a building or portion of a building arranged and/or designed to provide living quarters for one or more families where each dwelling unit is provided with separate kitchen and bathroom facilities.

(1) *Single-family dwelling* means a detached dwelling designed for or occupied exclusively by one family on a single residential lot.

(2) *Duplex* means a building arranged or designed to be occupied by two families living independently of each other on a single residential lot.

(3) *Group dwelling* means a group of two or more principal structures built on a single residential lot, parcel or tract of land and designed for occupancy by separate families.

(4) *Multiple-family dwelling* means a building or series of buildings on the same parent parcel used or designed as a dwelling place for three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling unit means one or more rooms connected together and constituting a separate, independent housekeeping establishment, with provisions for cooking, eating, and sleeping, and physically set apart from any other dwelling units in the same structure.

Easement means a grant of one or more specific property rights by the property owner permitting a specific use or uses to the public, a corporation, or another person or entity.

Easement, private roadway means an easement that grants access for all roadway construction and maintenance.

Flag lot means a lot shaped like a flag on a pole. The "flag" shaped area is situated behind another lot and is the portion of a flag lot where structures may be located. The "pole" shaped area is the portion of the lot by which vehicular access to the flag area from its adjoining road is located. (See chapter 38 for specific provisions addressing flag lots.)

Flood means a temporary overflowing of water onto land that is usually devoid of surface water.

Floodplain means land areas adjoining a river, stream or watercourse which are subject to a one percent or greater chance of flooding in any given year. These areas are specifically established by the Federal Emergency Management Agency, according to the Flood Insurance Study for the county.

Full pond level means full pond level is 660 feet above mean sea level on Lake Hartwell, 800 feet above mean sea level on Lake Keowee, and 1,110 feet above mean sea level on Lake Jocassee.

Half road means a road located so that a cross means section of its width lies on more than one parcel.

Lake means a considerable inland body of standing water.

Land development means the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Lot means a single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.

- (1) Corner lot means a lot with frontage on at least two intersecting roads located at the point of intersection.
- (2) Lot depth means the mean horizontal distance between the front and rear lot lines.
- (3) Double frontage lot means a parcel having frontage on two or more roads which is not located at any intersection of such roads.
- (4) Lot width, unless indicated otherwise by context, means the straight-line distance between the points where the front building line intersects the two side lot lines.

Minor subdivision means any subdivision of a parcel that is reviewed by the county that:

- (1) Results in a total of no more than ten residential lots; and
- (2) May or may not involve the construction of a private drive, private road, or public road.

MID-SIZE SUBDIVISION REMOVED

MAJOR SUBDIVISION REMOVED

Mobile home (manufactured housing unit) means a detached, single-family dwelling designed for long-term occupancy, designed to be transported on its own axle and wheels, arriving at the site in sections or a complete dwelling unit, usually including major appliances and furniture, and ready for occupancy. Removal of wheels and placement of a foundation does not change the mobile home classification. A travel trailer is not a mobile home.

Multi-family housing means 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.

Natural vegetative buffer means plants, trees, and vegetation that normally survive in the county without the need for fertilizers, herbicides, or pesticides.

Oconee County road means any paved road, gravel road, dirt road or bridge that is owned and/or regularly maintained by the county and considered part of the county road system.

Open space site means a tract of land provided in residential subdivisions to meet the local recreational needs and desires of residents. Such tracts may include play areas, parks, natural woods, open fields and meadows and areas of scenic beauty.

Owner's engineer means an engineer registered and in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

Owner's land surveyor means a land surveyor registered and in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

Parking, off-street means an area adequate for parking an automobile with room for safely opening doors on both sides, together with properly related access to a roadway arranged so that no maneuvering incidental to parking shall occur on any roadway.

Perennial stream means any creek, river, or other watercourse that has flowing water year-round.

Person means any individual, corporation, company, partnership, organization, utility and/or municipality.

Planning commission means the county planning commission and planning staff specifically authorized to carry out certain functions on its behalf.

Plat means a map or drawing which is an accurate graphical representation of a subdivider's plan for a subdivision.

- (1) *Sketch plan* means a simple sketch of a proposed subdivision layout showing roads and other principal features. The sketch plan is preparatory to the preliminary and final plats and may enable the subdivider to save time and expense in reaching general agreement as to the form of the plat and the objectives of these regulations.
- (2) *Preliminary plan (plat)* means a drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its working ability in all aspects.
- (3) *Final plat (plan)* means a drawing which shows the 'as built' layout of all road construction, public utilities, public facilities, and lots to be sold.

Potable water also known as drinking water, comes from surface collection and/or ground sources and is treated to levels that meet state and federal standards for human consumption.

PRIVATE DRIVEWAY, PRIVATE DRIVE, PRIVATE ROAD, PUBLIC ROAD - MOVED TO CH 26

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder or berm.

Sanitary sewer means a constructed conduit connected with or as a sewer system for the carrying of liquids and solids other than stormwaters to a sanitary treatment facility.

SCDES means South Carolina Department of Environment.

Setback means 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 at the front of the lot if the road right-of-way projects over the property line, and measured from the property lines on the remaining portions of the property).

Setback line means the line indicating the minimum distance permitted between the property line or road right-of-way line, as applicable, and the building line.

Sketch plan See Plat (plan).

Storm sewer means a constructed conduit connected with or as a storm sewer system for the carrying of stormwaters to a [watercourse](#).

Stream means a flow of water in a channel or bed, such as a brook, creek or river.

Street

Subdivider means any person, firm, corporation owner, agent, developer, or other legal entity who directly or indirectly attempts to subdivide land within the jurisdiction of this article. See also "developer."

Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose (whether immediate or future) of sale, lease, or building development; including all division of land involving a new roadway or an alteration in an existing roadway. Also instances in which the further division, relocation of lot lines, or the rearrangement (including combinations of lots) of any lot or lots within a subdivision previously approved or recorded according to law. The alteration of any roadways or the establishment of any new roads within any subdivision previously approved or recorded according to law. A subdivision can include townhouses, condominium complexes, apartment complexes and multi-family housing.

Grey areas are designated for further discussion

The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivision:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the county;
- (2) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the county planning commission which shall indicate that fact on the plats; and
- (3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Terrain classifications means classification of terrain by grade ranges as follows:

Townhouse means a building or group of buildings containing a dwelling unit or units constructed in a series or group of attached units with property lines separating such units.

Traditional septic systems means a waste disposal system designed for the treatment and disposal of domestic sewage by means of an onsite septic tank and soil absorption system utilizing a traditional drain field on a single lot. All such systems are subject to the review and approval of the South Carolina Department of Health and Environmental Control.

