

Chapter 26 Roads and Bridges

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Oconee County South Carolina

Comparison with adopted Chapter 26, Supplement No. 55. Red strikethrough indicates deletion; blue indicates insertion; black indicates retained text. Revisions show whole words. Historical ordinance citations are retained as source history.

ARTICLE I. IN GENERAL

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

Sec. 26-1. ~~General provisions.~~ Purpose and applicability.

~~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.~~

The provisions of article I, division 1, of this chapter shall govern the County road system, County road rights-of-way, public roads proposed for acceptance into the County road system, connections and encroachments affecting County roads, and the effect of subdivision and land development on the safety and capacity of County roads. Except as expressly provided in this chapter, the standards for a private driveway, private drive, or private road created or materially altered through subdivision or land development are set forth in chapter 32, article VI.

~~(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 than required in said manual for Class B Suburban Land Surveys.~~

~~(2)Utilities. When utilizing a 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. Road name signs shall be installed at all intersections within a subdivision. All other signs shall be installed as required 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 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 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) 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~~ Definitions and regulations, coordination with chapter 32.

~~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 to the extent required for the county to carry out its other duties and functions, such as approving the subdivision of property.~~

(a) Definitions. Private driveway, private drive, private road, and private roadway easement shall have the meanings stated in chapter 32. The classification and method for counting lots, dwelling units, and other units of development served shall be governed by section 32-228.

~~(a) Private driveways. Private driveways shall serve no more than three residential dwellings, and shall be maintained by County road means a road in the property owner(s). No design standards shall apply to private driveways, but driveways must comply with County road system under section 26-6 or a legacy County road whose status is established under section 26-11 or other applicable building and fire codes. law.~~

~~(b) Private drives. 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:~~

Road acceptance means the formal action by which the County accepts the required property interest and the maintenance responsibility specified in the acceptance action.

~~(1) Serve no more than ten lots or dwellings;~~

(b) The design, construction, materials, inspection, certification, maintenance, disclosure, and treatment of existing private access created or materially altered in a subdivision or land development shall be governed by chapter 32, article VI. A private access serving property outside a subdivision or development remains subject to otherwise applicable County and state requirements. Definitions in chapter 32 apply to a chapter 32 procedure referenced in this chapter but do not otherwise expand the application of this chapter.

~~(2) Have a minimum road right-of-way of 50 feet, or an appropriately executed private roadway easement as defined by these regulations;~~

(c) A connection from a private driveway, private drive, or private road to a County road shall also comply with section 26-7. A connection to a state road requires the approval of the South Carolina Department of Transportation. County approval does not replace state approval.

~~(3) Have an appropriate encroachment permit from either the county or the South Carolina Department of Transportation;~~

(d) Approval of private access under chapter 32 shall not constitute County acceptance or establish a right to later acceptance. A request for acceptance into the County road system shall be considered under section 26-6. County inspection, regulatory action, or emergency response shall not, by itself, constitute assumption of private maintenance responsibility.

~~(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; and 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, 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, 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 4¼ 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;

(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 _____."

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

(c) Private roads. Private roads shall provide vehicular access and road frontage to developments, or sections of developments, containing more than ten dwellings. 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:

(1) Serve a minimum of 11 lots;

(2) Have a minimum road right-of-way width of 50 feet;

(3) Be designed in accordance with the regulations set forth in subsections 26-3(e) and (r) 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 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, 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 _____."~~

~~(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.~~

~~(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.

~~(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.~~

This section establishes design, construction, and inspection standards for existing County roads to be reconstructed and public roads proposed for acceptance into the County road system. Compliance with this section is a condition of consideration for acceptance and does not itself constitute acceptance. Private roads serving land development shall be governed by chapter 32, article VI.

~~(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.~~

Survey standards. A person proposing a road for County acceptance shall provide a survey plat prepared in accordance with the applicable standards for the practice of surveying in South Carolina. Elevations shall be tied to an identified datum and at least two benchmarks. Construction plans shall comply with subsection (e)(12). Subdivision plat and private-road submittal requirements are governed by chapter 32.

~~(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.~~

(a) Existing road system. Existing County roads shall, where appropriate, be used to improve connectivity and access throughout the County. New direct access to a County road shall generally be limited to one private driveway, private drive, or private road per parcel. Additional access may be allowed when required by applicable law or emergency-access requirements, or when approved by the County Engineer or designee through the encroachment-permit process based on traffic safety, circulation, or site-specific conditions. Major subdivisions and commercial developments shall utilize internal road systems and minimize direct connections to County roads. Minor subdivisions shall, where feasible, provide a plan showing an access connection from the parent parcel to any remaining property that may be developed in the future. The access limitations established by this subsection shall apply to new or additional access proposed after adoption of this chapter. Nothing in this subsection shall require the removal or modification of a lawfully existing access point solely because it does not conform to the current access limitations.

~~(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.

(b) Public road system coordination. The County road system shall be coordinated with existing, proposed, and anticipated roads to promote continuity and connectivity within the County transportation network. Roads shall connect with surrounding roads at safe and convenient locations to facilitate the efficient movement of traffic and access by public safety vehicles. Where a future connection to an existing, proposed, or anticipated road is planned, the roadway and right-of-way shall be extended to the property line or to the edge of the remaining undeveloped portion of a single tract to allow for future connection.

~~(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:

(c) Road names and signs. A road name shall be approved under article II of this chapter at the Preliminary Plan stage when a Preliminary Plan is required by chapter 32, and before the name is shown on a final plat or other recordable instrument. A road that is an extension of an existing named road shall bear that name unless a different name is approved under article II. The developer shall install the signs required for a road proposed for County acceptance in accordance with section 26-107 and the approved construction plan.

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

(d) Reserved.

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

(e) Roadway geometric design. Roadway geometric design shall follow the applicable standards and criteria established by the 2018 edition of A Policy on Geometric Design of Highways and Streets, published by the

American Association of State Highway and Transportation Officials. Existing County roads to be reconstructed and roads proposed for County acceptance shall also meet the following minimum requirements for the road classification. In the event of a conflict, an express requirement of this subsection shall govern.

~~1 As determined by county engineer~~

Alignment. A road proposed for County acceptance shall follow the terrain, so far as practicable, to reduce unnecessary cutting and filling while meeting the applicable standards for grade, drainage, sight distance, accessibility, and emergency access.

~~For high density residential or nonresidential subdivisions or portions thereof, additional right-of-way or pavement width (1) Minimum right-of-way, pavement, and shoulder widths shall be provided when determined as necessary by the planning commission or county engineer. follows:~~

~~(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.~~

<u>Road Type</u>	<u>Design Speed</u>	<u>Right-of-Way</u>	<u>Pavement</u>	<u>Shoulder</u>
<u>Arterial</u>	<u>40 mph minimum</u>	<u>66 foot minimum</u>	<u>24 feet</u>	<u>8 feet</u>
<u>Collector</u>	<u>30 mph minimum</u>	<u>50 foot minimum</u>	<u>22 feet</u>	<u>6 feet</u>

~~(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.~~

(2) Reserved.

~~(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.~~

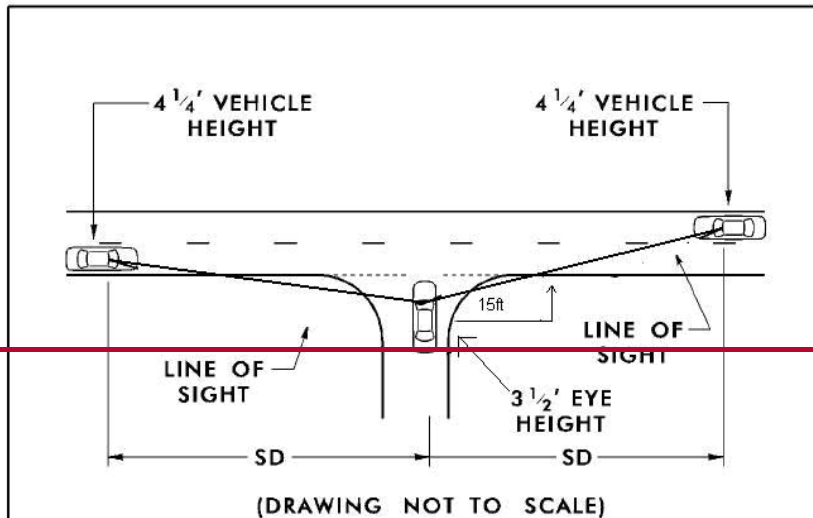
(3) Horizontal curvature shall be introduced at any change in road direction, and the minimum centerline radius shall be based on a maximum superelevation rate (emax) of 6 percent. For example, the minimum curve radius is 231 feet for collector roads at a 30-mph design speed and 485 feet for arterial roads at a 40-mph design speed. The minimum tangent between reverse curves shall allow the driver to have 6 to 7 seconds of travel time before having to change course coming out of a curve with normal crown. For example, at a 30-mph design speed, the minimum tangent length is 300 feet. For reverse curves that are superelevated, tangents shall accommodate superelevation runoff and tangent runoff.

~~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.~~

(4) Stopping sight distance and vertical curves. Vertical curves, horizontal curves, and intersections shall provide the minimum stopping sight distance for the applicable design speed. The minimum stopping sight distance and vertical curve K-values shall be based on the applicable AASHTO design criteria. For ease of review, the minimum values are as follows:

~~Superseded sight distance illustration~~

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

<u>Design Speed</u> <u>(mph)</u>	<u>Minimum Stopping Sight</u> <u>Distance</u>	<u>Minimum Crest Curve K</u> <u>Value</u>	<u>Minimum Sag Curve K Value</u>
<u>30</u>	<u>200 feet</u>	<u>19</u>	<u>37</u>
<u>35</u>	<u>250 feet</u>	<u>29</u>	<u>49</u>
<u>40</u>	<u>305 feet</u>	<u>44</u>	<u>64</u>
<u>45</u>	<u>360 feet</u>	<u>61</u>	<u>79</u>
<u>50</u>	<u>425 feet</u>	<u>84</u>	<u>96</u>

~~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 insure safety.~~

a. Minimum sight distance at roadway intersections shall provide a clear sight triangle. Sight profiles shall be provided to ensure proper sight distance. The right-of-way shall be clear of obstacles to provide the minimum sight distance required based on the design speed of the intersecting roads and the intersection configuration. The necessary right-of-way in either direction shall be included in the right-of-way and shown on the final plat prior to recording.

~~(5)Roads-~~ (5) Intersection skew. 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-~~ The 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-~~ feet.

~~(6)Road-~~ (6) Minimum and maximum grades. Roadway centerline grades shall be no less than 0.5 percent and no greater than ~~12-~~ 10 percent. The following shall apply:

Road Classification	Maximum Grade
Arterial Roads	4 percent
Collector Roads	6 percent
Local	12 percent

<u>Road Classification</u>	<u>Maximum Grade</u>
<u>Arterial Roads</u>	<u>8 percent</u>
<u>Collector Roads</u>	<u>10 percent</u>

~~(7)Proposed intersections on one side of a road-~~ (7) Intersection spacing. Roadway intersection spacing shall coincide with existing or proposed intersections on ~~meet~~ the opposite side. Minimum centerline offset for intersections on ~~requirements set forth in~~ 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. SCDOT Access and Roadside Management Standards, 2008 Edition, revised July 8, 2025.

~~(8)Intersections-~~ (8) Intersection grades. 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.~~ grade no more than 6 percent.

~~(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.~~

(9) Planted medians. If the developer proposes a roadway with a planted median, the road right-of-way shall be increased to accommodate the increased width needed. A perpetual maintenance plan and maintenance agreement shall be submitted to and approved by the County Engineer or designee prior to construction of the planted median. 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 have sufficient drainage.

~~(10) All driveway locations must be approved by the county engineer.~~

(10) Driveways. All proposed driveways shall obtain an encroachment permit. Existing driveways on roads proposed for County maintenance shall be inventoried and any deficiencies shall be documented on the as-built plans providing information about the condition, adequate sight distance, drainage and location of all existing driveways.

~~(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:~~

(11) Utilities. When utilizing a County-maintained road right-of-way, all utility lines located outside the shoulders and ditches shall be buried at a minimum depth of 36 inches. Utility lines located between the roadway and ditch shall be buried at a minimum depth of 42 inches. Such lines shall be located a minimum of three feet outside the roadway to protect the roadway and drainage system. No open trench method shall be used within two feet of the roadway. 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.

~~(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.~~

(12) Submission of road plans. Construction plans for roads shall include accurate topographic information in contour intervals no more than two feet. In addition, all roadway plans shall note the following items: the location and dimensions of all drainage features; routes of surface water drainage for the entire project; 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; slope steepness; 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.

~~(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.~~

(f) Road construction. In general, all public roads shall be constructed in accordance with the SCDOT "Standard Specifications for Highway Construction" (2025 edition) as they relate to earthwork, bases/subbases, paved surfaces, etc. The following requirements shall also apply:

~~(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.~~

(1) Paved road surfaces are required for all new roads and shall be designed by a professional engineer licensed in South Carolina. The County Engineer or designee shall waive the strict application of aggregate requirements for hot-mix asphalt pavement using materials prepared with stone from the County rock quarry for Type C asphalt mixes.

~~(4) Collector roads. Road base shall include 550 lbs. of stone per square yard (approx. 5) with two inch surface course of asphaltic concrete.~~

(2), (3) Reserved.

~~(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.~~

(4) Collector roads. The minimum pavement section for collector roads shall consist of not less than 8 inches of type #1 crusher run base, 2 ½ inches of Type C Intermediate, and 1 ½ inches of Type C Surface or equivalent based on structural number and pavement design.

~~(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.~~

(5) Arterial, industrial, and commercial roads. The minimum pavement section for arterial, industrial, and commercial roads shall consist of not less than 8 inches of type #1 crusher run base, 3 inches of Type C Intermediate, and 2 inches of Type C Surface or equivalent based on structural number and pavement design.

~~(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 subgrade. Rock, when encountered, shall be scarified to a minimum depth of three inches below subgrade. The entire right-of-way shall be graded.~~

(6) Reserved.

~~(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.~~

(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 subgrade. Rock, when encountered, shall be scarified to a minimum depth of three inches below subgrade. The entire right-of-way shall be graded to meet approved plans and specifications.

~~(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.~~

(8) All debris and other material deemed unsuitable by the County Engineer or designee 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.

~~(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.~~

(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. Before placing each subsequent layer, the compacted layer shall be scarified before placing fill. The County Engineer or designee may call for compaction tests at the completion of any of the six-inch lifts being made. Each lift shall be compacted to 95 percent of maximum density.

~~(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.~~

(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 plans.

~~(12) All pipe culverts shall consist of the following materials:~~

(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 or designee.

~~a. Reinforced concrete conforming to the requirements of American Association of State Highway Officials (AASHO) M170 Class 3 pipe.~~

(12) All pipe culverts shall consist of the following materials:

~~b. High density polyethylene (HDPE) corrugated with a smooth interior pipe~~ a. Reinforced concrete conforming to the requirements of American Association of State Highway and Transportation Officials ~~(AASHO) M294M, Type S (AASHTO) M170 Class 3 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.~~

b. High-density polypropylene pipe corrugated with a smooth interior conforming to the requirements of AASHTO M330, Type S pipe.

~~(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.~~

All pipe culverts shall be of sufficient size to adequately ensure proper drainage. Calculations by a professional engineer licensed by the State of South Carolina must be submitted and approved by the County Engineer or designee. Riprap shall be securely installed over an approved silt barrier to the height of the high-water mark around the end of all pipe culverts.

~~(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~~

(13) In the event that a crossing of a watercourse necessitates a bridge, such bridge shall conform to the SCDOT Bridge Design Manual (2006 edition) with a driving surface of at least 24 feet in width. Bridges shall be at an elevation approved by the County Engineer or designee. See section 26-3(p)(1).

~~(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.~~

(14) All drainage inlets and outlets not accessible from the road right-of-way must include a permanent easement allowing the responsible parties access to the adjacent property needed to perform necessary maintenance work.

Oconee County shall not be responsible for any damage off of the right-of-way due to high water or flash flood conditions.

~~(h) Inspections.~~

(g) Compaction and testing. Compaction of subgrade and base courses shall conform to the applicable sections of the South Carolina Department of Transportation Standard Specifications for Highway Construction (2025 edition). Nuclear compaction testing may be conducted on all subbases as directed by the County Engineer or designee. A loaded (minimum of 60,000 lbs. gross weight) tandem truck roll test of the subbase shall be performed. Compaction tests may be directed by the County Engineer or designee during an intermediate six-inch lift. A loaded (minimum of 60,000 lbs. gross weight) tandem roll test will also be performed upon placement of the base material prior to paving the road. Any substandard materials will be replaced and retested as directed by the County Engineer or designee. Upon completion of a road, all fills shall be protected by either seeding or riprap. All fills of 2½:1 or steeper shall be protected by riprap or other approved method. 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.

~~(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:~~

(h) Inspections.

~~a. At the completion of clearing and grubbing operations;~~

(1) A developer/owner shall notify the County Engineer or designee at least 48 hours prior to any requested inspection. 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 its quality substantiated by any tests deemed necessary, at the contractor's or owner's sole expense. Inspections shall be required for the following:

~~b. At a. At the completion of rough grading;~~ clearing and grubbing operations;

~~c. At b. At the completion of all utility construction along road right-of-way (including but not limited to water, sewer, electrical);~~ rough grading;

~~d. At c. At the completion of subgrade;~~ all utility construction along road right-of-way (including but not limited to water, sewer, electrical);

~~e. After installation and compaction~~ d. At the completion of base course; ~~subgrade;~~

~~f. During all pavement applications; and~~ e. After installation and compaction of base course;

~~g. Final acceptance inspection.~~ f. During all pavement applications; and

~~(2) The contractor/owner's engineer shall be present for the following inspections:~~ g. Final acceptance inspection.

~~a. Rough grading inspections;~~ (2) The project engineer retained by the owner or developer shall be present for the following inspections:

~~b. Subgrade;~~ a. Rough grading inspections;

~~c. Base course inspections; and~~

b. Subgrade;

~~d. Final acceptance inspection.~~ c. Base course inspections; and

~~(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.

d. The final inspection before a recommendation for acceptance under section 26-6. A private road approved under chapter 32 is not accepted automatically into the County road system and, if later proposed for acceptance, shall undergo the inspection and formal action required by section 26-6.

~~(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.~~

(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 warranty bond or letter of credit to secure that obligation for three years from the date of acceptance. The warranty bond or letter of credit shall equal 15 percent of construction cost and shall be reviewed and approved by the County Engineer or designee. The warranty bond or letter of credit shall be maintained by the County Finance Department. The warranty bond or letter of credit shall expire after three years from the date of acceptance of the road. In order to facilitate the acceptance process, once a road has been substantially completed the developer/owner may request a written punch list from the County Engineer or designee. The punch list will note the items that must be completed prior to acceptance of the road by the County.

~~(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.~~

(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.

~~(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.~~

(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-maintained road by the County.

~~(m) Road maintenance signs. 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, 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.~~

(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. 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.

~~(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.~~

(m), (n) Reserved.

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

~~(1) No hot mix~~ (1) No hot mix asphalt ~~surfacing work~~ surface paving shall be performed on a wet surface, ~~or~~ when the temperature is below 45 degrees Fahrenheit in the shade and falling, or when weather conditions are otherwise unfavorable. No proposed County-maintained road shall have surface paving performed between October 15 and March 15 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.~~ County Engineer or designee.

~~(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.~~

(2) Reserved.

~~(p) Drainage~~ (p) Drainage structures.

~~(1) Crossline~~ (1) Crossline pipes shall be designed to carry runoff from a 25-year, 24-hour design ~~storm and shall be RCP Class III concrete.~~ storm. The design shall be determined using runoff data sources and standard methods ~~approved by the county engineer.~~ in SCDOT Requirements for Hydraulic Design Studies (2009 edition). In no event shall a pipe less than 18 inches in diameter be accepted by the ~~county.~~ County. Crossline pipes or structures along Waters of the State shall be designed to pass a 100-year, 24-hour design storm.

~~(2) Concrete~~ (2) Driveway culverts must conform to South Carolina ~~Highway~~ Department of Transportation requirements. ~~HDPE double wall~~ Double-wall corrugated high-density polypropylene pipe with a smooth interior ~~pipe~~ conforming to the requirements of ~~American Association of State Highway Officials (AASHO) M294M,~~ AASHTO M330. 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 driveway culvert shall be less than 15 inches in diameter.

~~(3) Unless~~ (3) Unless approved by the ~~county engineer~~ County Engineer or designee 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.~~ maximum density.

~~(4) The~~ (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~~ (5) The ends of all pipe culverts shall be properly protected to prevent piping, erosion and scour. Placement of filter fabric and ~~rip rap~~ riprap shall be considered minimum treatment. End treatments shall be approved by the ~~county engineer~~ County Engineer or designee and shown on the plans.

~~(6) All~~ (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~~ (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~~ (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~~ (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

<u>Road Grade</u>	<u>Maximum Exit Interval</u>
<u>0—2 percent</u>	<u>800 feet</u>
<u>2.1—4 percent</u>	<u>700 feet</u>
<u>4.1—6 percent</u>	<u>600 feet</u>
<u>6.1—8 percent</u>	<u>500 feet</u>
<u>8.1—10 percent</u>	<u>400 feet</u>

~~(10) Exit~~ (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-~~ 800 feet. Special attention should be ~~used~~ given to designing exits at cul-de-sacs, to prevent overtopping the curb and catch basin.

~~(q) Sidewalks~~ (q) Sidewalks are only permitted in ~~county~~ County rights-of-way when they meet the following conditions:

~~(1)A-~~ (1) A financially responsible entity, as determined by the ~~county~~ 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~~ County that establishes the responsible entity's maintenance, repair, and liability obligations. These obligations will include the duty to defend and hold the ~~county~~ County harmless from any damages or claims for damages in any way related to sidewalk construction, maintenance, and repair.

~~(2)The~~ (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~~ County personnel.

~~(3) Necessary~~ (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:~~

(r) Reserved.

~~(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.~~ Reserved.

~~(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.~~

~~(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~~ (a) Upgrade of existing ~~county~~ 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.~~

(1) Roads owned or maintained by the County shall be listed on a priority upgrade list or a road maintenance plan maintained by the Oconee County Roads and Bridges Department. A rating system shall be used to prioritize roads on the priority upgrade list, with roads receiving the highest score having the highest priority.

~~(2) Roads~~ (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~~ (3) The following rating factors shall be used in determining the priority upgrade list:

~~a. Condition~~ a. Condition and width of driving surface;

~~b. Existing~~ b. Existing hazards;

~~c. Right-of-way~~ c. Right-of-way acquisition; and

~~d. Current~~ d. Current and projected traffic levels.

~~(4) County roads (whether~~ (4) County roads, whether paved or ~~gravel)~~ gravel, that are located outside the primary development areas ~~as~~ identified in the ~~county~~ County future land use map may be placed on the priority upgrade

list ~~based on the~~ upon recommendation of the ~~county engineer~~ County Engineer or designee and ~~the~~ agreement of the ~~council's transportation committee.~~ Oconee County Council 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.~~

(5) The County Engineer or designee shall review all roads within the County road system and make recommendations to the Planning Commission regarding changes to the priority upgrade list at the time of adoption or update of the Comprehensive Plan.

~~(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.~~

(6), (7) Reserved.

~~(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 road system. In order for the County to approve a subdivision or land development, the County road or network of County roads serving the proposed development must be adequate to accommodate the increase in traffic resulting from the development. For a development consisting of 11 or more lots, dwelling units, or other units of development, the developer shall submit a traffic impact/road capacity study prepared by a qualified professional demonstrating that the County road or network of County roads serving the proposed development can adequately accommodate the traffic generated by the proposed development. The County Engineer or designee may require a traffic impact/road capacity study for other developments when, based upon the location, proposed use, anticipated traffic generation, existing road conditions, or other relevant factors, such a study is necessary to determine the adequacy of the existing road system. The extent of the study shall be determined by the County Engineer or designee on a case-by-case basis. The study shall be reviewed and approved by the County Engineer or designee prior to development approval. If the County Engineer or designee determines that the development will increase average daily traffic (ADT) on a County road to the extent that the road will need to be upgraded to safely accommodate the increased traffic, improvements shall be made in accordance with the applicable road classification and standards in this chapter. The developer shall be responsible for all costs, including right-of-way acquisition, necessary to upgrade the road.

~~(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.

~~(c)Criteria (1) A minimum of 50 feet of right-of-way is required for road improvement projects. the entire road.~~

~~(1)A minimum of 50 feet of right-of-way is required for (2) Utilities must not be located, to the entire road. extent practicable, beneath the road surface (excluding sanitary sewer).~~

~~(2)Utilities must not be located, to (3) A minimum 50-foot radius of right-of-way is required for the extent practicable, beneath the road surface (excluding sanitary sewer). purpose of constructing an appropriate turnaround for improvement projects along terminating roads.~~

~~(3)A minimum of 50 feet radius of right-of-way is required for (4) Road improvement projects shall match existing County standards, to the purpose of constructing an appropriate turnaround for improvements projects along terminating roads. extent practicable.~~

~~(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 (d) Scoring~~ gravel roads.

~~(1)A (1) A~~ trip generation prediction will be calculated with data collection and other methods outlined by the Institute of Transportation Engineers.

~~(2)ADT (2) ADT~~ (Modeled or Measured Average Daily Trips) will be combined with safety ~~Parameters 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

<u>Slope or grade</u>	<u>X 20 points</u>
<u>Intersection</u>	<u>X 20 points</u>
<u>Width</u>	<u>X 20 points</u>

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

~~(3)ADT~~ [\(3\) ADT](#) and safety parameters will be the primary factors in scoring gravel roads.

~~(4)For~~ [\(4\) For](#) example, if traffic counts were measured to be 480 ADT; ~~and the slope exceeded 12 percent, it percent; the intersection is in compliance; the road~~ was 20 ~~feet, and feet wide; the road~~ had no ~~cul-de-sac cul-de-sac; and the road alignment met standards,~~ 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~~ [County](#) road system.

~~The following provisions shall apply to the construction of any road intended~~ [\(a\) Eligibility for future acceptance into the county road system.](#) ~~acceptance.~~

~~(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.~~

[\(1\) Roads eligible for acceptance shall be collector roads or higher that benefit network connectivity by facilitating movement through the County transportation network rather than primarily providing access to individual developments or properties. Road design classifications are set forth in section 26-3\(e\).](#)

~~(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.~~

[\(2\) Roads whose principal purpose is to provide direct access to individual developments or properties, serve internal subdivision circulation, or function as local access roads shall not be eligible for acceptance. Roads serving County-owned public facilities may be considered for acceptance regardless of functional classification when County Council determines that they serve a public purpose.](#)

~~(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.~~

[\(3\) A road shall meet the requirements of section 26-3 and the Transportation Element of the most recently adopted Oconee County Comprehensive Plan. The road shall connect by an approved connection to at least one federal, state, County, or municipal public road.](#)

~~(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.~~

[\(b\) Road status and acceptance. A road shown on a subdivision plat or land development plan shall be identified as a proposed County road, a private road, or a private road planned for possible future County acceptance. A final plat for the latter shall include the notice required by chapter 32. Approval of a subdivision, development plan or plat, permit, road construction plan, inspection, professional certification, or dedication shown on a plat shall not](#)

constitute County acceptance of a road, easement, or other property interest. Compliance with applicable construction standards establishes no entitlement to acceptance.

~~(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.~~

(c) Construction plans and application.

~~(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.~~

(1) Before construction begins, the owner or applicant shall submit construction plans with sufficient detail, including a cross section of the proposed road, to the County Engineer or designee. No construction shall commence until the County Engineer or designee has approved the plans in writing. The owner or applicant shall notify the County Engineer or designee before construction and provide weekly progress and inspection reports, including notification of the ending and planned commencement of construction intervals or phases.

~~(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.~~

(2) To request acceptance, the owner or applicant shall submit an application to the County Administrator with a survey plat duly recorded in the office of the Register of Deeds, the proposed conveyance instrument, approved construction plans, sealed as-built plans, material and compaction test results, drainage information, required certifications, and evidence of compliance with applicable phasing and security requirements.

~~(8) The roadway must connect to at least one federal, state, county, or municipal roadway.~~

(d) Engineering review.

~~(9) The county administrator is hereby authorized to accept roads and rights-of-way on behalf of county.~~

(1) Before consideration for acceptance, the road, drainage facilities, rights-of-way, utilities, and related infrastructure shall be inspected by a professional engineer licensed in South Carolina and retained by the owner or applicant, and by the County Engineer or designee. The project engineer shall provide written certification that the road and associated improvements have been constructed in compliance with approved plans, County specifications, and applicable provisions of this chapter.

(2) The County Engineer or designee shall verify prior construction-plan approval and receipt of required inspection notices, conduct a final acceptance inspection, and issue a written certification recommending acceptance or denial. A prior approval or inspection of a private road does not replace the final acceptance inspection.

(3) The County Engineer or designee may require drainage calculations, geotechnical reports, pavement core samples, or other documentation necessary to verify compliance. Deficiencies identified during inspection or review shall be corrected by the owner or applicant before consideration by County Council. An application lacking required documentation shall not be placed on a County Council agenda for consideration.

(e) Property and maintenance review. The County Attorney shall review the proposed deed, easement, or other instrument conveying the property interest required for the intended public use. The owner or applicant shall formally offer dedication, tender the required instrument, and provide the maintenance security required by section 26-3(i). The County Administrator shall submit the complete application, engineering certification, property-interest review, maintenance and fiscal assessment, and written recommendation to County Council.

(f) Council action. The County shall not accept a private road if the right-of-way proposed for acceptance would cause any lot or development to fail an applicable setback or density standard under chapter 38. County Council may accept or deny an eligible road after considering its condition and function, connectivity, public need, property interest, drainage, long-term maintenance obligation, and available resources. Acceptance shall be approved at a duly called meeting and evidenced by a separate written action of County Council identifying the road, accepted property interest, effective date, and any lawful condition. After that action, the County Administrator may execute and record the conveyance and implementing instruments in the office of the Register of Deeds within the scope of Council's authorization. The County shall give the applicant written notice and maintain the Council action, conveyance, plat, plans, inspection record, and certification as permanent road-system records.

(g) Costs and responsibility. All costs associated with engineering review, inspections, testing, certifications, corrective work, legal documentation, recording fees, and other activities necessary for acceptance shall be borne by the owner or applicant. County review, inspection, testing, or approval shall not constitute acceptance or a warranty by the County regarding the quality, safety, or durability of the road or related infrastructure. Acceptance remains within the sole discretion of County Council. County road funds shall not be expended to improve or maintain a private road before acceptance except as otherwise authorized by law.

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

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

(a) Connections and property interests. A temporary or permanent connection to a County road, including a driveway, logging entrance, construction entrance, or road intersection, requires prior written approval from the County Engineer or designee and any permit required by subsection (e). The County Engineer or designee shall consider sight distance, drainage, spacing, traffic, road condition, and safe operation. The County may authorize an encroachment only within the scope of its property interest. A conveyance of a County real-property interest requires the governing-body action and procedure required by law.

The ~~county~~County may only authorize encroachments or grant easements or rights-of-way, for any purpose, on those ~~county~~County roads for which it owns the right to do so, such as on rights-of-way deeded to the ~~county~~County in fee simple title. For other roads, such as those for which the ~~county~~County owns less than fee simple title, such as roads for which the ~~county~~County has only prescriptive easements, the ~~county~~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~~County on a ~~county~~County road must be approved in writing by the ~~county engineer~~County Engineer or designee 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~~County, including, without limitation, good engineering standards, the need to maintain ~~county~~County rights-of-way and keep them open, the convenience of the traveling public, and other similar professional considerations. If the ~~county engineer~~County Engineer or designee approves such encroachments, easements, or rights-of-way, the easements or rights-of-way may only be granted by ~~county council~~County Council, by ordinance, following a public hearing as a conveyance of interests in real property. The ~~county engineer~~County Engineer or designee may approve encroachments properly undertaken in accordance with this chapter.

~~(b) Work~~ (b) Work on ~~county~~County right-of-way. Property owners adjoining the ~~county~~County road right-of-way may request that the ~~county~~County perform work within the right-of-way to install new driveway aprons, mailbox turnouts, and/or culverts within the ~~county-maintained~~County-maintained right-of-way. The ~~county~~County, at its sole discretion, may elect to perform such work on a first pay, first scheduled, time-available basis. If the ~~county~~

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~~County from any liability associated with said work, in advance of scheduling the project. If the ~~county~~County constructs such driveway aprons, mailbox turnout, or culverts within the ~~county~~County right-of-way, such work will be maintained by the ~~county~~County as a part of the ~~county~~County road system from that point.

The ~~county engineer~~County Engineer or ~~his~~-designee will provide a ~~nonbinding~~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.~~ (c) Drainage.

~~(1) Property~~ (1) Property owners adjoining the road right-of-way may request that the ~~county~~County perform work to assist the property owner with a drainage problem. The ~~county~~County may, at its sole discretion, construct berms, swales and/or ditches, or install pipe along the ~~county-maintained~~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~~County from any liability associated with future drainage problems, in advance of the ~~county~~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~~County, as a part of the ~~county~~County road system from that point.

~~(2) The county engineer~~ (2) The County Engineer or ~~his designee~~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~~ (3) The County cannot assist in any drainage matter outside of the road right-of-way, and may only perform work within the ~~county~~County right-of-way.

~~(4) No~~ (4) No property owner or any other person shall modify any drainage in any manner that affects a ~~county~~County road without the written approval, in advance, of the ~~county engineer~~County Engineer or designee.

~~(d) Damages.~~ (d) Damages.

~~(1) Any~~ (1) Any person, entity or utility that engages in an activity which causes damage to a ~~county~~County road or road structure shall be responsible for repairing said ~~county~~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~~ (2) Any person driving, operating or moving any vehicle, object or contrivance upon any ~~county~~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~~County for the cost of such injury or damage.

~~(e) Encroachment.~~ (e) Encroachment.

~~(1) All~~ (1) All persons desiring to excavate within, encroach upon, or in any way alter a ~~county-maintained~~County-maintained road and/or right-of-way, shall notify the ~~county engineer~~County Engineer or designee and submit to the ~~county~~County road department an application for an encroachment permit, together with the required fees and security as determined and established periodically by ~~county council~~County Council. Notice will be given by the applicant to the ~~county~~County at least 48 hours prior to initiating such work, and only after receiving an approved permit from the ~~county~~County. A schedule of required fees and securities shall be available for review from the ~~county~~County road department. No person may excavate within, encroach upon, or in any way alter a ~~county-maintained~~County-maintained road or right-of-way without the written approval, in advance, by approved permit, of the ~~county engineer~~County Engineer or designee. In determining whether to approve any such request, and issue a permit, the ~~county engineer~~County Engineer or designee will consider all factors, including the needs of the applicant, as well as the needs of the ~~county~~County, including, without limitation, good engineering standards, the need to maintain ~~county~~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, 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 ~~Read~~ Roads and Bridges Department and approved by ~~county council~~ County Council from time to time and is included herein by reference. The ~~county engineer~~ County Engineer or designee 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~~ Utilities within a County road right-of-way shall comply with section 26-3(e)(11). Crossings and service stub-outs needed to avoid future pavement cuts shall be installed before final surfacing. Such work requires the permit and approval required by this subsection. A person aggrieved by a final written decision of the ~~county engineer~~ County Engineer or designee under this subsection may seek administrative review under 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.~~ 26-8.

Oconee County Council shall, from time to time, approve the ~~county's~~ 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, County,~~ acting by and through the ~~county council,~~ County Council, may revise the policy, application form, or fees, as it desires, in the future by simple resolution of ~~county council,~~ County Council, and may include the fees schedule in the schedule of departmental fees that is contained in a proviso in the annual ~~county~~ County budget ordinance. More ~~substantial,~~ substantial revisions and all substantive revisions to policy, application form, and fees must be revised by ~~county council~~ County Council ordinance, including, without limitation, the annual ~~county~~ County budget ordinance.

~~(2) Upon~~ (2) Upon completing the permitted activity, the applicant shall restore the ~~county maintained~~ County-maintained road and/or right-of-way to its original condition (except for any permanent alteration approved by ~~county~~ County permit, and through a ~~county-granted~~ County-granted right-of-way or easement), ~~insuring~~ ensuring 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,~~ County Engineer or designee, upon final inspection, approves the repair. If the ~~county engineer~~ County Engineer or designee deems the repair to be unacceptable, the security shall be retained by the ~~county~~ 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~~ County-maintained road or right-of-way shall be borne by the applicant.

~~(3) Driveway~~ (3) Driveway aprons and mailbox turnouts abutting ~~county maintained~~ 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~~ 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~~ (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~~ (f) Road safety.

~~(1) All~~ (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~~ (2) No person shall place any type of material within three feet of the driving surface.

~~(3)No~~ (3) No person shall place a sign on a road in the ~~county~~ County that will restrict visibility or inhibit sight lines of drivers.

~~(4)Signs~~ (4) Signs (other than ~~these~~ those regulated by state or federal law, such as political signs) remaining in place for more than seven days on ~~county roads,~~ County roads will require an encroachment permit from the ~~county~~ County road department.

~~(g)Inspections.~~ (g) Inspections. A ~~developer/owner~~ developer, owner, or ~~any~~ other affected entity shall notify the ~~county engineer~~ County Engineer or designee at least 48 hours ~~prior to any~~ before a requested inspection required by this chapter for ~~public work on a County road or private roads,~~ its right-of-way or for a road proposed for County acceptance. Inspection ~~fees, for such inspections, fees~~ shall be established by resolution, ~~ordinance~~ ordinance, or other official act of ~~county council from time to time,~~ County Council and ~~must shall~~ be ~~paid,~~ paid in full, ~~full~~ before ~~the county will finally accept the road(s) in question. All such fees, once paid,~~ acceptance. Fees shall be maintained ~~by the county~~ in a separate account used only for the County road inspection program ~~of the county, and will only shall be in such amount(s) as will be limited to amounts~~ sufficient to maintain ~~such that~~ program. Work ~~done prior to performed before~~ inspection is ~~done undertaken~~ at the contractor's and owner's own risk and may, upon decision of the ~~county engineer~~ County Engineer or designee, be required to be removed and redone or ~~have the quality substantiated by any necessary tests deemed necessary, all~~ at the contractor's ~~and/or~~ or owner's sole expense. ~~Inspections~~ Inspection stages for road construction are set forth in section 26-3(h). Inspection of a private road under a subdivision or land development approval shall be required for the following: governed by chapter 32.

~~(1)At the completion of clearing and grubbing operations;~~

(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.

~~(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~~ County.

Sec. 26-8. ~~Variance from road standards.~~ Technical modifications and administrative review.

~~(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.~~

(a) Applicability. This section governs technical modifications and administrative decisions concerning roads subject to article I, division 1, of this chapter. Appeals from staff approval or denial of a subdivision or land

development plan or plat shall be governed by chapter 32 and applicable state law. Appeals involving non-subdivision performance standards shall be governed by chapter 32, and zoning appeals and variances shall be governed by chapter 38 and applicable state law. Appeals of addressing decisions shall be governed by section 26-109.

~~(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.~~

(b) Technical modification. Before work begins, an applicant may request a written modification of a road design or construction detail. The County Engineer or designee may grant the request only upon written findings that a site-specific condition makes strict compliance impracticable and the alternative provides equal or greater safety, drainage performance, durability, and serviceability. The applicant shall submit the affected provision, plan, proposed alternative, and sealed professional analysis. A modification shall not waive state or federal law, convey a property interest, accept a road, shift an unapproved maintenance cost to the County, or excuse completed noncompliant work.

~~(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.~~

(c) Decision and record. The County Engineer or designee shall issue a written decision stating the facts, findings, applicable conditions, and duration. The decision and supporting materials shall be maintained with the plan or permit file.

~~(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.~~

(d) Appeal of decision. A person aggrieved by a final written decision of the County Engineer or designee under this section or section 26-7(e) may appeal to the Planning Commission by filing a written notice of appeal with the Planning Director within ten days after actual notice of the decision. The notice shall identify the decision appealed and state the grounds for appeal. The County Engineer or designee shall transmit the decision and supporting record to the Planning Commission. The Planning Commission shall hear the appeal and may affirm, reverse, modify, or remand the decision in accordance with the standards of this chapter. The Planning Commission shall issue a written decision stating the basis for its action. An appeal from approval or denial of a subdivision or land development plan or plat shall be governed by chapter 32. A request under this section shall not be routed to the board of zoning appeals solely because it seeks relief from a road standard.

~~(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.

(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.

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

~~(a)Purpose-~~(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~~-"County") road and highway system (the "~~county~~-"County road system") and to discontinue from the ~~county~~-County road system those streets, roads and highways found by the ~~county~~-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~~-County road system, nor any other section of chapter 26 of the Code of Ordinances, except as explicitly addressed herein.

~~(b)Oconee-~~(b) Oconee County road map. The ~~county~~-County department that currently maintains the Geographic Information System (the "GIS") of the ~~county~~-County shall maintain in its office a map of the ~~county~~-County and such other records as may be deemed necessary or convenient showing the location and number of each roadway within the ~~county~~-County which is a part of the ~~county~~-County road system (the "~~county~~-"County map"). ~~On-At~~ 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~~-County department that maintains the GIS to make such additions and deletions of road and highway sections upon such ~~county~~-County map, as may be necessary to keep such ~~county~~-County map current as conclusive evidence of the existence of a ~~county~~-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~~-County map for accuracy and shall inform the ~~county administrator~~-County Administrator that such ~~county~~-County map has been updated appropriately. At such time, the ~~county administrator~~-County Administrator shall inform the ~~county council~~-County Council that such ~~county~~-County map has been updated as directed by ~~county council~~-County Council. Where practical, written rights-of-way shall be obtained on roads and highways maintained by the ~~county~~-County. Provided, however, recognizing that many roadways presently a part of the ~~county~~-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~~-County road. All ~~newly constructed county~~-newly constructed County roads, including subdivision roads, shall become a part of the ~~county~~-County road system only in accordance with section 26-6, ~~hereof, and only when granted upon the grant of the required property interest~~ by written instrument, either by deed or ~~by~~ dedication on ~~plats of subdivisions a subdivision plat~~ duly filed in the office of the ~~clerk~~-Register of court ~~which are formally accepted-Deeds, and formal acceptance~~ 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~~-County road or highway section, which is currently included in the ~~county~~-County road system, as evidenced by the inclusion of the road or highway section in the ~~county~~-County map, is changed on the ~~county~~-County map in accordance with existing ~~county~~-County policy and procedures, to keep such ~~county~~-County map current.

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

~~(1)An-~~(1) An attempt has been made and will continue to be made to identify all roadways located in the ~~county~~-County which are useful and necessary for the traveling public and have been designated and treated by the ~~county~~-County as ~~county~~-County roads; and

~~(2)Such-~~(2) Such roadways have been maintained by the ~~county~~-County since at least January 1, 1981, or have been dedicated to and accepted by the ~~county~~-County in accordance with then-current ~~county~~-County policies as ~~county~~-County roads; and

~~(3)There-~~(3) There exist many roadways which were formerly maintained by the ~~county~~-County, upon which maintenance is no longer required by reason of disuse or which were maintained by the ~~county~~-County under circumstances possibly contrary to the statutory law of this state, none of which have ever been accepted by the

~~county-County~~ as ~~county-County~~ roads or designated as such in accordance with then-current ~~county-County~~ policies.