Transfer or sale of lots means any means by which the ownership of a property changes hands; including, but not limited to, the purchase or trade of a property subject to a mortgage, the assumption of a mortgage debt by the property purchaser, and any exchange of possession of the property under a land sales contract or any other land trust device.

Utilities means utilities shall consist of any and all utility services to a subdivision, including water, sewer, storm sewer, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual, private company, authority, or a governmental entity.

View lane means 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.

Watercourse means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Yard means a space that lies between the principal building or buildings and the nearest lot line or road right-of-way, as applicable. The minimum required yard shall be **non-buildable area** unoccupied and unobstructed from the ground upward, except as may be expressly permitted **BZA**.

- (1) *Front yard* means a yard situated between the front building line and the front lot line or road right-of-way, as applicable, extending the full width of the lot.
- (2) *Rear yard* means a yard situated between the rear building line and the rear lot line extending the full width of the lot.
- (3) *Side yard* means a yard between the side building line and a side lot line that extends from the front yard to the rear yard.

(Ord. No. 2008-20, Art. 2, 12-16-2008; Ord. No. 2024-23, §§ 1, 2(Exh. A), 10-15-2024)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 32-213. Requirements and standards.

- (a) *Unapproved plat prohibition.* No plat of the subdivision of any land within the unincorporated areas of the county as now or hereafter established, and any incorporated municipality which contracts with the county for these regulations to be administered within such municipality, shall be filed with or recorded by the county register of deeds until such plat shall have been submitted to and approved by the county planning commission, planning director, or designee according to the procedures set forth in this article. No road or other way shall be accepted or maintained, nor shall any water line, sewerage, road lighting or similar improvements extended or connected, nor shall any permit be issued by any department of the county for any or other improvements in any subdivision established hereafter which has not been approved by the county planning department and met such requirements as prescribed by the county council.
- (b) *Survey standards.* Plats shall be prepared and survey data entered thereon in accordance with the most recent adopted version of the "Minimum Standards Manual of the Practice of Surveying in South Carolina" established by the South Carolina Board of Registration for Professional Engineers and Land Surveyors provided that all elevations information shall refer to Mean Sea Level Datum or other establish datum (a minimum of [Z] assumed elevation with two benchmarks).
- (c) *Subdivision name.*
 - (1) All subdivision names must be submitted to the addressing office. Names must be easy to read and pronounce. Proposed names may be rejected by the addressing office if in the opinion of emergency response officials, pronunciation may impair an efficient response.
 - (2) Subdivision names that may be confused as homonyms (having the same or similar pronunciation) of existing subdivision names shall not be approved.
 - (3) Names that are vulgar, ethnically offensive, or otherwise problematic shall not be approved.
 - (4) Subdivision names spelled in an unconventional, complex, or potentially confusing manner shall not be approved.
 - (5) A subdivision shall be designated by only one name.
 - (6) Special characters, including numbers, are not allowed.
 - (7) No duplicates of existing subdivision names are allowed.
- (d) *Utilities.* When utilizing a public road right-of-way, all utility lines shall be buried at a depth of at least 36 inches. Such lines shall be located a minimum of two feet outside the portion of the road to be surfaced to prevent having to cut into the paved surface or reconstruct drainage structures to serve abutting properties. In order to prevent future road cuts, utility stub-outs shall be added to all utility lines extending beyond the roadway to each property line.
- (e) *Road signs on public roads.* Road name signs shall be installed at all intersections with a subdivision. All other signs shall be installed as required by State Code of Law. All signage will be in accordance with the Manual of Uniform Traffic Control. The developer shall be responsible for all costs of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of county council from time to time) prior to acceptance of road by the county. Any person who shall willfully or maliciously damage, deface, remove or otherwise tamper with a sign erected by a subdivider or the county designating the name of any county road shall be guilty of a misdemeanor. In addition, thereto, such person shall be liable to the county for the cost incurred by the county as a result of said criminal acts.
- (f) *Family transfers.* Subdivision of parcels that results from the conveyance of parcels deeded by parents to children, children to parent, sibling to sibling, grandparents to grandchildren or grandchild to grandparent, and does not involve the construction or extension of any road, bridge, or drainage structure to provide

access to interior lots, and does not involve the creation of any new drainage easement, shall be received as information only and approved administratively by the planning director.

- (g) *Minor subdivision.* (Reserved).
- (h) *Compliance with road standards.* Road plans and supporting documentation needed to comply with all adopted the county road standards shall be included with the submission of subdivision plans. Approval of the subdivision shall not be granted unless all applicable road standards are met.

(Ord. No. 2008-20, Art. 3(3.1[a.], 3.1[b.], 3.2—3.7), 12-16-2008; Ord. No. 2018-14, § 1(Att. A), 12-4-2018)

Sec. 32-214. Lot improvements.

- (a) *Lot arrangements.* All lots shall be arranged such that there will be no apparent difficulties in securing driveway encroachment permits or building permits for reasons of topography or other conditions and must have driveway access from an approved road. The developer shall be liable for all lots within a proposed subdivision.
- (b) *Lot dimensions.* Except where circumstances such as topography, watercourses, road alignment or existing site boundary configurations dictate otherwise, the following requirements shall apply:
 - (1) Dimensions of corner lots shall be large enough to allow for the erection of buildings observing the minimum yard setbacks from both streets, without encroaching into side and rear yard setbacks, established in the building line section of this chapter.
 - (2) Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for that type of development, without encroaching into yard setbacks.
- (c) *Lot size.* Minimum lot size shall be determined by the underlying zoning district located in chapter 38. All required setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.
- (d) *Building lines.* (See section 38-10.2 for all setback requirements in the control free district of the county.)
- (e) *Reserved.*
- (f) *Usable area.* All lots adjacent to floodplains, creeks, and wetlands should use these natural features as lot boundaries when possible.
- (g) *Septic system setback.*
 - (1) Traditional septic systems shall be constructed so that they comply with all regulations of the South Carolina Department of Health and Environmental Control **SCDES**.
 - (2) The applicant shall provide the planning director a copy of all South Carolina Department of Health and Environmental Control **SCDES** permit drawings and an approved **SCDES** permit application for the proposed septic systems utilized within the development.
- (h) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to prevent concentration of stormwater from each lot to any adjacent property. Drainage systems used to control water on one property shall not increase the water flow on adjacent properties without legal easements.
- (i) *Lakes and streams.* If a tract being subdivided contains a water body, or portion thereof, the ownership of and the responsibility for safe and environmentally compliant maintenance of the water body is to be placed so that it will not become a local government responsibility. The minimum area of a lot required under this

article may not be satisfied by land that is under water. Where a watercourse other than storm drainage separates the lot's buildable area from the road providing access, an engineer's certified structure shall be provided linking the buildable area to the road. All watercourses shall remain free of obstructions and degradations.