~~(d) Official~~ (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) These~~ (1) Those unpaved roads or highways continuously maintained by ~~county-County~~ equipment as duly authorized by the administrator (or ~~his/her~~ a predecessor) of the ~~county-County~~ since January 1, 1981, and thereafter, and treated as and called ~~county-County~~ roads; and

~~(2) These~~ (2) Those roadways, streets or highways accepted into the ~~county-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~~ (3) All paved or asphalted roads running in and through the ~~county-County~~ other than roads and highways of the state and federal highway systems, and roads designated on the ~~county-County~~ records as "private roads", upon receipt of evidence satisfactory to the ~~county-administrator~~ County Administrator and public works director that such road(s) are, in fact, public roads of the ~~county-County~~, including, without limitation, through proof of dedication to public use and acceptance by the ~~county-County~~, or by proof of continuous use and maintenance as public roads by the ~~county-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-County~~ road system from the point of the blockade and shall not be maintained by the ~~county-County~~. Upon the identification of any such "orphaned" sections of roads which were previously ~~county-County~~ roads, actions shall be initiated by the ~~county-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-County~~ road system.

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

~~(e) Status~~ (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-County~~ shall not become a part of the ~~county-County~~ road system unless specifically accepted by the ~~county-County~~ as a ~~county-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-County~~. By appropriate action, however, the ~~county-County~~ may accept and incorporate any such abandoned roadway into its ~~county-County~~ road system, at the Oconee County Council's sole discretion, and in accordance with this chapter.

In the event a ~~county-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-County~~ and incorporated as a ~~county-County~~ road into the ~~county-County~~ road system, as evidenced by such road's inclusion in the ~~county-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-County~~ road system and the ~~county-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~~ 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~~ (a) Rudimentary roads. There is hereby established a class of public roads to be known as "rudimentary roads."

~~(b) Rudimentary~~ (b) Rudimentary road program. There is hereby established a rudimentary road program (the "program") by which the ~~county~~ County may receive and accept a limited number of substandard roads into the ~~county~~ County public road system for minimal upgrade and minimal maintenance as rudimentary roads.

~~(c) Criteria~~ (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~~ (1) The road must serve 11 or more occupied residences.

~~(2) The~~ (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~~ (3) The County must be deeded a 50-foot right-of-way easement, with language acceptable to the ~~county~~ County, to carry out all tasks necessary herein for the length of the road to be accepted by the ~~county~~ County. The road must be centered within the deeded right-of-way.

~~(4) The~~ (4) The road must have a cul-de-sac at its termination point, if any.

~~(5) All~~ (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~~ (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~~ (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~~ (8) All property owners adjacent to, and served by, the road must agree to release, indemnify, and hold the ~~county~~ 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~~ (9) The road shall be subject to an emergency service access review.

~~(d) Petition~~ (d) Petition for acceptance into the program.

~~(1) The county's~~ (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~~ (2) The County Engineer or designee shall review the petition and provide a "staff report" determining whether the petition is complete.

~~(3) Complete~~ (3) Complete petitions, along with the staff report, shall be submitted to the transportation committee of the ~~county council~~ County Council, which in turn will provide the staff report to the ~~county council~~ 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~~ 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~~ County or not. If the ~~county council~~ County Council approves the petition, it shall signify so by resolution.

~~(e)Minimal~~ (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~~ (1) The road shall be upgraded to a width of 20 feet and be centered in the 50-foot right-of-way.

~~(2)The~~ (2) The road's ~~center line's~~ centerline's vertical and horizontal alignment shall remain in roughly the same orientation as its pre-existing condition.

~~(3)The~~ (3) The road surface shall be upgraded to a minimum thickness of ~~six-inch~~ six inches of compacted stone. It shall not be paved.

~~(4)The~~ (4) The shoulders of the road shall extend four feet from the road surface.

~~(5)From~~ (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~~ (6) There shall exist or be constructed tail ditches at frequent intervals (e.g., every 400 feet).

~~(7)Any~~ (7) Any existing drainage pipes shall be extended to accommodate the new road width.

~~(8)If~~ (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~~ (9) No maintenance of storm drains, pipes, ditches, culverts, catch basins, etc. will be performed by the ~~county~~ County.

~~(10)Maintenance~~ (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~~ (11) Any upgrades occurring after the initial minimal upgrades performed by the ~~county~~ County must meet current ~~county~~ County standards for public roads (thus removing the subject road from the rudimentary road ~~class~~ class), be approved by the ~~county~~ County in writing, and be paid for by the residents.

~~(f)Relation~~ (f) Relation to other ordinances, resolutions or other enactments.

~~(1)As~~ (1) As the provisions of this section create a distinct program by which the ~~county~~ County may receive and accept a limited number of substandard roads into the ~~county~~ 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~~ 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~~ (2) To the extent any ordinance, resolution, or other enactment of the ~~county~~ 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~~ (g) Miscellaneous.

~~(1)Rudimentary~~ (1) Rudimentary roads shall not be eligible for improvements as contemplated by section 26-5.

~~(2)Subdivisions~~ (2) Subdivisions will not be permitted/allowed along rudimentary roads.

~~(3)Additional~~ (3) Additional ingress/egress encroachments along rudimentary roads are prohibited.

~~(4)Rudimentary~~ (4) Rudimentary roads are subject to such other limitations and restrictions as the ~~county~~ County administrator, County Administrator, in ~~his or her~~ the County Administrator's sole discretion, shall deem necessary for carrying out the intent of this section while not otherwise impacting the integrity or purposes of the ~~county~~ County public road system.

~~(5)Operation~~ (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~~" 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~~ 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~~ County that are designated by the State of South Carolina to be the responsibility of the ~~county~~ 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~~ 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~~ (a) The 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~~ 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~~ (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~~ Planning Commission from time to time as necessary.

~~(c) The county planning commission~~ (c) The Planning Commission shall maintain a master list of ~~a~~ road names assigned in the ~~county~~ County.

~~(d) Appropriate~~ (d) Appropriate fees may be established by resolution of ~~county council~~ 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~~ (a) All road signage shall meet the standards put forth in the Federal Highway Administration's Manual ~~of on~~ Uniform Traffic Control Devices, and policies outlined in the "Oconee County Road Naming and Addressing Policies."

~~(b)Appropriate~~ (b) Appropriate fees may be established by resolution, ordinance or other official act of ~~county council~~ County Council from time to time to cover costs related to road signage.

~~(c)All~~ (c) All costs associated with the installation of signage in a new subdivision shall be borne by the developer/owner.

~~(d)All~~ (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~~ (e) Property owners' associations ("POAs") and homeowners' associations ("HOAs") which are properly organized as legal entities and insured to the satisfaction of ~~county council~~ County Council, and which satisfactorily demonstrate to ~~county council~~ County Council the financial ability to do so, may request the ~~county~~ County, acting by and through the ~~county council~~ 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~~ County and hold the ~~county~~ 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~~ 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~~ 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~~ 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~~ (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~~ (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~~ (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~~ health, safety, and welfare of the public shall be changed as soon as is practicable.

~~(d)Written~~ (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~~ (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 from~~ a decision made by ~~the county~~ County addressing staff ~~must~~ shall be submitted in writing to the ~~planning director~~ Planning Director and ~~must indicate~~ shall state the specific reason for the appeal. The ~~planning director~~ Planning Director shall forward all appeals to the ~~planning commission, who~~ Planning Commission, which 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~~County addressing office shall assign all addresses issued in the ~~county~~County pursuant to state regulations and the standards contained in this article. The County addressing office or its authorized designee 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~~County-sanctioned authorization shall be issued for any building, structure, ~~development~~development, or other ~~usage~~use until appropriate addresses have been ~~assigned~~assigned. When chapter 32 requires addresses for a subdivision, those addresses shall be assigned before final subdivision approval.

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~~regulations and may subject the owner, agent or responsible party to all penalties ~~prescribed~~prescribed herein.

(Ord. No. 2007-10, § 11, 7-17-2007)

Sec. 26-112. Violations and penalties.

~~(a)Failure~~(a) Failure to 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~~exist shall constitute a separate offense.

~~(b)Tampering~~(b) Tampering with ~~street signs, road signs or~~posting illegal ~~street- road signs~~. 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~~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~~costs 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~~(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; ESTABLISHED

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; Ord. No. 2025-06, § 1(Exh. A), 4-1-2025)

Sec. 26-152. Definitions.

The following words, ~~terms~~terms, and phrases, when used in this ~~article~~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:~~ (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:~~ (2) Historic: Landscapes and structures that educate and stir an appreciation for the legacy of Oconee County's past.

~~(3)Cultural:~~ (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:~~ (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:~~ (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:~~ (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.~~ County Council. All scenic highways shall be divided into two route categories:

~~(1)Highways~~ (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~~ (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; Ord. No. 2025-06, § 1(Exh. A), 4-1-2025)

Sec. 26-153. Designation process.

~~(a)Applications~~ (a) Applications shall be submitted in writing to the planning department by a sponsoring organization (see section ~~25-154(B)), 26-154(b))~~, or by a property owner or group of property owners whose property is contiguous to the proposed scenic highway. Applications shall contain the contact information of the person designated by the submitting group as the primary contact for purposes of the designation process and subsequent regulatory and related activities if the proposed highway receives the scenic designation.

~~(b)All~~ **(b) All** persons or entities owning property that is contiguous to the right-of-way of the proposed scenic highway must sign the application for designation as a scenic highway.

~~(c)Upon~~ **(c) Upon** receipt of an application for the designation of a highway as a scenic highway, the ~~planning director,~~ **Planning Director** or ~~their designee,~~ **designee** shall forward the application to the staff liaison for the ~~planning commission,~~ **Planning Commission**, who shall then place review of the application on the next appropriate ~~planning commission~~ **Planning Commission** agenda for consideration.

Notice of the date, time, and nature of the ~~planning commission's~~ **Planning Commission's** meeting to consider the application for designation as a scenic highway shall be published in a newspaper of general circulation in the ~~county~~ **County** at least 15 days prior to the meeting. Additionally, signs measuring at least nine square ~~feet and noting that feet,~~ **feet, providing notice of** consideration of an application ~~for designation of to designate~~ the subject highway as a scenic highway, and containing contact information for the ~~planning commission's~~ **Planning Commission's** staff liaison, shall be posted at the beginning and end of the proposed scenic highway and at increments of no less than one mile along the length of the proposed scenic highway. These signs shall remain in place until ~~county council~~ **County Council** takes final action on the application, as provided for herein.

~~(d)The planning commission~~ **(d) 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~~ **Planning Commission** shall by vote determine a recommendation regarding the designation of the subject highway. The ~~planning commission's~~ **Planning Commission's** recommendation shall be forwarded to ~~county council~~ **County Council**. In the event ~~county council~~ **County Council** determines the proposed highway merits designation as a scenic highway, it shall so indicate its decision by ordinance. Prior to enactment of such ordinance, ~~county council~~ **County Council** shall hold a public hearing on the question of the proposed scenic highway designation. Notice of the public hearing shall be published in a newspaper of general circulation in the ~~county~~ **County** at least 15 days prior to the subject meeting, and written notice containing all pertinent information related to the public hearing shall be sent by ~~first-class~~ **first-class** mail to the owner of each parcel that is contiguous to the proposed scenic highway at least 15 days prior to the hearing. For the purposes of this section, the name and address of the owner of the parcel shall be as listed on the tax records maintained by the ~~county~~ **County** tax assessor.

~~(e)Any~~ **(e) Any** highway proposed for designation as a scenic highway that is rejected for designation by ~~county council,~~ **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; Ord. No. 2025-06, § 1(Exh. A), 4-1-2025)

Sec. 26-154. Regulations.

~~(a)It~~ **(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~~ **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~~ **its** facilities. Violation of this provision of this article shall be punishable by a fine not to exceed \$500.00.

~~(b)The~~ **(b) The** sponsoring organization or property owner(s) submitting an application to the ~~county~~ **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 property owner(s). 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~~ (c) A member of the ~~county~~County staff shall be designated by the ~~county administrator~~County Administrator to review the status of all ~~county~~County designated scenic highways every two years, or more frequently if deemed necessary by the ~~county administrator~~County Administrator or the designated staff member. 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~~Planning Commission, which shall notify the sponsoring organization or property owner(s) of the nature of the failure(s) and provide a 45-day period for corrective action. The ~~planning commission~~Planning Commission shall thereafter recommend a course of action to ~~county council~~County Council if necessary. Such recommendations may include, but are not limited to, reclassification to a lower category and/or redesignation.

~~(d) Regulations~~ (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)~~~~A~~ (e) A determination of this issue must be made within six months of the ~~county~~County receiving an application.

(Ord. No. 2017-22, § 1(Exh. A), 9-19-2017; Ord. No. 2025-06, § 1(Exh. A), 4-1-2025)

Sec. 26-155. Appendix A.

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

~~(1)~~~~A~~ (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~~ (2) A marked map clearly indicating the section of the highway the applicant is proposing for designation.

~~(3) Photographs~~ (3) Photographs or videos of areas which the applicant considers to be of intrinsic value or significance.

~~(4) Letters~~ (4) Letters of support from citizens, businesses, civic groups, and other organizations.

~~(5)~~~~A~~ (5) A maintenance plan outlining proposed litter collection activities.

~~(6)~~~~Any~~ (6) Any additional proposed actions intended to enhance and maintain the highway if designated a scenic highway.

(Ord. No. 2017-22, § 1(Exh. A), 9-19-2017; Ord. No. 2025-06, § 1(Exh. A), 4-1-2025)

Sec. 26-156. Appendix B.

Criteria for designating a highway as a scenic highway.

~~(a) The planning commission~~ (a) The Planning Commission shall consider the following in determining whether a highway should be designated as a scenic highway.

~~(1) Intrinsic~~ (1) Intrinsic qualities (as defined by this article).

~~(2) Additional~~ (2) Additional amenities and support (such as but not limited to):

~~a. Hospitality~~ a. Hospitality features.

~~b. Length~~ b. Length of route.

~~c. General~~ c. General support for proposed route.

~~d. Financial~~ d. Financial commitment.

~~e. Role~~ e. Role in regional/statewide strategy.

~~f. Protective~~ f. Protective easements, zoning overlays, or other land use restrictions.

~~(3) Features~~ (3) Features negatively impacting the scenic qualities of the highway, (such as but not limited to):

~~a. Junkyards/litter.~~ a. Junkyards/litter.

~~b. Dilapidated/unattractive~~ b. Dilapidated/unattractive structures.

~~c. Excessive~~ c. Excessive advertising.

~~d. Heavy~~ d. Heavy traffic uses.

~~e. Mining/lumbering~~ e. Mining/lumbering scars.

~~f. Heavy~~ f. Heavy industry.

~~g. Parallel~~ g. Parallel and visible utilities along highway.

~~h. Landfills/other~~ h. Landfills/other pollutants visible from route.

~~(4) Feasibility~~ (4) Feasibility of maintenance plan and responsibilities.

(Ord. No. 2017-22, § 2(Exh. A), 9-19-2017; Ord. No. 2025-06, § 1(Exh. A), 4-1-2025)

Chapter 32 Unified Performance Standards

Word track changes 4.4 | October 2, 2026

Oconee County South Carolina

Comparison with adopted Chapter 32, Supplement No. 55, within the approved amendment scope. Deletions appear in red strikethrough; insertions appear in blue; retained text is black. Revisions show whole words. Article VII remains unchanged. Other excluded articles are not reproduced.

ARTICLE V. GROUP RESIDENTIAL DEVELOPMENTS

Sec. 32-171. Authority of article provisions.

The regulations of this article are enacted pursuant to S.C. Code 1976, § 6-29-310, et seq.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-172. Purpose of article.

The regulations of this article are intended to lessen the adverse impact of large-scale group residential development on neighboring residential areas and to ensure the health, safety and general welfare of residents and citizens of the county.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-173. 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:

Board means the board of zoning appeals (BZA), as defined in section 32-5.

Exempted residential facility means recreational summer camps, day facilities, and religious retreat facilities, any of which do not provide for long-term stays of 30 days or more. Hospitals and nursing homes are exempted from the requirements of this article.

Group residential facility means a public, private, or not-for-profit ~~facility, which (i) provides a community living environment for individuals, whether or not disabled under applicable law, requiring custodial care, medical or therapeutic treatment, or specialized social services and (ii)~~ facility that houses ten or more persons not related by blood, marriage, or adoption in a residential or dormitory environment for a period of 30 days or more per ~~year~~. ~~Residential treatment centers (RTCs) are included in this definition. Proposed group residential facilities must show compliance with all applicable requirements~~ year and that is one of the ~~State of South Carolina~~ following:

(1) A community living facility for persons requiring custodial care, medical or therapeutic treatment, or specialized social services, including a residential treatment center;

(2) A fraternity house or sorority house providing communal residential accommodations for members or affiliates of a recognized fraternity or sorority.

A facility shall comply with all state requirements applicable to that facility.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-174. Group residential facilities permitted by special exception.

Persons desiring to build or expand a group residential facility as defined by this article shall make an application through the planning ~~director~~ director or ~~designee~~ designee to the board providing information required by this article. Development or expansion of a group residential facility may commence only with the approval of the board as a special exception after a public hearing in accordance with section 32-5.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-175. Review of application by planning ~~director,~~director or designee.

All applications for development or expansion of residential group facilities must be submitted to the county planning ~~director,~~director or designee for review. Applications must be complete and shall include all of the materials and information required by this article (application requirements and sketch plan and preliminary development plans) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. The planning ~~director,~~director or designee shall refer completed applications to the board for final review and approval as a special exception. The planning ~~director,~~director or designee shall act upon applications within 30 days of receipt, returning them for cause, or forwarding them to the board for further action.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-176. Public hearing and approval by the board.

The board shall conduct a public hearing and shall review applications for compliance with the provisions of this article, in particular with section 32-180, board criteria for granting a special exception and general criteria for special exceptions in article I of this chapter. Development or expansion may proceed only as approved by the board. Any changes in development or expansion plans as approved by the board shall require a new application.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-177. Appeals.

Whenever there is an alleged error by the planning ~~director,~~director or designee in an order, requirement, decision, or determination, an applicant may request a hearing before the board in accordance with the provisions of section 32-5. Appeals of the decisions of the board may be made to the county circuit court in accordance with the provisions of section 32-5. Appeal hearings shall be advertised and reasonable fees may be charged in accordance with article I of this chapter. Appeals of the decisions of county council may be made to the county circuit court in accordance with the South Carolina Code of Laws.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-178. Application requirements.

Applications for development or expansion of group residential facilities must include the following:

- (1) A complete description of the name and purpose of the proposed facility;
- (2) A complete list of the names, addresses, and phone numbers of board members, owners and investors, as applicable;
- (3) A copy of ~~a license~~any state license, or application for a ~~license to~~state license, required by law for operation of the state department of social services to operate a proposed group residential facility;
- (4) State tax identification number or tax exemption certification; and
- (5) Two copies of ~~a~~ preliminary development plans and a sketch plan displaying the physical and relative layout of the facility as outlined by section 32-179.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-179. Sketch plan and preliminary development plans.

A sketch and development plan will be required for all proposed group residential developments. 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 showing the relationship of the proposed development to the surrounding areas. The planning ~~director,~~director or designee may waive some of the following sketch plan elements on applications for minor

modifications and additions to existing facilities; otherwise, all sketch plan submittals shall include the following in sketch and narrative form:

- (1) An accounting of total acreage in the tract and any proposed subdivision of parcels;
- (2) Arrangement, shape, dimensions, and area of proposed development;
- (3) Location of existing property lines, easements, road rights-of-way, buildings, or other public ways adjoining the tract to be developed;
- (4) Alignment, right-of-way width, and clarification of proposed roads;
- (5) Topography by contour at intervals of not more than ten feet (as from USGS quad sheets);
- (6) Map scale, north arrow, and date;
- (7) Name/address/telephone number of legal owner or agent and the professional (surveyor or engineer) who will undertake detailed layout and improvements design;
- (8) Location of watercourses and land subject to flooding based on a 100-year frequency flood;
- (9) The existing and proposed uses of land throughout the development;
- (10) Proposed method of water supply and wastewater treatment and other utility services;
- (11) The proposed name of the development;
- (12) The owner/developer shall submit a sketch plan of this entire tract even though the subdivider's present plans call for the actual development of only a part of the property.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-180. Board criteria for granting a special exception.

The board criteria for granting a special exception shall be as follows:

- (1) Traffic flow from the facility shall not present a danger to local residents, motorists and pedestrians.
- (2) Noise, lighting, and activities carried out on the premises of the facility shall not present a nuisance to local residents.
- (3) The residents of the facility shall not present any potential danger to local residents.
- (4) The residents of the facility shall reside in a safe and healthy environment.
- (5) The proposed development is in compliance with the other provisions of this chapter.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-181. Reasonable accommodation requests.

Oconee County Council is authorized to grant reasonable accommodations under the Federal Fair Housing Act, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and the South Carolina Fair Housing Law, as amended, under the circumstances set forth in this section.

Any person who requires a reasonable accommodation, because of a disability, in the application of a land use or zoning law, rule, policy, or practice that may be acting as a barrier to equal opportunity to housing opportunities, or any person or persons acting on behalf of or for the benefit of such a person, may request such accommodation.

An application for a reasonable accommodation, which shall be in writing on a form prescribed by the county and available from the county planning department, shall be filed with the county administrator and the county planning director. At a minimum, the application shall contain:

- (1) The applicant's contact information (name, mailing address, telephone number, fax number, and email address);

- (2) The contact information for the owner(s) of the property (if different from the applicant);
- (3) The address of the property at which the reasonable accommodation is requested;
- (4) A full description of the reasonable accommodation requested;
- (5) A detailed statement explaining how and why the request meets the standards for a reasonable accommodation as set forth in this section;
- (6) The notarized signature of the applicant and property owner(s) (if different from the applicant); and
- (7) The information required under sections 32-178 and 32-179 of this article, provided the requirement of submitting such information is not the subject of the reasonable accommodation request.

No filing fee shall be required for the application.

County council shall consider the proposed reasonable accommodation and shall decide the request upon a majority vote of the members present.

County council shall grant a reasonable accommodation in relation to any provision of this article and related law, if county council finds that the applicant has demonstrated, by the greater weight of the evidence, that the proposed reasonable accommodation is both reasonable and necessary, in accordance with applicable law and the following:

- (1) "Reasonable": an accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing land use or zoning regulations, and if it will not impose significant financial and administrative burdens upon the county and/or constitute a substantial or fundamental alteration of the county's zoning or land use ordinance provisions; and
- (2) "Necessary": an accommodation will be determined to be necessary if it would provide direct or meaningful amelioration of the effects of the particular disability or handicap and would afford disabled or handicapped persons equal opportunity to enjoy and use a dwelling, including public and common spaces, in the county.

After county council has approved a reasonable accommodation request, the applicant shall follow all applicable land use ordinances, procedures, and regulations for the approval of any permits, certificates, or other approvals required in order to proceed with development or use of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodations granted by county council.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Sec. 32-182. Building permits and certificate of occupancy.

Building permits and certificate of occupancy shall not be issued until or unless authorized by the planning ~~director~~, [director](#) or designee and the proposed development is in compliance with the requirements of this article and the standard building codes as adopted by the county.

(Ord. No. 2022-09, § 1(Exh. A), 4-19-2022)

Secs. 32-183—32-210. Reserved.

ARTICLE VI. LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

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.~~

(c) Jurisdiction. These regulations shall apply to development and subdivision of land within the unincorporated areas of the county and any municipality that contracts with the county for their administration. Private drives, private roads, and private roadway easements serving development subject to this article are governed by this article. County roads and roads proposed for county acceptance are governed by chapter 26 as provided therein. Approval under this article does not constitute acceptance of a road or dedication into the county road system. In the event of a conflict between applicable county regulations, the more restrictive standard applies, subject to state law.

(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 assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- (3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (4) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
- (5) To 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.~~

Applicant means the owner or an authorized agent who applies for review under this article. The application shall identify the owner and include written authorization for an agent to act on the owner's behalf.

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.~~

Building footprint means the horizontal area occupied by a building, measured to the exterior face of its exterior walls at grade, together with any portion of an upper floor that extends beyond the exterior walls below. Open courts, uncovered patios, uncovered decks, steps, and similar uncovered features shall not be included in the building footprint. Exclusion from the building footprint does not exempt any structure or projection from applicable building setback requirements.

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)~~ manufactured home.

Caliper means the diameter of a nursery tree trunk measured six inches above ground for the installation-size requirements of this article.

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 of ten or more feet dedicated for public use, and intended for pedestrian access to adjacent land area.~~

Contiguous parcels under common ownership means two (2) or more parcels that share a common boundary or are otherwise contiguous and are owned, in whole or in part, by: (1) the same person or persons; (2) the same legal entity, including a corporation, limited liability company, partnership, trust, estate, or other legally recognized entity; or (3) different legal entities having substantially identical ownership, as evidenced by public records or documentation submitted as part of a subdivision application. For purposes of this chapter, contiguous parcels under common ownership shall be considered collectively only where expressly provided herein.

County Engineer or designee means the County official responsible for engineering review or a designee authorized to perform the particular technical review. This term is distinct from project engineer.

County road specifications means the county-adopted, titled and dated technical specifications applicable to materials, installation, compaction, testing, and workmanship, including express county modifications to any external standard.

Crosswalk means a designated pedestrian crossing across a roadway with a minimum width of six feet.

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

DBH means tree trunk diameter measured at breast height, four and one-half feet above ground.

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~~ the person or corporation (or agent therefore) that undertakes ~~entity undertaking land development or a subdivision, whether or not the activities covered by these regulations; developer owns the land.~~

~~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.~~

Development means a manmade change to improved or unimproved real estate, including construction, clearing, filling, grading, paving, or excavation. A review requirement applies when the activity meets the particular land-development or subdivision trigger stated in this article.

~~DHEC Dwelling means the South Carolina Department of Health and Environmental Control a building designed or used for residential occupancy containing one or more dwelling units.~~

~~Dwelling (1) Single-family dwelling means a building or portion of detached dwelling containing one dwelling unit on a building arranged and/or designed to provide living quarters for one or more families where each dwelling is provided with separate kitchen and bathroom facilities; single lot.~~

~~(1) Single-family dwelling (2) Duplex means a detached building containing two dwelling designed units arranged, designed, or used for or occupied exclusively by one family on a single lot; independent residential occupancy.~~

~~(2) Duplex (3) Group dwelling means a building arranged two or designed to be occupied by two families living independently of more principal residential structures on one lot, parcel, or tract, each other on a single lot; containing one or more dwelling units.~~

~~(3) Group dwelling means a group of two or more principal structures built on a single 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 containing three or more dwelling units arranged, designed, or used for independent residential occupancy, including apartment buildings or apartment complexes. Townhouse units and student housing, as separately defined in this chapter, are not classified as multiple-family dwellings solely by physical form.

~~(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 arranged, designed, or used as a single independent housekeeping unit for one household, with permanent provisions for living, sleeping, cooking, and sanitation. The presence of an additional kitchen, kitchenette, bathroom, or similar facility within a single-family dwelling does not, by itself, establish an additional dwelling unit unless the space is arranged, designed, or used for independent residential occupancy.

~~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.~~

Easement, private roadway means a recorded property interest granting specified persons and their successors the rights necessary for private vehicular access and for installation, inspection, repair, replacement, drainage, and maintenance of the roadway and utilities. The easement instrument shall identify beneficiaries and maintenance obligations and shall not convey county ownership or maintenance responsibility.

Exempt subdivision means a division qualifying for one of the informational exceptions stated within the definition of subdivision in this section.

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 construction, redevelopment, ~~construction, subdivision into parcels, a subdivision~~, condominium ~~complexes, complex~~, apartment ~~complexes, complex~~, commercial ~~parks, park~~, shopping ~~centers, center~~, industrial ~~parks, mobile home parks, and park~~, manufactured-home park, or similar developments project for sale, lease, sale or any combination of owner and rental characteristics. lease. A townhouse, condominium, or apartment project is subject to the applicable land-development review whether units are rented or separately owned.

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

Landscape area means a portion of a site containing vegetation to remain after construction, including natural areas, buffers, lawns, and plantings. Large-maturing tree, large-maturing shade tree, understory tree, and screening shall have the meanings stated in section 38-12.2 when used in the landscaping, screening, and buffer provisions of this article.

Lot means a parcel or tract of land existing, created, or proposed as a separate unit of land, including a remainder parcel.

(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:~~

Manufactured home (also referred to as a mobile home or 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 as a complete dwelling unit, usually including major appliances, and ready for occupancy. Removal of the wheels or placement on a permanent foundation does not change the manufactured home classification. A travel trailer is not a manufactured home.

~~(1) Results in a total of no more than ten lots; and~~

Manufactured-home park means a land development on commonly owned or operated land containing multiple sites for manufactured homes offered for occupancy without division of the sites into separately owned subdivision lots. Subdivision of separately owned lots is classified under the subdivision definitions of this article.

~~(2) May or may not involve the construction of a private drive, private road, or public road.~~ Multi-family housing means multiple-family dwelling as defined in this section.

~~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 of 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.~~

Oconee County road means a road in the Oconee County road system under section 26-6 or a legacy County road whose status is established under section 26-11 or other applicable law. The separate rudimentary-road program is governed by section 26-12. Approval of a plan or plat alone does not establish County-road status.

Parent parcel means, for purposes of section 32-213(h), all contiguous parcels under common ownership as they existed immediately prior to approval of the original minor subdivision.

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~~ Owner means an engineer registered and in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors who is the person or entity holding title to the property that is the agent-subject of an application. An applicant or developer is not necessarily the owner of the land proposed to be subdivided, or which is in the process of being subdivided. ~~owner.~~

~~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 parking spaces and associated maneuvering areas located outside a public road right-of-way and provided for vehicles associated with a use or development. Such spaces shall have lawful vehicular access and shall be arranged so that maneuvering incidental to parking does not occur on a public road.

~~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 public road arranged so that no maneuvering incidental to parking shall occur on any road.~~

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.~~ [Oconee County Planning Commission.](#)

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

[Plat means a survey drawing for land division. A sketch plan depicts the concept; a preliminary plan depicts the proposed development and construction; a final plat is the recordable survey instrument depicting the approved lots and interests. An as-built plan is a separate engineering record of completed improvements.](#)

(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.~~

[\(3\) Final plat means the recordable survey instrument depicting the approved lots and interests. An as-built plan is a separate engineering record of completed road construction, utilities, and other improvements.](#)

Potable water means water used or treated by a water company or utility to be sold for human consumption.

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

[Private drive means a privately maintained access within a private roadway easement serving four through ten lots, dwelling units, or other units of development, counted in accordance with section 32-228.](#)

Private ~~drive~~ driveway 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~~ private vehicular access ~~and road frontage to not less than four and not~~ [serving no more than ten single family residential lots.](#) ~~three lots, dwelling units, or other units of development, counted in accordance with section 32-228.~~

Private road means a ~~privately owned and~~ [privately](#) maintained ~~right-of-way that contains~~ [roadway within a private](#) roadway ~~constructed~~ [easement serving 11 or more lots, dwelling units, or other units of development, counted](#) in accordance with ~~these regulations and provides vehicular access and road frontage to more than ten single-family residential lots.~~ [section 32-228.](#)

~~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.~~

[Private-road maintenance instrument means a recorded covenant, easement, or agreement binding the owners and successors served by a private road and identifying the party responsible for its inspection, repair, replacement, drainage, signs, sidewalks, and related costs.](#)

[Project engineer means a professional engineer licensed in South Carolina and retained by the owner, developer, or applicant to prepare, supervise, or certify engineering design or construction required under this chapter.](#)

[Project land surveyor means a land surveyor licensed in South Carolina and retained by the owner, developer, or applicant to prepare or certify surveys, plats, or other surveying work required under this chapter.](#)

Public road means a road, including its public right-of-way, established for public use and accepted by the United States, the State of South Carolina, a municipality, or the County under applicable law. County-road design and eligibility for acceptance are governed by chapter 26.

(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.~~

(2) Collector road means a road whose primary function is to collect traffic from local roads and connect it to the arterial road system. County-road design classification is governed by section 26-3(e).

(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.

Road right-of-way width means ~~an~~ the width of the applicable public right-of-way or private roadway easement ~~within which utility installation, utility maintenance, road way construction, and roadway maintenance shall occur according to~~ is distinct from the standards put forth in these regulations. constructed travel surface.

~~The following are the required road rights-of-way and minimum road widths allowable:~~

Required County road rights-of-way and travel-surface widths shall be governed by section 26-3(e). Private access dimensions shall be governed by section 32-229. A private road classification does not establish eligibility for County acceptance.

~~Arterial roads:~~

Roadway means the constructed vehicular travel surface and associated shoulders, drainage, and appurtenances within a public right-of-way or private roadway easement; ownership and maintenance status shall be stated separately.

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

Roadway design manual means the 2021 edition of the South Carolina Department of Transportation Roadway Design Manual, including any express County modification adopted by ordinance, for private-road geometric design under this article. A later edition shall not apply unless adopted by County Council.

~~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).~~

SCDES means the South Carolina Department of Environmental Services, the state agency that succeeded to applicable environmental functions formerly administered by the South Carolina Department of Health and Environmental Control (DHEC). References in older permits, approvals, regulations, agreements, or other records to DHEC shall be understood to refer to SCDES where the applicable function or authority was transferred to SCDES.

Setback means the required minimum distance between a structure and the applicable property line, road right-of-way, or private roadway easement. Front setbacks shall be measured from the edge of the road right-of-way, not the edge of pavement; where frontage is on private access within a recorded private roadway easement, measurement shall be from the edge of that easement. Where no such right-of-way or easement exists, measurement shall be from the front property line. Applicable zoning setbacks and exceptions are governed by chapter 38.

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.

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

Street. See Public road.

Student housing means residential development designed, approved, or operated principally for students in which individual beds or bedrooms are rented separately or occupancy and management are otherwise organized by individual bed or bedroom. A conventional dwelling unit rented as a whole unit is not student housing solely because one or more occupants are students. A fraternity house or sorority house is regulated as a group residential facility and is not student housing for purposes of this definition. Approved bed means a bed authorized by the applicable land-use approval and shown on the approved plan.

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 ~~of~~ or future) of sale, lease, or building development; including all ~~division~~ divisions of land involving a new roadway or an alteration in an existing roadway. Also included are 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~~ law is also included. A subdivision can include townhouses, condominium complexes, apartment ~~complexes~~ complexes, multi-family housing, and ~~multi-family~~ multi-family student 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~~ Subdivision, major means ~~classification of terrain by grade ranges~~ any subdivision that does not qualify as follows: an exempt subdivision or a minor subdivision as defined in this chapter.

~~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.~~

Subdivision, minor means a subdivision that:

~~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.~~

(1) Results in no more than ten (10) lots, including any remainder parcel;

~~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.~~

(2) Does not require the construction of a new public road or private road as defined by this chapter;

~~Utilities means utilities shall consist-~~ (3) Does not require the extension of any and all utility services ~~public water or public sanitary sewer infrastructure intended 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.~~ serve additional lots; and

(4) Does not require the construction of shared stormwater or drainage infrastructure intended to serve more than one lot.

Townhouse means a building containing three or more attached single-family townhouse units.

Townhouse unit means an individual single-family dwelling unit within a townhouse that extends from foundation to roof, is separated from adjoining townhouse units by common walls, and has a setback area or public way on not less than two sides, whether conveyed as a separate lot, condominium unit, or other ownership interest.

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 Environmental Services.

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

Cross reference(s)—Definitions generally, § ~~1-2-1-2~~; [zoning and landscape terms incorporated in this article, § 38-12.2. These cross-references apply only to the terms and purposes expressly identified in this article.](#)

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.~~

[\(a\) Unapproved plat prohibition. No subdivision plat or land-development plan subject to this article shall be filed or recorded with the Oconee County Register of Deeds until it has been approved and signed by the planning director or authorized designee in accordance with this article. Required improvements and permits remain subject to the applicable review procedures. Approval of a plan or plat does not constitute County acceptance of a road or other property interest.](#)

~~(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).~~

[\(b\) Survey standards. Plats and survey data shall comply with the Standards of Practice Manual for Surveying in South Carolina, S.C. Code of Regulations, chapter 49, article 4, as applicable. Elevation information shall identify its vertical datum, and any assumed datum shall be identified as such. The project land surveyor shall establish and identify the benchmarks required by the applicable surveying standards.](#)

(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 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. Road name signs shall be installed at all intersections with a subdivision. All other signs shall be installed as required 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.~~

(e) Road names and signs.

(1) Road names. Proposed road names shall be submitted for approval under chapter 26, article II, at the Preliminary Plan stage, where a Preliminary Plan is required. Required road names shall be approved before final subdivision approval. Assigned addresses required under section 26-111 shall be obtained before final subdivision approval.

(2) Road signs. The developer shall install and pay for road-name and traffic-control signs required for private drives and private roads under sections 26-102, 26-106, 26-107, and 32-230 before final approval. A required load-limit sign may be documented by dated photographs and the project engineer's certification identifying its location and content; no separate County visit is required solely to observe that sign. Sign requirements for a road proposed for County acceptance remain subject to chapter 26.

(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).~~ subdivision review and approval.

~~(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.~~

(1) Applicability. The provisions of this subsection shall apply to all subdivisions meeting the definition of a minor subdivision contained in this chapter. Minor subdivisions shall be reviewed administratively and shall not require review or approval by the planning commission.

~~(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)~~

(2) Submittal. An applicant proposing a minor subdivision shall submit a final plat to the planning department. The plat shall be prepared and sealed by a land surveyor licensed in the State of South Carolina and shall contain all information required by this chapter.

(3) Review. The planning director or designee shall review the final plat for completeness and compliance with the requirements of this chapter and all other applicable laws and regulations. The planning director may distribute the plat to appropriate agencies for review and comment and may require additional information reasonably necessary to determine compliance with this chapter. Approval of a minor subdivision plat shall not constitute approval of any onsite wastewater disposal system. All permits required by the South Carolina Department of Environmental Services shall be obtained prior to issuance of any building permit.

(4) Action. The planning director is authorized to approve, approve with conditions, or disapprove a minor subdivision plat. Approval shall be granted only upon a determination that the subdivision satisfies the definition of a minor subdivision and complies with all applicable provisions of this chapter. If the application is disapproved, the planning director shall provide the applicant with the reasons for denial.

(5) Approval and recording. Upon approval, the planning director shall sign the final plat. The applicant shall record the approved plat in the Office of the Oconee County Register of Deeds. No lot shall be created or conveyed until the approved plat has been recorded.

(6) Reclassification. If the planning director determines that a proposed subdivision does not qualify as a minor subdivision, the application shall be processed as a major subdivision in accordance with this chapter.

(h) Minor subdivision limitations.

(1) Purpose and intent. The purpose of this subsection is to preserve the availability of the minor subdivision process for limited land divisions while preventing the avoidance of the review requirements applicable to major subdivisions through phased, sequential, coordinated, or otherwise related divisions of contiguous parcels under common ownership.

(2) Parent parcel. For purposes of this subsection, the parent parcel shall consist of all contiguous parcels under common ownership as they existed immediately prior to approval of the original minor subdivision.

(3) Two-year limitation. Following the recordation of a minor subdivision plat, the parent parcel shall not be eligible for approval of another minor subdivision for a period of two (2) years unless the proposed subdivision is processed as a major subdivision in accordance with this chapter. The two-year limitation shall apply to the entire parent parcel regardless of any subsequent conveyance, transfer of ownership, subdivision, or division of the property.

(4) Reestablishment of minor subdivision eligibility. Upon expiration of the two-year limitation, the parent parcel may again be considered for approval as a minor subdivision, provided the proposed subdivision independently satisfies the definition of a minor subdivision and all other applicable requirements of this chapter. The expiration of the two-year limitation shall not exempt a subdivision from any other provision of this chapter.

(5) Simultaneous or related applications. Multiple subdivision applications involving the same parent parcel or contiguous parcels under common ownership that are submitted simultaneously, or during the same review period, shall be considered a single subdivision for purposes of determining compliance with this chapter. Applications involving the same parent parcel shall not be reviewed as separate minor subdivisions where the combined proposal would otherwise constitute a single subdivision under this chapter.

(6) Administrative determination. The planning director shall determine whether a proposed subdivision qualifies as a minor subdivision based upon the definition of minor subdivision, recorded plats, dates of recordation, parcel history, the extent of contiguous parcels under common ownership existing immediately prior to approval of the

original minor subdivision, and all other applicable provisions of this chapter. A qualifying family transfer or five-acre informational exception identified in the definition of subdivision shall not, by itself, be counted to trigger major-subdivision review. If the planning director determines that a proposed subdivision does not qualify as a minor subdivision, the application shall be processed as a major subdivision in accordance with this chapter.

(i) Compliance with road standards. Road plans and supporting documentation needed to comply with applicable private-road standards under this chapter or public-road standards under chapter 26 shall be included with the subdivision plans. Approval of the subdivision shall not be granted unless all applicable road standards are met.

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 Applicable zoning setbacks and exceptions are governed by section 38-10.2 for all setback 38-9.3 and article 10 of chapter 38. General Use District requirements are contained in the control-free district of the county.)~~ section 38-10.2.

(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 (DHEC).~~ Services (SCDES).

(2) The applicant shall provide the planning director a copy of all South Carolina Department of ~~Health and Environmental Control (DHEC).~~ Services (SCDES) permit drawings and an approved ~~DHEC-SCDES~~ 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.~~

(3) Reserved.

(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 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.~~

(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 designee.

~~(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. All swales, ditches, or other open drainage shall be constructed and established to minimize erosion as approved by the county engineer.~~

(b) Reserved.

(c) Accommodation of upstream drainage areas. The ~~owner's~~ project 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~~ project engineer shall study and provide the planning director and ~~county engineer~~ County Engineer or designee 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.

(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 ~~DHEC~~ 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 ~~DHEC~~ SCDES land disturbance permit to ensure the ~~intentions~~ requirements of ~~6-12~~ this subsection 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.~~

(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~~ County Engineer or designee. 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.~~

(1) Where the developer elects to connect to a public water main, adequate central water facilities shall be installed. 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 insufficient water pressure to provide service to six-inch distribution lines at the site, the planning director shall permit appropriate reductions in distribution-line diameter. 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 ~~DHEC~~-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 shall be located a minimum of two feet outside of 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~~ 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 ~~DHEC~~-SCDES. Orders of approval shall be submitted to the planning department.

(c) Fire hydrants. Fire hydrants shall be required for ~~all major~~ subdivisions except 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~~ comply with the adopted fire code. To avoid future road cutting, ~~all~~ underground utilities for fire hydrants, ~~together with the fire hydrants themselves~~ hydrants, 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.~~

(1) When a sewer line is located in a public road right-of-way or private roadway easement and it will be necessary to cut into the road surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the road is surfaced.

(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 ~~DHEC~~-SCDES division.

~~(3) Where public sanitary sewerage systems are not 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 DHEC prior to approval of any preliminary subdivision plan.~~

(3) Package, central, or individual wastewater collection or treatment systems may be provided instead of a connection to public sanitary sewer. These systems shall be approved by the appropriate division of SCDES before 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.~~

(3) Reserved.

~~(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.~~

(4) Reserved.

(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)

(c) Private internal roads serving commercial, industrial, or other nonresidential land development shall comply with the applicable private-access standards of this article based upon the type and intensity of development, projected traffic, design vehicle, and emergency-access requirements. A road proposed for county acceptance shall comply with chapter 26. Required landscape and buffer standards shall comply with the applicable provisions of this chapter and chapter 38.

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.~~ County Engineer or designee.

(1) If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required ~~improvements~~ he improvements, the subdivider may file a performance ~~of or~~ 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 project engineer's estimated cost, as~~ verified by the ~~county engineer)~~ County Engineer or designee, 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 the subdivider~~ 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 project engineer's estimated cost, as verified by the county engineer)~~ County Engineer or designee, 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.~~ County Engineer or designee. The final determination for returning the escrowed money to the developer shall be made by the ~~county engineer.~~ County Engineer or designee.

(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~~ the planning director's discretion, withhold building permits or occupancy permits in such subdivision until such improvements are ~~completed.~~ In completed, in which ~~case,~~ 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-road~~ 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.~~ County Engineer or designee 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-road~~ 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.~~ County Engineer or designee, 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 approve a minor or exempt subdivision, containing no new roads, after reviewing the final plan.~~

(b) Application review. The planning director may approve a minor subdivision, or a division qualifying for an informational exception within the definition of subdivision in section 32-212, after reviewing the final plat or informational plat as applicable. A proposal that does not qualify as a minor subdivision or an informational exception shall be processed under the applicable major-subdivision or land-development procedures. Townhouse, condominium, and apartment projects, including rental projects, shall undergo applicable land-development review of the site and common improvements whether or not separately owned lots are created.

~~(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.~~

(c) Plat recordation. The planning director or authorized designee shall approve and sign the final plat before it is submitted to the Oconee County Register of Deeds for recording. Four original approved copies shall be submitted for recording, and an authorized copy of the recorded plat shall be provided to the planning director.

~~(d) Appeal of decision. Any person aggrieved by the planning director's A staff decision to approve or deny an application for subdivision approval under this section may appeal the decision be appealed to the planning commission in writing within ten working days of said decision as outlined in [section 32-223((d))], of this article.~~ under section 32-224.

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

(e) Statutory action period. The administrative review periods and outside-agency extensions in sections 32-221 through 32-223 shall not extend the sixty-day action period in S.C. Code 1976, § 6-29-1150(A), measured from receipt of the plans or plats and all required documentation, unless the applicant and County mutually agree to an extension. The statutory effect of failure to act within that period remains applicable.

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 20 new housing units shall schedule a sketch plan review prior to any formal application.~~

(a) A preapplication conference is encouraged for all proposed subdivisions and land developments. A sketch plan shall be submitted before a formal application for any major subdivision or land development containing 11 or more lots, dwelling units, or other units of development, including multifamily and student housing development.

~~(b) Basic sketch plan (optional requirements for developments less than 20 units.)~~

(b) An applicant for a subdivision or land development not subject to subsection (a) may submit a basic sketch plan for staff review before filing the formal application.

~~(1) The sketch plan shall be drawn to show the approximate layout of the proposed subdivision and its relationship to the surrounding area.~~

(c) A detailed sketch plan required by subsection (a) shall show the proposed development as a whole and any anticipated phases. The plan shall be drawn at a scale sufficient to clearly show the proposal and shall include, as applicable: (1) total acreage and the number of proposed lots, dwelling units, buildings, and other units of development; (2) the general arrangement and location of proposed lots, buildings, structures, common areas, and principal site features; (3) existing property lines, easements, road rights-of-way, private roadway easements, buildings, and significant site features; (4) existing and proposed roads, private roads, drives, access points, and pedestrian connections; (5) topographic information sufficient to evaluate the proposal; (6) scale, north arrow, and date; (7) owner, applicant, and professional contact information; (8) watercourses, known wetlands, floodplains, and other significant environmental features; (9) proposed uses and their relationship to adjoining property; (10) proposed water, wastewater, stormwater, and utility service; (11) proposed landscaping, buffers, screening, open space, and common areas; and (12) proposed parking and internal circulation.

~~(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.~~

(d) The planning director shall provide composite staff comments within 15 business days after receipt of a complete sketch-plan application. Where review by an outside agency is necessary and additional time is reasonably required, the planning director may extend the review period by not more than ten additional business days and shall notify the applicant of the extension and reason.

~~(c) Detailed sketch plan (required for 20 or more 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;
- 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.

(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~~ plan.

(a) ~~Submittal requirements~~ Applicability and submittal.

(1) Applications for preliminary approval of a subdivision shall be submitted to the planning director for review.

(1) A preliminary plan is required for each major subdivision and for each land development containing 11 or more lots, dwelling units, or other units of development, including multifamily and student housing development, unless another provision of this chapter establishes a more specific review procedure.

~~(2) The applicant shall submit all appropriate fees at the time of application.~~

(2) The application shall include four printed copies of the proposed preliminary plan and one digital copy in a format approved by the planning director. Printed copies shall be to scale and shall correspond to the scale identified on the plan.

~~(3) Applications shall include four copies of the proposed preliminary plan.~~

(3) Where public or central water, public sanitary sewer, or another centralized wastewater system is proposed, the applicant shall submit written confirmation from the applicable utility provider or service authority that the proposed service is available, including any conditions, limitations, required extensions, or improvements. Evidence of SCDES or other state approval shall be provided at the stage required by applicable law.

~~(4) The applicant shall submit all responses, amended plans, additional information, or any other necessary materials to satisfy all adopted the county regulations.~~

(4) Construction, including clearing, grubbing, grading, road, drainage, and utility construction, shall not begin before preliminary plan approval authorizes the particular work. A state land-disturbance permit does not itself authorize construction under this chapter. Surveys, soil tests, and investigations that do not constitute site construction may proceed subject to applicable law.

~~(5) An applicant may withdraw an application for subdivision approval at any time by submitting written notice to the planning director.~~

(b) preliminary plan requirements.

~~(6) It (1) The preliminary plan shall be unlawful for construction prepared at a scale sufficient to commence prior to preliminary approval of the plan as defined in this article. clearly and legibly show all required information and shall include a vicinity map. No sheet shall exceed 24 inches by 36 inches.~~

~~(7) Preliminary approval typically permits a developer to proceed with the construction of all roads, utilities, and public infrastructure.~~

(2) Existing contours shall be shown at intervals not exceeding five feet. Where grading, drainage, road design, or other site conditions require additional detail, contours not exceeding two feet may be required.

~~(8) A copy of a preliminary letter of approval from the appropriate division of the South Carolina Department of Health and Environmental Control (DHEC) shall be required for subdivisions served in part of in whole by individual onsite septic systems.~~

(3) The plan shall show, as applicable: (a) total acreage and the number of lots, dwelling units, buildings, and other units of development; (b) the layout of proposed roads, rights-of-way, private roadway easements, crosswalks, road names approved in accordance with chapter 26, article II, grades, and cross sections; (c) the layout and dimensions of proposed lots, buildings, structures, common areas, utility easements, and principal site features; (d) building locations and footprints, applicable setbacks, and lot or block identification; (e) existing and proposed water, wastewater, stormwater, and utility facilities; (f) proposed parking, circulation, pedestrian facilities, landscaping, screening, and buffers; (g) proposed major contour changes and any grading or mass-grading plan required by section 32-236; and (h) other information reasonably necessary to determine compliance with this chapter.

~~(9) An electronic copy of the proposed development plan showing the layout of the subdivision in an approved format.~~ (4) A project containing multiple uses shall show all project components and file extension shall be required. shared infrastructure on one coordinated plan.

~~(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.~~

(c) Review procedure.

~~(b) Preliminary plan requirements.~~

(1) The planning director shall issue a written approval, conditional approval, or denial within 25 business days after receipt of a complete preliminary plan application and all required supporting documentation. The written decision shall identify the basis for any condition or denial.

(1) General. The preliminary plan shall include the following:

(2) Where review by an outside agency is necessary and additional time is reasonably required, the planning director may extend the review period by not more than ten additional business days and shall notify the applicant of the extension and reason.

~~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.~~

(3) Conditional approval shall identify the work, if any, authorized before all conditions are satisfied, the conditions required before construction, and the conditions required before final approval. Construction not expressly authorized shall not begin.

~~b. The proposed name of the subdivision, name/address/telephone of owner and/or subdivider, and name/address/telephone of surveyor and/or engineer.~~

(4) Revised exhibits required by a conditional approval shall be submitted within 20 business days unless the written approval establishes another period for good cause.

~~c. A graphic scale, north arrow and date (north arrow shall be identified as magnetic, true, or grid).~~

(5) preliminary plan approval is valid for one year. Upon written request submitted before expiration, the planning director may grant one extension for a period not exceeding one additional year.

~~d. The acreage to be subdivided.~~

(6) A person aggrieved by a decision of the planning director under this section may appeal in accordance with section 32-224.

~~e. The boundaries of the tract to be subdivided with all bearings and distances indicated.~~

~~f. A SC 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.~~

~~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 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 DHEC and, where applicable, approval of the appropriate utility provider.

h. Designation of all land to be reserved or dedicated for public 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 DHEC.

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.

(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 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 plan application shall include all or an approved phase of the major subdivision or land development for which preliminary plan approval of a subdivision shall submit an application to the planning director for review of this article. was granted.

(2) The ~~applicant~~ final plan shall ~~also submit all appropriate fees at~~ conform to the ~~time~~ approved preliminary plan and any conditions of application. approval. Material changes require amended approval before final approval.

~~(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.~~

(3) The applicant shall submit the number of printed and digital copies required by the planning director, together with all supporting documentation required by this section.

~~(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.~~

(4) Upon completion of improvements required for final approval, the applicant shall submit a final as-built engineering plan identifying material changes from the approved preliminary plan. The project engineer shall submit the signed and sealed construction certification required by this chapter for improvements actually completed. An improvement secured by an accepted performance guarantee under section 32-219 shall not be certified as completed until construction is complete.

~~(5) The planning director's~~ Where individual septic waste disposal is proposed, the applicant shall provide documentation of final subdivision approval of a final plan is contingent on submission of four original stamped copies of ~~from the plat to the county Register of Deeds~~ appropriate SCDES division identifying each lot approved.

~~(6) A copy of the recorded plat authorized by the Register of Deeds~~ Before final approval, assigned addresses shall be submitted to the planning director. obtained as required by section 26-111.

~~(7) Where individual septic waste disposal a private road is proposed, the developer applicant shall provide a letter of submit the recorded private-road maintenance instrument required by this chapter before final subdivision approval from the appropriate division of DHEC identifying each lot for which individual waste disposal is approved.~~ approval.

~~(b) Final plan requirements. The (8) A final plan plat shall include be approved and signed by the following: planning director prior to recordation with the Oconee County Register of Deeds.~~

~~(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.~~

(9) Following recordation, the applicant shall submit an authorized copy of the recorded plat to the planning director.

~~(2) Name of owner of record.~~

(b) Final plan requirements. The final plan shall include the following information, as applicable to the subdivision or land development:

~~(3) Name of subdivision and identification number assigned, date, north arrow, and graphic scale.~~

(1) If drawn in two or more sections, each section shall be accompanied by a key map. The final plan shall be prepared at a scale sufficient to clearly and legibly show all required information. No sheet shall exceed 24 inches by 36 inches.

~~(4) Name, registration number, and seal~~ (2) Name of registered surveyor ~~the owner of record.~~

~~(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.~~

(3) Name of the subdivision or development, as applicable; County identification information; date; north arrow; and graphic scale.

~~(6) Names of owners of record of all adjoining land, all property boundaries, watercourses, roads, easements, utilities~~ (4) Name, registration number, and other such improvements, which cross or form a boundary line ~~seal of the tract being subdivided.~~ project land surveyor and, where applicable, the project engineer responsible for the plan.

~~(7) Exact boundaries of the tract of land being subdivided as noted in the survey article of this article.~~

(5) Sufficient surveying data to readily determine and accurately reproduce the location, bearing, and length of applicable road lines, lot lines, easement lines, and tract or development boundaries. Curved lines shall include sufficient data, including radius, delta, arc length, chord bearing, and chord distance.

~~(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.~~

(6) Names of adjoining owners and the location of adjoining boundaries, watercourses, roads, easements, utilities, and other significant features crossing or adjoining the property.

~~(9) Rights-of-way~~ (7) Exact boundaries of the tract, subdivision, or easement; location, widths, and purposes. ~~development area included in the final plan.~~

~~(10) Lot lines, minimum building setback lines,~~ (8) Location and lot identification of all roads, rights-of-way, and block indicators. ~~private roadway easements, including widths, grades, and road names approved in accordance with chapter 26, article II.~~

~~(11) Any parks, school sites, or~~ (9) Location, width, and purpose of all other public spaces. ~~easements not otherwise identified under subsection (8).~~

~~(12) All dimensions shall be to the nearest 1/100 of a foot and angles to the nearest 20 seconds.~~

(10) Final layout of the subdivision or land development, as applicable, including: a. lot lines, dimensions, areas, and lot or block identifiers where lots are created; b. building locations and footprints for multifamily, student housing, condominium, townhouse, commercial, institutional, and other applicable land development; c. applicable front, side, and rear setback lines; d. common areas, open space, and other principal development areas; e. all required landscape and buffer areas established under sections 32-237 through 32-253; and f. building, unit, or other development identifiers necessary to clearly describe the approved development.

~~(13) Accurate description of~~ (11) For each private roadway easement shown, the location of all monuments recording reference, responsible maintenance entity, and markers. ~~any associated private sidewalk or drainage facility.~~

~~(14) Utility easements, showing the widths~~ (12) Location and designation of the following: parks, school sites, open space, common areas, and other land reserved or dedicated for public or common use.

a. Water;

(13) All dimensions shall be shown to the nearest one-hundredth foot and angles to the nearest 20 seconds.

~~b. Gas;~~

(14) Accurate description and location of all monuments and markers.

~~c. Sanitary sewer;~~

(15) Utility easements shall be shown by location, width, and purpose, including water, gas, sanitary sewer, storm drainage, electrical, and other utilities as applicable.

~~d. Storm drainage; and~~

(16) Where individual onsite wastewater disposal is proposed, each lot approved by SCDES shall be identified consistent with the documentation required by subsection (a)(5). Any lot or area not approved shall be clearly identified and, where applicable, restricted by notation from development requiring onsite wastewater disposal.

~~e. Electrical line.~~ (c) Certificates and maintenance notices.

~~(15) Where individual septic waste disposal is proposed, a letter of final subdivision approval from the appropriate division of 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.~~

CERTIFICATE OF MAINTENANCE FOR ROADS

~~(c) Final plat certificates.~~

The road rights-of-way shown on this plat are private and are not owned, maintained, or supervised by Oconee County. Such road rights-of-way were not designed or constructed pursuant to a plan for future acceptance into the Oconee County Public Road System. Road rights-of-way shown on this plat shall not be accepted for maintenance by Oconee County unless subsequently brought into compliance with all applicable Oconee County requirements for road acceptance. Maintenance of the road rights-of-way shall be the responsibility of

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

Date: _____ Owner/Developer: _____

~~Certificate of Accuracy (signed when submitted)~~

CERTIFICATE OF MAINTENANCE FOR ROADS - FUTURE ACCEPTANCE PLAN

~~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.~~

The road rights-of-way shown on this plat are private and are not part of the Oconee County Public Road System as of the date of this plat. The road rights-of-way have been designed and constructed pursuant to an approved plan for possible future acceptance into the Oconee County Public Road System in accordance with chapter 26. Approval of construction information or this plat does not constitute County acceptance. Until formally accepted, if ever, maintenance shall be the responsibility of _____ . Any future acceptance shall be evidenced by separate written County action and any required conveyance instrument.

_____, 20____ Date: _____ Owner/Developer: _____

_____, _____ Registration No. Registered Land Surveyor

CERTIFICATE OF CONSTRUCTION - ROADS AND DRAINAGE

~~Certificate of Ownership and Dedication (signed when submitted)~~

(1) The planning director shall review the final plan and required supporting documentation for compliance with the approved preliminary plan, the requirements of this chapter, and any conditions of preliminary approval.

~~(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.~~

(2) A final plan application may include all or an approved phase of a major subdivision or land development for which preliminary plan approval was granted. The application shall include all documentation required by this section and shall demonstrate that the improvements required for final approval have been completed and certified, except as otherwise permitted under subsection (3).

~~(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.~~

(3) Where this chapter permits security in lieu of completion of required improvements, a final plan application may be approved before completion of those improvements only upon submission and acceptance of the required performance guarantee in accordance with section 32-219. Improvements not covered by an approved performance guarantee shall be completed and certified before final approval.

(4) Upon a determination that the final plan application is ~~completed~~, complete and all required supporting documentation has been submitted, the planning director shall render a written approval or rejection. Said denial within 30 business days. The written decision shall identify any conditions or deficiencies forming the basis of the decision. Where review by one or more outside agencies is necessary and additional time is reasonably required to obtain required comments, confirmations, or approvals, the planning director may extend the review period by not more than ten additional business days. The applicant shall be made within 30 working days notified of application submittal. the extension and the reason for it.

~~(5) A subdivider or any party materially affected person aggrieved 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 planning director under this section may be appealed to the circuit court within 30 days after the actual notice of the commission's decision. appeal in accordance with section 32-224.~~

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

(e) Addressing. Required road names and assigned addresses shall be approved or obtained under chapter 26, article II, before final subdivision approval.

Sec. 32-224. Appeal of decision.

~~Any person~~ (a) A party in interest aggrieved by the planning director's a final staff decision to approve under this article concerning a land-development plan, subdivision plat, or deny an application for minor subdivision record plat approval private-road standard may appeal the decision to the planning commission in writing by filing a written notice of appeal with the planning director within ten working days after actual notice of said the decision. The notice shall identify the decision as outlined in [section 32-223((d))], of this article. appealed and state the grounds for appeal.

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

(b) The planning director shall transmit the decision and supporting record to the planning commission. The planning commission shall hear the appeal and may affirm, reverse, modify, or remand the decision in accordance with the standards of this chapter. The planning commission shall issue a written decision stating the basis for its action within 60 days after the appeal is filed. Written notice of the decision shall be provided as required by applicable law.

(c) An appeal from the planning commission shall be taken to circuit court in accordance with S.C. Code 1976, § 6-29-1150(D), including its thirty-day filing periods and available pre-litigation mediation procedure. A private-road

decision does not become a board of zoning appeals matter solely because it concerns a road standard. Zoning decisions remain subject to the applicable chapter 38 appeal process; County-road decisions under chapter 26 remain subject to section 26-8.

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.~~

(b) Unapproved subdivision and subsequent transfer or sale of lots. Any agreement for the sale or transfer of a lot created through a subdivision before the applicable final plat has been approved by the planning director and recorded with the Oconee County Register of Deeds shall constitute a violation of this article and shall be punishable as provided herein. The use of a metes-and-bounds description or other instrument of transfer shall not exempt the transaction from the requirements or penalties of this article. Oconee County may seek appropriate legal or equitable relief to prevent or remedy any such transfer, sale, or agreement.

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

(c) When construction begins contrary to section 32-222(a)(4), the planning director may issue written notice identifying the unauthorized work and require cessation pending the necessary preliminary approval and any lawful correction. This subsection does not enlarge the criminal penalty in subsection (a).

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.~~

DIVISION 1. PRIVATE ACCESS AND PRIVATE ROADS

Sec. 32-227. Applicability of private access standards.

(a) Sections 32-227 through 32-235 govern the design, construction, use, and maintenance of private driveways, private drives, and private roads serving subdivision or land development under this article. Compliance with these sections does not constitute County acceptance of a road, create a County maintenance obligation, or transfer a property interest to the County.

(b) The approved plan shall identify each access as a private driveway, private drive, private road, or road proposed for future County acceptance. A road proposed for County acceptance shall be reviewed under chapter 26 at the applicable plan stage and is not accepted unless the requirements of section 26-6 are satisfied.

(c) Existing private drives. A private drive lawfully existing and in use, under construction, or approved by the planning department before December 18, 2008, is exempt from the private-drive standards of sections 32-227 through 32-235. If subsequent subdivision or development results in the drive serving 11 or more lots, dwelling units, or other units of development, counted under section 32-228, the drive shall be upgraded to the applicable private-road standards before approval of the additional subdivision or development.

(d) Private driveways. Private driveways shall be maintained by the property owners served. No separate roadway-design standard applies to a private driveway under this division, but applicable building and fire codes and the required connection approval shall be met.

Sec. 32-228. Access classification and upgrade.

(a) A private driveway may serve no more than three lots, dwelling units, or other units of development; a private drive may serve four through ten; and a private road shall serve 11 or more. All existing and proposed lots, parcels, and dwelling units served by the shared access shall be counted. Each apartment, townhouse unit, or other dwelling unit counts as one unit, regardless of ownership or whether it is rented. Each lot or parcel served, including a served remainder parcel, counts as one. The same lot or parcel and a dwelling unit located on it shall not be counted twice; where a lot or parcel contains multiple dwelling units, each dwelling unit shall be counted. Student-housing access shall be counted by dwelling units, not beds.

(b) Multifamily and student housing shall be classified under subsection (a) on the same basis as other residential development. The design of access serving group residential facilities, nonresidential development, or other development not measured by dwelling units shall also account for the type and intensity of development, projected traffic, design vehicle, and applicable emergency-access requirements. Such design requirements shall be established as part of the approved Preliminary Plan and shall not reduce a classification required by subsection (a).

(c) Where additional subdivision or development causes an existing private driveway or private drive to exceed its applicable limit under subsection (a), the access shall be upgraded to the applicable standard before approval of the additional subdivision or development, subject to section 32-227(c). Applicable design requirements under subsection (b) shall also be met.

(d) A private drive shall be maintained by an individual, association of property owners, or the property owners served by the private drive. The party or parties responsible for maintenance shall be identified on the applicable plat or other recorded access instrument.

(e) A private-road maintenance instrument shall be required for each private road. The instrument shall identify the property served, the person or entity responsible for maintenance, the allocation of maintenance expenses, and the rights necessary for access, utilities, drainage, emergency services, inspection, repair, and replacement. The instrument shall be recorded before final approval and identified on the final plat, where a final plat is required.

(f) A private roadway easement shall be provided for each private drive or private road. The easement shall be recorded before final approval and shown on the applicable plan and final plat, where a final plat is required.

Sec. 32-229. Private roadway design.

(a) Private road geometric design shall comply with the 2021 SCDOT Roadway Design Manual, as adopted by Oconee County. A later edition shall not apply unless adopted by County Council. The project engineer shall design the alignment, grades, curvature, intersection layout, sight distance, cross section, access, and drainage based upon projected traffic and site conditions.

(b) Lots shall be laid out with safe access and building sites and, where feasible, oriented to reduce driveway conflicts along collector or arterial roads. Required landscape screening adjoining a more intensive road or use shall be provided under division 3 of this article and chapter 38, as applicable. A screening area shall not impair sight distance, drainage, or access.

(c) The approved Preliminary Plan shall show a usable, continuously maintained connection to an existing public road or lawful private access; adequate emergency access, turnaround, and structural capacity under the adopted fire code; and drainage designed under section 32-216. No intersection or cul-de-sac design may be approved without the applicable sight-distance and emergency-access demonstration. An unavoidable deviation from the design manual requires an approved written technical modification under section 32-235.

(d) Private drives shall have a private roadway easement at least 50 feet wide and a driving surface at least 20 feet wide constructed of no less than five inches of compacted crushed stone or gravel base, with vertical clearance of at least 13½ feet, subject to section 32-227(c). A connection to a County or state road shall have the applicable encroachment approval.

(e) A private road shall have a private roadway easement at least 50 feet wide. The travel surface, alignment, grades, and other geometric design shall meet the adopted 2021 Roadway Design Manual, including any express County modification adopted by ordinance, and applicable emergency-access requirements. A road proposed for County acceptance shall also meet chapter 26.

(f) The project engineer shall certify the maximum load capacity of each bridge or culvert along a private drive or private road. Bridges and culverts carrying the access across a perennial stream shall have signs at each end displaying the certified weight limit.

Sec. 32-230. Construction, signs, utilities and sidewalks.

(a) Private access shall be constructed in accordance with approved plans and the county-adopted, titled and dated construction specifications. Materials, placement, compaction, testing, drainage structures, and weather limitations applicable to the approved road class shall be documented by the project engineer. The contractor shall not place a subsequent course before required tests and inspections of the preceding work are completed.

(b) Private-road naming and traffic-control signs shall comply with chapter 26, article II. The developer shall install and pay for signs required under section 32-213(e) before final approval; the recorded maintenance instrument shall assign continuing maintenance. A private-road sign shall identify the access as private where required by the approved sign plan.

(c) Utilities, drainage structures, swales, and temporary access during construction shall be located and maintained in accordance with the approved plan and sections 32-213(d) and 32-216. The owner shall repair construction damage to an adjoining public road under the applicable chapter 26 encroachment approval.

(d) Private sidewalks. A sidewalk within a private roadway easement is permitted only when the following conditions are met:

(1) A financially responsible entity, as determined by the County, shall agree to perform necessary maintenance and repair and accept liability arising from the existence and use of the sidewalk. The recorded maintenance instrument shall identify the responsible entity and assign these obligations.

(2) The sidewalk shall be designed by the project engineer to meet the most recent applicable SCDOT minimum standards and standard drawings and applicable accessibility requirements. The design shall be submitted for County approval, and construction shall comply with the approved design.

(3) The sidewalk and its private maintenance responsibility shall be shown on the approved preliminary plan and final plat. The private-sidewalk notice in section 32-223(c) shall appear on the final plat.

(4) Necessary maintenance and repair shall be performed expeditiously and consistently with the applicable SCDOT minimum standards and standard drawings.

(e) County construction standards. The materials, construction, compaction, roadside-drainage, paving-weather, and drainage-structure standards in section 26-3(f), (k), (l), (n), (o), and (p), including express County modifications adopted by ordinance, apply to corresponding private-road work under this article. These references incorporate construction requirements and do not incorporate the County-acceptance criteria or replace the 2021 private-road geometric-design standard in section 32-229. The applicable requirements shall be identified in the approved construction plans.

(f) Private-drive construction shall meet section 32-229(d). Required construction inspections and certification for private access are governed by section 32-231. County inspection or technical review does not make a private access County maintained.

Sec. 32-231. Inspection, testing and certification.

(a) The developer shall give the County Engineer or designee and planning director notice and access at the following private-road construction stages, as applicable: (1) completion of clearing and initial grade; (2) completion of rough grading; (3) utility and drainage installation before cover; (4) completion of subgrade; (5) installation and compaction of base course; (6) each pavement application; and (7) final inspection. The approved inspection plan may combine stages when the work remains observable.

(b) The project engineer shall arrange and document required third-party or state inspections, tests, and corrections, and submit a signed and sealed construction certification and as-built plan before final approval. The County Engineer or designee may observe work and request the results needed to verify compliance, but observation does not replace the engineer's certification. An unsatisfactory stage shall be corrected before it is concealed or superseded. A final private-road inspection does not constitute county acceptance.

Sec. 32-232. Final plat and maintenance notice.

(a) The approved final plat shall show each private roadway easement, its width, access classification, and responsible maintenance party. Where a private road is shown, the plat shall also identify the recording reference to the private-road maintenance instrument. Any private sidewalk and drainage facility shall be shown. The applicable notice in section 32-223(c) shall appear conspicuously on the plat.

(b) Approval of an access, final plat, or road inspection does not dedicate the road to the county or obligate the county to maintain it. A request for future acceptance is governed solely by section 26-6. The developer shall disclose the road and sidewalk maintenance responsibility to purchasers through the recorded instrument and final plat.

Sec. 32-233. Additional service and nonresidential access.

An application that would cause an existing private driveway or private drive to exceed the limits applicable to its classification shall demonstrate compliance with section 32-228(c) before approval of the additional subdivision or development. Multifamily and student-housing access shall be counted under section 32-228(a). Group residential, nonresidential, and other access shall also meet the design requirements of section 32-228(b).

Sec. 32-234. County-road adequacy submittal.

For a development consisting of 11 or more lots, dwelling units, or other units of development, the applicant shall submit the traffic impact/road capacity study required by section 26-5(b) with the Preliminary Plan. For another development, a study required by the County Engineer or designee under section 26-5(b) shall be submitted with the Preliminary Plan or at the stage stated in the written request. The study shall be prepared by a qualified professional and is subject to the technical review and approval required by section 26-5(b). A separate County request is not a prerequisite to a study already required by that section. Required County-road improvements and developer responsibility remain governed by section 26-5(b).

Sec. 32-235. Technical modification and review.

(a) An owner seeking a modification of a private-access technical standard shall submit a written request with a signed engineering analysis demonstrating an equal or greater level of safety and functionality in light of the site conditions, projected traffic, drainage, and emergency access. The County Engineer or designee shall review the engineering information; the planning director shall issue the written decision as part of the land-development record. A modification shall not waive a state requirement, required property interest, recorded maintenance duty, or the approval needed for a public road under chapter 26.

(b) A staff decision is appealable to the planning commission under section 32-224. A request does not go to the board of zoning appeals solely because it concerns a road standard.

DIVISION 2. SITE DEVELOPMENT STANDARDS

Sec. 32-236. Mass grading and site preparation.

(a) Definitions. For purposes of this section, the following words and terms shall have the meanings stated:

Active disturbance means land within an approved phase on which clearing, grubbing, excavation, filling, grading, or other land-disturbing activity has commenced and which has not achieved permanent stabilization.

Common development plan means a common plan of development or sale consisting of related phases, parcels, or portions of a subdivision or land development that are planned, proposed, or undertaken as part of one overall development, whether undertaken by one or more owners, developers, or entities or through separate applications or construction schedules. In determining whether development is part of a common development plan, the County may consider plats, plans, applications, permits, common infrastructure, master engineering or stormwater calculations, ownership or control, phasing, and other evidence demonstrating that the development is part of a coordinated project.

Mass grading means the clearing, grubbing, excavation, filling, grading, or other substantial alteration of existing land contours over a contiguous area or portions of a common development plan for the purpose of preparing multiple lots, building sites, roads, utilities, drainage facilities, or other components of a subdivision or land development.

Pad-ready condition means a lot or building site that has been substantially graded to the planned building elevation or configuration in preparation for construction, excluding grading reasonably necessary solely for roads, utilities, drainage, stormwater facilities, or other common infrastructure.

Permanent stabilization means stabilization of a disturbed area by permanent vegetation, pavement, buildings, structures, riprap, gravel, landscaping, or other permanent surface treatment sufficient to prevent erosion and sediment loss. Where vegetative stabilization is used, the vegetation shall satisfy the applicable SCDES final-stabilization standard.

(b) A grading plan shall be submitted with the Preliminary Plan for a subdivision or land development involving mass grading. For purposes of this section, related phases and contiguous or commonly controlled portions of a common development plan shall be considered together.

(c) No more than 20 acres shall be actively disturbed at one time as part of a mass-grading operation. For residential development, no more than 15 lots shall be brought to pad-ready condition at one time. The limits in this subsection apply to the active grading phase and shall not be avoided through separate phases, ownership entities, or sequential applications forming part of the same common development plan.

(d) The grading plan shall establish clearly identified phases. Disturbance of a subsequent phase shall not begin until at least 70 percent of the disturbed area within the preceding active phase has achieved permanent stabilization, except for work necessary to complete approved roads, utilities, drainage, stormwater facilities, or emergency access serving the active phase. The applicant shall provide the evidence of stabilization required by the planning director or other responsible reviewing agency before the next phase begins.

(e) The grading plan shall show existing and proposed contours, cut and fill areas, drainage, erosion and sediment controls, phase boundaries, limits of disturbance, road and utility corridors, steep slopes, areas to remain undisturbed, proposed pad-ready lots, and the sequence of stabilization. State stormwater and land-disturbance permits remain required where applicable.

(f) Grading shall follow existing terrain where practicable and shall avoid unnecessary broad, uninterrupted alteration of the site. Roads and building sites shall be located and graded in a manner consistent with safe grades, drainage, accessible routes, utility installation, and fire and emergency access. The project engineer shall identify on the plan the basis for a proposed substantial cut or fill that is necessary for approved infrastructure or development.

(g) Routine grading associated with construction of an individual dwelling on an approved lot, agricultural or forestry activity where local regulation is prohibited by state law, emergency work, and utility work performed under applicable permits are not mass grading solely by reason of the disturbed acreage associated with that activity. This subsection does not exempt a larger common development plan from the phasing requirements of this section.

(h) The applicant shall furnish proof of passed inspections and approvals required by SCDES or a third-party reviewing authority when applicable, together with the evidence of permanent stabilization required by subsection (d). County review under this section does not duplicate state technical permit review or relieve the applicant of state compliance.

(i) This section does not establish a separate County tree-preservation, replacement-tree, density-credit, or incentive program. Required landscape and buffer areas shall comply with division 3 of this article. Any grading setback or slope standard not expressly stated in this section remains subject to applicable engineering, stormwater, building, fire, and other adopted requirements.

DIVISION 3. LANDSCAPING, SCREENING, AND BUFFER STANDARDS

Sec. 32-237. Purpose and applicability.

This division establishes minimum landscaping, screening, and buffer standards for major subdivisions and for developments containing 11 or more lots, dwelling units, or other units of development in the unincorporated areas of Oconee County. These standards are intended to reduce conflicts between adjoining uses, preserve existing vegetation when it can meet the required standard, and provide clear requirements for installation and maintenance.

(a) Except as provided in this section, this division applies to major subdivisions and to developments containing 11 or more lots, dwelling units, or other units of development, including:

(1) Major residential subdivisions where a buffer is required by this division;

(2) Planned developments, mixed-use developments, and group developments;

(3) Uses or development expressly made subject to this division by chapter 38; and

(4) Expansion, redevelopment, or change in use as provided below.

(b) Routine maintenance or repair that does not increase floor area, parking area, developed area, or intensity of use does not require an existing site to be brought into compliance with this division.

(c) When an existing development or developed area is expanded by less than 50 percent cumulatively within three years, this division applies to the area of expansion and the improvements that serve that area.

(d) When an existing development or developed area is expanded by 50 percent or more cumulatively within three years, the site shall comply with this division to the extent related to the proposed work and allowed by applicable vested-right and nonconforming-use provisions.

(e) A change in use must comply with any landscaping, screening, or buffer requirement that applies to the new use.

(f) An individual detached single-family dwelling is exempt unless another provision of this Code expressly requires a buffer or landscape area.

(g) This division does not regulate an agricultural operation or forestry activity where local regulation is prohibited by South Carolina law. Solar energy systems shall comply with applicable state law and any County standard lawfully applicable to the system.

Sec. 32-238. Landscape plan.

(a) An applicant shall submit a landscape plan with the application for any development that requires landscaping, screening, or a buffer under this division.

(b) The plan shall show, as applicable:

(1) Property lines, easements, and rights-of-way;

(2) Buildings, parking areas, driveways, and other developed areas;

(3) Existing vegetation to remain and any vegetation proposed for credit;

(4) Required landscape and buffer areas;

(5) The type, number, and installation size of proposed plants;

(6) Fences, walls, berms, and other screening;

(7) Utilities, drainage facilities, and utility easements;

(8) Tree and vegetation protection areas; and

(9) Any other information needed to show compliance with this division.

(c) A licensed design professional shall prepare any portion of a landscape plan that South Carolina law requires that professional to prepare.

(d) Required landscape and buffer areas shall be shown on the approved site or development plan. Work shall follow the approved plan unless the Planning Director approves a revision under this division.

Sec. 32-239. General landscape requirements.

(a) Required landscaping shall be located on private property and outside a public right-of-way unless the agency responsible for the right-of-way gives written approval.

(b) Required landscaping shall not block sight distance or interfere with utilities, drainage, pedestrian or vehicle access, or fire and emergency access.

(c) Plants shall have enough space for normal growth and maintenance.

(d) A required landscape area may contain trees, shrubs, groundcover, native grasses, turf, preserved natural vegetation, or other living plant material suited to the purpose of the area.

(e) Existing healthy vegetation may satisfy all or part of a landscape or buffer requirement when it provides the required width, planting quantity, and screening.

Sec. 32-240. Plant material.

- (a) Plant material shall be suitable for the climate and growing conditions of Oconee County and for the place where it will be planted.
- (b) Unless an irrigation system is provided, required plants shall be able to survive on natural rainfall after establishment. The owner shall provide enough water during establishment to keep the plants healthy.
- (c) Required trees shall be at least 2.5 inches in caliper when planted unless this division requires a different size.
- (d) Required shrubs shall be at least three-gallon size when planted unless this division requires a different size.
- (e) When four or more trees are required within one landscape area, no more than 50 percent may be the same species. A fraction shall be rounded up to the next whole tree.
- (f) Artificial plants may not be used to meet a landscaping or screening requirement.
- (g) A plant listed as an invasive plant or plant pest under applicable South Carolina law may not be used to meet a requirement of this division.
- (h) Native plants and other noninvasive plants adapted to the South Carolina Upstate are encouraged.
- (i) A plant installed beneath an overhead utility line shall have a mature height suitable for that location.

Sec. 32-241. Existing vegetation and landscape credit.

- (a) Healthy, noninvasive vegetation within a required landscape or buffer area shall be preserved when it meets the purpose and requirements of that area.
- (b) Existing vegetation that provides the required width and screening may satisfy all or part of the requirement. Supplemental planting is required only where the existing vegetation does not meet the standard.
- (c) An existing large-maturing tree at least six inches DBH or an existing understory tree at least two inches DBH may count as one required tree when it is located within the required landscape area and protected during construction.
- (d) Existing vegetation may not be removed solely to install new landscaping when the existing vegetation meets or exceeds the applicable standard.
- (e) If vegetation used for credit dies or is removed, the owner shall replace it with the number and type of plants for which credit was given.

Sec. 32-242. Foundation and street-front landscaping.

- (a) Foundation landscaping. A building foundation that is visible from a parking area shall have a planting area next to the building. The required number of plants shall be calculated as follows:

$$PR = L \div 3$$

PR means the number of required plants. L means the length, in feet, of the building foundation visible from the parking area.

- (1) The result shall be rounded to the nearest whole number. A fraction of 0.5 or more shall be rounded up.
- (2) Each tree provided within the foundation planting area counts as two required plants.
- (3) Plants may be grouped or distributed within the planting area to accommodate entrances, utilities, drainage, and building features.
- (b) Street-front landscaping. A street-front landscape area shall be provided along each street right-of-way adjoining the development.
 - (1) The landscape area shall be located on private property, outside the right-of-way, and shall be at least ten feet wide.
 - (2) Driveways and approved access crossings are excluded from the landscape area.

(3) At least one large-maturing shade tree shall be provided for each 40 linear feet, or fraction thereof, of street frontage. At least one tree is required for each street-front landscape area.

(4) Shrubs, groundcover, understory plants, native grasses, turf, or preserved natural vegetation shall cover the remaining area.

The following figures reproduce the applicable Appendix A examples. They illustrate the standards but do not replace the ordinance text. If a figure conflicts with the text, the text controls.

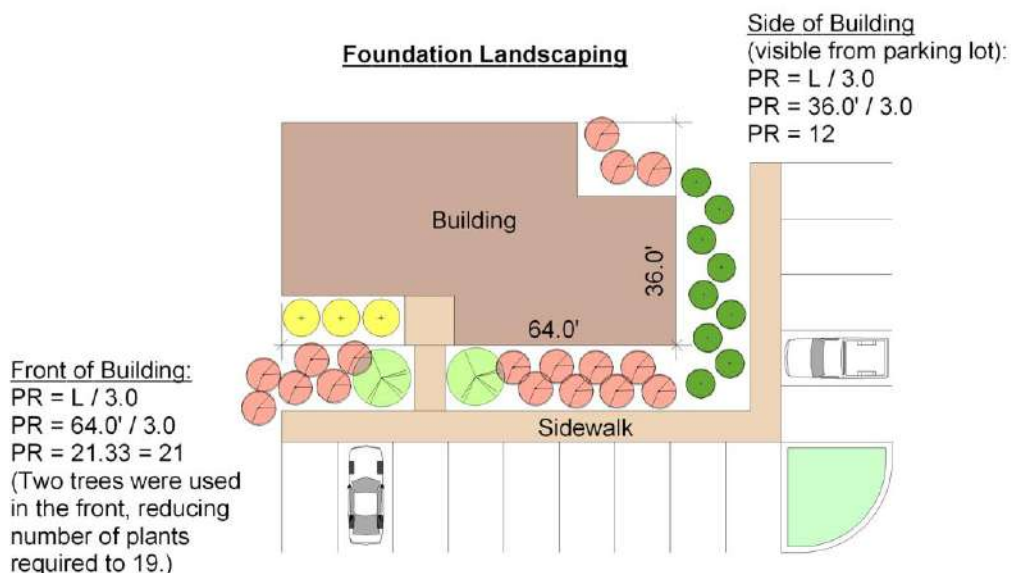


Figure 1 Foundation landscaping example from Appendix A

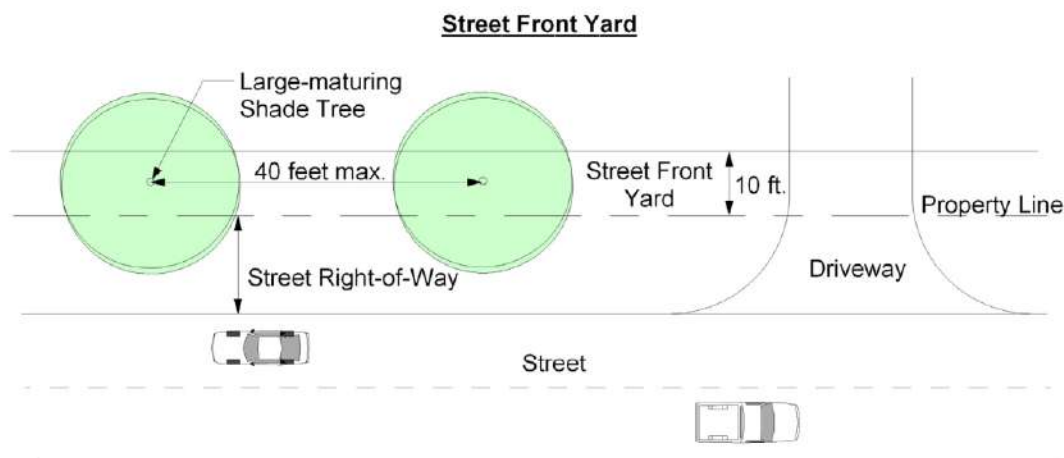


Figure 2 Street-front landscaping example from Appendix A

Sec. 32-243. Parking-area landscaping.

(a) This section governs landscaping within and around a parking lot or other vehicular-use area. Parking ratios, paving, circulation, and other parking design standards are governed elsewhere in this Code.

(b) A parking lot or vehicular-use area shall have a landscaped perimeter at least 15 feet wide along each side that adjoins a property line or street right-of-way.

(c) The perimeter shall contain at least one large-maturing tree for each 50 linear feet and enough evergreen shrubs or other evergreen plants to form a screen at least four feet high at maturity.

(d) When parking is located between the principal building and the primary road, the required perimeter shall be 25 feet wide.

(e) A landscaped island shall be provided after each ten parking spaces in a continuous row and at each end of a parking bay.

(f) Each island shall have an interior planting area at least nine feet wide and 15 feet long and shall contain at least one large-maturing shade tree. The remaining area shall contain shrubs, groundcover, native grasses, or turf.