- (j) *Easements.* Easements located along the side or rear lot lines shall be provided as required for utilities and drainage.
- (k) *Entrances.* One entrance is required for every 100 lots in a proposed subdivision, or a maximum of 100 lots on a dead-end road with a cul-de-sac.
- (l) *Reserved.*

(Ord. No. 2008-20, Art. 4(4.1—4.12), 12-16-2008; Ord. No. 2015-15, § 1(Att. A), 6-2-2015; Ord. No. 2018-26, § 1(Att. A), 10-2-2018)

Sec. 32-215. Blocks.

- (a) *Residential block length.* In order that there may be convenient access between various parts of a subdivision and in order to help prevent traffic congestion and undue inconvenience, the length of blocks hereafter established should not exceed 1,800 feet and shall not be less than 600 feet; provided, however, that such length may be modified when appropriate due to the topography or physical shape of the property being subdivided.
- (b) *Residential block width.* Blocks shall have sufficient width to allow two tiers of lots. Blocks may be one lot in depth at the boundary of the subdivision, or where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses.

(Ord. No. 2008-20, Art. 5(5.1, 5.2), 12-16-2008)

Sec. 32-216. Drainage and stormwater.

- (a) *General requirements.* In most cases the land disturbance permit required by SCDES will have considered the information needed for compliance with this section. However, the county will review the information to ensure that all stormwater runoff will be removed from proposed developments in perpetually maintained drainage systems designed to avoid damage to personal property. The planning director shall not approve any plat of subdivision which fails to make adequate provision for storm or floodwater runoff channels or basins. Stormwater drainage systems shall be separate and independent of any sanitary sewer system. Inlets shall be provided so that surface water is not carried across or around any road intersection except where routing around of small volumes is approved in writing by the county engineer or *Owner's engineer*.
- (b) *Nature of stormwater facilities.* The applicant may be required by the planning department or county engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with accepted engineering standards and specifications as approved by the county engineer or *Owner's engineer*. All swales, ditches, or other open drainage shall be constructed and established to minimize erosion as approved by the county engineer or *Owner's engineer*.
- (c) *Accommodation of upstream drainage areas.* The owner's engineer shall determine, certify, and design drainage facilities that are large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

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- (d) *Effect on downstream drainage areas.* The owner's engineer shall study and provide the planning director and county engineer with sufficient data proving that there are no adverse impacts on existing downstream drainage facilities outside the area of the subdivision. Where it is determined that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning director may withhold approval of the subdivision until provision has been made for the improvement of said potential condition or receive an approved appeal.
- (e) *Floodplain areas.* Floodplain areas shall be noted on all plans and plats for proposed development, and shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material, or stumps, unless explicitly permitted by SCDES or other appropriate state agency. All construction activity within a development shall comply with standards of the county floodplain ordinance.
- (1) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose and to accommodate maintenance equipment and activities. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The planning department will review the information required by the SCDES land disturbance permit to ensure the intentions of 6.12 are met.
 - (2) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on all plats. Drainage easements shall be carried from the road to a natural watercourse or to other approved or adequate drainage facilities.
 - (3) When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - (4) **RESERVED**
 - (5) All rights-of-way shall contain a permanent drainage easement for all water runoff from the road right-of-way as deemed necessary by the county engineer. It shall be the responsibility of the owner/developer to acquire any necessary drainage easements from private landowners.

(Ord. No. 2008-20, Art. 6(6.1—6.5), 12-16-2008)

Yellow areas were not voted on at 9/4 meeting

Sec. 32-217. Water facilities.

- (a) *General requirements.*
- (1) Where the accessible public water main is six inches or greater in diameter, distribution lines shall be at least six inches in diameter. In the event that the water supplier certifies the existence of insufficient water pressure to provide service to six-inch distribution lines to the site, the planning director shall permit appropriate reductions in the diameter of distribution lines. In cases along permanent cul-de-sacs or circles less than 1,000 feet in length, a minimum diameter of 2½ inches is permitted.
 - (2) Water distribution systems shall be approved by the designated utility entity and the appropriate division of SCDES.
 - (3) The location and design of all water system improvements shall be shown on the preliminary plat, and the cost of installing same shall be included in any bond to be furnished by the developer.
 - (4) All Utility lines within public road right-of-way shall be located a minimum of two feet outside of the road surface areas at the edge of the rights-of-way and shall be buried at a depth of at least 36 inches.

When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.

- (b) *Individual wells and central water systems.* Wells may be used or a package central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Central water systems shall be approved by the appropriate division of SCDES. Orders of approval shall be submitted to the planning department. Non-min
- (c) *Fire hydrants.* Fire hydrants shall be required for all subdivisions except *minor subdivisions and family transfer subdivisions*, or where individual wells are used or a water main of less than six-inch diameter is permitted, and shall be located as defined in the adopted fire code and shall be approved by the applicable fire protection entity. In the event no adequate water supply is available, alternative methods of fire protection may be approved by appropriate fire officials, provided such measures are provided for under adopted fire code. To avoid future road cutting, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed and approved before any final paving of a road shown on the subdivision plat.
- (d) *Wastewater facilities.*
 - (1) When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.
 - (2) Sanitary sewer shall be designed and installed to the design standards and specifications of the city, county, or public service district into whose sewer system the subdivision is connecting and all design standards and specifications of the appropriate SCDES division.
 - (3) Where public sanitary sewerage systems are *not desired by the subdivider*, package, central or individual waste collection/treatment systems may be provided. These systems must be approved by the appropriate division of SCDES prior to approval of any preliminary subdivision plan.

(Ord. No. 2008-20, Art. 7(7.1—7.4), 12-16-2008)

Sec. 32-218. Nonresidential subdivisions.

- (a) *General.* If a proposed subdivision includes land that is proposed for commercial, industrial or other nonresidential purposes, the layout of the subdivision shall incorporate such provisions and facilities as required by the standards set forth in subsection (b), below.
- (b) *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the commission that the road, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (1) Proposed nonresidential parcels shall be suitable in area and dimensions to the types of industrial/commercial development anticipated.
 - (2) Road rights-of-way shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
 - (3) **RESERVED**
 - (4) **RESERVED**
 - (5) Roads carrying nonresidential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

(Ord. No. 2008-20, Art. 8(8.1, 8.2), 12-16-2008)

Sec. 32-219. Security in lieu of completion of improvement.