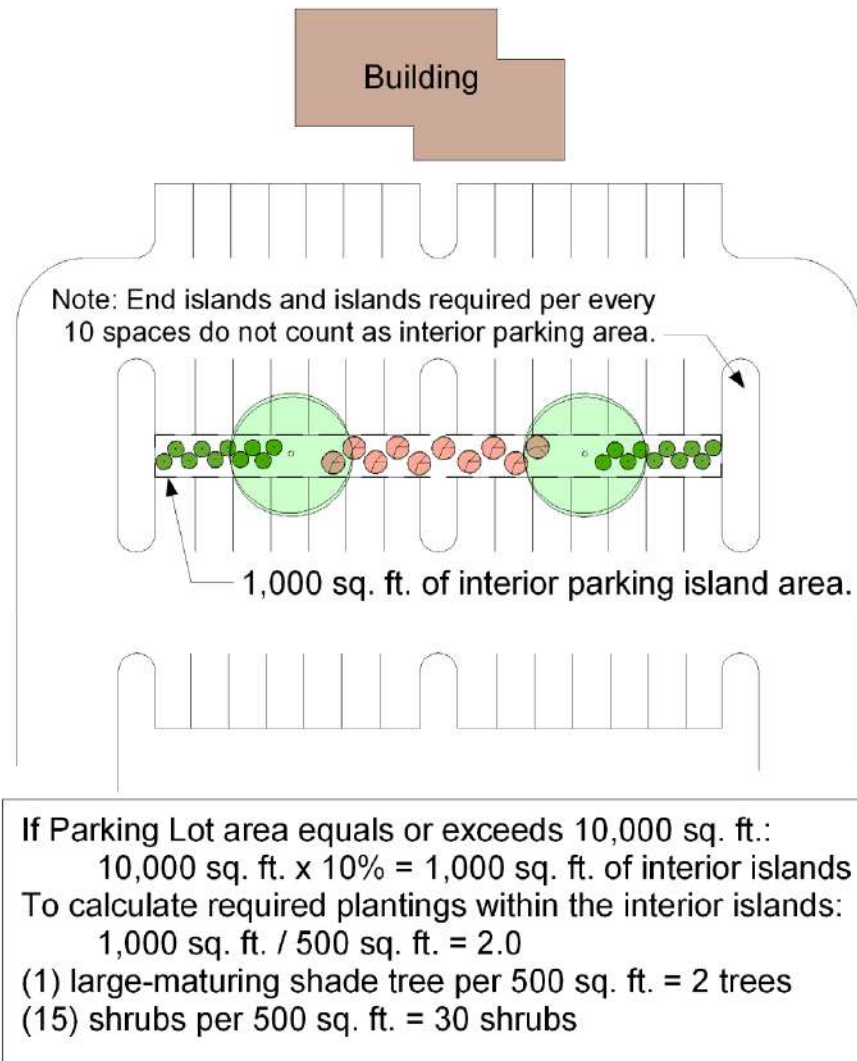
(g) When the impervious parking area is 10,000 square feet or more, interior landscape areas shall equal at least ten percent of the impervious parking area.

(h) For each 500 square feet of required interior landscape area, the applicant shall provide at least one large-maturing shade tree and 15 shrubs.

(i) Existing trees may receive credit under the existing vegetation section when they are located within a protected landscape area.

(j) Landscape areas may be used for stormwater infiltration when the design complies with applicable stormwater requirements and does not harm required plants.

Interior Parking



[Figure 3 Interior parking landscaping example from Appendix A](#)

Parking Islands

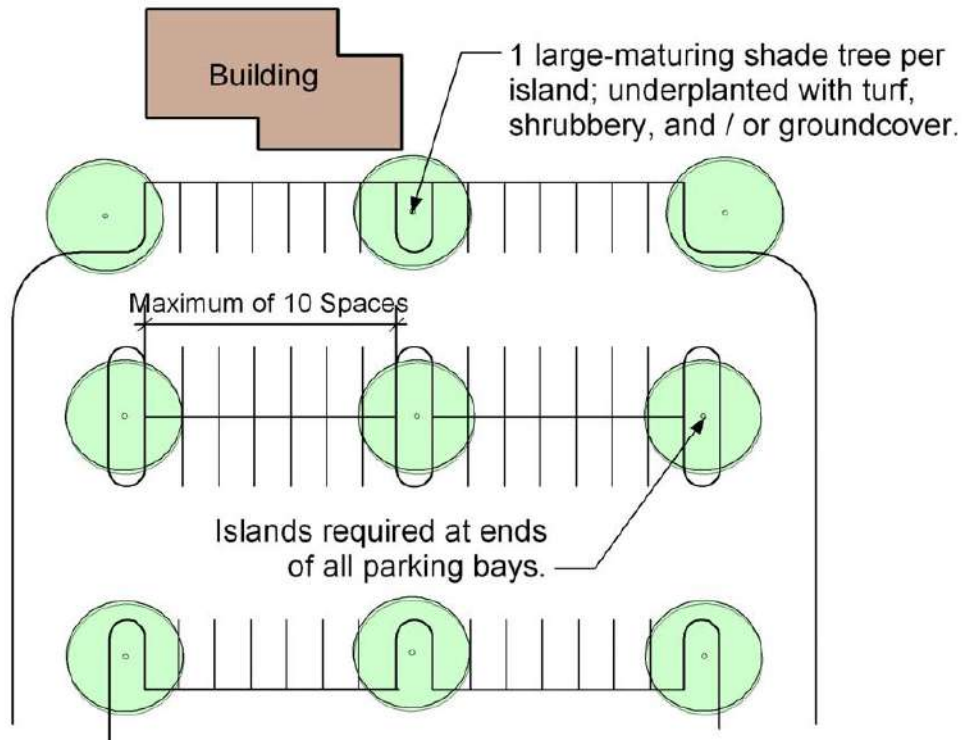


Figure 4 Parking-island example from Appendix A

Parking Perimeter Buffer

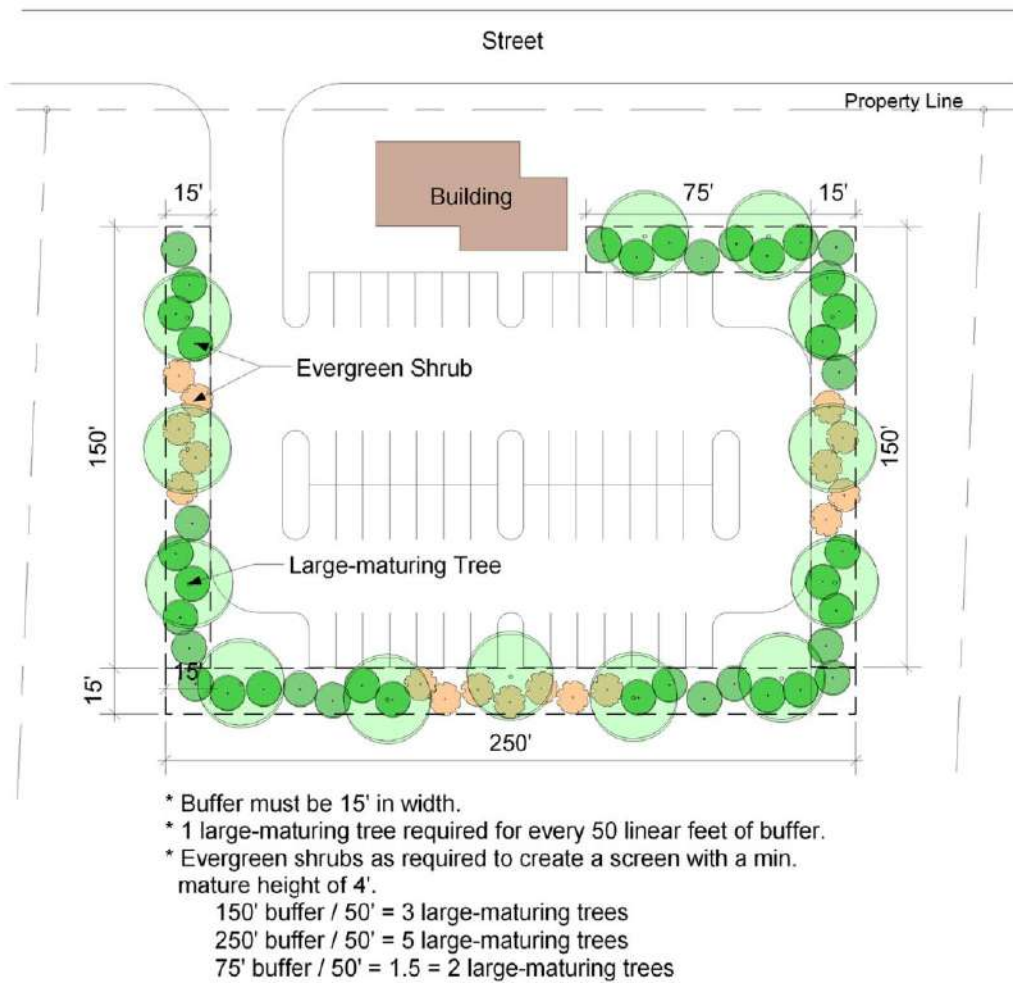


Figure 5 Perimeter parking buffer example from Appendix A

Sec. 32-244. Transitional buffers.

(a) A transitional buffer separates adjoining uses that differ in intensity, scale, activity, or impact. A buffer may contain existing vegetation, new planting, a wall, fence, berm, or a combination of these features.

(b) The development that creates the buffer requirement shall provide and maintain the buffer on its property.

(c) The buffer shall run along the common property line and shall be outside any public or private road right-of-way.

(d) A utility easement may be included within a buffer only when the easement allows the planting or screening required by this division. Otherwise, the required planting or screening shall be placed on the interior side of the easement.

(e) A driveway or accessway may cross a buffer as close to a right angle as site conditions allow when the crossing is needed for lawful access.

(f) When another provision of this Code requires a wider or more protective buffer, the more restrictive requirement applies.

Sec. 32-245. Buffer types.

Table 1 establishes two ways to meet each buffer type. The developer may use either option. Option 1 provides a wider, planting-based buffer. Option 2 permits a narrower buffer only when the additional planting or structural screening shown in the table is provided. Existing vegetation may receive credit under this division.

<u>Buffer type and option</u>	<u>Minimum width</u>	<u>Large-maturing trees per 100 feet</u>	<u>Understory trees per 100 feet</u>	<u>Small evergreen trees per 100 feet</u>	<u>Evergreen shrubs per 100 feet</u>	<u>Required structural screening</u>
TYPE A LIMITED SEPARATION <u>Low-density landscaping that defines an edge and provides partial visual separation.</u>						
<u>Option 1</u>	<u>15 feet</u>	<u>3</u>	<u>3</u>	<u>—</u>	<u>8</u>	<u>None</u>
<u>Option 2</u>	<u>10 feet</u>	<u>3</u>	<u>4</u>	<u>—</u>	<u>10</u>	<u>None</u>
TYPE B MODERATE SCREENING <u>Landscaping that provides spatial separation and reduces, but does not fully block, visual contact.</u>						
<u>Option 1</u>	<u>20 feet</u>	<u>3</u>	<u>4</u>	<u>—</u>	<u>10</u>	<u>None</u>
<u>Option 2</u>	<u>15 feet</u>	<u>3</u>	<u>4</u>	<u>—</u>	<u>10</u>	<u>Four-foot solid wall or fence, or evergreen hedge four feet high and three feet wide at maturity</u>
TYPE C SUBSTANTIAL SCREENING <u>Landscaping and screening that block visual contact at lower levels and separate materially different uses.</u>						
<u>Option 1</u>	<u>35 feet</u>	<u>5</u>	<u>6</u>	<u>6</u>	<u>25</u>	<u>None</u>
<u>Option 2</u>	<u>25 feet</u>	<u>3</u>	<u>3</u>	<u>6</u>	<u>20</u>	<u>Four-foot solid wall or fence, or evergreen hedge four feet high and three feet wide at maturity</u>
TYPE D HIGH-IMPACT SEPARATION <u>A wide buffer that blocks visual contact up to six feet and provides strong separation from industrial or other high-impact development.</u>						
<u>Option 1</u>	<u>50 feet</u>	<u>5</u>	<u>6</u>	<u>10</u>	<u>25</u>	<u>None if existing or installed vegetation provides the required screen</u>
<u>Option 2*</u>	<u>35 feet*</u>	<u>5</u>	<u>6</u>	<u>10</u>	<u>25</u>	<u>Six-foot solid wall or fence, or evergreen hedge six feet high and three feet wide at maturity</u>

Table notes

1. Plant quantities apply to each 100 linear feet of buffer. For a shorter or longer buffer, quantities shall be calculated proportionally. A fraction of 0.5 or more shall be rounded up; a fraction below 0.5 shall be rounded down.
2. Large-maturing trees may substitute for required understory trees on a one-for-one basis.
3. Plants need not be equally spaced. They shall be arranged to provide effective screening and healthy growth.
4. A wall or fence shall comply with the buffer design and screening section. An evergreen hedge shall form the required screen within five years after planting.

5. Where an existing wall, fence, hedge, or natural screen on the adjoining property meets the required height and screening standard, the Planning Director may credit it toward the structural screening requirement after confirming that it is permanent and maintainable.

6. Existing woodland within a Type D buffer shall be retained where it provides effective screening. The listed planting quantities apply where existing vegetation is insufficient.

7. * Where chapter 38 or another provision requires a 50-foot industrial buffer, the width may not be reduced. Type D Option 2 may be used as the planting and screening arrangement, but the full 50-foot width remains required.

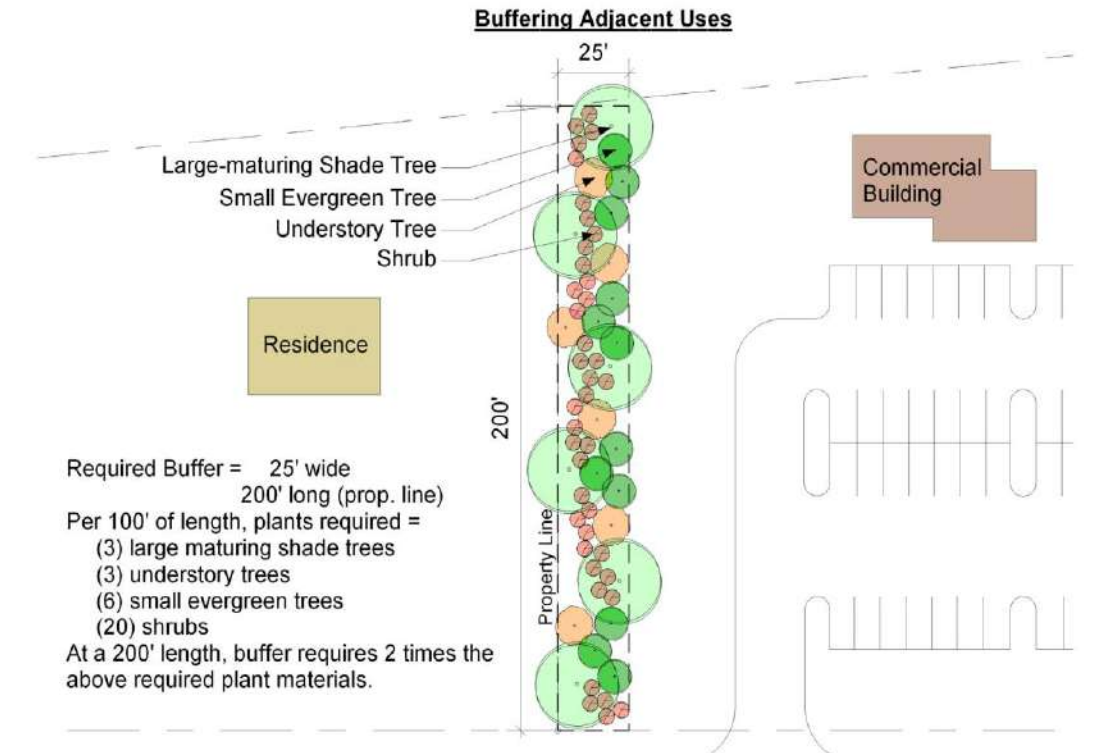


Figure 6 Appendix A adjoining-use buffer example corresponding to the proposed Type C Option 2 standard

Sec. 32-246. Buffer applicability matrix.

The following buffer applies along a common property line. A dash means that this division does not require a transitional buffer between the listed uses. Another provision of the Code may still require one.

Proposed development	Adjacent detached single-family	Adjacent multifamily or other residential	Adjacent commercial office or institutional	Adjacent industrial
Major residential subdivision	A	A	=	C
Multifamily housing	C	B	=	C
Student housing	C	B	=	C
Office institutional or civic	C	B	=	=

<u>Proposed development</u>	<u>Adjacent detached single-family</u>	<u>Adjacent multifamily or other residential</u>	<u>Adjacent commercial office or institutional</u>	<u>Adjacent industrial</u>
<u>Commercial or service</u>	<u>C</u>	<u>B</u>	<u>=</u>	<u>=</u>
<u>Industrial use</u>	<u>D*</u>	<u>D*</u>	<u>C*</u>	<u>=</u>

* A 50-foot Type D buffer applies where chapter 38 or another provision requires a 50-foot industrial buffer.

Sec. 32-247. Buffer design and screening.

(a) Existing vegetation may satisfy a buffer requirement when it provides the required width and screening. New plants shall be added only where the existing vegetation leaves a gap or does not meet the required planting quantity.

(b) Evergreen plants shall be used where year-round screening is required. Plants shall be spaced according to their mature size and arranged to limit gaps.

(c) A wall, fence, berm, or combination may supplement required vegetation. It may not reduce the required buffer width unless approved under the alternative compliance section.

(d) A wall or fence used for required screening shall be durable and maintained in good condition. Landscaping shall be placed on the side facing the adjoining property or road when needed to reduce the visual impact of the wall or fence.

(e) A berm used for screening shall:

(1) Have side slopes no steeper than three horizontal feet to one vertical foot unless a licensed professional designs and certifies a steeper slope;

(2) Be stabilized against erosion;

(3) Be landscaped or permanently vegetated; and

(4) Not direct drainage onto adjoining property.

Sec. 32-248. Activities within a buffer.

The following are allowed within a required buffer when they do not materially reduce the required screening:

(1) Utility lines and minor utility facilities;

(2) Stormwater conveyance facilities designed to preserve the screening function;

(3) Driveways and access connections allowed by this division;

(4) Walkways, trails, and passive recreation improvements;

(5) Fences and walls;

(6) Clearing needed for required sight distance;

(7) Maintenance and replacement of required vegetation;

(8) Removal of dead, diseased, hazardous, or invasive vegetation; and

(9) Emergency work needed to protect life or property.

Vegetation removed for an allowed activity shall be replaced where needed to restore the required screening.

Sec. 32-249. Screening of service areas.

(a) An outdoor loading area, refuse collection area, dumpster, or ground-mounted mechanical unit that is visible from adjoining residential property or a public right-of-way shall be screened.

(b) The screen may be an opaque masonry wall, durable opaque fence, evergreen planting, or a combination of these materials.

(c) The screen shall be at least one foot taller than the object being screened. Evergreen plants used as the required screen shall provide the required screening when planted.

(d) A gate or service opening shall be located and designed to preserve screening while allowing necessary access.

(e) Outdoor retail display and storage areas in a development subject to this division shall be screened from adjoining residential property and public rights-of-way using the materials and screening standard in subsections (b) through (d). Required transitional buffers shall be provided under sections 32-244 through 32-247. Existing Appendix A requirements in chapter 38 remain applicable.

(f) Shipping and receiving areas and docks shall be located in the rear of the structure and should not be visible from primary adjacent parking areas or road rights-of-way.

Sec. 32-250. Protection during construction.

(a) The approved plan shall identify each natural buffer and each area of existing vegetation used for landscape credit.

(b) Before land-disturbing activity begins, the applicant shall mark each protected area with visible construction fencing or another method approved on the plan.

(c) Construction equipment, materials, fill, excavation, and grading are prohibited within a protected area unless the approved plan allows the activity.

(d) Vegetation damaged or removed contrary to the approved plan shall be replaced in an amount sufficient to restore the required landscaping or screening.

Sec. 32-251. Installation and surety.

(a) Required landscaping and screening shall be installed before final approval or issuance of a certificate of occupancy, as applicable.

(b) If weather or planting conditions prevent installation, the applicant may provide a bond, irrevocable letter of credit, or other surety acceptable to the County in an amount equal to 125 percent of the approved installation cost.

(c) Planting secured by surety shall be completed within 270 days. The Planning Director may extend the deadline when planting during that period would be inconsistent with accepted horticultural practice.

(d) The County shall release the surety after the required landscaping is installed and approved.

Sec. 32-252. Maintenance.

(a) The property owner is responsible for maintaining required landscaping, screening, walls, fences, and berms.

(b) Required landscaping shall remain healthy and shall continue to provide the required screening.

(c) Dead, diseased, severely damaged, or missing required plants shall be replaced during the next suitable planting season with plants that meet the original requirement.

(d) Landscape areas shall be kept free of trash and debris.

(e) Pruning may not permanently damage required plants or reduce the required screening.

(f) Plant growth shall be controlled so that it does not block sight distance or interfere with utilities, drainage, or pedestrian and vehicle travel.

Sec. 32-253. Alternative compliance.

(a) The Planning Director may approve an alternative landscape, buffer, or screening plan only after making written findings that the alternative:

- (1) Provides landscaping, screening, and separation equal to or greater than the required standard;
- (2) Preserves more mature vegetation or responds to existing topography;
- (3) Addresses a utility easement, unusual lot shape, drainage facility, existing development pattern, or similar site condition;
- (4) Does not reduce sight distance, emergency access, or public safety;
- (5) Does not increase impacts on adjoining property; and
- (6) Can be permanently maintained.

(b) An alternative plan may not authorize a prohibited use, waive a requirement of state or federal law, or reduce a natural vegetative buffer required by chapter 38.

DIVISION 4. MANUFACTURED-HOME PARK STANDARDS

Sec. 32-254. Manufactured-home park density.

Reserved.

DIVISION 5. PARKING AND OUTDOOR LIGHTING

Sec. 32-255. Applicability and relationship to zoning.

This division applies to parking and outdoor lighting for land development subject to this article and to uses expressly made subject to this division by chapter 38. A major residential subdivision shall meet the parking and lighting standards applicable to its common facilities; an individual detached dwelling is not subject to the multifamily or student-housing parking provisions. Multifamily parking standards are stated in section 32-257, and student-housing parking is governed by section 32-258. Parking-area landscaping is governed by division 3 of article VI. Specific parking, use, and natural-buffer standards in chapter 38 remain applicable. The more restrictive applicable standard governs in a direct conflict, subject to law.

Sec. 32-256. Parking layout and construction.

(a) Parking areas and pedestrian connections shall be arranged to reduce the visual impact of parking. Parking to the side or rear of a building is encouraged where the site permits.

(b) Parking spaces shall be marked by paint or an approved durable marking. Curbs or wheel stops shall prevent a parked vehicle from encroaching on adjoining property, pedestrian circulation, a right-of-way, or a landscape area.

(c) An island shall be provided after every ten spaces in a continuous row and at each end of a parking bay, with an inside planting area at least nine feet by 15 feet, curbing to protect the planting, and plants meeting section 32-243.

(d) Parking areas shall be designed to convey and preferably infiltrate stormwater on-site in accordance with the approved stormwater plan. Stormwater shall not contribute to subsidence, erosion, or sedimentation on the development site or off-site. Approved pervious paving materials are encouraged.

(e) Parking areas shall be paved unless the planning commission approves an alternative surface upon a showing of adequate load capacity, drainage, accessibility, and maintenance.

Sec. 32-257. Multifamily parking.

A multifamily residential development shall show its off-street parking on the approved plan. Parking layout shall comply with section 32-256 and other applicable requirements. Required accessible spaces shall comply with applicable law. Shared parking is allowed only under section 32-259. A townhouse unit is classified separately from multifamily housing and remains subject to the parking provisions applicable to its approved use. Student housing shall meet section 32-258.

Sec. 32-258. Student housing parking and plan.

(a) Student housing shall provide at least one off-street resident parking space for each approved bed and one additional visitor space for every five approved beds or fraction thereof. Visitor spaces shall be identified and maintained for visitor use. On-street spaces shall not count toward the required supply. Required accessible parking shall comply with applicable law and is counted within the required supply.

(b) The application shall include one plan stating dwelling units, bedrooms, approved beds, parking, vehicular and pedestrian access, bicycle connections, waste and service areas, amenities, lighting, landscaping, buffers, stormwater, common improvements, an operator contact, maintenance, parking enforcement and complaint procedures.

(c) An increase in approved beds or a material change to an approved student-housing plan requires an amended approval under chapter 38 before additional beds are marketed or occupied. The planning director may review administrative changes within authority expressly delegated by chapter 38; a change to a special-exception condition requires action by the body with authority over that condition.

(d) The planning director may approve a reduction of up to 20 percent of the otherwise required spaces upon a qualified professional's analysis of peak demand and written findings that sufficient spaces will remain for residents and visitors. A reduction shall be reflected on the approved plan and shall not alter any condition imposed by the body granting a special exception without its approval.

Sec. 32-259. Shared parking.

Spaces assigned to more than one use may be credited only upon approval of a parking study showing that the uses have complementary peak hours and that each use has legally available spaces when needed. A recorded agreement shall identify the spaces, permitted hours, term, maintenance, enforcement, successor duties, and replacement parking if the agreement ends. The agreement shall be recorded before final plan approval or the first applicable occupancy authorization.

Sec. 32-260. Outdoor lighting.

(a) A development installing outdoor lighting shall submit a lighting plan with the land-development application and shall receive approval of the plan before installing the lighting. The lighting plan shall be prepared by an appropriately licensed design professional in South Carolina. The plan shall include: (1) the location, type, and height of building-mounted and ground-mounted luminaires; (2) a description of the luminaires, lamps, poles or other supports, and shielding devices, which may be provided as manufacturer catalogue illustrations; (3) manufacturer photometric data showing the angle of light emission; and (4) additional information needed to determine compliance with this division.

(b) Lighting shall be designed to provide safe illumination at intersections, entrances, and parking areas without illuminating adjoining property or impairing travel on a road. Necessary screening shall be shown on the approved plan. Fixtures shall not exceed 20 feet in overall height.

(c) Flashing or blinking lighting is prohibited except a safety signal required by law. Searchlights and laser lights for advertising or commercial purposes are prohibited.

(d) The owner shall maintain the approved shielding and orientation of fixtures. Lighting shall be inspected before final approval or occupancy, as applicable.

ARTICLE VII. TATTOOING FACILITIES WITHIN THE UNINCORPORATED AREAS OF OCONEE COUNTY

Sec. 32-415. Purpose and intent.

It is the purpose of this article to regulate tattooing facilities in order to promote the health, safety, and general welfare of the citizens of Oconee County, and to establish reasonable and uniform regulations to prevent the deleterious locating and concentration of tattooing businesses within the county.

It is the intent of this article to establish standards for tattooing facilities that will insure that these businesses are operated in a manner that is in full compliance with all applicable laws of the United States of America, the State of South Carolina, and Oconee County; and to provide Oconee County with a reasonable and legitimate mechanism for enforcing applicable laws.

(Ord. No. 2016-07, § 1(Att. A), 4-5-2016)

Sec. 32-416. Jurisdiction.

This section shall apply to any tattooing facility that is established within the unincorporated area of Oconee County.

(Ord. No. 2016-07, § 1(Att. A), 4-5-2016)

Sec. 32-417. Enabling authority.

This article is adopted by the county council in accordance with S.C. Code, 1976, Title XLIV, Chapter 34, as an application of the police powers for the purpose of promoting the public health, safety, and welfare.

(Ord. No. 2016-07, § 1(Att. A), 4-5-2016)

Sec. 32-418. Finding of fact.

(a) There exists potential for the establishment of tattooing facilities in the county, and it is in the interest of the public health, safety, and welfare, of the citizens of the county to provide for minimum standards and regulations for tattooing facilities, as well as for the health, safety, and general welfare of the owners, operators, employees, and patrons of such businesses.

(b) The State of South Carolina has indicated or implied concern for the secondary effects of tattooing facilities through the provisions in State Law Title XLIV, Chapter 34 Section 110, by requiring a distance separation of 1,000 feet from churches, schools, and playgrounds.

(c) The peak volume of business for tattooing facilities tends to occur when many families desire quiet, making such facilities incompatible with residential areas.

(d) It is not the intent of this article to suppress speech activities protected by the First Amendment of the Constitution of the United States of America or to place any permissible burden on any constitutionally protected expression or expressive conduct by the enactment of this article. Rather, it is the intent of the county to enact a content neutral regulation that addresses the secondary effects of tattooing facilities by enacting location requirements to such facilities.

(Ord. No. 2016-07, § 1(Att. A), 4-5-2016)

Sec. 32-419. Definitions.

Arterial road means a major road that serves as an avenue for circulation into, out of, or around the county; typical number of average daily traffic (ADT) exceeds 5,000.

Church means an establishment, other than a private dwelling, where religious services are usually conducted.

Collector road means a road that has the primary purpose of gathering traffic from intersecting local roads and handling movements to the nearest arterial road; a secondary function is to provide direct access to abutting properties. Typical number of average daily traffic (ADT) exceeds 800.

Existing commercial area means any area in which three or more separate businesses, fronting the same road, are located adjacent to each other, not separated by any occupied single family residence.

Playground means a place, other than grounds at a private dwelling that is provided by the public or members of a community for recreation.

Residential parcel means a parcel utilized primarily for single-family residency or a parcel upon which a residential home is within 1,000 feet of a tattooing facility.

School means an establishment, other than a private dwelling, where the usual processes of education are usually conducted.

Shopping center means a commercial establishment consisting of multiple spaces, leased or owned, for individual businesses.

Site plan means the development plan for a tattooing facility on which is shown the existing and proposed conditions of the lot, including landscaping, walkways, means of ingress and egress, structures and buildings, signs and lighting, buffers and screening (if applicable), surrounding development; surrounding parcels, and any other information that may be reasonably required in order that an informed decision can be made as to whether or not the requirements of this article have been satisfied.

Tattoo artist means a person who practices body tattooing and who meets all state and county requirements.

Tattoo facility means any room, space, location, area, structure, or business, or any part of these places, where tattooing is practiced or where the business of tattooing is conducted.

Tattooing means to indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments.

(Ord. No. 2016-07, § 1(Att. A), 4-5-2016)

Sec. 32-420. Location requirements.

(a) Tattooing facilities shall not be located within 1,000 feet of a church, school, or playground. This distance shall be the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground.

(b) In the event a parcel on which a tattooing facility is proposed to be located adjoins a residential parcel (as defined by this article), the owner of the tattooing facility shall install a fence and any necessary additional screening sufficient to prevent light, sound, and other secondary effects from negatively impacting existing residences. All plans for such fencing and/or screening shall be approved by the planning director prior to installation.

(c) Tattooing facilities may be located in any shopping center in the county that is not located within 1,000 feet of a church, school, or playground.

(d) Tattooing facilities shall be located no further than one-quarter mile (1,320 feet) from existing commercial areas (as defined by this article).

(e) Tattooing facilities shall locate only on arterial or collector roads, and shall be accessed directly from the road upon which the facility is located. No tattooing facility shall be located on a local road.

(Ord. No. 2016-07, § 1(Att. A), 4-5-2016)

Sec. 32-421. Request for a letter of compliance.

(a) The owner shall request in writing that the community development director, or designee, review the location of the tattooing facility and issue a letter of compliance.

(b) Appropriate fees, as established by resolution of the county council, shall be paid at the time of request for a letter of compliance.

(c) The owner shall submit the following items to the planning director, or designee, at the time a formal request for a letter of compliance is made:

(1) A site plan showing the location of the tattooing facility, including surrounding parcels;

(2) A copy of a survey (stamped by a surveyor licensed by the State of South Carolina) showing that the location of the proposed tattooing facility is not less than 1,000 feet from church, playground, or school;

(3) The road name and classification (specifying the ADT's) on which the tattooing facility will be located;

(4) Proof that the tattooing facility is to be located in or within ¼ mile of an established commercial area (as defined by this article), or within an existing shopping center;

(5) Plans for any necessary fencing or screening, as defined in this article.

(Ord. No. 2016-07, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-422. Issuance of letter of compliance.

(a) The planning director, or designee, shall issue a letter of compliance when all requirements of this article have been met.

(b) The letter of compliance shall not be issued, or may be revoked, if one or more of the following conditions are found to be present at any time:

(1) The proposed tattooing facility is in violation of any portion of this article, including the section concerning location requirements;

(2) The proposed tattooing facility is in violation of any other county ordinance or regulation, any ordinance or regulation enforced by an administrative department, bureau, or governmental entity of the State of South Carolina, or any law or regulation of the United States of America;

(3) The applicant is under 18 years of age;

(4) The applicant has failed to provide information that is reasonably necessary and required for compliance with this article or has falsely answered a question or request for information;

(5) The premises to be used for the operations of the proposed tattooing facility is found to be unsafe by the rural fire chief of the county, the building official of the county, or an appropriate official of South Carolina Department of Health and Environmental Control;

(6) The applicant and/or the spouse of the applicant is found to be overdue in payment to the county of taxes, fees, fines, of penalties assessed against the individual, or imposed upon the individual in relation to the tattooing business;

(7) The applicant is more than one individual or is a corporation and it is found that any person having at least ten percent ownership in the tattooing business, any person having at least ten percent ownership interest in a corporation owning the tattooing business, or the spouse of any person having ten percent ownership in the tattooing business is overdue in payment to the county of taxes, fees, fines, of penalties assessed against the individual, or imposed upon the individual in relation to said business;

(8) Appropriate fees are unpaid.

(c) A letter of compliance shall expire six months from the date that the letter was issued; however, one six month extension may be granted provided:

(1) Request for an extension is submitted no less than ten working days prior to the expiration date of letter;

(2) The applicant can prove that all pertinent circumstances surrounding the proposed tattooing facility have not changed since application was made;

(3) The applicant provides sufficient documentation supporting the request for an extension, specifically detailing all actions to date in pursuit of the establishment of the tattooing facility.

(Ord. No. 2016-07, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-423. Noncompliance.

Any existing tattooing facility, having been duly issued a letter of compliance and subsequently found to be in violation of this article or any other county enforced regulation, shall be subject to any appropriate penalties and/or remediation, to include any additional fees as deemed appropriate by county council. Notice of all noncompliance shall be forwarded to DHEC and other appropriate authorities.

(Ord. No. 2016-07, § 1(Att. A), 4-5-2016)

Secs. 32-424—32-514. Reserved.

ARTICLE X. COMMERCIAL JUNKYARDS

Sec. 32-751. Findings.

The county finds that commercial junkyards:

- (a) Provide a necessary service to county residents; and
- (b) Contribute to the economy and tax base of the county; yet
- (c) Pose a potential hazard to the health, safety, and general welfare of the citizens of the county;
- (d) Can depreciate the value of surrounding property;
- (e) Can attract and harbor mosquitoes or other insects, snakes, rats, and other pests and vermin;
- (f) Pose a potential threat of injury to children and other individuals who may be attracted to the premises; and
- (g) Can be a visual blight and depreciative to the aesthetic quality of the environment of the county.

(Ord. No. 2024-04, § 1(Exh. A), 4-2-2024)

Sec. 32-752. Purpose.

(a) The purpose of this article is to provide for the regulation of existing and proposed commercial junkyards under the unified performance standards contained in chapter 32 of the Oconee County Code of Ordinances.

(b) S.C. Code §§ 4-9-25 and 4-9-30 give Oconee County the authority to enact regulations, resolutions, and ordinances relating to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the county or for preserving health, peace, order, and good government therein. In order to accomplish these purposes, the county council enacts these regulations with respect to commercial junkyards.

(c) It shall be unlawful for any person, corporation, or other business entity to maintain a commercial junkyard except pursuant to the provisions of this article.

(Ord. No. 2024-04, § 1(Exh. A), 4-2-2024)

Sec. 32-753. Definitions.

As used in this article, the following terms shall have the meanings given below:

Commercial junkyard shall mean any land or area used, in whole or in part, as a business with the intent to generate revenue from the storage, handling, or selling of junk. This definition does not include facilities which are an essential part of wrecker, towing, or impoundment services, or county-operated or approved and permitted sanitary landfills. Further excluded from this article are temporary business operations such as garage or yard sales, which are related to a specific event of a limited time and limited duration.

Fence shall mean a substantial, continuous barrier constructed in a commercially appropriate and sound manner and extending from the surface of the ground to a uniform height of not less than six feet. The finished side of the fence shall face the public and be constructed of treated lumber, stockade, masonry, chain link, woven wire, or other approved material. Fabric fences shall not be allowed.

Junk shall mean, by way of example and not limitation: abandoned barrels or drums; dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts; and the following old, scrap, or used items: metal; rope; rags; batteries; tires; paper; cardboard; plastic; rubber; pallets; appliances; motors; industrial or commercial fixtures; rubbish and trash; debris; wrecked, dismantled, or disabled motor vehicles, watercraft, and aircraft, or parts thereof; and other old or scrap ferrous or nonferrous material.

Public building shall mean any building owned, leased, held, or operated by the United States, the state, the county, a city, a special purpose district, or any local, state, or federal governmental agency or political subdivision, which building is used for a governmental or other public purpose.

Right-of-way shall denote the limits of public and private roads, including the full property interest or easement area thereof. On county roads, when there is no deeded right-of-way or similar instrument governing road access and use, the right-of-way shall include all portions of the road used for travel, maintenance, and support, and including all accessory structures and features.

Scenic highway/scenic byway shall mean a road or highway under federal, state, or county jurisdiction that has been so designated through legislation, ordinance, or other official declaration because of its scenic, historic, recreational, cultural, archeological, or natural qualities. An official declaration is an action taken by an individual, board, committee, or political subdivision acting with the granted authority on behalf of the federal, state or county government.

Setback shall mean and refer to the required minimum distance, as established in this article, between a fence and the nearest property line, right-of-way, body of water, scenic highway/scenic byway, or heritage corridor.

Temporary storage service shall be defined as not exceeding 90 days from the date possession or custody of the vehicle is obtained, except when possession is pursuant to a court order.

Wrecker, towing and impoundment service shall mean an establishment or place of business that provides towing or temporary storage services for currently licensed and currently registered vehicles that have been wrecked or repossessed, or whose possession is by virtue of court order, a copy of which is in the possession of the proprietor of such service or affixed to the vehicle.

(Ord. No. 2024-04, § 1(Exh. A), 4-2-2024)

Sec. 32-754. Regulation of commercial junkyards.

(a) Every commercial junkyard must be enclosed on all sides by a fence that is not less than six feet in height. Commercially reasonable efforts, made in good faith and appropriate to the nature of the operation as carried out in a customary and safe manner, must be employed so that the fence, along with adjacent vegetation (either existing or planted for these purposes), conceals the view of all junk from public roads and private property. Further, the fence shall be constructed and maintained so that the commercial junkyard has an established barrier to deter access by children or other trespassers.

(b) Each commercial junkyard fence shall be setback as follows:

(1) Subject to the provisions of S.C. Code § 57-27-10, et seq. (the South Carolina "Junkyard Control Act"), 250 feet from all rights-of-way held by the federal or state government, including any agency thereof.

(2) One hundred feet from the rights-of-way of all county roads.

(3) Fifty feet from all property lines.

(4) One hundred feet from the ordinary high-water mark of all bodies of water, including, by way of example and not limitation, lakes, bays, ponds, rivers, streams, creeks, and reservoirs.

(5) Five hundred feet from all designated scenic highways/scenic byways.

(6) Five hundred feet from any federally designated heritage corridor.

If more than one setback requirement applies, the greater distance shall be enforced.

(c) No commercial junkyard shall be located within 1,000 feet of a church, school, daycare center, nursing home, health care facility, hospital, public building, or public recreation facility.

(d) All junk shall be stored within the fenced area of the commercial junkyard. The setback area, being the area between the required fence and the roadway, waterway, property line, etc., shall be maintained in a clean manner and shall not be used for storing, loading, or unloading junk.

(e) Each commercial junkyard shall apply to the South Carolina Department of ~~Health and Environmental Control (DHEC)~~ [Services \(SCDES\)](#) for an appropriate National Pollutant Discharge Elimination System (NPDES) permit, unless the applicant can show that an NPDES permit is not required by ~~DHEC~~ [SCDES](#) for the subject commercial junkyard. The NPDES permit must be appropriately maintained during the course of operations.

(f) Each commercial junkyard shall comply with all applicable chapters of the International Fire Code with South Carolina modifications, along with all applicable statutory and regulatory laws addressing the handling, storage, and disposal of hazardous waste, along with any applicable manufacturer's instructions and industry standards.

(g) Electric vehicle batteries shall not be stored or handled at a commercial junkyard unless such storage or handling is expressly permitted by, and such activity is done in strict compliance with, applicable hazardous waste regulations promulgated by the South Carolina Department of ~~Health and Environmental Control (DHEC)~~ [Services \(SCDES\)](#), or its successor agency, the United States Environmental Protection Agency (EPA), and any other entity of competent jurisdiction. Electric vehicle batteries are generally considered "Universal Waste" by the EPA and ~~DHEC~~ [SCDES](#) due to, among other factors, characteristics of ignitability and reactivity, and consequently must be carefully managed. Current ~~DHEC~~ [SCDES](#) regulations governing the handling of Universal Waste are located at S.C. Code Ann. Regs. 61-79.273.1, et seq.

(Ord. No. 2024-04, § 1(Exh. A), 4-2-2024)

Sec. 32-755. Existing nonconforming commercial junkyards in existence prior to the enactment of these commercial junkyard regulations.

(a) Any existing commercial junkyard that can provide documentary proof of ongoing operations occurring prior to the date this article is enacted has eight months from the date this article is enacted ("registration deadline") to register the commercial junkyard with the county in order to obtain grandfathered status. The county will identify and track the subject property as a "commercial junkyard." Any existing commercial junkyard not registered by the registration deadline will not obtain, and will lose, grandfathered status.

(b) Any existing commercial junkyard that is registered as an existing commercial junkyard by the registration deadline shall be deemed a "nonconforming commercial junkyard," and shall be exempt from the requirements of subsections 32-754(a) through (d) of this article. All commercial junkyards, however, shall comply with subsections 32-754(e) through (g).

(c) Any existing commercial junkyard that is registered as an existing commercial junkyard by the registration deadline will be treated as a nonconforming commercial junkyard, unless or until one of the following conditions arise:

(1) Operations are abandoned for a period of 12 months or more.

(2) The storage or handling area reserved for junk is expanded by 15 percent or more.

(3) Operations expand beyond the original footprint to cross a road, or drive, or driveway-which services non-related parcels, or expands into a separate parcel of land.

(4) A government agency or court of competent jurisdiction issues an order or similar enforcement document, finding a health or safety violation at the nonconforming commercial junkyard, which is the second such enforcement action at the nonconforming commercial junkyard within a 12-month period.

(d) Once a nonconforming commercial junkyard loses its grandfathered status as a result of a condition noted in subsections 32-755(a) and (c), it must comply with the terms of this article and the following provisions from section 32-754 shall apply:

(1) Subsection 32-754(a)—Regarding fencing. All fencing requirements shall apply. The business shall have 18 months after losing grandfathered status to comply with the fencing requirements.

(2) Subsections 32-754(b) and (c)—Regarding setbacks. All setbacks shall apply, unless the formerly grandfathered commercial junkyard had existing setbacks of less than the article requirements, at which point, no future expansion into, and in the direction of, the setbacks stated in this article is permitted.

(3) Subsections 32-754(d) through (g) shall apply as written.

(Ord. No. 2024-04, § 1(Exh. A), 4-2-2024)

Sec. 32-756. Provisions for administration.

(a) No person shall maintain a commercial junkyard except and unless the owner or operator has an approved commercial junkyard registration or application, as appropriate to the nature of the operation, from the county planning department.

(1) A commercial junkyard application shall consist of:

i. A properly completed application form submitted to the county planning department. The county planning department shall furnish the application form.

ii. A site plan showing all required items from subsections 32-754(a) through (d).

iii. All necessary permits from governing federal, state, or local authorities.

iv. A certificate of compliance prior to starting operations.