In lieu of the completion of the physical development and installation of the required improvements prior to the final plat approval, the county may accept a financial guarantee in the form of cash, bond, or escrow letter of credit with an approved financial institution, in an amount and with conditions satisfactory to it, securing to the county the actual construction and installation of such improvements and utilities within a period specified by the county engineer.

- (1) If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements he may file a performance of surety bond executed by a surety company licensed to do business in the State of South Carolina, in an amount equal to 125 percent of the owner's engineer (and verified by the county engineer) estimated cost to complete the improvements. The bond shall guarantee the completion of all improvements within a time prescribed by the planning director.
- (2) If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements, he may establish an escrow account with the county into which the subdivider shall place, prior to the sale of any lot in the subdivision, an amount equal to 125 percent of the owner's engineer (verified by the county engineer) estimated cost to complete the improvements. Funds in such escrow account shall be returned to the subdivider following completion of all improvements within time limits prescribed by the county engineer. The final determination for returning the escrowed money to the developer shall be made by the county engineer.
- (3) In the event that required improvements are not completed, inspected and approved within the required time, the county may expend escrowed funds, securities, or performance bond funds to complete the required improvements. The planning director may also, at his discretion, withhold building permits or occupancy permits in such subdivision until such improvements are completed. In which case, it shall then be unlawful to sell any further lots in the subdivision until all improvements are completed. No occupancy permits shall be issued within the subdivision, unless street improvements are at least adequate for vehicular access by the prospective occupant(s) and by the emergency vehicles and personnel.
- (4) No building permit shall be issued for the final ten percent of lots in a subdivision, or if ten percent be less than two, for the final two lots of a subdivision, until all public improvements required by the county engineer for the subdivision have been fully completed and the county has accepted all as-built drawings.
- (5) The developer shall be required to maintain all required public improvements on the individual subdivided lots, if required by the planning director, until acceptance of the improvements by the appropriate utility or government entity. If there are any certificates of occupancy on a street not dedicated to the county, the county may on 12 hours notice effect emergency repairs and charge those costs to the developer.
- (6) Surety bonds will be returned to the developer following delivery of all as-built drawings to the county engineer, and after acceptance of all improvements by the county.

(Ord. No. 2008-20, Art. 9, 12-16-2008)

Sec. 32-220. Plat requirements and review procedures.

- (a) *General.* No lot proposed to be created through the creation of a subdivision shall be sold until a final plat showing the subdivision has been approved by the planning director, and has been recorded with the county Register of Deeds.
- (b) *Application review.* The planning director ~~may~~ **shall** approve a minor or family transfer subdivision, containing no new roads, after reviewing the final plan.
- (c) *Plat recordation.* The planning director's approval of a subdivision final plan is contingent on submission of four original copies of the plat to the county Register of Deeds, and recordation of the plat by the Register of Deeds. An authorized copy of the recorded plat shall be submitted to the planning director.
- (d) *Appeal of decision.* Any person aggrieved by the planning director's decision to approve or deny an application for subdivision approval may appeal the decision to the planning commission in writing within ten working days of said decision as outlined in [section 32-223((d))], of this article.

(Ord. No. 2008-20, Art. 10(10.1—10.4), 12-16-2008)

Sec. 32-221. Sketch plan.

- (a) *Sketch plan review conference.* All persons intending to subdivide or develop property are strongly encouraged to confer with the planning director prior to proceeding. Proposed developments consisting of **11 or more** new housing units shall schedule a sketch plan review prior to any formal application.
- (b) *Basic sketch plan (optional requirements for developments **10 or less dwelling** units)*
 - (1) The sketch plan shall be drawn to show the approximate layout of the proposed subdivision and its relationship to the surrounding area.
 - (2) Sketch plans are informal, exploratory examinations of a proposed idea. The planning director will review the proposed layout and discuss any issues with the subdivider. ~~and may require a detailed sketch plan to be submitted.~~
- (c) *Detailed sketch plan (required for **11 or more dwelling** units)*
 - (1) The sketch plan shall be drawn at an approximate scale of not less than a scale of 200 feet to one inch and shall include a vicinity map at a scale of not less than two miles to one-inch showing the relationship of the proposed subdivision to the surrounding areas.
 - (2) All sketch plan submittals shall include the following in sketch or narrative form:
 - a. An accounting of total acreage in the tract to be divided and number of lots proposed;
 - b. Arrangement, shape, dimensions, and area of proposed lots;
 - c. Location of existing property lines, easements, road right-of-ways, buildings, or other public ways adjoining the tract to be subdivided;
 - d. Alignment, right-of-way width, and clarification of proposed roads;
 - e. Topography by contour at intervals of not more than 20 feet (as from USGS quad sheets);
 - f. Map scale, north arrow, and date;
 - g. Name/address/telephone number of legal owner or agent and the professional (surveyor or engineer) who will undertake detailed subdivision layout and improvements design;

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- h. Location of watercourses and land subject to flooding based on a 100-year frequency flood. Owner's surveyor shall indicate if property is or is not in a floodplain;
 - i. The existing and proposed uses of land throughout the subdivision;
 - j. Proposed method of water supply and wastewater treatment and other utility service;
 - k. The proposed name of the subdivision.
 - l. A statement as to whether the road will be built to public road standards
- (3) A subdivider shall submit a sketch plan of the entire tract even if the subdivider's present plans call for the actual development of only a part of the property. All phases of the subdivision must be shown on the sketch plan and marked as future development.
 - (4) Prior to sketch plan submittal, the subdivider is encouraged to interact with the county soil and water conservation district to obtain soil survey information and written site evaluation comments to be included as part of the sketch plan submittal.
- (d) *Sketch plan review.*
- (1) A subdivider shall submit sketch plan copies and application forms in quantities specified by the planning director. The planning director shall obtain input from the county engineer and affected agencies and shall provide comments in the form of a composite list to the subdivider within 15 working days of sketch plan submitted.
 - (2) If the subdivider disagrees with comments provided, the subdivider may request an informal review by the planning commission in accordance with the county planning commission rules of procedure.
 - (3) In reviewing a sketch plan and sketch plan comments, the planning commission may affirm such comments or modify them to the extent as such modifications do not depart from the provisions of these adopted regulations.

(Ord. No. 2008-20, Art. 11(11.1—11.4), 12-16-2008)

Sec. 32-222. Preliminary plan and supporting data.