(2) A nonconforming commercial junkyard registration shall consist of:

i. A properly completed registration form submitted to the county planning department. (Note: The timing requirements established in section 32-755(a), above.) The county planning department shall furnish the registration form.

ii. Provide a site plan showing the area being utilized as a commercial junkyard; the site plan will establish the boundaries of the commercial junkyard and will control future expansion.

(b) Fees, if any, for the required registration or application, as appropriate to the nature of the operation, shall be established and published by the county council.

(c) The enforcement of this article shall be the responsibility of the county planning director or their designee.

(d) Any applicant or other affected party shall have the right to appeal a decision of the planning director to the county planning commission.

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

(Ord. No. 2024-04, § 1(Exh. A), 4-2-2024)

Sec. 32-757. Site remediation.

(a) An applicant for a new commercial junkyard or expansion of an existing nonconforming commercial junkyard (see subsections 32-755(c) and (d)) must submit a proposed "site remediation plan" for implementation at the end of operations of the commercial junkyard. The plan must include, at a minimum, the following information:

- (1) Proposed practices, policies, procedures, and timelines to remove and properly dispose of all remaining junk;
 - (2) Plans for an environmental assessment of the property, including the planned methods of mitigation and treatment in relation to any soil, subsurface/ground water, or other type of contamination;
 - (3) Manner and type of revegetation and restoration of the commercial junkyard area to stabilize the soil and minimize erosion, protect water quality, and to otherwise minimize any negative environmental impact resulting from the commercial junkyard use;
 - (4) Method of compliance with ~~DHEC~~ [SCDES](#) environmental regulations, including NPDES permitting requirements, as applicable; and
 - (5) Method of ensuring the site is secure to protect it from looting, loitering, trespassing, and similar activities.
- (b) The site remediation plan must provide that the remediation activities will be completed within six months after the closing of, or ceasing operations at, the commercial junkyard.

(Ord. No. 2024-04, § 1(Exh. A), 4-2-2024)

Sec. 32-758. Bonding.

An applicant for a new commercial junkyard or expansion of an existing nonconforming commercial junkyard shall file with the planning director, and maintain in force, a performance bond to ensure the satisfactory completion of the site remediation plan. All bonds must be in favor of Oconee County with acceptable surety provisions and procedures, as determined in Oconee County's sole discretion. The amount of each bond must be sufficient to ensure the appropriate remediation of the entire area of the commercial junkyard, consistent with the approved site remediation plan.

(Ord. No. 2024-04, § 1(Exh. A), 4-2-2024)

Secs. 32-759—32-800. Reserved.

Chapter 38 Zoning

Word track changes 3.3 | October 2, 2026

Oconee County South Carolina

Comparison with adopted Chapter 38, Supplement No. 55. Deletions appear in red strikethrough, insertions in blue and retained text in black. Revisions show whole words. The complete chapter and Appendix A are included. Matrix replacement is shown as deletion of the adopted table and insertion of the coordinated table.

ARTICLE 1. LEGAL PROVISIONS

Sec. 38-1.1. Purpose.

The zoning regulations and districts ~~as~~ set forth in this chapter have been made in accordance with the Oconee County Comprehensive Plan. These regulations are designed to lessen traffic congestion, to protect public safety, to promote the health and general welfare of the citizens of Oconee County, to reduce the sprawl of development, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate ~~provisions~~ provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations have been made with reasonable consideration of the character of each community and reflect concern for protecting the property and lifestyles of all Oconee County citizens.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.2. Authority.

The provisions of this chapter are adopted under authority of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Title 6, Chapter 29.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.3. Jurisdiction.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.4. Conflicting regulations.

In the event that a regulation in this chapter conflicts with any other county regulation or zoning ~~districts,~~ district requirement, the more stringent standard shall apply.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.5. Severability.

If, for any reason, one or more sections, sentences, clauses, or parts of this chapter are held unconstitutional or invalid, such decision shall not affect, impair, or invalidate the remaining provisions of this ~~chapter and they~~ chapter, which shall remain in full force and effect.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.6. Exemptions (grandfathering).

Any lawfully existing land use or structure present at the time zoning regulations are adopted ~~and/or~~ or amended by county council shall be exempt from these regulations or ~~such~~ the amended regulations, respectively, until ~~such a time as~~ the intensity of the use ~~changes,~~ changes or the use is abandoned as outlined in section 38-4.1.

Nonconforming ~~(or grandfathered)~~ or grandfathered uses shall be subject to the standards ~~listed~~ in Article 4, "Nonconforming ~~Uses~~", Uses," of this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.7. Effective date of chapter.

This chapter was first adopted on third and final reading of Oconee County Ordinance 2007-18 by county council on November 6, 2008, and implemented on May 1, 2009.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 2. APPLICATION AND ENFORCEMENT

Sec. 38-2.1. General prohibition.

~~The use of all land and structures within the unincorporated jurisdiction of Oconee County shall comply with all of the provisions contained within this chapter. As such, no building or structure, no use of any building, structure, or land; and no lot of record which did not exist on the effective date of these regulations, or any amendment hereof, shall be created, established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this chapter, or such amendment, respectively. No standard set forth in this document shall in any manner be construed to conflict with the provisions of the South Carolina Right to Farm Act or the South Carolina forestry regulations in effect on the date of adoption of these regulations, or any amendment hereof.~~

The use of all land and structures within the unincorporated jurisdiction of Oconee County shall comply with all provisions of this chapter. As such, no building or structure, no use of any building, structure, or land, and no lot of record that did not exist on the effective date of these regulations, or any amendment thereof, shall be created, established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this chapter or such amendment, respectively. No standard set forth in this chapter shall be construed to conflict with the provisions of the South Carolina Right to Farm Act or the South Carolina forestry regulations in effect on the date of adoption of these regulations or any amendment thereof.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.2. Zoning official.

The county administrator shall appoint ~~a one or more~~ zoning ~~official(s)~~ officials to enforce the provisions of this chapter. County zoning officials shall keep records of all variances and amendments to this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.3. Violations.

~~In the event the provisions of these regulations are found to be violated, the party deemed responsible for the violation shall first be notified in writing, and ordered to discontinue the lack of conformity. Said notification shall include the specific nature of the violation, and the corrections and remedies necessary to come into compliance.~~

If a violation of these regulations is identified, the party deemed responsible for the violation shall first be notified in writing and ordered to correct the violation. The notice shall identify the specific nature of the violation and the corrections or remedies necessary to achieve compliance.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.4. Zoning permit.

No permit shall be issued by the Oconee County ~~Zoning Officer, their~~ zoning official or designee, or by the board of zoning ~~appeals~~ appeals, except in conformity with the provisions of this chapter.

(1) A zoning permit shall be issued administratively for permitted uses and uses permitted with conditions. Appropriate fees may be established by county council from time to time.

(2) For those uses requiring a special exception, the zoning official shall not grant a zoning permit unless ordered to do so by the board of zoning appeals.

(3) No permit shall be issued by any department or agency of Oconee County prior to certification of zoning compliance by the zoning official.

(4) Unless specifically waived by the planning director or ~~his/her~~ designee, permitted uses with conditions and uses permitted by special exception shall require ~~a~~ site plan review prior to ~~the issue~~ issuance of a zoning permit. The zoning official may require ~~a~~ site plan review for permitted uses when necessary to ~~insure~~ ensure compliance.

(5) An approved site plan shall consist of two sets of plans drawn to an appropriate engineering scale, one of which shall be appropriately stamped ~~and/or signed~~ or signed, as applicable, and returned to the applicant upon approval. The following items shall be ~~noted~~ shown on all site plans:

a. The shape and dimensions of the lot on which the proposed building is to be located.

b. The location of ~~said~~ the lot with respect to adjacent rights-of-way.

c. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks.

d. The nature of the proposed use of the building or land, including the extent and location of the use.

e. The location and dimensions of off-street parking and loading space and means of ingress and egress.

f. The location of all required buffers.

g. Required ~~driveway/encroachment~~ driveway or encroachment permits.

h. A copy of any required stormwater ~~and/or erosion control permits.~~ or erosion control permits, as applicable.

i. Any other information deemed necessary by staff for enforcement of the provisions of this chapter.

(6) No permanent utility connection shall be authorized, and no certificate of occupancy ~~will~~ shall be issued, until the zoning official certifies ~~a~~ that the required site plan is ~~complete,~~ complete and an approved ~~"as-built"~~ "as-built plan" is on file.

(7) Copies of documents related to zoning permits and board of zoning appeals activities shall be kept on file by the zoning ~~official,~~ official and shall be subject to all provisions of the Freedom of Information Act. Appropriate fees to cover costs related to research and copying may be established by county ~~council from time to time.~~ council.

(8) Coordinated development review. A proposed subdivision or land development shall also comply with chapter 32. A mixed residential development shall submit one coordinated plan showing each component use and all shared access, parking, utilities, stormwater facilities, landscaping, buffers, and other common improvements. The substantive standards applicable to each use shall apply to that component; shared site features shall be reviewed through the more demanding applicable approval process. Approval under this chapter does not constitute subdivision approval, approval of private access, or acceptance of a road into the County road system.

(9) Student housing. Student housing requires the special exception designated in section 38-10.16 and shall comply with section 32-258. The application shall state the dwelling units, bedrooms, approved beds, parking, access, pedestrian and bicycle connections, waste and service areas, amenities, lighting, landscaping, buffers, stormwater facilities, common improvements, operator contact, maintenance, parking enforcement, and complaint procedures. Conversion of conventional multifamily or another residential use to student housing requires the applicable zoning approval before the changed use begins. Occupancy by students alone does not constitute such a conversion where dwelling units continue to be rented as whole units and are not operated as student housing as defined in section 38-12.2.

(10) Student-housing amendments. An increase in approved beds or a material change to the approved use, site arrangement, parking, access, buffers, or other condition affecting compliance requires amended approval by the

board of zoning appeals before additional beds are marketed or occupied or the material change is implemented. The planning director may approve minor plan changes that do not increase approved beds, change the approved use, reduce required access or buffers, or alter a condition imposed by the board. An administrative parking reduction is governed by section 32-258(d) and shall not alter a condition imposed by the board without its approval.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.5. Temporary use certificates.

A temporary use certificate may be issued by the zoning ~~official. Such certificates shall be issued~~ official for a specific period ~~of time, with none to exceed~~ not exceeding 15 ~~days, days~~ and shall be subject to ~~any and~~ all limitations deemed ~~to be~~ necessary to protect the character of the ~~district affected. In~~ affected district. If the ~~event said~~ temporary use ~~proves to result~~ results in no apparent negative impacts, ~~a temporary use~~ the certificate may be renewed for additional 15-day periods; however, no more than three ~~such~~ renewals shall be approved.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.6. Appeals of staff decisions.

~~Decisions made by the zoning official related to the issuance or denial of a zoning permit or temporary use certificate may be appealed to the board of zoning appeals pursuant to the South Carolina Code of Laws.~~

Decisions made by the zoning official in the administration or enforcement of this chapter may be appealed to the board of zoning appeals. An appeal shall be filed within 30 days after the date the written decision is mailed to the affected party, unless a different period is established by applicable state law. The appeal shall be filed in the manner required by S.C. Code § 6-29-800 and the rules of the board of zoning appeals.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.7. Complaints.

All complaints of violations shall be submitted in writing on a form provided by the zoning official. The complaint shall include a detailed description of the alleged violation, as well as the complainant's name, ~~address~~ address, and signature. ~~Complainants must reside within the same planning district in which the potential violation lies. All~~ complaints shall be acted on within ten days of ~~submission. Anonymous reports of alleged violations will not be considered valid.~~ submission.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.8. Cancellation of permits.

Violation of the provisions of this chapter found after ~~the~~ issuance of a land use permit, building permit, or other permit or certificate issued by Oconee County contingent on an approved zoning permit or temporary use certificate shall constitute a voiding or cancellation of all issued ~~permits,~~ permits and shall subject the applicant to the full extent of penalties provided for by law.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.9. Penalties.

~~Any person or entity violating the regulations set forth in this chapter is guilty of a misdemeanor and may be fined up to \$500.00 or imprisoned for 30 days or both.~~

Any person or entity violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-7. Each day that a violation continues after notice of the violation shall constitute a separate offense. Nothing in this section shall prevent the County from pursuing any other lawful remedy available to enforce this chapter, including injunctive or other equitable relief.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.10. Zoning districts/abbreviations.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 3. OFFICIAL ZONING MAP AND ZONING DISTRICTS

Sec. 38-3.1. Official zoning map.

The ~~boundary~~-boundaries of the unincorporated ~~areas~~-area of Oconee County and all adopted zoning districts are shown on a map entitled "Official Zoning Map, Oconee County, South Carolina," which is hereby adopted and declared to be part of this chapter and incorporated herein by reference.

(1) Amendments — Amendments to the official zoning map shall be made as necessary by ~~the~~ Oconee County ~~Council~~-Council in accordance with the procedures outlined in this chapter and ~~according to S.C. Code § 6-29-760 of the State of South Carolina Code of Laws, 1976,~~ 6-29-760, as amended. The map shall at all times portray the current ~~status of the~~ zoning district boundaries.

(2) Custodian map — A reproducible copy of the official zoning map shall be kept in the office of the Oconee County ~~Zoning Official~~-zoning official, and copies shall be made available for inspection by the public.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-3.2. Interpretation of ~~districts'~~-district boundaries.

When uncertainty exists with respect to the boundaries of a zoning district, as shown on the official zoning map, the following rules shall apply:

(1) Delineation — Zoning district boundary lines are intended to follow the ~~centerline~~-centerlines of roadways, ~~streams~~-streams, or other water ~~channels~~-channels and ~~follow~~ platted lot lines or other property lines. In the

absence of ~~visual-visible~~ district boundaries or specified distances on the official zoning map, dimensions or distances shall be determined by the scale on the official zoning map.

(2) Interpretation — ~~In the event that~~ if the zoning official is unable to ~~make a decision regarding~~ determine the exact boundary on the official zoning map, the board of zoning appeals shall interpret the ~~district's~~ district boundary.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 4. NONCONFORMING USES

Sec. 38-4.0. [Use.]

~~Any usage of a parcel or structure lawful at the time these regulations or any amendment thereof become effective shall be allowed to continue as a nonconforming usage, subject to the restrictions listed herein. For purposes of this article usage shall be construed to include, without limitation and in addition to the usual meaning of the word, usage expressly and explicitly approved, indicated and stated in a deed restriction, restrictive covenant, or other form of land use restriction imposed or obtained in a private, arm's length, contractual transaction which is reduced to a matter of public record, and actually recorded as a public record, at the time of enactment of Ordinance 2007-18 on November 6, 2008.~~

Any use of a parcel or structure that is lawful when these regulations or an amendment becomes effective may continue as a nonconforming use, subject to the restrictions in this article. For purposes of this article, use includes, without limitation and in addition to its customary meaning, a use expressly approved, indicated, and stated in a deed restriction, restrictive covenant, or other form of land-use restriction imposed or obtained in a private, arm's-length contractual transaction that was reduced to and recorded as a public record at the time of enactment of Ordinance 2007-18 on November 6, 2008.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-4.1. Discontinuation of use.

Any nonconforming use discontinued or abandoned for ~~a period of~~ 12 months or more shall ~~void any exemption~~ lose its status as a nonconformity, and thereafter the use shall conform to all provisions of these regulations. However, suspension of a use for longer than 12 months solely as a result of fire, flood, wind, explosion, ~~or~~ other calamity or ~~Act~~ act of God; catastrophic illness or injury detrimental to ~~the~~ continuation of the use; or the exercise of eminent domain or other governmental ~~act (other action, other~~ than ~~that which results an action resulting~~ from criminal activity proven in a court of competent ~~jurisdiction)~~ jurisdiction, shall not constitute discontinuance or abandonment. A nonconforming use may be discontinued for more than 12 months due to a national or regional recession (~~as~~ recognized by a competent state or national ~~authority)~~ authority or business restructuring due to ~~bankruptcy (other bankruptcy, other~~ than ~~through dissolution of the business in question)~~ business, provided the owner of ~~said the~~ nonconforming use submits a written request ~~in writing~~ to the county planning department ~~prior to before~~ discontinuation of the ~~nonconforming~~ use, supported by appropriate documentation, for an ~~extension of nonconformance for an additional 12 months~~ 12-month extension. No more than three such extensions shall be ~~granted, and if granted. If~~ the nonconforming use has not ~~been~~ resumed by the end of the ~~last such~~ final extension, the nonconforming use shall be deemed ~~to have been~~ abandoned or expired.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-4.2. [Nonconforming structure.]

In the event an ~~alteration~~ alteration, expansion, change, rebuilding, or resumption is proposed for any nonconforming ~~structure, structure or use, the nonconformity shall be subject to review and permitting under the provisions established in this chapter, and~~ the following standards shall apply:

~~(1) The altering, expanding, changing, rebuilding, or resuming of a nonconformity shall be subject to review and permitting under provisions established in this chapter.~~

(1) If a nonconforming building or structure is reused or reoccupied without alteration, or an abandoned use is resumed within 12 months, no permit is required under this chapter, provided the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconformity became unused, unoccupied, or abandoned.

~~(2) If an expansion of a nonconforming building or structure that is reused or reoccupied without alteration, or an abandoned use is resumed within 12 months, no permit is required under this chapter, provided, a nonconformity solely due to dimensional setbacks shall be permitted, provided the nature and degree of the dimensional nonconformity will not be changed or increased from that which existed before the nonconformity became unused, unoccupied, or abandoned.~~ increased.

~~(3) An expansion of a nonconforming structure that is a nonconformity solely due to dimensional setbacks shall be permitted, provided the dimensional nonconformity will not be increased.~~

(3) Nonconforming buildings or structures utilized as an integral part of a business at the time of adoption of these regulations or any sequential rezoning shall be permitted to be expanded by an amount up to 50 percent of the building footprint existing at the time of adoption, as a special exception, provided:

~~(4) Nonconforming buildings or structures utilized as an integral part of a business at the time of adoption of these regulations or any sequential rezoning shall be permitted to be expanded by an amount up to 50 percent of the building footprint existing at the time of adoption, as a special exception, provided:~~

a. District setback and height requirements are met, with no existing dimensional nonconformities being increased;

b. Any increase in excessive light, noise, dust, or other negative impacts on neighboring uses resulting from the proposed expansion ~~are~~ is mitigated by screening, fencing, or other means necessary.

~~(5)~~ (4) Any proposed change in ~~usage~~ use of a "~~nonconforming use~~" nonconforming use may be permitted as a special exception by the board of zoning ~~appeals~~ appeals if the proposed use does not increase the effects of the existing ~~usage~~ use in the neighborhood and all other provisions for granting a special exception are met.

~~For the purposes of this section, the terms "altering", "expanding" and "changing" shall be strictly construed. "Rebuilding" shall mean the rebuilding, reconstruction, or restoration of any nonconforming building or structure which was damaged or partially destroyed by fire, flood, wind, explosion, or other calamity or Act of God. "Resuming" shall mean the reusing or reoccupying of a nonconforming building or structure which was unused or unoccupied for a continuous period, or the resuming of a nonconforming use which was abandoned for a continuous period. All structures rebuilt or otherwise modified under the provisions of this chapter shall be constructed to conform to adopted codes.~~

For purposes of this section, alteration means a physical modification to a nonconforming building or structure, other than ordinary maintenance or repair, that changes its exterior dimensions, configuration, structural components, or the nature or degree of an existing nonconformity. Expansion means an increase in the building footprint, gross floor area, height, number of dwelling or occupancy units, or physical area devoted to a nonconforming use. Change means either a change in the use or occupancy of a nonconforming building, structure, or property, or a physical modification that changes the nature or degree of the nonconformity. A change does not include routine maintenance, repair, or replacement in kind that does not increase or extend the nonconformity. Rebuilding means the rebuilding, reconstruction, or restoration of any nonconforming building or structure damaged or partially destroyed by fire, flood, wind, explosion, or other calamity or act of God. Resuming means the reuse or reoccupancy of a nonconforming building or structure that was unused or unoccupied for a continuous period, or the resumption of a nonconforming use that was abandoned for a continuous period. All structures rebuilt or otherwise modified under this chapter shall be constructed to conform to adopted codes.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 5. CONDITIONAL USES

Sec. 38-5.0. [Use.]

~~The standards listed in this section shall be applied in addition to any and all zoning district requirements applicable for the use specified. The zoning official may require site plans, technical specifications, and/or any other reasonable documentation necessary to verify compliance.~~

The standards listed in this section shall apply in addition to all zoning district requirements applicable to the specified use. The zoning official may require site plans, technical specifications, or other reasonable documentation necessary to verify compliance.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.1. [Reserved.]

Sec. 38-5.2. Auction houses (zoning districts: ARD, RRD, CCD, HCD).

All ~~noises, noise,~~ excess light, ~~or and~~ dust shall be controlled so as not to be detrimental to or ~~cause create~~ a nuisance ~~to for~~ nearby residential or commercial uses. A landscape plan ~~which provides for providing a minimum 15-foot-wide screening and buffering of a minimum width of 15 feet area~~ shall be submitted ~~at with~~ the time of application for a zoning permit. Parking areas shall be located no closer than 15 feet from the boundary of any adjoining ~~parcel, parcel~~ and shall be bordered on adjoining sides by a landscaped area ~~which contains containing~~ an evergreen screen ~~a minimum of at least~~ four feet in height.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.3. Bed and breakfast inns (zoning districts: ~~AG, AD,~~ CCD).

~~Off-street parking shall be provided in accordance with the average amount of expected traffic utilizing the said business. A minimum of two spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur in the rear of the business.~~

Off-street parking shall be provided at a rate of one parking space for each guest room, plus one parking space for the resident operator and one additional parking space for each employee. A minimum of two off-street parking spaces shall be provided. Whenever feasible, required parking shall be located to the rear of the principal structure.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.4. Cemeteries and accessory uses (zoning district: CCD).

~~Adaqueate Adequate~~ ingress and egress shall be ~~provided for provided,~~ and commercial cemeteries ~~greater containing more~~ than 30 sites shall provide access points on two thoroughfares.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.6. Conservation subdivision (zoning districts: TRD, ~~AG, AD,~~ ARD, RRD, RD, LRD, ~~HCD,~~ HCD, GUD).

(a) A licensed landscape architect shall design the site layout and preliminary layout plans for the ~~subdivision subdivision.~~

(b) A minimum of 50 percent of the gross area shall be preserved as green space.

(c) Lot size may be reduced to 10,000 square feet provided that a nontraditional septic system is approved by the South Carolina Department of ~~Health and Environmental Control (DHEC)-Services (SCDES).~~ An increase in green space by at least 15 percent shall permit the developer to decrease the minimum lot size by 20 percent (to 8,000 square feet).

(d) Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping.

(e) At least half of the lots shall directly abut conservation land or face conservation lands from across the street.

(f) Covenants and restrictions governing the preservation of green space, wetlands, and other sensitive lands shall be recorded with the final subdivision plat prior to any sales. A statement ~~assigning-identifying~~ the ~~home owners association-responsible party or entity having continuing~~ responsibility for ~~maintaining-ownership, maintenance, and preservation of~~ the conservation land shall be clearly placed on the final subdivision plat.

(g) All conservation lands shall be contiguous to provide for integrated open space throughout the subdivision, excluding thoroughfares. ~~Long-Long~~, thin strips of conservation land (~~less-less~~ than 150 feet in ~~width~~)-~~width~~ shall be prohibited.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.7. Home occupations (zoning districts: TRD, ~~AG~~, ~~AD~~, ARD, CD, RRD, RD, LRD, CCD, HCD).

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the ~~said~~ business. At a minimum, two spaces shall be provided off ~~of~~ the public thoroughfare. Whenever ~~feasible~~ feasible, all parking shall ~~occur in~~ be located to the rear of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.8. Motor vehicle services and repair (zoning district: CCD).

Space shall be provided in the rear of the building for ~~long-term~~ long-term and overnight storage of vehicles. No more than three working bays shall be ~~permitted~~, permitted unless otherwise approved by the board of zoning appeals.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.9. Outdoor retail (zoning district: MUD).

Setbacks from the roadway shall be a minimum of 50 feet. Parking shall be provided in a clearly designated area ~~apart-separate~~ from the merchant stands. Fire access shall be maintained throughout the ~~entire~~ outdoor retail area ~~with~~ by fire lanes and thoroughfares ~~that are a minimum of at least~~ 20 feet wide. All adjacent residential areas shall be screened or buffered ~~so as to ensure that the~~ minimize visual ~~impacts are minimized~~ impacts. See Appendix A for screening and buffering guidelines.

(Ord. No. 2012-14, § 1, 5-15-2012)

[Secs. 38-5.10—38-5.16. Reserved.]

Sec. 38-5.17. Restaurants (up to ~~2,500~~ 2,500 square feet) (zoning districts: TRD, RRD).

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the ~~said~~ business. A minimum of ten spaces shall be provided off ~~of~~ the public thoroughfare. Whenever ~~feasible~~ feasible, all parking shall ~~occur~~ be located to the rear or side of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 6. BOARD OF ZONING APPEALS

Sec. 38-6.1. References.

All references within these regulations to the board of zoning appeals shall be considered to indicate the Oconee County Board of Zoning Appeals, created under the provisions of Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2018-18, § 1(Att. A), 8-21-2018)

Sec. 38-6.2. Responsibilities.

The board of zoning appeals shall:

(1) Hear all appeals, ~~request~~requests for variances, and special exceptions from these ~~regulations~~regulations in accordance with ~~the Code of Laws of South Carolina~~, Title 6, Chapter 29 of the South Carolina Code of Laws and the adopted bylaws of the board of zoning appeals.

(2) Hear and decide appeals where there is an alleged error in any ~~order~~order or ~~decisions~~decision made by the zoning official or designated staff.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2018-18, § 1(Att. A), 8-21-2018)

Sec. 38-6.3. Public notification process.

Planning and zoning staff shall, at least 21 calendar days before the scheduled meeting:

(1) Legal advertisement. Place a legal advertisement in a ~~local newspaper~~local newspaper that:

- a. Identifies the time, ~~date~~date, and location of the board of zoning appeals meeting;
- b. Identifies the project location requesting the meeting by parcel ~~I.D.~~ID number and physical address, if available;
- c. Identifies the reason for the meeting; and
- d. ~~Provides~~Provide county planning staff contact information.

(2) Public signage. Produce a ~~sign~~sign at least ~~nine square~~nine square feet in size that identifies the party ~~asking for~~requesting the BZA meeting, ~~what the purpose of~~ the BZA meeting ~~is for~~ (~~variance~~variance or special exception), the project location (address and parcel ~~I.D.~~ID), the time and location of the BZA meeting, and a contact phone number ~~of~~for county planning staff. The signs should include ~~four-inch high~~four-inch-high lettering ~~that states~~stating the type of ~~request~~request: variance, special exception, or cell tower. At least one sign shall be placed at each of the following locations:

- a. On or adjacent to the property affected; and
- b. Along each road frontage that abuts the property ~~asking for~~that is the subject of the BZA hearing, and at least one ~~more~~additional sign, as needed at staff's discretion, to provide adequate ~~notification for~~notice to area property owners and residents.

(3) Adjacent landowner notification. County planning staff shall produce and mail letters to all landowners within 250 feet of the project ~~areas~~area's property lines that:

- a. ~~Identifies~~Identify the proposed project site;
- b. ~~Identifies~~Identify the need for the BZA hearing;
- c. ~~Identifies~~Identify the time and location of the BZA hearing; and
- d. ~~Provides~~Provide county planning staff contact information.

(Ord. No. 2018-18, § 1(Att. A), 8-21-2018)

ARTICLE 7. VARIANCES AND SPECIAL EXCEPTIONS

Sec. 38-7.1. Variances.

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board of zoning appeals makes and explains in writing the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) These conditions do not generally apply to other property in the vicinity;

(3) Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(4) The authorization of a variance will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.

a. The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

b. The board of zoning appeals may grant a variance to extend physically an existing nonconforming use provided that the expansion does not adversely affect the character of the community and is designed so as to minimize any negative secondary impacts.

c. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-7.2. Special exceptions.

The board of zoning appeals may grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The board of zoning appeals shall among other things require that any proposed use and location be:

(1) In accordance with the comprehensive plan and ~~is~~ consistent with the spirit, purposes, ~~and the intent~~ intent, and specific requirements of this chapter, ~~to include~~ including the definition and intent of the district in which the special exception is ~~being~~ requested;

(2) In the best interests of the county, the convenience of the ~~community~~ community, and the public welfare;

(3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;

(4) Suitable in terms of effects on highway traffic, ~~parking~~ parking, and ~~safety~~ safety, with adequate access arrangements to protect streets from undue congestion and hazards.

The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.

Student-housing findings shall address the approved bed count, the unified plan and parking requirements in section 32-258, access classification and unit counting under section 32-228, and applicable landscaping, buffer, lighting, and development requirements. A parking reduction of no more than 20 percent may be approved by the planning director only in accordance with section 32-258(d); the reduction shall be documented on the approved plan and shall not alter a condition imposed by the board without its approval.

Group residential facilities, including fraternity and sorority houses, remain subject to chapter 32, article V, sections 32-171 through 32-182, and applicable state requirements. The designation of a use in the matrix does not waive those requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 8. AMENDMENTS AND REZONING

Sec. 38-8.1. Consideration by planning commission and county council.

All proposed amendments to ~~these regulations, this chapter or the~~ official zoning ~~map, or any other part of this document~~ map shall be ~~reviewed by~~ submitted to the county planning ~~commission, who shall issue a~~ commission for review and recommendation ~~to~~ before final action by county council. Upon receipt of the planning commission ~~report, report and recommendation~~, county council shall act on the proposed amendment within 60 ~~days~~ days. If county council proposes a change or departure from the text or map amendment recommended by the planning commission, the proposed change or departure shall be returned to the planning commission for review and recommendation in accordance with S.C. Code § 6-29-760. The planning commission shall submit its report and recommendation to county council within 30 days after referral. If the planning commission fails to submit a report within the 30-day period, the proposed change or departure shall be deemed approved by the planning commission as provided by state law.

(Ord. No. 2017-25, § 1(Att. A), 12-5-2017)

Sec. 38-8.2. Public notice requirements.

~~(a) Public hearings. County council shall conduct all required public hearings for amendments and rezoning. No amendment to these regulations or official zoning map shall be considered for third and final reading until after the public notice and hearing requirements set forth in the South Carolina Code of Laws and this chapter have been met.~~

(a) Public hearing. County council shall conduct the public hearing required before adoption of an amendment to this chapter or the official zoning map. No amendment shall receive third and final reading until the applicable public notice and hearing requirements of state law and this chapter have been satisfied. An ordinance amending this chapter or the official zoning map shall receive three readings at public meetings of county council on three separate days, with not less than seven days between second and third readings, as required by S.C. Code § 4-9-120. The required public hearing shall be held before final council action in accordance with S.C. Code §§ 4-9-130 and 6-29-760.

~~(b) Notice of hearing. Notice of public hearing shall be published in a newspaper of general circulation at least 15 days prior to hearing. The notice shall carry an appropriate descriptive title and shall state the time, date, and place of the hearing. All interested parties shall be heard at the public hearing.~~

(b) Notice of the public hearing shall be published in a newspaper of general circulation in the county at least 15 days before the hearing. The notice shall contain an appropriate descriptive title and shall state the date, time, and location of the hearing. Interested persons shall be provided a reasonable opportunity to be heard in accordance with county council's rules of procedure.

~~(c) Posting. Pursuant to the provisions of the South Carolina Code of Laws, signs noting a rezoning for the small area method shall be posted on or adjacent to affected parcels along public thoroughfares. In the event less than ten effected parcels are so situated as to share frontage along the same public thoroughfare, a sign shall be located on each parcel, provided no two signs are closer than 100 feet of each other. In the event ten or more affected parcels are so situated as to share frontage along the same public thoroughfare, or any number of parcels are located off of the public thoroughfare, signs shall be posted as close as is practical in a manner sufficient to ensure due public notice. At a minimum, signs shall be posted at the beginning and end of any continuous shared public frontage, with no more than one mile between signs; at least one sign shall be visible from all directions in each intersection adjacent to a parcel for which rezoning is proposed. The rezoning of lands owned by the United States, the State of South Carolina, public universities, or the county shall be posted at any major identifying signs stating the identification of the property; in the event that no signs are present, state posting guidelines shall be followed. For all other rezoning, state posting guidelines shall be followed.~~

(c) In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one notice visible from each public thoroughfare that abuts the property, as required by S.C. Code § 6-29-760. For a rezoning involving multiple parcels, additional signs may be posted as necessary to provide adequate notice based upon number, configuration, location, and frontage.

~~(d) Notification of property owners. A written~~ Written notice containing ~~all the~~ pertinent information ~~related to any concerning the~~ public hearing shall be ~~sent mailed~~ mailed by ~~first class~~ first-class mail to the ~~registered owner of~~ record of each affected parcel at least 15 days ~~prior to~~ before the event. ~~For the purposes of this section, the public hearing. The~~ name and mailing address of the owner ~~of the parcel~~ shall be ~~that listed on tax~~ those shown in the records maintained by of the county tax assessor.

~~(e) Action by council. After conducting a duly advertised public hearing, county council shall consider all information presented at the hearing, staff review, and the recommendation received from the county planning commission, prior to making their decision.~~

(e) Planning commission proceedings. If a landowner whose property is the subject of a proposed amendment is permitted to present oral or written comments to the planning commission, at least ten days' notice and an opportunity to comment in the same manner shall be provided to other interested members of the public, including owners of property adjoining the subject property, as required by S.C. Code § 6-29-760(B).

(f) After the required public hearing, county council shall consider the information presented at the hearing, applicable staff review, and the recommendation of the county planning commission before taking final action on the proposed amendment.

(Ord. No. 2017-25, § 1(Att. A), 12-5-2017)

Sec. 38-8.3. Reconsideration of request for amendment.

When county council ~~shall have denied~~ denies a request ~~for an amendment to this chapter, it amend the zoning classification of property, county council~~ shall not consider ~~the same or a less restrictive reclassification new application~~ for ~~an~~ amendment affecting the same property until one year from the date of ~~said denial. A more restrictive classification is not subject to the one-year period.~~ denial.

(Ord. No. 2017-25, § 1(Att. A), 12-5-2017)

Sec. 38-8.4. Effective date of change.

~~Any~~ An ordinance ~~effecting a change in amending~~ the text of ~~the zoning this~~ chapter or the official zoning ~~maps map~~ shall become effective upon final adoption by ~~council.~~ county council unless a later effective date is expressly stated in the adopting ordinance.

(Ord. No. 2017-25, § 1(Att. A), 12-5-2017)

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

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

For purposes of this article, initial rezoning means the first rezoning of a parcel from the General Use District (GUD), formerly known as the Control Free District (CFD), to another zoning district established by this chapter.

~~(1) Method 1—Planning district request initiated by citizens. Once a parcel has been rezoned from GUD to another zoning district, the parcel shall not thereafter be rezoned to GUD.~~

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

(1) Owner-initiated rezoning.

~~1. Oakway District~~

a. Any property owner, group of property owners, or authorized agent acting on behalf of the property owner or owners may petition county council for the initial rezoning of one or more parcels from GUD to another zoning district, provided the parcels have a combined area of at least 50 acres. An authorized agent shall submit, with the petition, a notarized written authorization executed by each property owner on whose behalf the agent is acting.

~~2. Salem District~~

b. No parcel may be included in a petition under this subsection unless it is contiguous to at least one other parcel included in the petition. For purposes of this subsection, parcels are contiguous when they are adjacent and share a common boundary. The presence of an intervening road, waterway, right-of-way, easement, railroad, or utility corridor does not destroy contiguity when the parcels otherwise would share a common boundary.

~~3. Corinth-Shiloh District~~

c. All persons holding a legal ownership interest in the parcel or parcels proposed for rezoning shall sign the petition.

~~4. Mountain Rest District~~

d. A proposed initial rezoning under this subsection shall be subject to planning commission review under section 38-8.1, the public notice requirements of section 38-8.2, the applicable requirements of this chapter, and all other applicable local, state, and federal law.

~~5. Walhalla District~~

(2) County-initiated rezoning. The governing body of the county may at any time after adoption of these standards rezone any parcel or parcels owned or maintained by the county. Additionally, notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone any parcel or group of parcels to bring them into compliance with the goals established in the Oconee County Comprehensive Plan. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in section 38-8.1, and the public notice requirements contained in section 38-8.2, as well as all other applicable local, state, and federal laws.

~~6. Westminster District~~

~~7. Seneca District~~

~~8. Fair Play District~~

~~9. Long Creek District~~

~~10. Cleveland District~~

~~11. Keowee Ebenezer District~~

~~12. Friendship District~~

~~13. Cross Roads District~~

~~14. Picket Post-Camp Oak District~~

~~15. South Union District~~

~~16. West Union District~~

~~17. Keowee District~~

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

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

1. Citizen petition. Citizens wishing council to amend the map of their planning district shall acquire the signatures of a minimum of 15 percent of the owners of parcels lying within the boundaries of the said planning district. The petition shall contain the following statement of support:

2. "I hereby certify that I own a parcel lying within the _____ Planning District, and I support the consideration by Oconee County Council of amending the zoning map."

3. Presentation to county council. If county council finds the petition is within the parameters of this chapter, they may direct the planning commission and planning department to proceed with amending the zoning chapter and map. Council may take first reading, in title only, on the zoning amendments at this time.

4. Review of land use map. The planning commission shall undertake a review of the district's portion of the future land use map.

5. Initial zoning meeting in district. Following the review of the future land use map, the planning department will schedule a public meeting to begin working with citizens to develop a proposed zoning map. Nominations for the district planning advisory committee will be called for at this time.

6. Appointment of district planning advisory committee. County council will review the nominations for the district planning advisory committee and appoint individuals to the committee. The committee shall consist of seven owners of parcels lying within the district. The committee shall elect a chair who shall conduct committee meetings, call subsequent meetings as necessary, and set forth the agenda for subsequent meetings.

7. Creation of proposed district zoning map. With assistance from planning staff, the district planning advisory committee will use the future land use map as a guide in creating proposed changes to the district's portion of the official zoning map. All proposed amendments shall be chosen from the zoning districts and their corresponding regulations established in this chapter.

8. Planning commission review of proposed zoning map. When completed, the committee shall present their draft map to the planning commission for review. The planning commission shall review the changes to ensure that they are compatible with the comprehensive plan. During this time, the planning department shall mail a survey to all district property owners soliciting their opinion of the proposed changes, with a deadline to respond of 30 days. At the end of the survey period, the commission shall forward a recommendation regarding the proposed changes to county council. A positive recommendation of the commission shall require both a finding of compliance with the comprehensive plan, and a minimum of 51 percent of the returned responses to the survey favoring the proposed changes.

9. Consideration of recommendation. County council shall consider the proposed zoning map amendments and may take second reading on the chapter at this time.

10. Comment period. A comment period of no less than 30 days shall be held at this time.

11. Consideration of survey results by county council. Upon the completion of the comment period, county council may hold a public hearing on the proposed amendments. Once the public hearing has been completed, county council may take third and final reading of an ordinance to amend the planning districts portions of the official zoning map.

12. Failed attempts to amend the zoning chapter. In the event county council formally rejects a citizen-initiated petition to amend a planning district's portion of the official zoning map for any reason, a new attempt to amend the map through citizen petition shall not be considered sooner than two years from the date of council's decision.

(2) Method 2—Small area rezoning.

a. Any property owner, or group of property owners, of a parcel or parcels with a combined minimum ownership of at least 50 acres may petition county council for initial rezoning. No parcel may be included within the rezoning petition under this method which is not contiguous to at least one other parcel that is included in the rezoning petition. Contiguous properties are those properties which are adjacent to one another and share a common border. Contiguity is not established by a road, waterway, right-of-way, easement, railroad track, or utility line which connects one property to another; however, if the connecting road, waterway, easement, railroad track, or

utility line intervenes between two properties, which but for the intervening connector would be adjacent and share a continuous border, the intervening connector does not destroy contiguity.

b. Reserved.

c. All persons owning a legal interest in the subject parcel(s) must sign the petition for rezoning under this method.

d. Proposed rezonings pursuant to this method shall be subject to review by the planning commission, as set forth in section 38-8.1, the public notice requirements contained in section 38-8.2, and all standards set forth in these regulations, including compliance with the goals established in the Oconee County Comprehensive Plan, as well as all other applicable local, state, and federal laws.

(3) Method 3—County initiated. The governing body of the county may at any time after adoption of these standards rezone any parcel or parcels owned or maintained by the county. Additionally, notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone any parcel or group of parcels to bring them into compliance with the goals established in the Oconee County Comprehensive Plan. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in section 38-8.1 (above), and public notice requirements contained in section 38-8.2 (above), as well as other as well as all other applicable local, state, and federal laws.

(Ord. No. 2017-25, § 1(Att. A), 12-5-2017; Ord. No. 2019-12, § 1, 6-4-2019)

Sec. 38-8.6. Subsequent rezoning.

(a) Subsequent to the initial change of zoning of any parcel or group of parcels following adoption of these regulations, any individual property owner may make application for rezoning of a parcel(s). All such rezonings shall be subject to the standards set forth in these regulations and South Carolina Code of Laws, 1976, as amended.

(a) For purposes of this article, subsequent rezoning means a rezoning of a parcel that has previously been rezoned from GUD to another zoning district. Once a parcel has been rezoned from GUD to another zoning district, the parcel shall not thereafter be rezoned to GUD.

~~(b) Notwithstanding any effort to accomplish a prior rezoning, a property owner or authorized agent may petition county council may at any time rezone for subsequent rezoning of a parcel or group of parcels pursuant to the goals established in the Oconee County Comprehensive Plan—~~parcels, provided that:

(Ord. No. 2017-25, § 1(Att. A), 12-5-2017)

(1) The parcel or parcels proposed for rezoning have a combined area of at least five acres; or

(2) If the parcel or parcels proposed for rezoning contain less than five acres, the requested zoning classification is the same zoning classification as that of at least one adjoining parcel sharing a common property boundary with the parcel proposed for rezoning.

(c) A petition for subsequent rezoning shall be subject to planning commission review under section 38-8.1, the public notice requirements of section 38-8.2, the applicable requirements of this chapter, and all other applicable local, state, and federal law.

(d) County council may initiate the subsequent rezoning of a parcel or group of parcels in accordance with section 38-8.5(2).

ARTICLE 9. GENERAL PROVISIONS

Sec. 38-9.1. Use interpretation.

(a) Each zoning district has uses permitted by right, conditional uses, and special exception uses. ~~Lists are shown~~ The zoning use matrix places each listed use in the applicable category for each ~~district placing uses under one of the three categories.~~ district. Uses not expressly permitted are prohibited. The following ~~describes the review~~ processes ~~of each of the three categories that the uses are subject to:~~ apply:

(1) Uses permitted by right: Administrative review and approval subject to district provisions and other applicable requirements only.

(2) Conditional uses: Administrative review and approval subject to district provisions, other applicable requirements, and conditions outlined in this chapter.

(3) Special exceptions: ~~The Review and approval by the~~ board of zoning appeals ~~review and approval is~~ are subject to ~~any and~~ all district provisions, other applicable requirements, and conditions of approval. Some special exceptions may also be subject to conditions in this chapter. ~~Those uses currently~~ Uses governed as special exceptions by the Unified Performance Standards ~~Sections~~ provisions of the Oconee County Code of Ordinances ~~as special exceptions~~ shall be governed by those standards unless otherwise noted in this chapter.