- (a) *Submittal requirements.*
- (1) Applications for preliminary approval of a subdivision shall be submitted to the planning director for review.
 - (2) The applicant shall submit all appropriate fees at the time of application.
 - (3) Applications shall include four copies of the proposed preliminary plan.
 - (4) The applicant shall submit all responses, amended plans, additional information, or any other necessary materials to satisfy all adopted the county regulations.
 - (5) An applicant may withdraw an application for subdivision approval at any time by submitting written notice to the planning director.
 - (6) It shall be unlawful for construction to commence prior to preliminary approval of the plan as defined in this article.
 - (7) Preliminary approval typically permits a developer to proceed with the construction of all roads, utilities, and public infrastructure.

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- (8) A copy of a preliminary letter of approval from the appropriate division of the South Carolina Department of Health and Environmental Control **SCDES** shall be required for subdivisions served in part or in whole by individual onsite septic systems.
- (9) An electronic copy of the proposed development plan showing the layout of the subdivision in an approved format and file extension shall be required.
- (10) Properties designed to access state roads shall submit to and receive conditional approval from the South Carolina Department of Transportation ("SCDOT") prior to receiving final approval from the Oconee County Planning Department. All SCDOT comments shall be incorporated in the plans submitted to the county.
- (b) *Preliminary plan requirements.*
- (1) *General.* The preliminary plan shall include the following:
- The preliminary plan shall be drawn at a scale of 200 feet to one-inch or greater, and shall include a vicinity sketch at a scale of not less than one-inch = two miles. Sheet sizes should be 8.5 inches x 11 inches, 8.5 inches x 14 inches, 11 inches x 17 inches, 18 inches x 24 inches, or 24 inches x 36 inches. This map and supporting data shall be prepared according to standards set forth in this article and shall contain the following sections: General, existing conditions, and proposed conditions.
 - The proposed name of the subdivision, name/address/telephone of owner and/or subdivider, and name/address/telephone of surveyor and/or engineer.
 - A graphic scale, north arrow and date (north arrow shall be identified as magnetic, true, or grid).
 - The acreage to be subdivided.
 - The boundaries of the tract to be subdivided with all bearings and distances indicated.
 - A **SCDES** approved stormwater pollution prevention plan (SWPPP).
 - The following statement:
"NO COUNTY BUILDING PERMITS SHALL BE ISSUED FOR PROJECTS ON INDIVIDUAL LOTS PRIOR TO THE RECORDING OF A FINAL PLAT IN THE OFFICE OF THE REGISTER OF DEEDS"
- (2) *Existing conditions.* The preliminary plan shall include the following:
- Deed record names of adjoining property owners or subdivisions.
 - Location of watercourses and land subject to flooding based on a 100-year frequency flood. Owner's surveyor shall indicate if property is or is not located in a floodplain.
 - Location of adjoining property lines and existing building on the property to be subdivided.
 - Location and right-of-way of roads, railroads, and utility lines either on or adjoining the property to be subdivided.
 - Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the site and adjoining the tract.
 - The acreage of each drainage area affecting the proposed subdivision.
 - Topography by contour at intervals of not more than 20 feet (as from USGS Quad maps).
 - Elevations shall refer to sea level or assumed elevation with a minimum of 2 bench mark near the site.

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- i. Location of city and county line, if applicable, and a statement identifying the location of the nearest central water and sewer lines and fire department and the distance from same to the tract being subdivided.
- (3) *Proposed conditions.* The preliminary plan shall include the following:
- a. Total number of lots, total acreage, total length of new roads.
 - b. Layout of roads including all right-of-way, **public** crosswalks, road names or designations, grades, and cross sections.
 - c. Profile of proposed roads showing natural and finished grades.
 - d. Layout of all lots, including area; building setback lines, scaled dimensions of lots; lot and block numbers, utility easements with width and use.
 - e. Construction plan of sanitary sewers (if applicable) with grade, pipe size, and location and permit to construct from **SCDES** and approval of the appropriate utility provider.
 - f. Storm sewers shall be sized to accommodate runoff based upon the ten-year design storm except road crossings shall be a minimum of 25-year design storm.
 - g. Construction plan for water supply system (if applicable) with pipe size and location of hydrants and valves and permit to construct from **SCDES** and, where applicable, approval of the appropriate utility provider.
 - h. Designation of all land to be reserved or dedicated for public **or community** use.
 - i. Designation of proposed use of all lots.
 - j. Proposed major contour changes in areas where substantial cut and/or fill is to be done.

Note: Refer to survey requirements.

(c) *Preliminary review procedure.*

- (1) The planning director shall notify all appropriate review agencies for comments. These may include, but are not limited to, the following:
 - a. Appropriate division of **SCDES**
 - b. Soil and water conservation office.
 - c. Appropriate public service district or city as applicable.
 - d. County public works department.
 - e. Appropriate fire protection entity.
 - f. County engineer.
 - g. Oconee County Sewer Commission.
 - h. Oconee County School District.
- (2) Agencies and departments shall provide written comments to the planning director within 15 working days of the date of the preliminary plan application.
- (3) The planning director shall render a decision within 25 working days of the date of preliminary plan application. The planning director's action and reasons therefore shall be transmitted in writing to the subdivider.

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- (4) Agencies and departments shall provide written comments to the planning director within 15 working days of the date of the preliminary plan application.
 - (5) Once the submitted plans are deemed to be in compliance with all applicable the county ordinances, the applicant shall be notified in writing that the plans have been preliminarily approved.
 - (6) The planning director may grant conditional preliminary approval to ~~ensure~~ ~~insure~~ compliance with all county ordinances. All such conditions shall be met prior to final approval.
 - (7) If a plan is approved subject to conditions, the subdivider shall submit plan exhibits amended to incorporate such conditions within 20 working days of such approval. Preliminary plat approval shall be effective for one-year provided the commission may extend same for up to one additional year upon written request from the subdivider.
 - (8) A subdivider, or other party materially affected by the planning director's decision, may appeal for review by the planning commission. Such appeal shall detail the reasons therefore, and be made in writing within ten working days of the planning director's action. Affected parties shall be notified in writing of the planning commission's determination. The planning commission's decision may be appealed to the circuit court within 30 days after the actual notice of the commission's decision.
 - (9) Variances shall be considered by the planning commission pursuant to Section 1-5.5(3) of the United Performance Standards Ordinance and conducted in a manner consistent with standards put forth in the Oconee County Planning Commission Rules of Procedure.

(Ord. No. 2008-20, Art. 12(12.1—12.3), 12-16-2008; Ord. No. 2022-22, § 1, 12-6-2022; Ord. No. 2023-09, § 1, 6-6-2023)

Sec. 32-223. Final plan.