(b) A mix of two or more uses on the same lot of record is permitted as long as both uses are listed as permitted within the zoning district. The requirements for the most ~~restricted~~ restrictive use shall apply. For example, if "Use A" is permitted by right and "Use B" ~~is permitted with~~ requires a special exception, ~~then~~ the property requires a special exception for both uses.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-9.2. Zoning map interpretation.

The map entitled Oconee County Official Zoning Map, as adopted and amended by the Oconee County ~~Council~~ Council, establishes the official zoning districts and overlay districts. Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the zoning official shall employ the following rules of interpretation.

(1) Centerline: Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be the centerline of such street or alley ~~right-of-right, right-of-way,~~ right-of-way, railroad right-of-way, or utility easement boundary. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated ~~road bed~~ roadbed or utility easement.

(2) Edge line: Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or a utility easement, the boundary shall be construed to ~~be on the centerline of such street or alley right-of-way, railroad right-of-way, or utility easement boundary.~~ follow that edge.

(3) Lot line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

(4) County/municipal limits: Boundaries indicated as approximately following county/municipal limits or extraterritorial boundary lines shall be construed as following the county/municipal limits or extraterritorial boundary lines.

(5) Watercourses: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such ~~center lines~~ centerlines.

(6) Extensions: Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.

(7) Scaling: In a case where a district boundary does not coincide with any boundary lines ~~as described~~ as described above and no distances are ~~described~~ specified by ~~specific ordinance~~ ordinance, the boundary shall be determined by ~~the~~ use of the scale appearing on the map.

(8) In the event physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are different than those shown on the official zoning map, the board of zoning appeals shall have the authority to interpret zoning district boundaries.

(Ord. No. 2012-14, § 1, 5-15-2012)

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

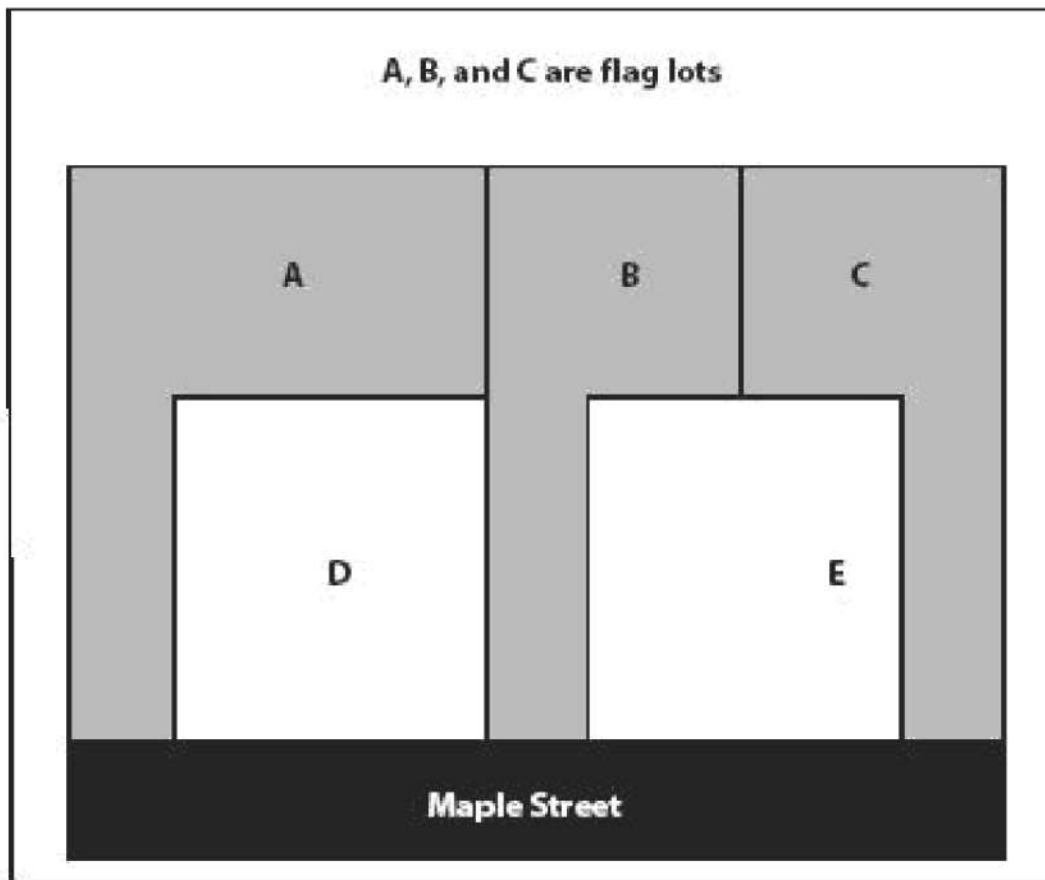
In addition to the dimensional requirements listed below and district dimensional requirements, further dimensional requirements may be set forth in [article Article 5](#) for those uses listed as ~~conditional. The control free district shall be exempt from the provisions of this section except provisions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

(1) Lot size and configuration.

a. Public utilities and government. Public utilities and government uses shall not be subject to the minimum lot size requirements, but shall meet the setback requirements.

b. Flag lots. Flag lots may be permitted under the following conditions:

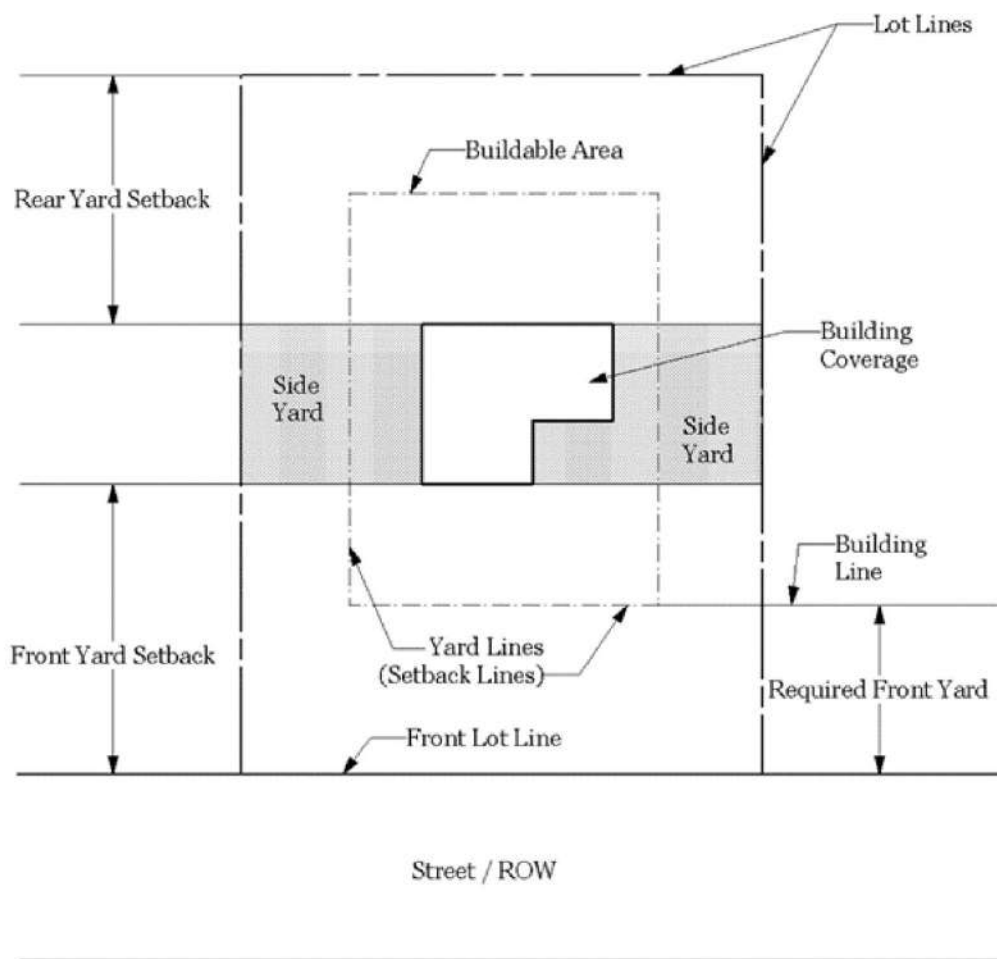
1. The maximum length of the pole of a flag lot shall be 300 feet.
2. The minimum width of the pole of a flag lot shall be 22 feet, and the maximum width of the pole of a flag lot shall be 40 feet.
3. The front setback shall be measured from where the flag portion of the flag lot meets the district minimum width requirements.
4. The pole portion of a flag lot shall not be used to calculate width, or setbacks of the lot, or to provide off-street parking.
5. There shall be no more than one flag lot per each four lots, per subdivision or development.



(2) Setbacks.

~~a. The required front, side, and rear yards for individual lots shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot, 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.~~

a. Required front setbacks shall be measured inward from the edge of the road right-of-way, not from the edge of pavement. Where frontage is on private access within a recorded private roadway easement, the front setback shall be measured from the edge of that easement. Where no road right-of-way or private roadway easement exists, the front setback shall be measured from the front property line. Required side and rear setbacks shall be measured inward from the applicable side and rear property lines. The flag-lot provisions in subsection (1)b. and other express exceptions in this chapter remain applicable. The area remaining after application of all required setbacks shall constitute the buildable area within which approved structures may be located.



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~~ frontages and shall ~~meet~~ comply with the applicable front setback ~~for the district.~~ along each frontage.

~~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.~~

d. Double-frontage lots shall comply with the required front setback along each street frontage. Accessory uses shall not be located within the required front setback area along the street frontage on 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~~ shall be governed by chapter 26 for County roads and roads proposed for acceptance into the standards in chapter 26, County road system, and by sections 32-227 through 32-235 for private driveways, private drives, private roads, and other internal private access, as applicable. Connections to a state or municipal road shall also comply with the requirements of the Oconee County Code of Ordinances, as amended, agency having jurisdiction.

g. Any garage door shall be set back a minimum of 20 feet from the property line that it faces. Where the garage door faces a road right-of-way or private roadway easement, the distance shall be measured from the edge of that right-of-way or easement so that vehicles may be parked in the driveway without encroaching into ~~the right-of-way.~~ it. If the applicable district setback is greater than 20 feet, ~~then the more restrictive~~ greater setback shall ~~prevail.~~ apply.

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.~~

i. Required setback areas shall remain open and unobstructed except for ordinary projections of window sills, cornices, eaves, window air-conditioning units, and other architectural features, provided such features project no more than two feet into a required setback.

j. Steps and heating and cooling units may project into a required ~~yard a distance~~ setback by not ~~to exceed more than~~ five feet but ~~no~~ shall not be located closer than five feet ~~of to~~ a property line. Fences, freestanding walls, retaining walls and appurtenances, hedges, and septic lines may be located ~~in any~~ within a required setback, ~~so long as~~ provided they remain entirely 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. 38-9.4. Height.

(a) Requirements. All proposed structures not specifically exempted by this article that are greater than 65 feet in height, or that are otherwise subject to the exemptions ~~found in subsection 38-9.4(b)(1)a.18-38-9.4(b)(1)a.18 and 19-19~~ and are greater than 199 feet in height, shall be subject to review and approval by the Oconee County Board of Zoning Appeals only as a special exception. In addition to the requirements for special exceptions established in Chapter 38, Article 7 of this Code, as amended, the board shall issue findings on each of the following criteria:

(1) Projected traffic and ability of existing roadways to accommodate the increase caused by the proposed structure.

(2) Anticipated cost of any specialized emergency response equipment and training required to serve the proposed structure.

(3) Potential noise, light, fumes, shadows, obstruction of ~~air flow,~~ airflow, and other negative secondary effects caused by the proposed structure that may impact existing uses ~~and/or~~ or adjacent properties.

(4) The aesthetic and cultural character of the environs, specifically regarding any potential degradation by the proposed structure of scenic views, historic sites, significant landmarks, and other sensitive areas.

(5) Appropriateness of the proposed structure in relation to the character of the community.

(b) Height.

(1) Structure height is measured from the average elevation of the finished grade of the structure to the highest point of the structure; all methods relating to the establishment of elevations, grades, and distances shall conform to those set forth in codes adopted by Oconee County.

a. Exemptions. The height limitations of this chapter shall not apply to the following:

1. Belfries.
2. Chimneys.
3. Church spires.
4. Conveyors.
5. Cooling towers.
6. Cupolas.
7. Domes.
8. Elevator bulkheads.
9. Fire towers.
10. Flag poles.
11. Ornamental towers and spires.
12. Public monuments.
13. Public utility poles.
14. Silos.
15. Skylights.
16. Smoke stacks.
17. Stage towers or scenery lofts.
18. Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property zoned as an Industrial District (ID) in accordance with chapter 38 of the Oconee County Code of Ordinances.
19. Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property designated by Oconee County as county industrial parks.

b. Such features shall be erected only to ~~such the~~ height ~~as is~~ necessary to accomplish the purpose they are intended to ~~serve~~ serve, and no height extension shall serve as a place for human habitation.

c. This section shall in no way exempt any structure from the application of standards or regulations contained in other chapters of this Code or other articles of this chapter, including, without limitation, any standards or regulations regarding height restrictions for certain areas of Oconee County, such as airport approach height restrictions.

(2) Communication towers, antennas, and water tanks shall be exempt from district height requirements in these ~~standards, standards~~ but shall instead be subject to applicable standards ~~provided for in the Oconee County chapter 32, Unified Performance Standards Chapters Standards,~~ of the Oconee County Code of ~~Ordinances;~~ however, all Ordinances. All other district dimensional standards shall apply as specified.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2014-28, § 3(Att. C), 12-16-2014; Ord. No. 2015-25, § 2(Att. A), 9-15-2015)

Sec. 38-9.5. Other requirements.

In addition to zoning district ~~regulations~~regulations, see the following sections for other requirements:

(1) See Article 5 for "Conditional uses".

(2) See Article 7 for "Special exceptions".

~~(3) See Appendix A for specifications on "Landscaping", "Buffering", "Parking", "Lighting", and "Signage". Standards contained on Appendix A shall apply only to those zoning districts or overlay districts specifically identified in Article 10, "Zoning District", and Article 11, "Overlay Districts", as being subject to Appendix A, each of which may be subject to all or part of the entire appendix, but only as specified. In no instance shall standards contained in Appendix A apply to any zoning district or overlay district unless so specified in such sections.~~

(3) See chapter 32, article VI, division 3, sections 32-237 through 32-253, for landscaping, screening, and buffer requirements applicable to major subdivisions, developments containing 11 or more lots, dwelling units, or other units of development, and other uses or development expressly made subject to those requirements. See chapter 32, article VI, division 5, sections 32-255 through 32-260, for applicable parking layout, student-housing parking, shared parking, and outdoor lighting requirements. Mass grading is governed by section 32-236; traffic impact and road capacity studies are governed by section 26-5(b) and section 32-234. See Appendix A for additional landscaping, buffering, parking, lighting, and signage standards applicable to those zoning districts or overlay districts specifically identified in Article 10 or Article 11 as being subject to Appendix A. Appendix A shall apply only to the extent expressly required by those articles.

(4) Notwithstanding any other provision herein to the contrary, proposed utility generation facilities and structures needed by regional and local utility providers in the production, transmission, and distribution of electricity, natural gas, water, or sewer services, as well as any facility or structure necessary to comply with any federal or state license requirements, related to such production, transmission, and distribution, shall be permitted by right in any district and shall be exempt from any standard set forth in this chapter.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 10. ZONING DISTRICTS

Sec. 38-10.1. Establishment of base zoning districts.

Base zoning districts are created to provide comprehensive ~~land use~~land-use regulations throughout Oconee County. There are 14 base zoning districts that provide for a variety of uses ~~that are~~ appropriate to the character of the areas in which they are ~~located~~located, in accordance with the Oconee County Comprehensive Plan. All ~~permitted, conditional,~~permitted uses, conditional uses, and special exceptions are identified in the zoning use matrix. All conditional uses shall meet the guidelines established in Article 5 of this chapter. Likewise, all special exceptions shall meet the guidelines established in Article ~~6-7~~6-7 of this chapter. For ~~the purpose~~purposes of this chapter, Oconee County is hereby divided into the following base zoning districts. These districts shall comply with all ~~of the~~ general and specific requirements of this chapter.

CFD-GUD	Control-Free-General Use District	Section 38-10.2
TRD	Traditional Rural District	Section 38-10.3
RRD	Rural Residential District	Section 38-10.4
CD	Conservation District	Section 38-10.5
AD	Agricultural District	Section 38-10.6
RD	Residential District	Section 38-10.7
LRD	Lake Residential District	Section 38-10.8

CFD-GUD	Control Free-General Use District	Section 38-10.2
CCD	Community Commercial District	Section 38-10.9
HCD	Highway Commercial District	Section 38-10.10
ID	Industrial District	Section 38-10.11
ARD	Agricultural Residential District	Section 38-10.12
PRLD	Public and Recreation Lands District	Section 38-10.13
MUD	Mixed Use District	Section 38-10.14
PDD	Planned Development District	Section 38-10.15

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.2. ~~Control free-General use district (CFD)-(GUD).~~

The ~~control free district-General Use District (GUD)~~, formerly known as the ~~Control Free District (CFD)~~, is ~~intended to be~~ the initial zoning district for all parcels within ~~the jurisdiction-Oconee County~~ at the time of ~~the~~ initial adoption of ~~zoning in Oconee County, only; any zoning. Any~~ parcel subsequently rezoned ~~from GUD to any other another zoning~~ district shall not ~~thereafter be a part of the control free district at any future date. rezoned to GUD.~~

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

<u>Residential Uses</u>	<u>Density and Lot Size</u>			<u>Minimum Setback Requirements</u>			<u>Max. Height</u>
	<u>Min. Lot Size</u>	<u>Max. Density</u>	<u>Min. Width (ft.)</u>	<u>Front Setback (ft.)</u>	<u>Side Setback (ft.)</u>	<u>Rear Setback (ft.)</u>	<u>Structure Height (ft.)</u>
	<u>1 acre</u>	<u>1 dwelling unit per acre</u>	<u>N/A</u>	<u>25</u>	<u>5</u>	<u>10</u>	<u>65</u>

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 ¼ acre	N/A	25	5	10	65
	N/A	Less than ¼ 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

<u>Nonresidential Uses</u>	<u>Minimum Lot Size</u>			<u>Minimum Setback Requirements</u>			<u>Max. Height</u>
	<u>Min. Lot Size</u>	<u>Lot Size</u>	<u>Min. Width (ft.)</u>	<u>Front Setback (ft.)</u>	<u>Side Setback (ft.)</u>	<u>Rear Setback (ft.)</u>	<u>Structure Height (ft.)</u>
	<u>1 acre</u>		<u>N/A</u>	<u>25</u>	<u>5</u>	<u>10</u>	<u>65</u>

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 or other internal boundaries separating individual dwelling units ~~which are part within the same townhouse, duplex, multifamily residential, or student housing development.~~ Required setbacks shall apply to the exterior perimeter of a multi-family housing structure (e.g., townhouses) the development or structure, as applicable.

~~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.~~

C. Setback requirements do not apply to lot lines or other internal boundaries separating individual commercial units within the same multi-unit commercial or mixed-use development. Required setbacks shall apply to the exterior perimeter of the development or structure, as applicable.

D. ~~Setback~~ The minimum lot size and maximum residential density requirements of this section do not apply to a lot lines separating commercial units which are part of a multi-unit commercial structure (e.g., a strip mall) lawfully created before July 18, 2024.

~~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.~~

E. The minimum lot size and maximum residential density requirements of this section do not apply to a subdivision creating ten or fewer new lots. A subdivision shall not be divided or phased for the purpose of avoiding the requirements of this section.

~~F. The minimum lot size and maximum lot density provisions do not apply to lots that were lawfully created prior to July 18, 2024.~~

F. Existing lots less than one-quarter acre. A lot lawfully created before July 18, 2024, having an area of less than one-quarter acre shall have a minimum front setback of ten feet, a minimum side setback of five feet, and a minimum rear setback of five feet.

~~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.~~

G. 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.

~~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.~~ uses.

Sec. 38-10.3. Traditional rural district (TRD).

Title: Traditional rural district.

Definition: Parcels located in areas with little or no commercial, industrial, or other significant development; residential development is primarily limited to single-family dwellings. Public infrastructure is limited.

Intent: This district is meant to provide for a continuation of traditional lifestyles in sparsely populated areas with ~~low-intensity~~ low-intensity commercial, industrial, or other ~~development;~~ development and to preserve the character of more remote rural areas. Additionally, residents of traditional rural areas typically have access to fewer public conveniences than residents of more urban ~~areas;~~ areas but retain greater freedom in the manner in which they use their land.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard <u>Setback</u> Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	2 dwellings per acre	80	35	10	20	
Nonresidential Uses	Minimum Lot Size			Minimum Yard <u>Setback</u> Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)		80	35	10	20	

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.4. Rural residential district (RRD).

Title: Rural residential district.

Definition: ~~Those areas wanting~~ Areas intended to protect the rural nature of ~~their~~ the community ~~but allow for~~ while allowing limited residential growth.

Intent: The intent of this district is to allow for residential development in rural areas that wish to minimize the impact of dense residential development.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres	1 dwelling per 5 acres	400	35	20	50	65
Nonresidential Uses	Minimum Lot Size			Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres		600	35	20	50	65

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.5. Conservation district (CD).

Title: Conservation district.

Definition: Those areas designated for preservation and protection.

Intent: This district is intended to protect and promote the continuation of Oconee County's natural resources.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	10 acres	1 dwelling per 10 acres	600	35	20	50	65
Nonresidential Uses	Minimum Lot Size			Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	10 acres		600	35	20	50	65

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

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

Title: Agriculture district.

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

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

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	35	10	20	
Nonresidential Uses	Minimum Lot Size			Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)		100	35	10	20	

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.7. Residential district (RD).

Title: Residential district.

Definition: Those areas where the primary land use is ~~single-family~~-single-family residential.

Intent: This district is intended to provide for ~~single-family~~ residential ~~single-family~~ development in the county and for ~~those~~-related uses ~~that are~~ normally associated with residential communities. ~~Those uses~~-Uses that may generate negative secondary effects ~~impacting~~-affecting quality of life shall be discouraged.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard -Setback 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 (10,890 sf) Utilities Available	4 dwellings per acre	80	25	5	10	65
Nonresidential Uses	Minimum Lot Size			Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre or ½ acre depending on availability of utilities		80	35	10	30	65

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.8. Lake residential district (LRD).

Title: Lake residential district.

Definition: Those areas around the lakes where the primary land use is ~~single-family~~-single-family residential with limited multi-family residential use.

Intent: This district is intended to provide for single-family residential ~~single family~~ development around the lakes and for ~~those~~-related uses ~~that are~~ normally associated with lake residential communities. ~~Those uses~~ Uses that may generate negative secondary effects ~~impacting the~~ affecting quality of life shall be discouraged.

Dimensional requirements*:

	Density and Lot Size				Minimum Yard <u>Setback</u> Requirements			Max. Height
	Min. Lot Size	Lot size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
Residential Uses	¼ acre (10,890 sf) Utilities Available	Greater than or equal to ½ acre	4 dwellings per acre	80	25	5	10	65
	¼ acre (10,890 sf) Utilities Available	¼-less than ½ acre	4 dwellings per acre	80	15	5	5	65
	½ acre Utilities not available	½ acre	2 dwellings per acre	80	25	5	10	65
Nonresidential Uses	Minimum Lot Size				Minimum Yard <u>Setback</u> Requirements			Max. Height
	Min. Lot Size			Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre or ½ acre depending on availability of utilities		80	35	10	30	65	

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2018-22, § 1(Att. A), 8-21-2018)

Sec. 38-10.9. Community commercial district (CCD).

Title: Community commercial district.

Definition: ~~Those areas~~ Areas well suited to supporting ~~low-intensity~~ low-intensity commercial activity centered ~~around-on~~ providing service-services to the adjacent community.

Intent: This district is intended to protect rural ~~areas,~~ areas while allowing ~~for the~~ development of low-intensity commercial and business establishments that ~~are low-intensity and~~ provide basic goods and services to the surrounding community.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard Setback Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	25	5	10	
	Minimum Lot Size			Minimum Yard Setback Requirements			Max. Height
Nonresidential Uses	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height(ft.)
	1 acre (43,560 sf)		100	25	5	10	
	Minimum Lot Size			Minimum Yard Setback Requirements			Max. Height

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.10. Highway commercial district (HCD).

Title: Highway commercial district.

Definition: ~~Those areas~~ Areas well suited for ~~higher intensity more regional scale~~ higher-intensity, regional-scale commercial activity typically found adjacent to major highways and intersections.

Intent: This district is intended to provide commercial goods and services to a larger service area at a more regional scale. The uses are much more intense than what would be expected in a community commercial district.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard Setback Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width(ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (7,260 sf)	6 dwellings per acre	70	25	5	10	
	Minimum Lot Size			Minimum Yard Setback Requirements			Max. Height
Nonresidential Uses	Min. Lot Size		Min. Width(ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sf)		70	30	5	10	
	Minimum Lot Size			Minimum Yard Setback Requirements			Max. Height

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.11. Industrial district (ID).

Title: Industrial district.

Definition: ~~Those areas~~ Areas suited for light ~~and/or~~ heavy industries.

Intent: The intent of this district is to provide for the industrial and commercial needs of Oconee County while protecting other uses from potential negative impacts associated with such activities.

Dimensional requirements:*

ID District	Minimum District Size		Minimum District Buffer			Max. Height
	10 Acres		50 feet			
Nonresidential Uses (interior lots)	Minimum Lot Size		Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	90	30	10	15	200

Where a Type D buffer under chapter 32 is used to satisfy planting or screening requirements, the minimum 50-foot industrial district buffer required by this section shall not be reduced.

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2014-28, § 4(Att. D), 12-16-2014)

Sec. 38-10.12. Agricultural residential district (ARD).

Title: Agricultural residential district (ARD).

Intent: The Agricultural Residential districts are intended to allow for most agricultural, forestry, and other related uses that are typically found in rural communities; however, in consideration for the residential areas nearby, certain uses are prohibited in this zoning district.

Definition: ~~For those areas~~ Areas that have maintained ~~their~~ rural uses, including ~~engaging in~~ agricultural and forestry practices, while ~~the~~ neighboring areas have experienced ~~a residential~~ growth ~~in residential development~~ not typical ~~to of~~ rural areas.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre	1 dwelling unit per acre	80	35	5	10	65
Nonresidential Uses	Minimum Lot Size			Minimum Yard -Setback Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre with availability of utilities		80	35	10	30	65

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2015-08, § 1(Att. A), 6-2-2015)

Sec. 38-10.13. Public ~~and/or~~ and recreation lands district (PRLD).

Title: Public and recreation lands district.

Definition: ~~Those areas~~ Areas set aside for the promotion, use, and protection of natural ~~resources in the form of (but not limited to)~~ resources, including parks, forests, and educational or research ~~facilities; facilities,~~ facilities, or federal, state, and ~~county-owned~~ county-owned lands typically maintained for the benefit of the public.

Intent: This district is meant to provide for a continuation and identification of public lands and to allow for those uses typically associated with accomplishing the mission of the agency charged with the care and promotion of the land.

Dimensional requirements: See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.14. Mixed use district (MUD).

Title: Mixed use district.

Definition: ~~Those areas~~ Areas in which a mix of ~~uses situated~~ adjacent or nearby ~~imposes~~ uses creates no significant negative ~~impacts, with impacts and in which~~ the proximity of ~~the development~~ activities ~~associated with the development enhancing the~~ enhances surrounding properties.

Intent: This district is intended to provide for the development of mixed-use projects, as well as the continuation ~~of,~~ or expansion ~~of,~~ of areas ~~comprised of~~ comprising a blend of compatible uses.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum Yard <u>Setback</u> Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre	2 units per acre	100	25	5	10	65
Non-residential <u>Nonresidential</u> Uses	Minimum Lot Size			Minimum Yard <u>Setback</u> Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre		100	25	5	10	65

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.15. Planned development district (PDD).

Title: Planned development district.

Definition: Those areas suitable for relatively intense mixed-use development that offers significant amounts of open space and designed amenities that enhance the surrounding scenic, natural, and cultural characteristics.

Intent: This district is intended to allow flexibility in development that will result in improved design, character, and quality of new mixed-use developments in order to preserve natural and scenic features of open spaces that might be negatively impacted by more restrictive zoning districts.

Definitions: For the purposes of this district, the following definitions shall apply:

(1) Impervious surface ratio (ISR). The ratio of impervious surface area to a development's total area (ISR = Area of Impervious Surface/Total Project Area).

(2) Open space. Portions of a project not occupied by private lots, amenities, public road ~~right-of-ways, rights-of-way,~~ or other restricted or built-upon ~~areas, areas~~ that are generally accessible for passive recreational use by the development's residents, tenants, ~~patrons~~ patrons, and guests. Open space shall not include lawns, landscaping, and other areas considered accessory to a specific amenity or ~~structure, structure~~ but may include required buffer areas.

Uses:

Permitted uses: A listing of uses permitted within a particular planned development district shall be contained in a plan adopted as part of the regulations applying to that district only. Uses may be of similar residential or commercial character, or may consist of a mix of residential, commercial, or other appropriate uses. Uses shall be restricted to those listed in the adopted plan.

Dimensional requirements:*

Project Area, Density and Open Space			Minimum Yard-Setback Requirements and Lot Size		Max. Height
Min. Project Area	Max. Density	Min. Open Space	Front, Side and Rear Setbacks	Min. Lot Size	Structure Height (ft.)
5 acres	Set in approved plan	15% of Site Project Area	Set in approved plan	Set in approved plan	65

*See Article 9 for general provisions and exceptions to dimensional requirements.

Additional requirements:

(1) With the exception of the draft ordinance of amendments necessary to amend these zoning regulations to approve the planned development, all draft plans, agreements, or other materials related to the establishment of a planned development district shall be the responsibility of the developer.

(2) All such plans shall be stamped and signed by an appropriate design professional licensed by the State of South Carolina.

(3) Proposed planned developments shall meet [the](#) standards established ~~for non-residential parking, buffering/screening, and lighting established in appendix Appendix A of chapter 38 (zoning) of the Oconee County Code of Ordinances,~~ [for nonresidential parking, buffering, screening, and lighting](#), as amended.

(4) All commercial signage in proposed planned developments shall be designed and located so as to avoid any negative impacts on neighboring uses both inside and outside the development. All road signage shall meet the standards established in the latest edition of the "Manual of Uniform Traffic Control Devices."

(5) All variations from adopted county regulations shall be specifically and clearly stated in the approved plan. Any regulation, ~~standard~~ [standard](#), or requirement not varied in an approved plan shall be strictly applied.

(6) Proposed planned developments shall consist of a use mix of ~~no less than~~ [at least](#) five percent ~~commercial,~~ [commercial](#) and 20 percent residential.

(7) All historic ~~and/or~~ [or](#) culturally significant structures and sensitive natural areas within the boundaries of the proposed planned development shall be identified on ~~plans,~~ [plans](#) and protected, ~~preserved~~ [preserved](#), and maintained by methods endorsed by appropriate state and federal agencies. A maintenance plan for each such significant or sensitive feature shall be included as part of an approved planned development plan.

(8) To the extent possible, all proposed planned developments shall be designed to provide for pedestrian and bicycle traffic, with "bicycle lanes" included on roads designed to accommodate more than 400 average daily trips (ADTs). An all-weather trail or sidewalk designed to safely accommodate both pedestrian and bicycle traffic may be approved in lieu of this requirement.

(9) Stormwater control measures shall be designed and maintained ~~so as to adequately ensure~~ [that](#) post-construction runoff generated ~~from by the~~ planned development meets minimum ~~requirements as defined by~~ state ~~regulations. Low impact~~ [requirements. Low impact](#) development (LID) measures ~~utilizing using~~ controls such as natural infiltration and vegetative conveyance systems, ~~as well as~~ stormwater wetlands, bioretention areas, and vegetative filter strips are encouraged to ~~be utilized to the extent possible.~~ [practicable](#).

(Ord. No. 2012-14, § 1, 5-15-2015; Ord. No. 2018-15, § 1(Att. A), 7-17-2018)

Sec. 38-10.16. Zoning use matrix.

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

Uses	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Farm and roadside markets	P	P	P	P	P	P	X	X	P	P	X	X
Financial Services	P	S	X	X	X	X	X	X	P	P	X	P
Forestry/Silviculture	P	P	P	P	P	P	P	P	P	P	P	P
Fuel supply services	X	P	X	X	X	X	X	X	S	P	P	S
Funeral homes and services	X	X	X	X	X	X	X	X	P	P	X	P
Golf courses, country clubs, driving ranges	S	X	S	X	X	X	P	P	X	P	X	X
Government buildings (excluding correctional facilities)	P	S	X	S	P	P	P	X	P	P	P	P
Group Homes	S	S	S	X	S	S	S	X	X	X	X	S
Greenhouses, nurseries, and landscape-commercial services	P	P	P	S	P	X	X	X	P	P	P	P
Gun and Archery clubs and shooting ranges	S	S	X	S	S	X	X	X	X	S	X	X
Health care services, service retail, and emergency short term shelters	P	P	S	X	P	X	X	X	P	P	X	P
Home occupations and businesses	C	C	C	C	C	X	C	C	C	C	X	C
Hotels, Motels, and Inns	S	S	X	X	X	X	X	X	P	P	X	X
Laundry Mats	P	P	P	X	X	X	X	X	P	P	X	P
Laundry and dry cleaning services	P	X	X	X	X	X	X	X	P	P	X	S
Light Manufacturing	P	S	X	X	X	X	X	X	S	P	P	S
Liquor stores and bars	X	X	X	X	X	X	X	X	S	S	X	S
Lumber and saw mills (permanent)	P	P	X	X	X	X	X	X	X	X	P	X
Lumber and saw mills (portable)	P	P	P	P	P	P	P	P	P	P	P	P
Manufactured Home Dealer	X	X	X	X	X	X	X	X	X	P	P	X
Heavy Manufacturing	X	X	X	X	X	X	X	X	X	S	P	X
Marinas	S	S	S	X	S	S	S	S	P	P	P	X

Uses	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Mini-storage or mini-warehouses	X	X	X	X	X	X	X	X	P	P	P	X
Mining	S	S	X	X	X	X	X	X	X	X	X	X
Mixed-Use Buildings and parcels	P	P	X	X	P	X	S	X	P	P	X	P
Motor vehicle parking and garages (as a principal business use)	X	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle sales and rental	S	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle services and repair	P	P	P	X	X	X	X	X	C	P	P	C
Motor vehicle services and gas stations (excluding truck stops)	P	P	X	X	P	X	X	X	P	P	P	P
Movie theater	P	X	X	X	X	X	X	X	S	P	X	X
Multi-family residential development (structures containing 5 or more residential units)	P	X	S	X	X	X	S	S	S	P	X	S
Multi-family residential development (structures containing no more than 4 residential units)	P	X	S	X	X	X	P	S	S	S	X	P
Museums, cultural centers, historical sites, sightseeing, and similar institutions	P	P	P	S	P	P	P	X	P	P	X	P
Office uses, general	P	X	X	X	X	X	S	X	P	P	X	P
Outdoor Retail	P	P	P	X	P	X	X	X	P	P	X	C
Places of worship	P	P	P	P	P	P	P	P	P	P	S	P
Public, Private, and Commercial parks and recreation, camping or social facilities	P	P	P	S	P	P	P	S	P	P	X	X
Public and private utilities	P	P	P	P	P	P	X	X	P	P	P	P
Railroad stations	P	X	X	X	X	X	X	X	P	P	P	X
Residential care facilities	S	X	X	X	S	X	S	X	P	P	X	S
Restaurants (up to 2,500 square feet)	C	P	S	X	C	X	X	X	P	P	S	P

Uses	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Restaurants (greater than 2,500 square feet)	S	S	X	X	S	X	X	X	P	P	S	S
Retail uses (up to 5,000 square feet)	P	S	S	X	P	X	X	X	P	P	P	P
Retail uses (5,000—50,000 square feet)	S	X	X	X	S	X	X	X	X	P	P	S
Retail uses (greater than 50,000 square feet)	X	X	X	X	X	X	X	X	X	P	S	X
Roadside Stands	P	P	P	P	P	X	P	P	P	P	P	P
Salvage yard, Junkyard, and Recycling Operations	S	S	X	X	X	X	X	X	X	X	P	X
Single-family detached residential	P	P	P	P	P	X	P	P	P	P	X	P
Single-family subdivisions (10 units or less)	P	S	P	X	P	X	P	P	P	X	X	P
Single-family subdivisions (more than 10 units)	S	X	X	X	X	X	P	P	S	X	X	S
Solid waste landfill and Waste Management Services; (excluding hazardous waste)	S	S	X	X	X	X	X	X	X	X	S	X
Taxidermy, slaughter houses and wild game processing	P	P	S	S	P	X	X	X	S	S	X	X
Waste management services (excluding hazardous waste)	S	S	X	X	X	X	X	X	X	X	P	X

GUD	Uses	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
P	Agricultural production, crops, livestock, and poultry	P	P	X	P	P	X	X	X	X	X	X	X
P	Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	P	P	P	P	P	X	P	X	P	P	P	X
P	Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc.	P	P	P	X	P	X	X	X	P	P	P	X
S	Air strips	S	S	X	X	S	X	X	X	X	S	S	X
P	Auction houses	P	P	S	X	P	X	X	X	C	C	X	C
P	Auditorium/Indoor Public Assembly	P	S	X	X	X	X	X	X	P	P	X	X

<u>GUD</u>	<u>Uses</u>	<u>TRD</u>	<u>AD</u>	<u>ARD</u>	<u>CD</u>	<u>RRD</u>	<u>PRLD</u>	<u>RD</u>	<u>LRD</u>	<u>CCD</u>	<u>HCD</u>	<u>ID</u>	<u>MUD</u>
P	Bed and Breakfast Inns	P	C	P	S	P	X	S	S	C	P	X	X
P	Building and Trade Contractors, including materials and supply uses	P	P	S	X	X	X	X	X	P	P	P	P
P	Cemeteries and accessory uses	P	P	P	P	P	X	P	X	C	P	P	P
P	Civic, fraternal, professional, and political organizations	P	P	P	X	P	X	S	X	P	P	X	P
P	Commercial Fishing, Hunting and Trapping	P	P	S	S	S	S	X	X	X	X	X	X
S	Communications towers	S	S	S	S	S	S	X	X	S	S	S	S
C	Conservation subdivisions	C	C	C	S	C	X	C	C	X	C	X	C
P	Convenience stores (excluding motor vehicle services)	P	S	S	X	S	X	X	X	P	P	P	P
X	Correctional facilities and half-way houses	X	X	X	X	X	X	X	X	X	X	S	X
X	Data centers	X	X	X	X	X	X	X	X	X	X	S	X
P	Day Care Facilities (all ages)	P	P	S	X	S	X	S	S	P	P	X	S
P	Distribution and other Warehouses	P	P	X	X	X	X	X	X	S	P	P	S
P	Duplex residential development	P	P	P	P	P	X	P	P	P	P	X	P
P	Educational buildings, and Research Facilities (all types)	S	S	X	S	S	P	S	X	P	P	P	S
P	Emergency services	P	P	P	X	P	X	P	P	P	P	P	P
P	Farm and roadside markets	P	P	P	P	P	P	X	X	P	P	X	X
P	Financial Services	P	S	X	X	X	X	X	X	P	P	X	P
P	Forestry/Silviculture	P	P	P	P	P	P	P	P	P	P	P	P
S	Fuel supply services	X	P	X	X	X	X	X	X	S	P	P	S
P	Funeral homes and services	X	X	X	X	X	X	X	X	P	P	X	P
P	Golf courses, country clubs, driving ranges	S	X	S	X	X	X	P	P	X	P	X	X
P	Government buildings (excluding correctional facilities)	P	S	X	S	P	P	P	X	P	P	P	P

<u>GUD</u>	<u>Uses</u>	<u>TRD</u>	<u>AD</u>	<u>ARD</u>	<u>CD</u>	<u>RRD</u>	<u>PRLD</u>	<u>RD</u>	<u>LRD</u>	<u>CCD</u>	<u>HCD</u>	<u>ID</u>	<u>MUD</u>
<u>P</u>	<u>Greenhouses, nurseries, and landscape commercial services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>S</u>	<u>Group residential facilities</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>
<u>S</u>	<u>Gun and Archery clubs and shooting ranges</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>X</u>
<u>P</u>	<u>Health care services, service retail, and emergency short term shelters</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>
<u>X</u>	<u>Heavy Manufacturing</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>P</u>	<u>X</u>
<u>P</u>	<u>Home occupations and businesses</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>
<u>S</u>	<u>Hotels, Motels, and Inns</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>P</u>	<u>Laundry and dry cleaning services</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>S</u>
<u>P</u>	<u>Laundry Mats</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>
<u>S</u>	<u>Light Manufacturing</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>S</u>
<u>P</u>	<u>Liquor stores and bars</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>S</u>
<u>P</u>	<u>Lumber and saw mills (permanent)</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>
<u>P</u>	<u>Lumber and saw mills (portable)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>P</u>	<u>Major subdivisions</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>S</u>
<u>P</u>	<u>Manufactured Home Dealer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>S</u>	<u>Marinas</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>P</u>	<u>Mini storage or mini warehouses</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>S</u>	<u>Mining</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>P</u>	<u>Minor subdivisions</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>P</u>
<u>P</u>	<u>Mixed Use Buildings and parcels</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>
<u>S</u>	<u>Motor vehicle parking and garages (as a principal business use)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>

<u>GUD</u>	<u>Uses</u>	<u>TRD</u>	<u>AD</u>	<u>ARD</u>	<u>CD</u>	<u>RRD</u>	<u>PRLD</u>	<u>RD</u>	<u>LRD</u>	<u>CCD</u>	<u>HCD</u>	<u>ID</u>	<u>MUD</u>
<u>P</u>	<u>Motor vehicle sales and rental</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>P</u>	<u>Motor vehicle services and gas stations (excluding truck stops)</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>P</u>	<u>Motor vehicle services and repair</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>P</u>	<u>Movie theater</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>P</u>	<u>Multi-family residential development</u>	<u>P</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>X</u>	<u>S</u>
<u>P</u>	<u>Museums, cultural centers, historical sites, sightseeing, and similar institutions</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>
<u>P</u>	<u>Office uses, general</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>
<u>P</u>	<u>Outdoor Retail</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>C</u>
<u>P</u>	<u>Places of worship</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>
<u>P</u>	<u>Public and private utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>P</u>	<u>Public, Private, and Commercial parks and recreation, camping or social facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>P</u>	<u>Railroad stations</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>P</u>	<u>Residential care facilities</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>S</u>
<u>P</u>	<u>Restaurants (greater than 2,500 square feet)</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>
<u>P</u>	<u>Restaurants (up to 2,500 square feet)</u>	<u>C</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>
<u>S</u>	<u>Retail uses (5,000—50,000 square feet)</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>S</u>
<u>S</u>	<u>Retail uses (greater than 50,000 square feet)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>X</u>
<u>P</u>	<u>Retail uses (up to 5,000 square feet)</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>P</u>	<u>Roadside Stands</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>S</u>	<u>Salvage yard, Junkyard, and Recycling Operations</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>
<u>P</u>	<u>Single-family detached residential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>

<u>GUD</u>	<u>Uses</u>	<u>TRD</u>	<u>AD</u>	<u>ARD</u>	<u>CD</u>	<u>RRD</u>	<u>PRLD</u>	<u>RD</u>	<u>LRD</u>	<u>CCD</u>	<u>HCD</u>	<u>ID</u>	<u>MUD</u>
<u>S</u>	<u>Solid waste landfill and Waste Management Services; (excluding hazardous waste)</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>
<u>S</u>	<u>Student Housing</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>S</u>
<u>P</u>	<u>Taxidermy, slaughter houses and wild game processing</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>
<u>S</u>	<u>Waste management services (excluding hazardous waste)</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>

X—Not permitted

P—Permitted

C—Conditional use - permitted if conditions are met

S—Special exception - approved by Board of Zoning Appeals

[District abbreviations are listed in section 38-2.10.](#)

[An approval shown in the zoning use matrix for an underlying use does not waive subdivision or land-development review required by chapter 32. A subdivision or land-development classification does not, by itself, authorize an underlying land use that is not allowed in the zoning district.](#)

[Minor and major subdivisions have the meanings established in section 32-212. Those classifications govern subdivision review and do not independently authorize an underlying land use prohibited by this chapter. Each underlying use and all applicable district, overlay, conditional-use, and special-exception requirements shall be met. A manufactured-home park is reviewed under the applicable major-subdivision provisions of chapter 32; no separate park-density allowance is established by this amendment.](#)

(Ord. No. 2018-15, § 1(Att. A), 7-17-2018)

ARTICLE 11. OVERLAY DISTRICTS

The following overlay districts are hereby created to guide development within areas of Oconee County deemed to be of extraordinary value to its citizens. The standards applicable within the boundaries of the various overlays are intended to encourage and maintain positive attributes, while limiting the negative effects associated with unmanaged growth.