(a) *Submittal requirements.*

- (1) A person seeking final approval of a subdivision shall submit an application to the planning director for review of this article.
- (2) The applicant shall also submit all appropriate fees at the time of application.
- (3) Where the improvements required by this article and the preliminary plan have not been completed prior to the submission of the final plan for approval, approval of the plan shall be subject to the owner filing a performance guarantee in the form of cash and/or surety with the county according to the provision set forth in this article.
- (4) Upon 90 percent completion of the construction of road and utilities of a preliminarily approved subdivision, a final "as built" plan shall be submitted to the planning director noting any changes from the preliminarily approved plans.
- (5) The planning director's approval of a final plan is contingent on submission of four original stamped copies of the plat to the county Register of Deeds.
- (6) A copy of the recorded plat authorized by the Register of Deeds shall be submitted to the planning director.
- (7) Where individual septic waste disposal is proposed, the developer shall provide a letter of final subdivision approval from the appropriate division of **SCDES** identifying each lot for which individual waste disposal is approved.

(b) *Final plan requirements.* The final plan shall include the following:

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- (1) If the final plan is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the several sections. Final plans shall be drawn at a scale of no less than 100 feet to one inch; shall be drawn on sheets 8.5 inches x 11 inches, 8.5 inches x 14 inches, 11 inches x 17 inches, 18 inches x 24 inches, or 24 inches x 36 inches; shall be prepared according to the standards set forth in this article.
 - (2) Name of owner of record.
 - (3) Name of subdivision and identification number assigned, date, north arrow, and graphic scale.
 - (4) Name, registration number, and seal of registered surveyor.
 - (5) Sufficient surveying data to determine readily and reproduce accurately on the ground the location, bearing, and length of every road line, lot line, easement, boundary line, and building line whether curved or straight. Curve boundaries will be defined by curve data to include the radius, delta angle, total area, length and the long chord by bearing and distance and shall also be defined as a traverse of chords around the curve using bearings and distance.
 - (6) Names of owners of record of all adjoining land, all property boundaries, watercourses, roads, easements, utilities and other such improvements, which cross or form a boundary line of the tract being subdivided.
 - (7) Exact boundaries of the tract of land being subdivided as noted in the survey article of this article.
 - (8) Roads, rights-of-way, percent of grades and road names. Steel or iron rods at least 20 inches long and one half inch in diameter shall be placed at all lot corners and at all other survey points not marked by permanent monuments. Property lines extending to road centerlines shall be marked by an iron stake on all offset with location clearly shown on the plat and selected so corners lie on a line of survey or a prolongation of such lines.
 - (9) Rights-of-way or easement; location, widths, and purposes.
 - (10) Lot lines, minimum building setback lines, and lot and block indicators.
 - (11) Any parks, school sites, ~~or~~ other public **or community** spaces.
 - (12) All dimensions shall be to the nearest 1/100 of a foot and angles to the nearest 20 seconds.
 - (13) Accurate description of the location of all monuments and markers.
 - (14) Utility easements, showing the widths of the following:
 - a. Water;
 - b. Gas;
 - c. Sanitary sewer;
 - d. Storm drainage; and
 - e. Electrical line.
 - (15) Where individual septic waste disposal is proposed, a letter of final subdivision approval from the appropriate division of **SCDES** identifying each lot for which individual waste disposal is approved. Areas or lots not so approved shall not be included on the final plat unless restricted to prohibit construction of building space thereon by such notation as "reserved exclusively for open space", etc.

(c) *Final plat certificates.*

The following certificates shall appear on the final plat which is submitted to the planning commission by the subdivider:

Certificate of Accuracy (signed when submitted)

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Oconee County Land Development and Subdivision Regulations and the monuments shown have been placed to the specifications set forth in said regulations.

_____, 20__

Registration No. Registered Land Surveyor

Certificate of Ownership and Dedication (signed when submitted)

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.

Date Owner

Owner

Certificate of Maintenance for Private Roads (when applicable)

The road right-of-way shown on this plat shall be private drives not owned, maintained, or supervised by Oconee County, and **were or were not** constructed pursuant to any plan for future acceptance by Oconee County. Road right-of-ways shown upon the plat shall not be accepted for maintenance by Oconee County at any time in the future unless constructed in accordance **with and verified by non-destructive testing to ensure compliance with the** adopted Oconee County regulations. Maintenance of the right-of-way shall be the responsibility of _____. **Update**

Date Owner/Developer

Certificate of Security in Lieu of Completion (when applicable)

The developer of this subdivision has filed the appropriate security of lieu of completion prior to recording the final plat.

Date Planning Director

Certificates of Construction (one or both as applicable/signed when submitted)

I hereby certify that the roads and drainage system, in _____ Subdivision as shown on Plat dated _____, prepared by _____ have been installed substantially in accordance with the Preliminary Plan (Construction Drawings) approved _____.

SEAL

Registered Engineer or Surveyor

I hereby certify that central () water () sewer systems in _____ Subdivision as shown on Plat dated _____, prepared by _____, have been installed in accordance with Preliminary Plat (Constructed drawings) approved _____.

SEAL

Registered Engineer or Surveyor

Certificate of Approval (to be signed upon approval)

The subdivision plat hereon has been found to comply with the Oconee County Land Development Regulations and has been approved for recording. I certify that this plat creates a subdivision subject to and approved in accordance with the ordinances of Oconee County.

Date Planning Director

(d) Final plan review procedure.

- (1) Final approval of the submitted plans shall be granted to the applicant after a review by the planning director.
- (2) Final plan application shall include all of or phases of a subdivision for which preliminary approval was granted, and shall contain documentation that all required improvements have been installed and certified.
- (3) Final plan applications may be considered, at the discretion of the planning director, if accompanied by the required security in lieu of completion of improvement.
- (4) Upon a determination that the final plan application is completed; the planning director shall render a written approval or rejection. Said decision shall be made within 30 working days of application submittal.

A subdivider or any party materially affected by the planning director's decision may appeal to the planning commission in writing within ten working days of said decision. The commission shall schedule a hearing, conduct said hearing, and render a decision within 60 days of the date of appeal. The decision of the commission is final. The decision of the commission may be appealed to the circuit court within 30 days after the actual notice of the commission's decision.

(Ord. No. 2008-20, Art. 13(13.1, 13.2, 13.4, 13.5), 12-16-2008)

Sec. 32-224. Appeal of decision.

Any person aggrieved by the planning director's decision to approve or deny an application for subdivision record plat approval may appeal the decision to the planning commission in writing within ten working days of said decision as outlined in [section 32-223((d))], of this article.