Sec. 38-11.1. Lake overlay district.

(a) Title: Lake overlay district.

(b) Definition: The lake overlay is not intended to be a separate zoning district, but shall be assigned to the shoreline areas of Oconee County lakes that are considered by county council to be vital to the economic prosperity and general well-being of all county citizens.

(c) Intent: This overlay is intended to protect water quality, maintain natural beauty, and limit secondary impacts of new development that may negatively affect the lifestyles of those living near the lakeshore and the general enjoyment of the lakes by all citizens.

(d) Boundary: The boundaries of the lake overlay district are shown on the Official Oconee County Zoning ~~Map~~, [Map](#) and are divided into the following ~~sub-districts~~: [subdistricts](#):

(1) Keowee/Jocassee Overlay (Lakes Keowee and Jocassee). The following standards shall apply within 750 feet of the ~~full-pond~~ [full-pond](#) contour of Lake Keowee and Lake Jocassee, to be measured along a perpendicular line from the full-pond contour.

a. Standards.

1. Lots ~~that are~~ created [subsequent to after](#) the effective date of the ordinance codified in this subsection ~~and which that~~ exist, in whole or in part, within 200 feet of the ~~full-pond~~ [full-pond](#) contour of ~~lake~~ [Lake](#) Keowee or Lake Jocassee shall be ~~no less than~~ [at least](#) one-half acre in size, with a maximum density of one dwelling unit per one-half acre. Lots located ~~fully~~ [entirely](#) within the remaining boundaries of the lake overlay district ~~are~~ [shall be](#) limited to a net density of no ~~greater~~ [more](#) than two dwelling units per acre.

2. No structure constructed in the overlay shall have a building height greater than 65 feet above finished grade. In no circumstance shall the grade elevation be altered beyond that necessary to provide ~~for~~ structural soundness. For ~~the~~ purposes of this section, unless otherwise stated, all dimensions, heights, ~~elevations~~ [elevations](#), and other specifications related to structures shall be measured in accordance with adopted building codes.

3. Marinas and commercial boat storage shall comply with Duke Energy's regulations and shall not be located within a ~~mile-one-mile~~ radius of an existing platted and properly recorded subdivision.

4. All ~~non-residential-nonresidential~~ projects ~~that have with~~ a proposed developed area fully or partially located within the boundaries of the Lake Keowee/Jocassee Overlay shall be subject to a special exception hearing by the board of zoning appeals. The board of zoning appeals shall use Appendix A as a guide ~~and and~~, for good cause ~~shown they shown~~, may waive the strict application of any standard therein.

5. Natural vegetative buffer.

(i) The natural vegetative buffer shall be established on all waterfront parcels whose property line is located within 25 feet ~~from of~~ the ~~full-pond-full-pond~~ contour. ~~Those parcels-Parcels~~ not meeting these criteria shall be exempt from this standard. A map indicating ~~those the~~ parcels to which the standards of this section apply, as well as the status of ~~the~~ establishment of the required buffer, shall be created and maintained as a layer in the county's geographic information system ~~(GIS), (GIS)~~ and shall be available to the public.

(ii) The buffer shall extend to a depth of 25 feet measured along a perpendicular line from the full-pond contour (800 feet above MSL for Keowee and 1,100 feet above MSL for Jocassee). Shoreline stabilization shall be permitted provided any soil disturbance or other stabilization activities are supervised and approved by the appropriate licensed design professional and submitted to the zoning administrator. Right-of-way maintenance activities by all utilities shall be exempt.

~~(iii) Motorized equipment will be permitted inside the natural vegetative buffer if:~~

(iii) Compliance with landscape or buffer requirements in chapter 32 shall not reduce the natural vegetative buffer required by this section. Existing vegetation within the natural vegetative buffer may receive credit toward an applicable chapter 32 landscape or buffer requirement only when the credit does not require removal, disturbance, or maintenance activity prohibited by this section.

~~a. Required to remove dead or dying trees, as confirmed by a certified arborist, forester or zoning administrator.~~

(iv) Motorized equipment shall be permitted inside the natural vegetative buffer only when:

a. Required to remove dead or dying trees, as confirmed by a certified arborist, forester, or zoning administrator.

b. Required for remediation purposes, as permitted by the zoning administrator.

c. Required for construction of the 15 percent view lane path or permitted ~~patio/deck-patio or deck~~.

d. Required for work related to installing permitted ~~electrical/water-electrical or water~~ piping into the lake.

e. Golf carts and similar vehicles are permitted to ~~utilize-use~~ the path of the permitted 15 percent view ~~lane(s)-lanes~~.

~~(iv)-(v)~~ All structures and landscaping existing at the time of adoption of this chapter shall be considered ~~as~~ permitted and shall not be considered impediments to the buffer.

~~(v)-(vi)~~ Silt fences: ~~In order to-To~~ ensure that the natural vegetative buffer is maintained during ~~the development of property-development~~, properly installed, ~~entrenched-entrenched~~, and maintained silt fences are ~~required, required~~ before a zoning inspection will take place. ~~The silt-Silt~~ fences must begin at or above the vegetative buffer line. ~~Wire-backed-Wire-backed~~ silt fences are highly ~~recommended-recommended~~, and J-hooks, hay bales, grass ~~mats-mats~~, and seeding shall be ~~installed-installed~~ as ~~needed-needed~~ at least 25 feet from the ~~full-pond-full-pond~~ contour (800 feet above MSL for Keowee and 1,100 feet above MSL for Jocassee), separating the buffer from the developed ~~area-area~~ until ~~the completion of construction-construction is complete~~. The county may ~~mandate additions of-require~~ any or all of these ~~options-additional measures~~ at any point during construction.

~~If the silt fences and other measures, listed above, fail to prevent an accumulation of silt and other debris in the natural vegetative buffer, the county shall require the responsible parties to install additional control measures. These measures shall be installed in a timely manner to prevent any further accumulation.~~

If the silt fences and other measures listed above fail to prevent an accumulation of silt and other debris in the natural vegetative buffer, the county shall require the responsible parties to install additional control measures. These measures shall be installed in a timely manner to prevent further accumulation.

Silt that has entered the natural vegetative buffer shall be removed ~~if possible where practicable~~, and ~~then~~ the affected area within the natural vegetative buffer shall then be stabilized with pine straw, ~~mulch and/or mulch, or~~ other planted vegetation.

See subsection (f) for penalties.

~~(vi)-(vii)~~ View lanes: ~~View Lane means~~ A view lane is the portion of a natural buffer ~~utilized~~ used and maintained by the property owner to enhance observation of and access ~~of to~~ the lake and surrounding landscapes. Typically, ~~the~~ vegetation in the view lane is lower in height ~~and/or or~~ smaller in diameter than ~~that found vegetation~~ in the ~~rest~~ remainder of the buffer. The view lane may be comprise up to 15 percent of the vegetative buffer ~~either as one~~ contiguous lane or multiple smaller lanes.

~~(vii)-(viii)~~ Allowed development within the vegetative buffer: Paths of permeable or impermeable construction are permitted within the natural vegetative ~~buffer~~ buffer, provided that they are no wider than six feet. Turnarounds are permitted within the 15 percent view lane. Any path is considered ~~a~~ part of the allowed 15 percent view lane. Patios or ~~decks, decks~~ without permanent vertical ~~features~~ features, other than those required for safety or building code standards, are permitted but ~~may shall~~ not ~~be more than exceed~~ 100 square feet and must be part of a contiguous 15 percent view lane. Electrical and water lines may be installed through the natural vegetative ~~buffer~~ buffer, provided that they run within the permitted 15 percent view lane and meet all applicable building codes.

~~(viii)~~ Vegetation removal: ~~No trees larger than six-inch caliber at four feet from the ground shall be removed unless certified to be a hazard by a registered forester or arborist. Trees may be limbed up to 50 percent of their height. A removal plan shall be submitted for approval. Invasive species may be removed in such a manner that does minimal damage to surrounding native vegetation. Trees that are clearly dead or dying may be removed with the permission of the zoning administrator. Existing vegetation, outside of the allowed 15 percent view lane, may be under-brushed. This under-brushing may not utilize herbicides, fertilizers or other chemicals and may not increase run-off throughout the natural vegetative buffer. Vegetation within the allowed 15 percent view lane may be maintained to the property owner's standards provided it does not create or contribute to runoff entering the lake or adjacent properties and the maintenance does not utilize herbicides, fertilizers or other chemicals.~~

(ix) Vegetation removal and maintenance. Existing native vegetation within the natural vegetative buffer shall be preserved except as expressly permitted by this subsection. The six-inch tree-size standard does not authorize the removal of smaller native trees, saplings, shrubs, or other native vegetation.

~~(ix)~~ Vegetation mitigation: ~~The following mixture of plants for every 2,500 square feet of the natural vegetative buffer shall be required if reestablishing the native vegetation or for mitigation purposes:~~

a. A live tree greater than six inches in diameter, measured four feet above the ground, shall not be removed unless the tree is certified as hazardous by a registered forester or arborist. A tree that is clearly dead or dying may be removed with the approval of the zoning administrator.

b. Trees may be selectively limbed up to 50 percent of their height, provided the work does not substantially impair the health of the tree or the function of the natural vegetative buffer.

c. Invasive plant species may be removed using methods that minimize disturbance to surrounding native vegetation.

d. Outside the permitted 15 percent view lane, under-brushing may be conducted. For purposes of this subsection, under-brushing means the selective trimming or removal of brush, vines, invasive vegetation, dead vegetation, and similar understory growth while retaining healthy native trees, saplings, shrubs, and other vegetation necessary to maintain the natural character and function of the buffer. Under-brushing shall not constitute clearing or removal of the native understory.

e. Under-brushing shall not involve the use of herbicides, fertilizers, or other chemicals and shall not create or increase runoff through the natural vegetative buffer.

f. Vegetation within the permitted 15 percent view lane may be selectively maintained by the property owner, provided the maintenance does not create or contribute to runoff entering the lake or adjacent property and does not involve herbicides, fertilizers, or other chemicals.

g. A vegetation-removal plan shall be submitted for approval when removal beyond routine maintenance authorized by this subsection is proposed.

(x) Vegetation mitigation: The following mixture of plants for every 2,500 square feet of the natural vegetative buffer shall be required when reestablishing native vegetation or for mitigation purposes:

a. Three large maturing shade trees, equally spaced, four-inch or greater caliper at four feet.

b. Three understory trees, equally spaced, two-inch or greater caliper at four feet.

c. Six small evergreen trees.

d. Twenty shrubs or a diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses where available and suited to the site.

~~(x)~~ (xi) No new manicured lawns or other managed grasses shall be established within the buffer area. Additionally, no clear-cutting-clear-cutting, mowing, cultivation, fertilization, or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the buffer area.

~~(xi) In the event that a property owner is unable to establish the said buffer they may request a variance, to be considered at a hearing before the board of zoning appeals, stating the reasons why a buffer cannot be established. The board of zoning appeals may, in its sole discretion, grant or not grant such variance, for good cause shown.~~

(xii) If a property owner is unable to establish the required buffer, the property owner may request a variance from the board of zoning appeals, stating the reasons the buffer cannot be established. The board of zoning appeals may, in its sole discretion and for good cause shown, grant or deny the variance.

(e) Compliance and conflicts: Compliance with the requirements of this section does not nullify a party's duty to comply with other or more stringent regulations, requirements, or guidelines of a Duke Energy company or affiliate, or any local, state, or federal law or other applicable authority.

(f) Penalties: The intent of the natural vegetative buffer is to protect the natural and built environment within and surrounding Lakes Keowee and Jocassee. All parties owning, renting, or inhabiting property or working on property within the lake overlay are required to work within the intent and the letter of this and all applicable ordinances and standards to protect and enhance the natural and built environments.

A violation of this article is punishable by fine ~~and/or imprisonment or imprisonment, or both,~~ in an amount not to exceed the jurisdictional limits granted to a magistrate's court in the county under state law. Additionally, building and zoning permits may be revoked, ~~stop-work-stop-work~~ orders issued, and civil fines levied as appropriate under the circumstances. Further, the provisions, including prescriptions, proscriptions, and ~~penalties-penalties,~~ contained within the International Property Maintenance Code may apply.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2017-33, § 1(Att. A), 2-6-2018; Ord. No. 2022-24, § 1, 12-16-2022)

Sec. 38-11.2. I-85 overlay district.

Title: I-85 overlay district.

Definition: The I-85 overlay district is not intended to be a separate zoning district, but shall be assigned to those areas county council has determined to be essential to the future economic prosperity and general well-being of all Oconee County citizens.

Intent: The overlay is intended to promote development that reflects the best building and site design practices in a manner that will maintain the greatest marketability of the area over time, while limiting any negative effects that may impact the existing lifestyle of the area's citizens.

Boundary: The boundaries of the I-85 overlay district shall be shown on the Official Oconee County Zoning Map:

The I-85 overlay district shall be divided into the following sub-districts:

- (a) Carolina Gateway (Interstate 85).
- (b) Fair Play Village.
- (c) Cleveland Creek.

Standards:

(1) No new residential subdivision development consisting of more than ten residential housing units proposed for any sub-district of the I-85 overlay shall have a gross density greater than one dwelling unit per acre, unless otherwise specified by this chapter.

(2) Sexually oriented businesses, as defined by the Unified Performance Standards chapter of the Oconee County Code of Ordinances, shall not be located in the I-85 overlay district.

The following standards shall apply within one or more of the sub-districts of the I-85 overlay, as specified:

(1) Carolina Gateway sub-district:

A. The regulations contained within Appendix A of this chapter shall apply in their entirety to all ~~non-residential~~ nonresidential uses within the Carolina Gateway (Interstate 85) overlay, excluding ~~agriculture~~ agricultural uses.

(2) Fair Play Village sub-district:

A. All new primary and accessory residential buildings proposed to be located within the boundaries of the Fair Play Village sub-district shall be subject to the following standards:

- 1. Maximum density: Two dwelling units per acre.
- 2. Setbacks: Front - 25 feet; Side - Five feet; Rear - Ten feet.

B. All new lots/parcels shall have a minimum lot width on road frontage of 100 feet.

C. All structures and properties located in the Fair Play Village overlay constructed, installed or maintained in such a manner as to permit the harborage of rodents, mosquitoes, or any other pest or vermin, shall within 30 days of notification (by certified mail) by the zoning administrator repair, upgrade, clean or otherwise improve the structure or property so as to mitigate the situation. In the event the owner of a structure deemed to be in violation of this standard can demonstrate the need for additional time beyond 30 days from the date of notification to complete necessary work, provided all imminent hazards to residents and the public have been mitigated, the zoning administrator may grant up to an additional 60 days for completion.

D. Proposed structures to be located in the Fair Play Village sub-district subsequent to the adoption of this standard shall be subject to the following:

- 1. All nonresidential and non-agricultural structures and uses shall be approved as a special exception by the board of zoning appeals and may be required to conform to the standards established in Appendix A.
- 2. Single-family residential developments proposed to consist of ~~greater~~ more than two units, and all multi-family residential developments, shall be subject to review and approval by the Oconee County Planning Commission.
- 3. Proposed structures, of any type, intended for occupancy shall meet the following standards:
 - i. Foundations ~~and/or or~~ underpinning shall be constructed of concrete, masonry (brick or block), or similar ~~material,~~ material and designed ~~so as~~ to provide a continuous, permanent, and attractive impediment to the harborage of rodents and vermin.

ii. A lawn or landscaped area cleared of weeds, excess undergrowth, and ~~any~~ other materials or debris that may attract rodents, mosquitoes, ~~and or~~ other potential threats to occupants ~~and/or or~~ the public shall be established for each residential unit ~~prior to before~~ final approval for ~~occupation-occupancy~~.

iii. Access to residences shall be from an all-weather driveway ~~and/or or~~ parking area.

4. New development proposed to be located in the area delineated on the Official Oconee County Zoning Map as the "Village Center" of the Fair Play Village sub-district shall, in addition to all other standards applicable to the Fair Play Village sub-district, be subject to the following:

i. Orientation: All new primary residential structures located in the Village Center shall be oriented to the public thoroughfare.

ii. All nonresidential and non-agricultural uses shall be approved as a special exception by the board of zoning appeals and may be required to conform to the standards established in Appendix A.

iii. The height of all proposed structures shall be no greater than 30 feet, to be determined by measures approved in adopted building codes.

5. Free-standing signage of any type subject to permit by this chapter of the Code of Ordinances, to include monument or other signage not attached to or otherwise supported by a primary structure, shall not exceed seven feet in height above grade. No signage shall be situated or installed on a berm or other elevated surface or device intended to increase the height of a sign subject to this standard.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2012-34, § 2(Exh. A), 1-22-2013; Ord. No. 2018-31, § 1(Att. A), 10-16-2018)

ARTICLE 12. TERMS AND DEFINITIONS

Sec. 38-12.1. Rules of construction and interpretation of terms.

The following rules shall govern the interpretation of words and phrases used in this ~~chapter-~~chapter unless a different meaning is expressly provided:

(1) Customary ~~meanings of words. The words and phrases used~~ meaning. A word or phrase not specifically defined in this chapter shall have ~~their-its~~ customary ~~meanings except for specific words and phrases-~~ meaning.

(2) Tense. The present tense includes the future tense.

(3) Number. The singular ~~number~~ includes the ~~plural number, plural~~ and the plural ~~number~~ includes the ~~singular number-singular, as the context requires.~~

(4) Person. The ~~word-term~~ "person" includes ~~a-an individual~~, firm, association, partnership, trust, company, ~~corporation-corporation, governmental entity~~, or ~~any other entity usually defined in legal usage as a person-~~ entity.

(5) Shall and may. ~~The word "shall" "Shall" is mandatory; the word "may" mandatory. "May" is permissive.~~

(6) Used ~~and or~~ occupied. ~~The word "used" "Used" or "occupied" include the words "intended, designed includes intended, designed, arranged, or arranged-proposed~~ to be used or ~~occupied-" occupied.~~

(7) ~~Building. The word 'building' Used for. "Used for" includes all structures of every kind, except fences and walls regardless of similarity to buildings-arranged for, designed for, intended for, or occupied for.~~

(8) ~~Used for. The term 'used for' shall include the phrases: arranged for, designed for, intended for, and occupied for. Lot. Unless otherwise indicated by context, "lot" includes a parcel or tract of land.~~

~~(9) Lot. The word "lot" shall include the words: piece, tract, and plot-~~

(9) Contiguous. Unless a more specific provision of this chapter provides otherwise, parcels are contiguous when they share a common property boundary. A specific provision governing a particular procedure or development shall control where that provision establishes a different standard for determining contiguity.

(10) ~~Contiguous as-On the premises. When applied to lots. The word "contiguous" shall be interpreted an accessory use or structure, "on the premises" means located on the same lot as meaning: sharing a common lot boundary at any point, and not separated the principal use or as otherwise expressly authorized by an intervening public street or alley- this chapter.~~

(11) ~~Contiguous as applied to planning districts or zoning classifications. The word "contiguous" shall be interpreted as meaning: sharing a common boundary at any point, disregarding any intervening public street or alley.~~

(11) Specific provisions control. When a term is specifically defined or a different rule of interpretation is established for a particular article, section, use, or procedure, the more specific provision shall control.

~~(12) On the premises of. The phrase "on the premises of" as applied to accessory uses or structures shall be interpreted to mean: on the same lot or on a contiguous lot in the same ownership.~~

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-12.2. Definitions.

~~Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word shall is mandatory, not directory.~~

The following words, terms, and phrases, when used in this chapter, shall have the meanings stated in this section unless the context or a more specific provision of this chapter expressly requires otherwise.

Abandoned sign: A sign which is not being maintained as required by S.C. Code of Laws, 1976, as amended § 57-25-110, or which is overgrown by trees or other vegetation not on the road right-of-way, or which has an obsolete advertising message or no advertising message for a period of six months. Any public service signage shall not be considered abandoned under this definition.

Abutting: Having property or district lines in common; ~~i.e.;~~ i.e., two lots are abutting if they have property lines in common. Lots are also considered ~~to be~~ abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

Access: A ~~way means~~ of approaching ~~approaching, entering, or entering-leaving~~ a ~~property. Access also includes ingress, the right to enter property, including ingress and egress, and the right to leave. egress.~~

Accessory building or use: A building or use, not including signs, which is:

Accessory building or use: A building, structure, or use that is located on the same premises as the principal use, except where otherwise expressly authorized by this chapter; is incidental and subordinate to the principal use; and is operated or maintained for the benefit, convenience, or customary use of the principal use.

~~(1) Conducted Addition: An extension or located on increase in the same parcel as the principal floor area, building footprint, or height of an existing building or use, except as may be specifically provided elsewhere in the chapter; structure.~~

~~(2) Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and~~

Adult entertainment establishment (sexually oriented business): Includes clubs and eating and drinking establishments with nude or seminude entertainment or dancing; physical culture establishments; adult bookstores; adult motion picture theaters; adult motels and hotels; and other similar establishments that depict or emphasize sexual activities or nudity.

~~(3) Either in the same ownership as the principal use or is clearly operated or maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.~~

Affected land (relating to mining): The surface area of land that is mined; the surface area associated with mining activity where soil is exposed to accelerated erosion; the surface area on which overburden and waste are

deposited; and the surface area used for processing or treatment plants, stockpiles, nonpublic roads, and settling ponds.

~~Addition (to an existing building): Means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior to the initial flood insurance study for that area, and the addition, renovation or reconstruction does not equal 50 percent of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.~~

Agriculture: The practice of farming by cultivating the soil, producing crops, and raising livestock, including, but not limited to, dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry, and animal and poultry husbandry.

~~Adult entertainment establishment (sexually oriented business): Includes clubs and eating and drinking establishments with nude or seminude entertainment or dancing; physical culture establishments, such as but not limited to, establishments that include adult bookstores, adult motion picture theaters, adult motels and hotels, and other similar establishments which depict or emphasize sexual activities and/or nudity.~~

~~Affected land (relating to mining): The surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and settling ponds.~~

~~Agriculture: The practice of farming by means of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry, and animal and poultry husbandry.~~

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley: A public or private right-of-way or easement primarily designed to ~~serve as~~ provide secondary access to the side or rear of ~~those~~ properties whose principal frontage is on a ~~street,~~ street and not intended for general traffic.

~~Alter: To make any structural changes in the supporting or load-bearing members of a building, such as load-bearing walls, columns, beams, girders, or floor joists.~~

Apartment: A room or suite of rooms intended for use as a residence by a single household. Such a dwelling unit may be located in a multi-family structure, duplex, single-family home as an accessory use, or commercial building.

~~Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in a multi-family structure, duplex, or as an accessory use in a single family home or a commercial building.~~

Area of special flood hazard: The land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

~~Apartment house: (See Multi-family housing)~~

Awning, canopy, marquee: A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. Canopies and marquees are rigid structures of a more permanent nature attached to a building or supported by columns extending to the ground.

~~Area of special flood hazard: Is the land in the floodplain within a community subject to a one-percent or greater chance of being flooded in any given year.~~

~~Awning, canopy, marquee: A roof-like cover that is temporary or portable in nature and that project from the wall of a building for the purpose of shielding a doorway or window from the elements. Canopies and marquees are rigid, structures of a more permanent nature attached to a building or supported by columns extending to the ground.~~

Bed and breakfast: Sleeping accommodations for travelers where meals may be included or available. There is no restaurant, but a dining room may be used by overnight guests only. The owner must be a resident.

Billboard: ~~Large-format~~ A large-format outdoor advertising ~~displays-display~~ or ~~signs-sign~~ intended for viewing from extended distances. Billboards ~~include-include~~, but are not limited ~~to-to~~, 30-sheet posters, eight-sheet posters, vinyl-wrapped posters, bulletins, wall murals, and ~~stadium/arena~~ stadium or arena signage as defined by the Outdoor Advertising Association of America. ~~Typically the~~ The sign area of a billboard typically ranges ~~anywhere~~ from 50 square feet to 672 square feet.

Board of zoning appeals: ~~A local body,~~ The board created by ~~ordinance~~ Oconee County pursuant to ~~the authority of Title 6, Chapter 28 of Title 6-29~~ of the South Carolina Code of ~~Laws, 1976, as amended, whose responsibility is~~ Laws to ~~hear appeals from decisions of~~ exercise the ~~zoning administrator powers~~ and ~~to consider requests for variances from the terms of the zoning chapter.~~ duties assigned by state law and this chapter, including appeals, variances, and special exceptions.

Boarding house: A building other than a hotel, inn, or ~~motel,~~ motel where, for compensation, meals are served and lodging is provided.

Buffer: A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

~~Buffer, undisturbed natural vegetative: An~~ Buildable area ~~consisting (building envelope): The area of an undisturbed, maintenance free, self-perpetuating stand a parcel remaining after application of vegetation comprised of plants, trees,~~ required setbacks and ~~vegetation that normally survive in Oconee County without the need of fertilizers, herbicides, or pesticides.~~ other applicable open-space requirements.

~~Buildable area (building envelope): The space remaining on a parcel after the minimum open-space requirements (yards, setbacks) have been met.~~ Building: A roofed structure designed, constructed, or used for residential, commercial, industrial, institutional, agricultural, or other occupancy or use.

~~Building: Any roofed structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto.~~

Building footprint: The horizontal area occupied by a building, measured to the exterior face of its exterior walls at grade, together with any portion of an upper floor that extends beyond the exterior walls below. Open courts, uncovered patios, uncovered decks, steps, and similar uncovered features shall not be included in the building footprint. Exclusion from the building footprint does not exempt any structure or projection from applicable building setback requirements.

~~Building, accessory: See Accessory Building or Use.~~

Building height: The vertical distance measured from the average finished grade adjoining the building to the highest point of the building, excluding those features expressly exempted from height requirements by this chapter.

~~Building footprint: The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.~~

~~Building height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.~~

Building lot coverage: The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

Building, principal (main): A building in which is conducted the principal use of the parcel on which it is situated.

Building setback ~~line (also referred to as "building line")~~: line: The line established by the applicable setback requirement beyond which ~~no part of the a building or~~ structure ~~of any building shall project unless specially may not extend, except for projections expressly permitted in by 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. chapter.

~~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).~~

Built-upon area: The portion of a development project covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts), and similar improvements.

~~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.~~

Campground: Land upon which, for compensation, shelters such as tents, travel trailers, and recreational vehicles are erected or located for occupation by transients or vacationers. A campground may include permanent structures and facilities normally associated with its operation. A recreational vehicle park is also subject to the applicable provisions of chapter 32, article IX, sections 32-601 through 32-616.

~~Side and rear yard setbacks—Shall be measured from the property lines as shown on tax maps.~~

Centerline: A line along the center of a road, highway, river, creek, or property that equally divides the feature into two parts; a line running through the middle.

~~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).~~

Certificate of occupancy: Official certification that premises conform to the provisions of this chapter and the state building code and may be used or occupied. Such a certificate is granted for new construction, alterations or additions to existing structures, or a change in use. Unless such a certificate is issued, a structure cannot be occupied; however, a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

~~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.~~

Civic, fraternal, professional, and political organizations: A nonprofit association of persons who are bona fide members paying dues and that owns, hires, or leases a building or portion thereof, with use of the premises restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee, or similar body chosen by the members. Food and meals may be served on the premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of another common objective of the organization and complies with applicable federal, state, and local laws.

~~Built-upon area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc.~~

~~Campground: Land upon which, for compensation, shelters (such as tents, travel trailers, and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.~~

~~Centerline: A line along the center of a road, highway, river, creek, or property that equal divides the object into two equal parts; a line running through the middle.~~

~~Centroid: The geometric center of a polygon. In spatial information systems (GIS), the centroid is a point in a polygon to which attribute information about that specific area is linked. It is the "center of gravity" or mathematically exact center of an irregularly shaped polygon. The centroid is the center.~~

~~Certificate of occupancy: Official certification that a premise conforms to provisions of the zoning chapter (and state building code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.~~

~~Civic, fraternal, professional, and political organizations: A nonprofit association of persons, who are bona-fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.~~

Common open space or green space: A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common open space shall be substantially free of structures, but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

Conditional ~~use(s): Provisions that impose~~ use: A use permitted by right in a zoning district subject to additional standards, conditions, restrictions, or limitations ~~on a permitted use that are in addition to the restrictions applicable to all land in the zoning district which have been set forth in the text of the zoning~~ established by this chapter.

~~Condominium: An attached multi-family dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual, and such ownership is not inclusive of any land.~~

Condominium: A form of ownership in which portions of real property are individually owned and common elements are owned jointly. For purposes of this chapter, a condominium project is classified according to its physical land use and development type rather than its ownership form.

Contractor: ~~One who accomplishes~~ A person or entity that performs work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from ~~his~~ the contractor's business location. As used in this chapter, the term "contractor" does not include general assembly, fabrication, or ~~manufacture~~ manufacturing at ~~his~~ the contractor's business location.

Convenience store: A commercial building where a variety of items are sold, which may include food, magazines, automobile accessories and maintenance supplies, and other such items. In addition to the commercial building, other services on the premises may include gasoline sales, and a coin operated (automated) car wash.

Conversion: ~~Changing~~ A change from the original purpose of ~~the~~ a building to a different use.

County council: The governing body of Oconee County.

Covenant: A private legal restriction on the use of ~~land, which is~~ land contained in ~~the~~ a deed ~~to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.~~ other recorded instrument.

Current land use map: A nonregulatory map that graphically represents ~~the~~ existing land ~~use,~~ use by ~~parcel,~~ parcel throughout the county.

~~Day care facility (adults and children): A commercial facility, which provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. All state registration requirements and inspections shall be met.~~

Data center: A building or group of buildings used primarily to house computer servers, data-processing equipment, digital storage systems, networking equipment, or related electronic infrastructure for the remote storage, processing, management, or transmission of digital information. The term includes associated cooling, electrical, backup-power, and security systems accessory to the principal data-center use. A data center does not include computer or communications equipment that is clearly incidental and accessory to another principal use.

~~Dedication: The transfer of property from private to public ownership with or without compensation involved.~~

Day care facility (adults and children): A commercial facility that provides care for children or adults. Persons receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and a payment, fee, or grant is made for the care. All applicable state registration requirements and inspections shall be met.

~~Density:~~ Dedication: The average number transfer of families, persons, housing units, property from private to public ownership, with or buildings per unit of land. without compensation.

~~Density, gross:~~ Density: The total number of dwelling units proposed on a property permitted or developed per acre. acre of land, calculated as required by the applicable provision of this chapter.

~~Gross density = Proposed~~ Density, gross: The number of dwelling units The divided by the total acreage acreage of the development site.

Density, net: The total number of dwelling units proposed on a property per acre divided by the acreage remaining after deduction of those areas expressly excluded from the area of the infrastructure is taken into account. calculation by this chapter.

~~Net Density = Proposed number of dwelling units (The total acreage — roads and right-of-ways)~~

~~District, zoning: A specifically delineated area in a planning district, shown on the official zoning map, within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.~~

Dripline: A collective name for all vertical lines from the earth to the outermost tips of the crown of a tree. These lines will completely encircle the tree and thereby define its outermost reaches.

~~Driveway: A private roadway located on a parcel or lot used for vehicle access.~~

Driveway: A vehicular access serving a lot, building, parking area, or use and connecting to a road, private drive, or private road.

~~Dwelling:~~ Duplex: A building or portion thereof containing two dwelling units arranged, designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence. independent residential occupancy.

~~Dwelling, single-family: A building containing one dwelling that is entirely surrounded by open space on the same lot, but may include separate units as accessory uses to be occupied only by employees or relatives of the household.~~

Dwelling: A building or portion of a building designed, arranged, or used for permanent residential occupancy and containing one or more dwelling units. A hotel, motel, inn, travel trailer, or other accommodation intended primarily for transient occupancy is not a dwelling.

~~Easement: A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property. No land is dedicated to the party receiving an easement, only permission to use the land for a specific purpose.~~

Dwelling, single-family: a detached dwelling containing one dwelling unit on a single lot.

~~Elevated building: Means, for floodplain management purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.~~

Dwelling unit: one or more rooms arranged, designed, or used as a single independent housekeeping unit for one household, with permanent provisions for living, sleeping, cooking, and sanitation. The presence of an additional kitchen, kitchenette, bathroom, or similar facility within a single-family dwelling does not, by itself, establish an additional dwelling unit unless the space is arranged, designed, or used for independent residential occupancy.

Easement: A property right granted by a landowner to another person or entity for a specified use of the land. The grant of an easement does not, by itself, transfer ownership of the land.

Elevated building: For floodplain management purposes, a non-basement building with its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Erect: Build, construct, erect, rebuild, reconstruct, or re-erect any building or other structure.

Exempted residential facility: Residential summer camps, day facilities, and religious retreat facilities, any of which do not provide for long-term stays of 30 days or more. Hospitals, nursing homes, and accredited college/accredited university housing are exempted from this definition.

Facade: ~~The~~ An exterior ~~walls-wall~~ of a building exposed to public view or ~~that wall viewed by persons not within otherwise visible from outside~~ the building.

Farm and roadside market: A market or stand operated on a seasonal or year-round basis that allows ~~for~~ agricultural producers to ~~retail-sell~~ their products and ~~agricultural-related~~ agriculture-related items directly to consumers and to enhance income through value-added products, services, and activities.

Flag lot: 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-See this chapter 38-~~for specific provisions addressing flag ~~lots-)~~ lots.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from:

- (1) The overflow of inland or tidal waters; ~~and-and~~
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area (for determining off-street parking and loading requirements): ~~the-The~~ gross ~~total~~ horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, ~~in the case of for~~ nonresidential facilities, arcades, porticos, and similar areas open to the outside air ~~which-that~~ are accessible to the general public and ~~which~~ are not designed or used ~~as areas~~ for sales, display, storage, service, or production. ~~However, "floor area", for the purpose of measurement for~~ For determining off-street parking spaces-shall spaces, floor area does not include-include floor area devoted primarily to ~~primarily~~ storage ~~purposes (except purposes, except~~ as otherwise ~~noted above)~~; provided; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than ~~area areas~~ devoted to ~~retailing-retail~~ activities, ~~to the~~ production or processing of goods, or business or professional offices.

Floor area, gross: The total floor area enclosed within a building.

Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Frontage: ~~All~~ The length of ~~the real~~ property abutting a street ~~line or road~~, measured along the applicable street ~~right-of-way or road right-of-way line~~.

Future land use map (FLUM): A nonregulatory map that graphically represents ~~what the citizens would like to see the county look like in the future; bringing~~ community's desired future land-use pattern and brings together the goals expressed in ~~all of~~ the elements of the Comprehensive Plan.

Garage, private: A building or space used as an accessory ~~to, to or a part of, of~~ the main-principal building permitted in any district, providing for the storage of motor ~~vehicles, vehicles~~ and in which no business, occupation, or service for profit is ~~in any way~~ conducted, except in as part of an approved home occupation.

Glare: The effect of brightness in the field of view that causes annoyance or discomfort or interferes with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

Grade: The percent of rise or descent of a sloping surface; the average elevation of a specified area of land.

Greenhouses, nursery, and landscape commercial services: A place where various plants and trees are grown for sale, transplanting, or experimentation.

Groundcover: Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Group ~~home~~: residential facility (also referred to as group home): A public, private, or ~~not-for-profit~~ not-for-profit facility ~~which may provide licensed or unlicensed counseling services, schooling, and care, and which that~~ houses ten or more persons not related by ~~blood~~ blood, marriage, or adoption in a residential or dormitory environment for a period of 30 days or more per ~~year~~. Residential year and that is one of the following: (1) A community living facility for persons requiring custodial care, medical or therapeutic treatment, or specialized social services, including a residential treatment centers (RTC's) are included in this definition. center; or (2) A fraternity house or sorority house providing communal residential accommodations for members or affiliates of a recognized fraternity or sorority. A facility shall comply with all state requirements applicable to that facility.

Home occupation: Any occupation or profession carried on entirely within a dwelling or accessory building on the same parcel by one or more occupants thereof, providing the following:

- (1) That such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes; this shall be construed to include in-home duly licensed daycare;
- (2) That no more than 25 percent of the total floor area of the dwelling is used for such purposes;
- (3) That there is no outside or window display;
- (4) That no mechanical or electrical equipment is installed or used other than is normally used for domestic, or hobby purposes; and,
- (5) That not more than one person not a resident of the dwelling is employed in connection with the home occupation.

Hotel: A building or other structure kept, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants. Rooms are furnished for the accommodation of such guests, and the hotel may or may not have one or more dining rooms, restaurants, or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, are located in the same building. Entry to sleeping rooms shall be from the interior of the building.

Impervious surface: Four square feet or more of continuous surface area of any material that prevents absorption of stormwater into the ground.

Intensity of use: A measure of the extent to which a land parcel is developed.

Landfill, solid waste: A sanitary landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

Landfill, waste management services: A facility where waste material and refuse ~~is~~are placed temporarily for ~~shipping~~shipment to the appropriate facility.

Landscape architect: A professional landscape architect registered by the State of South Carolina.

Landscaped area: A portion of the site or property containing vegetation to exist after construction is completed.

Landscaped areas can include, but are not limited to, natural areas, buffers, lawns, and plantings.

Large-maturing shade tree: An evergreen or deciduous tree having a mature height of over 35 feet with a substantial canopy that provides shade and overhead cover. Examples include but are not limited to: sycamore, oak, red maple, elm.

Large-maturing tree: An evergreen or deciduous tree having a mature height of over 35 feet. Examples include but are not limited to: sycamore, oak, deodar cedar, red maple, elm, red cedar.

~~Large-maturing shade tree: An evergreen or deciduous tree having a mature height of over 35 feet with a substantial canopy that provides shade and overhead cover. Examples include but are not limited to: sycamore, oak, red maple, elm.~~

Loading area or space, off-street: An area logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to use it, and accessible to those vehicles. Required off-street loading space shall not be included as off-street parking space when calculating required off-street parking.

~~Loading area or space, off-street: An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.~~

Lot: A parcel of land in undivided ownership occupied, or intended for occupancy, by a principal building or group of principal buildings together with any accessory buildings, including required setback areas, open spaces, width, and area, either shown on a plat of record or described by metes and bounds and recorded with the register of deeds. For purposes of this chapter, "lot" includes any number of contiguous lots or portions thereof on which one or more principal structures for a single use are erected or are to be erected.

~~Lot: A parcel of land in undivided ownership occupied, or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this chapter, either shown on a plat of record or described by metes and bounds and recorded with the register of deeds. For the purpose of this chapter, the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.~~

Lot, corner: A lot abutting the intersection of two or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than 135 degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this chapter, such as in corner visibility requirements.

Lot, depth: The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

Lot, interior: A lot other than a corner lot.

Lot lines: The lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

Lot of record: A lot that is part of a subdivision for which a plat has been recorded in the office of the Oconee County Register of Deeds, or a lot described by metes and bounds for which the description has been recorded in that office by the owner or predecessor in title.

Lot, through: An interior lot having frontage on two streets.

Lot, width: The straight-line distance between the points where the building setback line intersects the two side lot lines, unless indicated otherwise by context.

~~Lot of record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Oconee County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Oconee County Register of Deeds by the owner or predecessor in title thereto.~~

Manufactured home (also referred to as a mobile home or manufactured housing unit): 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 as a complete dwelling unit, usually including major appliances, and ready for occupancy. Removal of the wheels or placement on a permanent foundation does not change the manufactured home classification. A travel trailer is not a manufactured home.

~~Marina: Any commercial business on a public access body of water where commercially rented, leased, or for sale boat slips for overnight, on water or docked storage of boats; or access for trailered boats to be cast into the water. Other activities such as restaurants and mini-storage for boating purposes may be permitted on premises. Common docks for subdivision development is excluded.~~

Manufactured-home park: A land development on commonly owned or operated land containing multiple sites for manufactured homes offered for occupancy without division of the sites into separately owned subdivision lots. Subdivision of separately owned lots is classified under the subdivision regulations of chapter 32.

Marina: A commercial business on a public-access body of water that provides boat slips for rent, lease, sale, or overnight in-water or docked storage, or that provides access for trailered boats to be launched into the water. Other activities, such as restaurants and mini-storage for boating purposes, may be permitted on the premises. Common docks serving subdivision development are excluded.

Mini storage or mini warehouses: A building or group of buildings in a controlled-access or fenced compound containing individual compartmentalized, controlled-access stalls or lockers of varying sizes for storage of customers' goods or wares. Sales, service, or other business activities shall not be conducted from the rented units.

Mining:

- (1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.
- (2) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.
- (3) The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

Mining does not include:

- (1) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
- (2) Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.
- (3) Mining operations where the affected land does not exceed one acre in area.
- (4) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land.
- (5) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area.

~~Mini storage or mini warehouses: A building, or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or business activities shall occur out of the rented units.~~

Mixed use building or parcel: Any building comprising a mixture of light commercial and residential uses; the commercial area shall comprise at least 25 percent of the building, and the residential area shall comprise no less than 35 percent of the building area. Parcels with existing or permitted residential structures may also include independent structures of light commercial use limited to the permitted uses in the district. Within any district, in addition to the permitted uses, multi-family residential uses not exceeding four units, retail uses up to 2,500 square feet, restaurants up to 2,500 square feet, and office uses up to 2,500 square feet are also considered permitted uses for mixed use buildings or parcels.

~~Mixed-use building or parcel: Any building comprised of a mixture of light commercial and residential uses; the commercial area shall be at least 25 percent of the building with the residential area, comprising no less than 35 percent of the building area. Parcels with existing or permitted residential structures may also include independent structures of light commercial usage limited to the permitted uses in the said district. Also, within any district, in addition to the permitted uses, multi-family residential (not to exceed four units), retail up to 2,500 square feet, restaurants up to 2,500 square feet, and office uses up to 2,500 square feet are also considered permitted use for mixed-use buildings or parcels.~~

Motel: A building or other structure kept, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants and where rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants, or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

Motor vehicle services and gas stations (excluding truck stops): Any building or land ~~use-used~~ for the ~~dispensing, sale, retail dispensing or offering for sale at retail any of~~ automobile fuels ~~along with and related~~ accessories ~~and services or services~~, such as ~~lubricants-lubricants, tires, or tires~~, car ~~washing, except that mechanical washing.~~ Mechanical and electrical ~~repairs, repairs~~ and tire repairs shall ~~only be performed incidental to the conduct operation~~ of the service station and ~~are performed indoors. There Fuel pumps shall not be no fuel pumps located~~ within 15 feet of any property line or street ~~right-of-way and incidental-right-of-way. Incidental~~ activities shall not include tire ~~re-treading, retreading,~~ major body work, major mechanical work, or upholstery work.

Motor vehicle services and repair: Any ~~buildings-building~~ or land used for ~~the~~ servicing or repairing ~~of vehicles vehicles~~, excluding fuel ~~sales, sales~~ but including the sale ~~and/or the or~~ installation of lubricants or tires, car washing, mechanical and electrical repairs, tire repairs, and body work.

~~Multi-family residential: A building or buildings designed to be occupied by two or more households living independently of each other, with the number of households in residence not exceeding the number of dwelling units provided.~~

Multi-family residential development: A building or development containing three or more dwelling units designed for independent residential occupancy, including apartment buildings and apartment complexes. Townhouse units, duplexes, and student housing, as separately defined by this chapter, are not classified as multi-family residential development solely because they contain multiple dwelling units.

~~Nonconforming lot: A lot of record at the time of adoption or amendment, respectively, of this chapter which does not meet the minimum requirements for area and/or width applicable in the district in which such lot is located.~~

Natural vegetative buffer: An area consisting of a substantially undisturbed, self-perpetuating stand of plants, trees, shrubs, and other vegetation that normally survive in Oconee County without routine use of fertilizers, herbicides, or pesticides.

Nonconforming lot: A lot of record at the time of adoption or amendment of this chapter that does not meet the minimum requirements for area or width applicable in the district in which the lot is located.

Nonconforming structure: A structure which existed lawfully on the date this zoning chapter became effective or the effective date of any amendments and does not conform to the permitted uses for the zoning district in which it is situated. Nonconforming uses are incompatible with permitted uses in the districts involved. Such nonconformities are permitted to continue until they are removed or vacated, as specified in this chapter.

Nonconforming use: A use that lawfully occupied a building or land at the time this chapter, or any amendment thereto, became effective, which has been lawfully continued and which does not now conform to the use regulations.

Ordinance: The Zoning Enabling Ordinance, Oconee County Ordinance 2007-18, creating this chapter, and any ordinance amendatory thereof. Whenever the effective date of the chapter is referred to, the reference includes the effective date of any amendatory ordinance.

~~Overlay district: A district, which applies additional supplementary or replacement regulations to land that is already classified in an existing zoning district.~~

Outdoor retail: A commercial use in which the display, offering for sale, or sale of merchandise occurs primarily or substantially in an unenclosed outdoor area. The term includes permanent outdoor sales areas and merchant stands associated with the retail use. Outdoor retail does not include incidental outdoor display accessory to an otherwise permitted enclosed retail establishment, temporary sales authorized under this chapter, or uses separately classified elsewhere in this chapter.

Overlay district: A district that applies additional, supplementary, or replacement regulations to land already classified in an existing zoning district.

Parking bay: The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking lot or area: An area or plot of land used for, or designated for, the parking or storage of motor vehicles, either as a principal use or as an accessory use.

Parking space: A storage space of not less than 160 square feet for one automobile, plus the necessary access space.

Parking space, off-street: A parking space located outside of a dedicated street right-of-way, public road right-of-way, with lawful vehicular access and associated maneuvering areas arranged so that maneuvering incidental to parking does not occur on a public road.

~~Permitted uses: Those uses explicitly stated as permitted in the definition of a particular zoning district or any use that clearly meets the definition and intent of the zoning district in question, including accessory buildings and uses.~~

Permitted use: A use expressly identified in the zoning use matrix or elsewhere in this chapter as permitted by right in the applicable zoning district. A use that is not identified as permitted, conditional, special exception, or otherwise expressly authorized by this chapter is not permitted.

~~Petition: For the purposes of the zoning regulations contained in this chapter, a signed document in which one or more property owner(s) provides county council input as to their opinion on the proposed zoning or future use of their property, surrounding properties, or an area being considered for rezoning. Petitions are simply one mechanism for providing county council with such public input and do not limit or in any manner bind county council's decisions, and as such should in no way be considered to be a vote for or against a proposed rezoning. It is ultimately the sole prerogative and duty and decision of county council whether to zone any area(s) in Oconee County or not, and how to zone such area(s), if at all, in accordance with state law, the Comprehensive Land Use Plan of the county, and applicable zoning practices and regulations of the county.~~

~~Planning district advisory committee: A committee appointed by county council from within a planning area considering zoning. This committee will, among other activities, create a proposed zoning map to be considered as an amendment to the existing county zoning map and this chapter.~~

~~Planning district: Various planning areas modeled on the approximate Oconee County Fire Districts; although the planning areas are based upon the fire district boundaries, no link between the two exists, and either may be amended without impacting the boundaries of the other.~~

~~Person: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.~~

Pervious pavement: Paving material that permits full or partial absorption of stormwater into the ground.

Petition: A formal request submitted pursuant to Article 8 to amend the zoning classification of one or more parcels.

Place of worship: For the purposes of this chapter, any parcel or building, church, synagogue, temple, mosque, or other facility used primarily for religious worship; or, any parcel, building, or facility owned, managed, or otherwise governed by a religious organization with the intent to enhance or otherwise further the mission or purpose for which such organization exists.

Planned development district (PDD): A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

~~Planning commission: The public agency in a specific jurisdiction usually empowered to prepare a comprehensive land plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.~~ Oconee County Planning Commission.

Plant material: Large-maturing trees, understory trees, ~~and/or~~ or shrubs.

Planting island: In parking lot design, a built-up, curbed structure placed at the end or within parking rows for landscaping and as a guide to traffic.

Plat: A map, usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing, and length of every street and alley line, lot line, and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this chapter and other ordinances and amendments.

Premises: A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

~~Private road-drive: a privately maintained access within a private roadway easement serving four through ten lots, dwelling units, or street: Any road or street which is not publicly owned and maintained and is used for access by the occupants other units of the development, their guests, and the general public. The right-of-way has not been dedicated to either the State of South Carolina or Oconee County. counted in accordance with section 32-228.~~

~~Property owner(s): For the purposes~~ Private driveway: a private vehicular access serving no more than three lots, dwelling units, or other units of this chapter, the person(s), entity(ies), corporation(s), or partnership(s), whether one or more, listed as being an owner of record of the property development, counted in question, either recorded accordance with the deed of the property or as listed by the public tax records of Oconee County. section 32-228.

~~Public road~~ Private road: a privately maintained roadway within a private roadway easement serving 11 or street: Roads, avenues, boulevards, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cul-de-sacs and more lots, dwelling units, or other ways including the entire right-of-way considered public and both dedicated to and accepted by the State units of South Carolina or Oconee County. development, counted in accordance with section 32-228.

~~Residential care facility (including, without limitation, convalescent homes): A facility which combines the functions of any combination of a retirement community, rest home, nursing home, and convalescent home, providing residential facilities for independent living, assisted care, and, possibly, nursing care.~~

Private roadway easement: A recorded property interest granting specified persons and their successors the rights necessary for private vehicular access and for installation, inspection, repair, replacement, drainage, and maintenance of the roadway and utilities. The easement instrument shall identify beneficiaries and maintenance obligations and shall not convey county ownership or maintenance responsibility.

~~Right of way: An area owned and maintained by a municipality, the State of South Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.~~

Property owner: A person, entity, corporation, or partnership listed as an owner of record of the property in question in the deed or Oconee County public tax records.

~~Roadside stand: Typically a seasonally temporary stand less than 200 square feet used to sell farm and garden products, hand crafts, and other homemade items; or those locations used for educational, religious, or recreational fundraisers; or those locations used for the conveyance of public information. Stands must be authorized by the property owner and the appropriate right-of-way entity such as SCDOT, Oconee County, etc. Unsafe or abandoned structures, or any structure that presents a health or safety threat to the public, shall not be considered a legitimate roadside stand.~~

Public road: A road, street, highway, or other vehicular way, including the associated public right-of-way, that is dedicated or otherwise held for public use and accepted by the United States, the State of South Carolina, Oconee County, or another governmental entity having jurisdiction.

~~Salvage yard, junk yard, and recycling operations: Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A "junk yard" includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. A "junk yard" for vehicles is defined as four or more junk, inoperable or unlicensed vehicles stored on the property.~~

Residential care facility: A facility that provides residential accommodations together with personal care, assistance with activities of daily living, nursing care, convalescent care, or similar health-related supportive services to residents. The term includes assisted living facilities, state-licensed residential care facilities, nursing homes, convalescent facilities, and similar residential care uses. A residential care facility does not include: (1) a group residential facility or group home, as separately defined and regulated by this Code; (2) a hospital or other institutional use separately classified by this chapter; or (3) independent-living, senior, retirement, or other age-oriented housing in which residents occupy conventional dwelling units and personal-care, nursing, custodial, or therapeutic services are not provided as an integral part of the residential use.

Right-of-way: A property interest dedicated, acquired, or otherwise established for public transportation, utility, pedestrian, or similar public purposes. A private roadway easement is a separate property interest and does not convey public ownership or maintenance responsibility. Front-setback measurement is governed by section 38-9.3.

Roadside stand: A seasonal or temporary stand of less than 200 square feet used to sell farm and garden products, handicrafts, and other homemade items; a location used for educational, religious, or recreational fundraisers; or a location used for the conveyance of public information. Stands must be authorized by the property owner and the appropriate right-of-way entity, such as SCDOT or Oconee County. Unsafe or abandoned structures, or any structure that presents a health or safety threat to the public, shall not be considered a legitimate roadside stand.

Roadway: The constructed vehicular travel surface and associated shoulders, drainage, and appurtenances within a public right-of-way or private roadway easement. Ownership and maintenance status shall be stated separately.

Salvage yard, junk yard, and recycling operations: Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A junk yard includes an auto-wrecking yard but does not include uses established entirely within enclosed buildings. A junk yard for vehicles is an area where four or more junk, inoperable, or unlicensed vehicles are stored.

Screening: The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

Searchlight: An apparatus with reflectors for projecting a powerful beam of light of approximately parallel rays in a particular direction, usually devised so that it can be swiveled about.

Setback: The minimum required ~~minimum~~ distance between ~~every a~~ 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 applicable property line, and road right-of-way, or private roadway easement, measured from the property lines on the remaining portions of the property)-~~ as provided in section 38-9.3.

Sight triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign: Any sign structure or combination of sign structure and message in the form of outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, advertising structure, advertisement, logo, symbol, or other form which is designated, intended, or used to advertise or inform. The term does not include official traffic control signs, official markers, nor specific information erected, caused to be erected or approved by the South Carolina Department of Transportation.

Sign, awning: A sign mounted, painted, or attached to an awning.

Sign, banner: Any sign, except an awning sign, made of flexible fabric-like material.

Sign, canopy: A sign mounted, painted, or attached to a canopy.

Sign, directional: ~~Signs-~~ A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as ~~"one-way", "entrance", "one-way," "entrance," and "exit"-~~ "exit."

Sign, flashing: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any ~~means whatsoever-~~ means. For the purposes of this ~~chapter-~~ chapter, any ~~moving-~~ moving illuminated sign shall be considered a ~~"flashing sign". Such signs shall~~ flashing sign. The term does not be deemed to include ~~time and temperature-~~ time and temperature signs or ~~public message-~~ public message displays using electronic switching.

Sign, hanging: A sign ~~forming that forms~~ an angle with a ~~building which-~~ building, extends from the ~~building~~ building, and is supported by the building.

Sign, monument: A freestanding sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade level.

Sign, portable: A sign that is not ~~permanent-~~ permanently affixed to a building, structure, or the ground.

Sign, projecting: A sign ~~forming that forms~~ an angle with a ~~building which-~~ building, extends from the ~~building~~ building, and is supported by the building.

Sign, revolving/rotating: Any sign or part of a sign that changes physical position or light intensity by any movement or animation or that gives the visual impression of such movement.

Sign, roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary: A sign or advertising display intended to be displayed in connection with a specific event for a limited duration.

Sign, wall: A sign fastened to or painted on the wall of a building or structure ~~in such a manner-~~ so that the wall becomes the supporting structure for, or forms the background surface ~~of of,~~ the ~~sign-~~ sign and that does not project more than six inches from ~~such-~~ the building or structure.

Sign, window: A sign ~~that is~~ mounted for display on or within a ~~window,~~ window and intended to be viewed from ~~the outside.~~

Single-family detached residential: A parcel or lot containing a detached ~~dwelling unit; includes homes and single-family dwelling, including a~~ manufactured ~~homes, but in no way excludes activities generally associated home,~~ together with customary residential ~~living, such as; private parties, gardening, personal workshop(s), keeping of household pets and other animals such as horses provided sufficient acreage is available for such animals,~~ accessory uses.

Site plan: A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by the ~~regulations involved.~~ applicable regulations. It includes ~~such things as~~ lot lines, streets, building sites, reserved open space, buildings, major landscape ~~features—both~~ features, both natural and ~~manmade and~~ manmade, and, depending on applicable requirements, the locations of proposed utility lines.

~~Special exception: A special exception use is one which is not permitted by right, but which may be permitted after a public hearing by the board of zoning appeals and all conditions stated in this chapter are met. The zoning chapter lists, by zoning district, those uses that may be allowed by right or by special exception. Uses that are included or fit the intent of these lists will be considered in each zoning district.~~

Special exception: A use expressly identified in the zoning use matrix or elsewhere in this chapter as requiring approval by the board of zoning appeals in accordance with Article 7. A special exception does not authorize a use that this chapter does not identify as eligible for special-exception approval.

Spot zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the goals in the comprehensive plan.

Stormwater: Water that accumulates on land as a result of precipitation ~~events,~~ and ~~can may~~ include runoff from impervious areas such as roads and roofs.

~~Street line: The line between the street right-of-way and abutting property (i.e. right-of-way line).~~

Structure: Anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.

~~Structural alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.~~

Student housing: Residential development designed, approved, or operated principally for students in which individual beds or bedrooms are rented separately or occupancy and management are otherwise organized by individual bed or bedroom. A conventional dwelling unit rented as a whole unit is not student housing solely because one or more occupants are students. A fraternity house or sorority house is regulated as a group residential facility and is not student housing for purposes of this definition. Approved bed means a bed authorized by the applicable land-use approval and shown on the approved plan.

~~Subdivision: The current official definition is found in the Oconee County Subdivision Regulations, including exceptions stated therein. All subdivisions shall conform to and with the dimensional requirements stated in this chapter, with the exception of existing and properly approved and recorded plats.~~

Subdivision: Has the meaning established in chapter 32 of this Code. For purposes of this chapter, the term includes townhouses, condominium developments, apartment developments, multi-family residential developments, and student housing where the applicable chapter 32 definition classifies the development as a subdivision.

Substantial improvement: ~~Means any~~ Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes ~~structures, which~~ structures that have incurred "substantial ~~damage",~~ damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications ~~which that~~ have been identified by the local code enforcement official and ~~which that~~

are the minimum necessary to assure safe living conditions; ~~or, or~~ (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

~~Tree protection: Measures taken, such as temporary fencing and the use of tree wells, existing at a minimum outside the dripline, to protect existing trees from damage or loss during and after project construction.~~

Townhouse: A building containing three or more attached single-family townhouse units.

~~Understory tree: An evergreen or deciduous tree with a mature height of less than 35 feet. Examples include but are not limited to: red bud, dogwood, crape myrtle, wax myrtle, ornamental cherry.~~

Townhouse unit: an individual single-family dwelling unit within a townhouse that extends from foundation to roof, is separated from adjoining townhouse units by common walls, and has a setback area or public way on not less than two sides, whether conveyed as a separate lot, condominium unit, or other ownership interest.

~~Use: Any continuing~~ Tree protection: Measures, such as temporary fencing and tree wells, extending at least to the dripline to protect existing trees from damage ~~or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to; residential, manufacturing, retailing, offices, public services, recreational, loss during and educational.~~ after project construction.

~~Variance: A variance is a waiver of the dimensional terms of the zoning chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship; and does not involve a change in the use of the property.~~

Understory tree: An evergreen or deciduous tree with a mature height of less than 35 feet. Examples include, but are not limited to, redbud, dogwood, crape myrtle, wax myrtle, and ornamental cherry.

~~View lane: Use: The portion of purpose or activity for which land, 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 building, or a structure is lower in height and/or smaller in diameter than that found in the rest of the buffer.~~ occupied, maintained, arranged, designed, or intended.

~~Viewshed: An area of land, water, and/or other environmental elements that are visible from a fixed vantage point (or series of points along a linear transportation facility).~~

Variance: Relief granted by the board of zoning appeals from the dimensional requirements of this chapter in accordance with applicable state law and the provisions governing the board of zoning appeals. A variance shall not authorize a use that is not otherwise permitted in the applicable zoning district.

~~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.~~

View lane: The portion of a natural vegetative buffer authorized under section 38-11.1 for selective vegetation maintenance to provide observation of or access to the lake.

~~(1) Front yard means~~ Viewshed: An area of land, water, or other environmental elements visible from a yard situated between the front building line and the front lot line ~~fixed vantage point or road right-of-way, as applicable, extending the full width~~ a series of the lot. ~~points along a linear transportation facility.~~

~~(2) Rear yard means a yard situated between~~ Zoning administrator: The planning director or other official designated by the rear building line County to administer ~~and the rear lot line extending the full width of the lot.~~ enforce this chapter.

~~(3) Side yard means a yard between~~ Zoning district: A geographic area established by this chapter and shown on the side building line official zoning map within which specified land-use ~~and a side lot line that extends from the front yard to the rear yard.~~ development regulations apply.

~~Zoning: A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are~~

~~regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The zoning chapter consists of two parts—a text and a map.~~

~~Zoning administrator: The official person in charged with the enforcement of the zoning chapter.~~

~~Zoning chapter: The zoning chapter of the Oconee County Code of Ordinances, currently Chapter 38.~~

~~Zoning district: An area established by this chapter where the individual properties are designed to serve compatible functions and to be developed at compatible scales.~~

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

APPENDIX A

(a) Building standards. Diversity in design consistent with the local natural and architectural surroundings is encouraged.

(1) To the extent feasible, primary facades and entrances shall face the street.

(2) All buildings less than or equal to 20 feet in height shall have a setback of at least 30 feet from the ~~property line~~ edge of the road right-of-way along the primary road. Setback from remaining property lines shall be 15 feet.

(3) Buildings more than 20 feet in height shall have a setback of 30 feet plus an additional distance equal to one foot in horizontal distance for each one foot in additional vertical distance (building height over 20 feet) along the primary road. Setbacks from remaining property lines shall be 25 feet.

(4) Exterior building materials visible from the traffic lanes shall not consist of unadorned concrete masonry units (concrete blocks), corrugated metal, and/or sheet metal. Pre-cast panels and pre-engineered metal wall units, and 'split-faced' and other rusticated masonry wall are permitted.

(5) Suitable materials for treating building facades may include, but are not limited to: stone, brick, glass, wood siding, split block, or stucco. Alternative materials may be approved by the planning director.

(6) Blank, uninterrupted building facades shall not face residential areas or public or private street right-of-ways. Design techniques using architectural elements or repetitive features should be utilized to visually break up the facade. Examples include, but are not limited to: windows, doors, columns, canopies, lighting fixtures, building offsets/projections, decorative tile work, artwork, or other elements approved by the planning director. The following standards apply:

a. Industrial uses shall not have blank walls greater than 50 feet in length.

b. All other uses shall not have blank walls greater than 30 feet in length.

(7) The appearance of strip development resulting from flat, unvaried roof lines is discouraged. Roofline variation may be achieved using one or more of the following methods: vertical or horizontal offsets in ridge lines, variation in roof pitch, gables, or dormers.

(8) Roof mounted mechanical equipment shall be enclosed or screened to ensure such features are not visible to the extent possible. Enclosures and screens shall be compatible with the architectural style of the building.

(9) Shipping and receiving areas/docks shall be located in the rear of the structure and should not be visible from primary adjacent parking areas or street rights-of way.

(b) Signage standards. The sign standards are created to maintain and enhance the aesthetic environment of transportation and economic gateways into Oconee County. The location and design of all signs shall be consistent with the objective of high-quality development and safe and efficient vehicular and pedestrian circulation.

(1) General standards. All signs, including their supports, braces, guys, anchors, electrical parts and lighting fixtures, and all painted and display areas shall be constructed and maintained in accordance with the building and electrical codes adopted by Oconee County.

a. It shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign (with the exception of signage requiring no permit) without first obtaining a sign permit from the planning department, except as relates to routine maintenance and repair or the changing of tenant name panels.

b. A preliminary sign permit application along with applicable fees and sign plan shall be submitted to Oconee County. The detailed sign plan shall include the following information, stamped by a South Carolina licensed surveyor, landscape architect, or engineer:

1. Parcel number.
2. Scale of site plan and north arrow.
3. Drawing of entire property with all existing and proposed structures shown.
4. Length of street frontage.
5. Dimensioned setbacks from street and side property line.
6. Plan drawing with actual dimensions of sign (as seen from above).
7. Location of all existing signs.
8. Location of all proposed signs.
9. Elevation drawing of the proposed sign or sign revision including size, height, copy, colors, illumination, materials.
10. Verification that the proposed sign(s) meet all requirements set forth in this chapter.

c. All on-premises nonconforming signs shall come into compliance with these standards when abandoned or the cost of repairs or replacement of such signs is beyond 50 percent of their replacement costs. Nonconforming signs are subject to all requirements of this code regarding safety, maintenance, and repair.

d. Signage shall be set back a minimum of ten feet from right-of-way, side, or rear property lines.

e. No sign shall produce a traffic hazard, such as visual obstruction at intersections or glare from lighting. Signs shall not obstruct the view of or resemble traffic directional/safety signs.

f. Rooftop signs are prohibited.

g. Flashing or animated signs are prohibited.

h. No sign shall be attached to a utility pole or street sign, or attached to or painted on tree trunks, rocks, or other natural objects.

i. No sign shall be placed within the public rights-of-way.

j. Signs shall not rotate or revolve.

(2) Signs allowed without a permit. The following signs require no permit. These signs are subject to all requirements of this code regarding safety, maintenance, and repair.

a. Temporary/portable signs:

1. Shall be displayed only for the duration of time that they remain relevant to a specific event.
2. Temporary signs shall be removed within seven days following the conclusion of the specific event being promoted.
3. No temporary sign exceeding six square feet may be erected on a residential parcel.
4. The maximum allowable size of any non-residential temporary sign is 32 square feet.

b. Traffic, directional, warning, official notice or informational signs authorized by any public agency.

c. Building nameplates with related inscriptions.

d. Window signs.

e. Flags and flagpoles.

f. On-site directional signs, where each sign does not exceed nine square feet in area or four feet in height.

g. Signs that display name, trademark, logo, brand, or prices, provided the display is an integral part of a vending machine, automatic teller machine, or gas pump. Such signage shall not exceed 32 square feet in area per side.

(3) Signs allowed that require a permit.

a. Allowable signs shall be the following:

1. Monument.
2. Wall.
3. Hanging/projecting.
4. Canopy/awning.

b. Monument signs:

1. Shall be architecturally designed to reflect the character of the structure/development for which they are advertising.
2. No monument sign shall exceed ten feet in height.
3. One double faced or single faced sign shall be allowed per parcel.
4. Developments with 400 feet of road frontage serving more than one building shall be permitted one additional sign, which shall not exceed 100 square feet in area. Minimum separation for all monument signs shall be at least 200 linear feet. However, if a building is located on a corner lot with two street facing sides, one sign may be located on each side served by an entryway.

c. Wall signs:

1. Wall signage shall not exceed 15 percent of the wall area, per wall face.
2. Wall signs shall display only one surface and shall not be mounted more than six inches from any wall.

d. Hanging/projecting signs:

1. Only one projecting/hanging sign is allowed per building frontage, except for shopping centers, which may have one projecting/hanging sign for each business use.
2. Signs shall project at a right (90 degree) angle to the building frontage.
3. Signs shall not extend more than four feet beyond the line of the building or structure to which it is attached.
4. Signs shall maintain a vertical clearance of eight feet above the sidewalk or ground level accessible to pedestrians.

e. Canopy/awning signs:

1. Shall not exceed 15 percent of the surface area of the face or the canopy or awning to which the sign is attached.
2. Sign shall not extend more than three inches horizontally from the surface of the awning or canopy.
3. Sign shall not project vertically outside the area of the canopy or awning.

f. Illumination:

1. No internal lighting shall include exposed incandescent or fluorescent bulbs.
2. Externally illuminated signs must have indirect light sources shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized.
3. Signs shall not have light reflecting backgrounds but may use light reflecting lettering.
4. No sign shall have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.

g. Maintenance: All signs shall be maintained in good condition and working order, and be free of graffiti, peeling paint or paper, faded colors, weeds, vines, and/or broken and damaged materials. No internally or externally illuminated sign shall have only partial illumination for a period of more than 30 days.

(c) Lighting standards. The purpose of these standards is to assure that adequate exterior lighting is provided to facilitate crime prevention, security, and safe passage, and that exterior lights be shielded to reduce the impact of lighting on neighboring uses, potential safety hazards to the traveling public, and the effect on viewsheds and nightscapes.

(1) Lighting plans shall be submitted with the zoning permit application on projects that include the installation of outdoor lighting fixtures. Prior to obtaining a zoning permit, an applicant must receive approval of a lighting plan. The lighting plan shall be prepared by an appropriately licensed design professional in the State of South Carolina. The plan shall include the following information:

- a. The location, type, and height of luminaries including both building and ground-mounted fixtures.
- b. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer.
- c. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission.
- d. Additional information as may be required to determine compliance with this chapter.

(2) Exterior lighting shall be shielded and directed to avoid illuminating the night sky.

(3) Lighting shall not illuminate neighboring properties or distract/harm the traveling public on road rights-of-way. Any necessary screening of lighting shall be shown on site plans. Lighting will be inspected before a certificate of occupancy is granted.

(4) On-site lighting may be used to accent architectural elements and provide safety and security on pedestrian walkways, at building entrances, and public areas between buildings, but shall not be used to illuminate entire portions of buildings.

(5) In order to promote safety and security in developments, lighting should be used at intersections, entrances, and in parking areas.

(6) The overall height of lighting fixtures shall not exceed 20 feet.

(7) Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g. beacons on towers). Searchlight and laser light operation for advertising/commercial purposes is prohibited.

(d) Parking standards. Parking areas should be designed in a manner to provide safe and efficient circulation of traffic and safe access for pedestrians. Appropriate parking design and layout should be used to reduce impacts associated with impervious surfaces.

(1) Parking layout. Avoid parking layouts that dominate a development. The layout of parking areas, pedestrian connections, and open space should reduce the visual impact of parking. Parking is strongly encouraged to be located to the side or rear of the building unless prevented by a physical limitation of the site.

(2) Perimeter parking buffer. A perimeter parking area buffer of 15 feet shall be required on sides parallel to abutting properties or street rights-of-way. Buffers shall be planted as specified in the landscape standards.

If parking is located in the front of the building, buffer requirements will be increased to 25 feet.

(3) Parking striping. Parking areas shall have parking spaces marked by surface paint lines or approved alternative traffic marking material.

(4) Wheel stops. Wheel stops or curbs are required where a parked vehicle encroaches on adjacent property, pedestrian access/circulation areas, right-of-way or landscaped areas.

(5) Planting islands. Parking areas shall be designed so that a planting island is provided for every ten parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Planting islands shall be surrounded by curbing to prevent vehicular damage to plantings.

Minimum size for required planting islands is nine feet by 15 feet (inside of curb). Islands shall be planted as specified in the Landscape Standards.

(6) Stormwater. Parking areas shall be designed to convey and/or preferably infiltrate stormwater on-site. Stormwater shall not contribute to the subsidence, erosion, or sedimentation of the development site or off-site areas.

(7) Paving. Parking areas shall be paved unless otherwise approved by the planning commission. Alternative paving materials that increase permeability such as pervious concrete, pervious asphalt, pavers, grid pavers, or any other approved pervious paving materials are encouraged.

(e) Landscape standards. Trees and landscaping contribute to the public health, safety, and welfare. Among the benefits of landscaping are: screening of undesirable views; aesthetic enjoyment; climate modification; reduction of glare, noise, odors and dust; reduction of storm water runoff and flooding; buffers between land use; shelter and food for wildlife; and improved air quality. All of these benefits contribute to a higher quality of life and enhance property values within the county.

(1) Landscape plan. The landscape plan shall be submitted with the zoning permit application. Prior to obtaining a zoning permit, an applicant must receive approval of a landscape plan. The landscape plan shall be prepared by a landscape architect licensed by the State of South Carolina. The landscape plan must contain all information necessary to show that the planned use, structure, or development complies with the standards set forth. This shall include utility information, irrigation plans, existing trees used for credit, and tree protection plans, if applicable.

(2) Installation. No certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection. If the season or weather conditions prohibit planting of trees, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125 percent of the cost of installing the required plantings to guarantee the completion of the required planting within 270 days. The financial surety shall be canceled and/or returned upon completion of the required landscaping. If the required landscaping is not completed within the time allowed, the owner shall forfeit the guarantee and the county shall use such funding to complete the required landscaping.

(3) Maintenance. The plantings that constitute a landscape area must be properly maintained in order for the landscape area to fulfill the purposes for which it is established. The owner of the property shall be responsible for the maintenance of all plant material within the landscaped areas. This includes keeping landscaped areas free of litter and debris and keeping plantings healthy and orderly in appearance. Tree staking shall be removed within eight months after installation to prevent permanent damage. All dead or diseased vegetation shall be removed. Additionally, any required vegetation that dies or becomes diseased shall be replaced.

(4) Minimum material size. All required trees shall be a minimum size of 2½-inch caliper measured six inches above ground at the time of installation. All required shrubs shall be a minimum size of three gallons at the time of installation. Reference the American Landscape and Nursery Association (ANLA) publication American Standard for Nursery Stock (ANSI Z60, 1-2004) for plant material quality specifications. All plant material shall be mulched with an organic mulch or other approved material.

(5) Water source. A permanent water source (hose bib, etc.) shall be provided not more than 100 feet from any required landscaping.

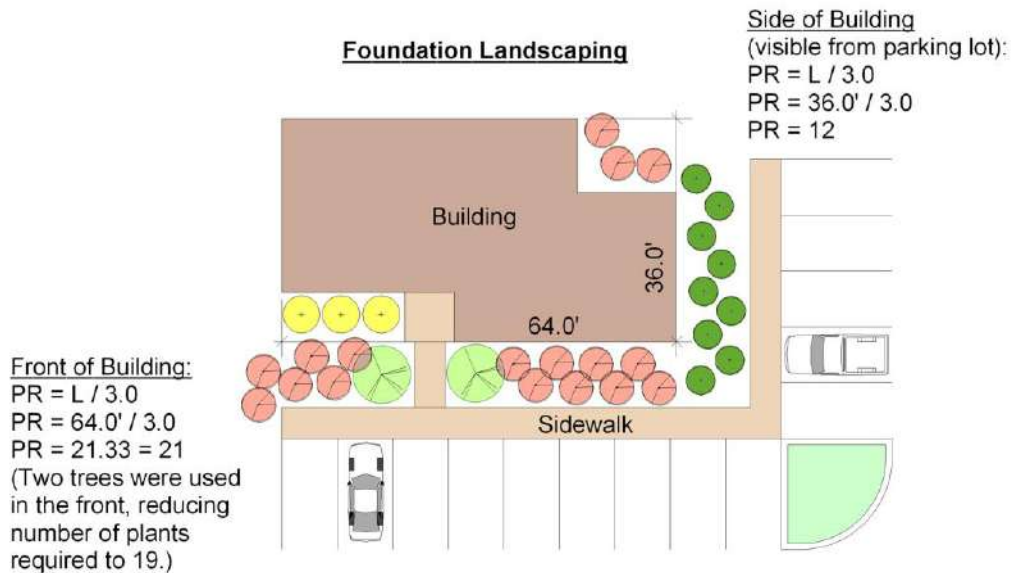
(6) Foundation landscaping. Landscaping shall be provided around the foundation of structures visible from any parking area. Plant material, as defined in this chapter, shall be located in a planting area adjacent to the building in the following quantities:

$PR = L/3.0$ where:

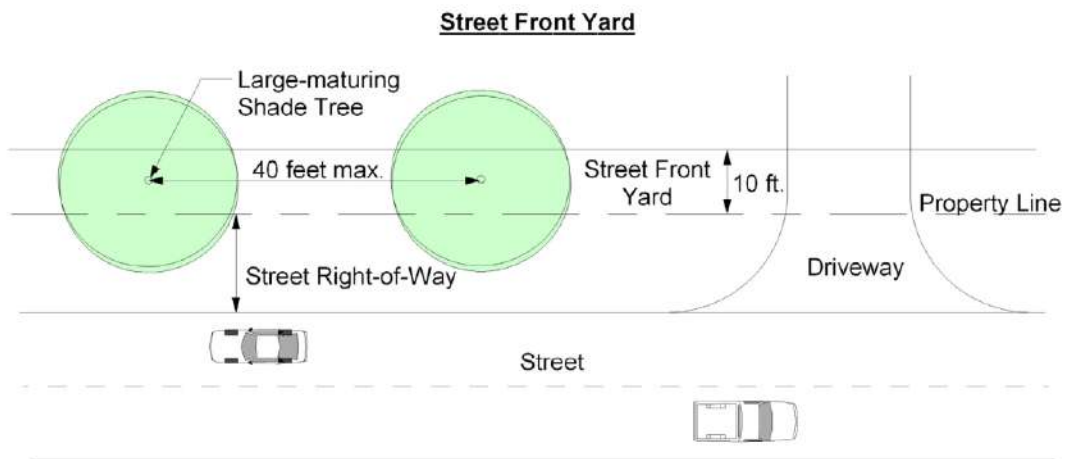
PR = number of plants required

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

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

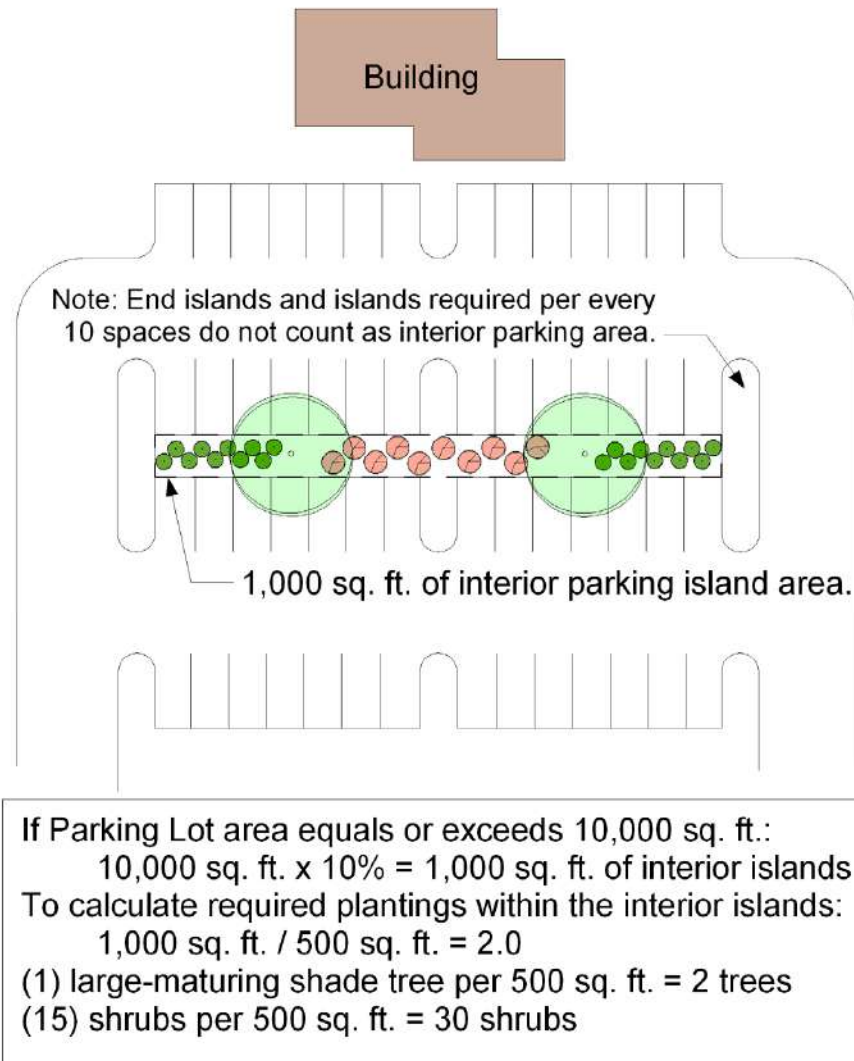


(7) Street front yard. Street front yards shall be located along property adjacent to all street rights-of-way. Street front yards must be located on private property and not within the street right-of-way. Portions of the property needed for driveways are exempted from these requirements. Street front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



(8) Interior parking. Whenever the impervious parking cover equals or exceeds 10,000 square feet, a planting area equal to ten percent of the total impervious surface must be provided as islands within the interior of the parking area. One large maturing shade tree and 15 shrubs must be planted for each 500 square feet of required interior landscape area. Plantings in landscape islands referenced under the parking islands section may not be used to satisfy this requirement. However, existing trees preserved in appropriately sized islands may be counted as outlined in the existing trees section.

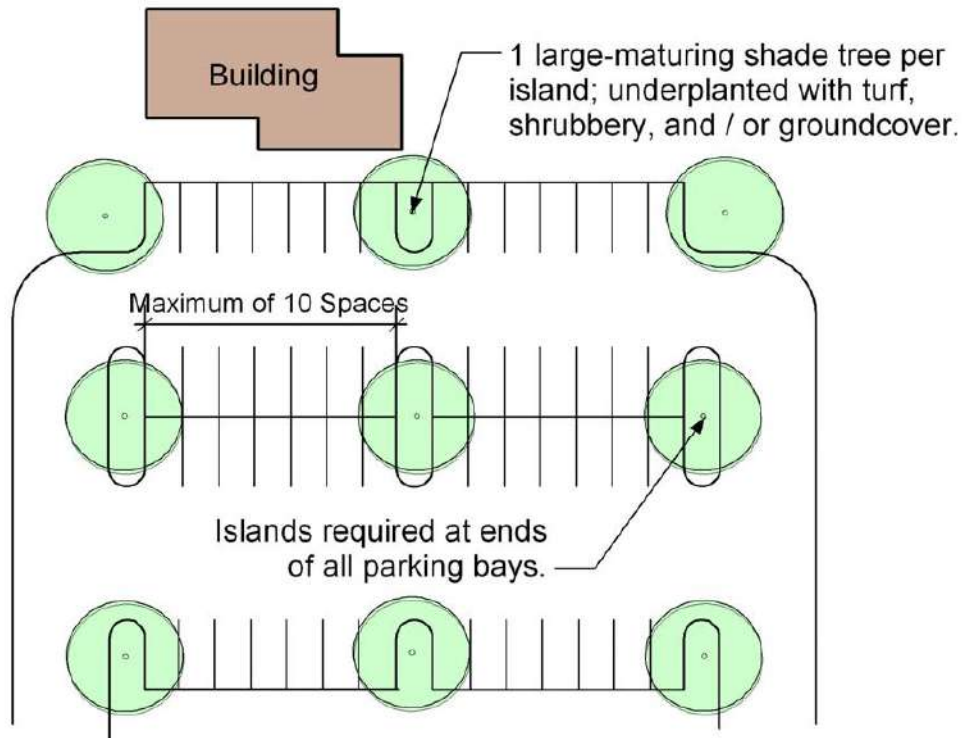
Interior Parking



(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~~ [street-front landscape area](#) 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.

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

Parking Islands



(11) Perimeter parking buffer. All parking lots and vehicular use areas shall be screened from all abutting properties or rights-of-way. The landscaped area shall be directly adjacent to the parking lot edge, and shall be a minimum width of 15 feet. The perimeter shall contain at a minimum, one large maturing tree for every 50 linear feet, and evergreen shrubs in sufficient quantity to provide screening with a minimum mature height of four feet. If parking is located in the front of the building, buffer requirements will be increased by 30 percent in terms of width and planting quantities.

Parking Perimeter Buffer



- * Buffer must be 15' in width.
- * 1 large-maturing tree required for every 50 linear feet of buffer.
- * Evergreen shrubs as required to create a screen with a min. mature height of 4'.
 - 150' buffer / 50' = 3 large-maturing trees
 - 250' buffer / 50' = 5 large-maturing trees
 - 75' buffer / 50' = 1.5 = 2 large-maturing trees

(12) Buffering adjacent uses. In the event that non-residential development borders residential areas or industrial development bordering non-industrial development, a 25 feet wide landscape buffer shall be required along the common property boundary. The following mixture of plants per 100 feet of property boundary shall be required:

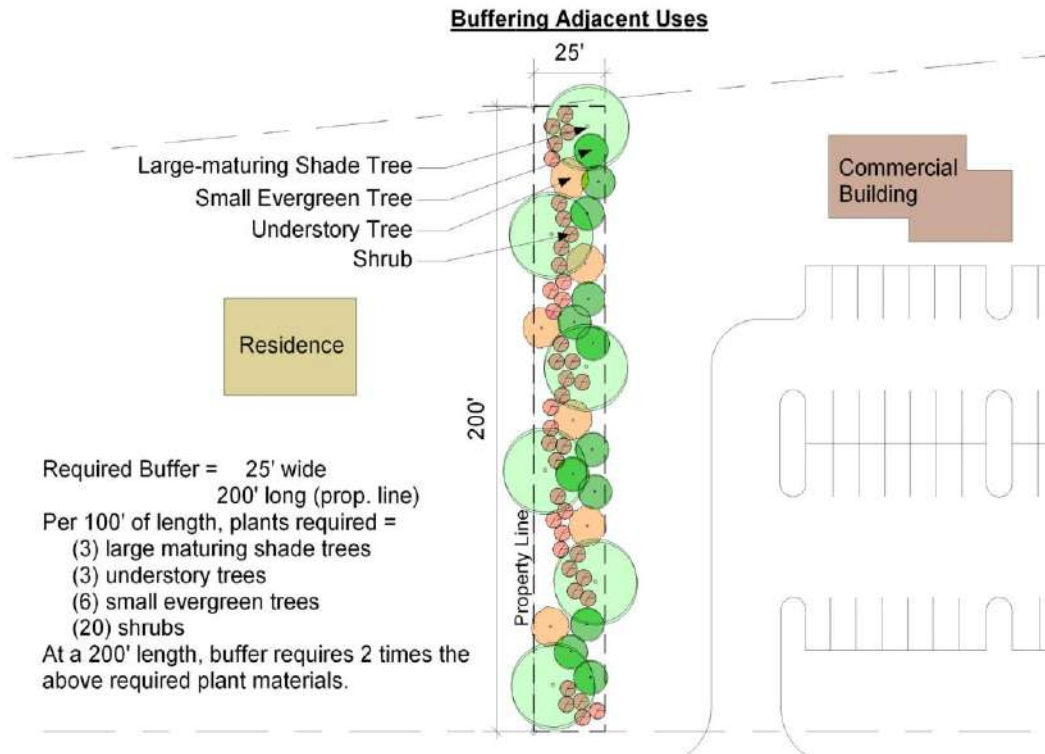
Three large maturing shade trees, equally spaced

Three understory trees, equally spaced

Six small evergreen trees

Twenty shrubs

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