(Ord. No. 2008-20, Art. 14, 12-16-2008)

Sec. 32-225. Violations and penalties.

- (a) Any violation of these regulations shall be a misdemeanor and, upon conviction, is punishable as provided by law.
- (b) Unapproved subdivision and subsequent transfer or sale of lots. Any such agreement, negotiated before such plat has been approved by the county planning commission and recorded by the county Register of Deeds shall be considered a violation of this article and punishable as provided herein. The description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer shall not exempt the transaction from these penalties. Oconee County may enjoin such transfer or sale or agreement by appropriate action.

(Ord. No. 2008-20, Art. 15, 12-16-2008)

Sec. 32-226. Legal provisions.

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

- (1) *Conflict with other laws, ordinances, or regulations.* Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of these regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.
- (2) *Severability.* Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.
- (3) *Repeal of conflicting ordinances.* All ordinances or parts of ordinances in conflict with any of the provisions of this article are hereby repealed.
- (4) *Amendments.* The planning commission shall hold a public hearing on any proposed amendment to these regulations; notice of time and place shall be given at least 30 days prior to the hearing date. The notice shall be placed in a newspaper of general circulation. Amendments may be adopted by vote of the county council.

(Ord. No. 2008-20, Art. 16(16.1—16.4), 12-16-2008)

Secs. 32-227—32-414. Reserved.

“Yard” Documents past this page.

Sec. 28-10. Miscellaneous provisions.

(a) *Solid waste containers.*

- (1) Solid waste shall be stored in solid waste containers, which are watertight, vector-resistant, durable, easily cleanable, and designed for safe handling.
- (2) Except when the containers are set out for collection, the solid waste generator shall keep and maintain all solid waste containers within the side or rear **yard** of the premises where the solid waste is generated.
- (3) No person shall place any solid waste container in any place or in any manner such that the container impedes normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
- (4) The solid waste generator shall not cause or permit any solid waste container to be filled in any manner which causes solid waste to overflow from the container.

(Ord. No. 2018-16, § 1(Att. A), 7-17-2018)

Sec. 32-212. Definitions.

When used in this article, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular.

Yard means a space that lies between the principal building or buildings and the nearest lot line or road right-of-way, as applicable. The minimum required yard shall be unoccupied and unobstructed from the ground upward, except as may be expressly permitted.

- (5) *Front yard* means a yard situated between the front building line and the front lot line or road right-of-way, as applicable, extending the full width of the lot.
- (6) *Rear yard* means a yard situated between the rear building line and the rear lot line extending the full width of the lot.
- (7) *Side yard* means a yard between the side building line and a side lot line that extends from the front yard to the rear yard.

(Ord. No. 2008-20, Art. 2, 12-16-2008; Ord. No. 2024-23, §§ 1, 2(Exh. A), 10-15-2024)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 32-214. Lot improvements.

- (a) *Lot arrangements.* All lots shall be arranged such that there will be no apparent difficulties in securing driveway encroachment permits or building permits for reasons of topography or other conditions and must have driveway access from an approved road. The developer shall be liable for all lots within a proposed subdivision.
- (b) *Lot dimensions.* Except where circumstances such as topography, watercourses, road alignment or existing site boundary configurations dictate otherwise, the following requirements shall apply:
 - (1) Dimensions of corner lots shall be large enough to allow for the erection of buildings observing the minimum **yard** setbacks from both streets, without encroaching into side and rear **yard** setbacks, established in the building line section of this chapter.
 - (2) Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for that type of development, without encroaching into **yard** setbacks.
- (c) *Lot size.* Minimum lot size shall be determined by the underlying zoning district located in chapter 38. All required setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.
- (d) *Building lines.* (See section 38-10.2 for all setback requirements in the control free district of the county.)

(Ord. No. 2008-20, Art. 4(4.1—4.12), 12-16-2008; Ord. No. 2015-15, § 1(Att. A), 6-2-2015; Ord. No. 2018-26, § 1(Att. A), 10-2-2018)

Sec. 34-146. Multiple connections through one-building sewer.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear building through an adjoining alley, court, **yard** or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

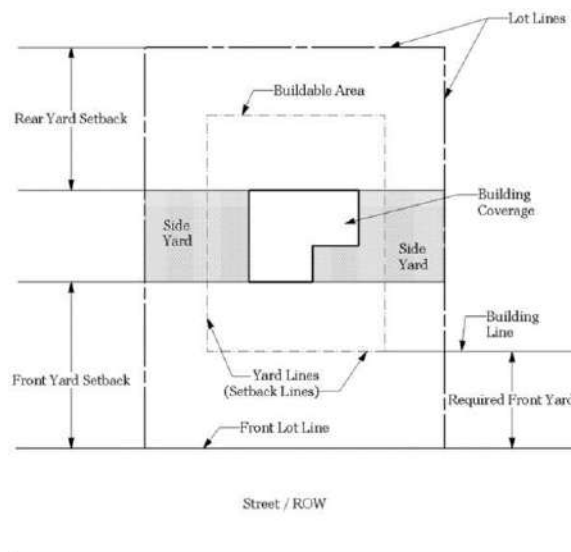
(Ord. No. 1995-07, § 2.6, 7-18-1995)

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

In addition to the dimensional requirements listed below and district dimensional requirements, further dimensional requirements may be set forth in article 5 for those uses listed as conditional. The control free district shall be exempt from the provisions of this section except provisions listed under item (2), setbacks.

(1) *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, or from the road right-of-way if applicable. 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 road right-of-way projects over a property line, the setback shall be measured from the road 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. For lots not meeting the required minimum lot width for the respective district at the front property line or road right-of-way, as applicable, the setback shall be measured such that the distance from the front property line or road right-of-way, as applicable, shall nonetheless be included in the measurement for the required setback. The buildable area shall not, however, include any area where the minimum lot width is not met. This provision is meant to apply to irregularly shaped lots, as generally determined by their existing lot width and configuration in relation to the district minimum lot width. This provision does not apply to flag lots. See section 38-9.3(1)(b) for flag lot provisions.
- f. Road design and encroachment criteria is governed by the standards in chapter 26, of the Oconee County Code of Ordinances, as amended.

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- g. Any garage door shall be set back a minimum of 20 feet from the property line that it faces so that vehicles may be parked in the driveway without encroaching into the right-of-way. If the district setback is greater than 20 feet, then the more restrictive setback shall prevail.
 - h. The side and rear setbacks in the CCD and HCD shall not apply to the shared property line of attached buildings.
 - i. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.
 - j. Steps and heating and cooling units may project into a required yard a distance not to exceed five feet but no closer than five feet of a property line. Fences, freestanding walls, retaining walls and appurtenances, hedges, and septic lines may be located in any setback, so long as they remain on the property.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2018-19, § 1(Att. A), 8-21-2018; Ord. No. 2024-23, §§ 1, 2(Exh. A), 10-15-2024; Ord. No. 2025-08, § 1, 5-6-2025)

Sec. 38-10.2. Control free district (CFD).

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

Dimensional requirements:

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre - If wastewater treatment not on site	4 dwellings per acre	N/A	15	5	5	65
	½ acre - If wastewater treatment on site	2 dwellings per acre	N/A	25	5	10	65

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

- A. These setback requirements shall not apply to subdivision plats that were recorded in the Office of the Oconee County Register of Deeds prior to May 7, 2002.
- B. Setback requirements do not apply to lot lines separating dwelling units which are part of a multi-family housing structure (e.g., townhouses).
- C. As to multi-family housing structures located on one lot (e.g., duplexes or apartments), setback requirements apply only to the exterior perimeter wall of the entire structure.
- D. Setback requirements do not apply to lot lines separating commercial units which are part of a multi-

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unit commercial structure (e.g., a strip mall).

- E. As to multi-unit commercial developments located on one lot (e.g., traditional malls, town centers, or mixed-use developments), setback requirements apply only to the exterior perimeter wall of an entire structure.
- F. The minimum lot size and maximum lot density provisions do not apply to lots that were lawfully created prior to July 18, 2024.
- G. The minimum lot size and maximum lot density provisions do not apply to parcels created by subdivision developments totaling ten or less new parcels. A larger subdivision project may not be broken into smaller subdivision projects for the purposes of circumventing the provisions of this section.
- H. For purposes of this section, "dwellings" may include separate units as accessory uses to be occupied only by employees or relatives of the primary dwelling.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2015-15, § 2(Att. B), 6-2-2015; Ord. No. 2016-40, § 1(Att. A), 2-7-2017; Ord. No. 2017-31, § 1(Att. A), 12-19-2017; Ord. No. 2018-04, § 1(Att. A), 2-20-2018; Ord. No. 2024-18, § 1(Exh. A), 7-16-2024)

Note(s)—Prior to Ordinance 2024-18, there were no established minimum lot size or maximum density provisions for residential uses. Further, consistent with Ord. No. 2018-04, previously established lots of less than ¼ acre require front setbacks of ten feet and rear setbacks of five feet.

Sec. 38-12.2. Definitions.

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

Building setback line (also referred to as "building line"): The line beyond which no part of the structure of any building shall project unless specially permitted in this Code of Ordinances and with the exception of subsurface projection of footings, measured perpendicular to the property line. This includes, but is not limited to, the building, eaves, porches, decks, chimneys, bay windows, and fire escapes.

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

Front yard setback—Shall be measured from the front property line or, if the road right-of-way projects over the front property line, then from the road right-of-way, all 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 each front property line or if a road right-of-way projects over the front property line(s), then from the road right-of-way(s).

On a flag lot the building setback line runs parallel to the street and is measured from the point in the "flag" portion of the lot where the required minimum lot size is met and which is closest to the street.

Yard: Yard means a space that lies between the principal building or buildings and the nearest lot line or road right-of-way, as applicable. The minimum required yard shall be unoccupied and unobstructed from the ground upward, except as may be expressly permitted.

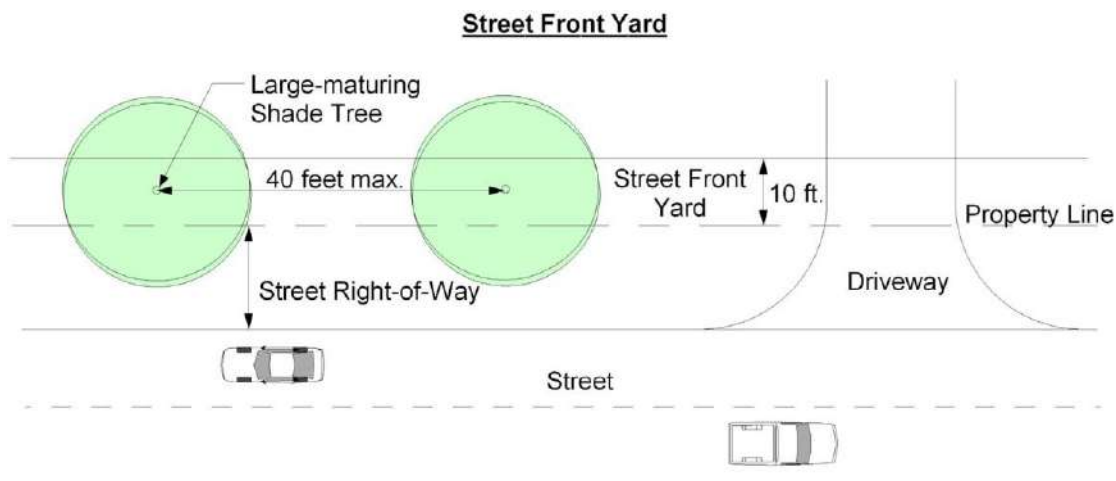
- (1) *Front yard* means a yard situated between the front building line and the front lot line or road right-of-way, as applicable, extending the full width of the lot.
- (2) *Rear yard* means a yard situated between the rear building line and the rear lot line extending the full width of the lot.
- (3) *Side yard* means a yard between the side building line and a side lot line that extends from the front yard to the rear yard.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2024-23, §§ 1, 2(Exh. A), 10-15-2024)

APPENDIX A

- (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.

- (7) *Street front yard.* Street front yards shall be located along property adjacent to all street rights-of-way. Street front yards must be located on private property and not within the street right-of-way. Portions of the property needed for driveways are exempted from these requirements. Street front yards shall be a minimum of ten feet in width, measured from the street(s) right-of-way abutting the property. Each street front yard shall contain at least one large maturing shade tree every 40 linear feet or fraction thereof. No street front yard shall contain less than one shade tree. Shrubs, groundcover, understory, and/or turf shall cover the remaining area within the street front yard.



- (9) *Existing trees.* Existing trees that have a minimum caliper size of four inches may be counted towards satisfying interior landscaping and street front yard requirements if such trees are preserved and adequately protected through all phases of construction. Credited trees shall be uniformly encircled by a fenced protection area of sufficient size (a circle whose center is the trunk and outer edge is the dripline) to insure tree health. Each four caliper inches of an existing tree shall be deemed the equivalent of one required two-inch caliper tree. If any preserved tree used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees.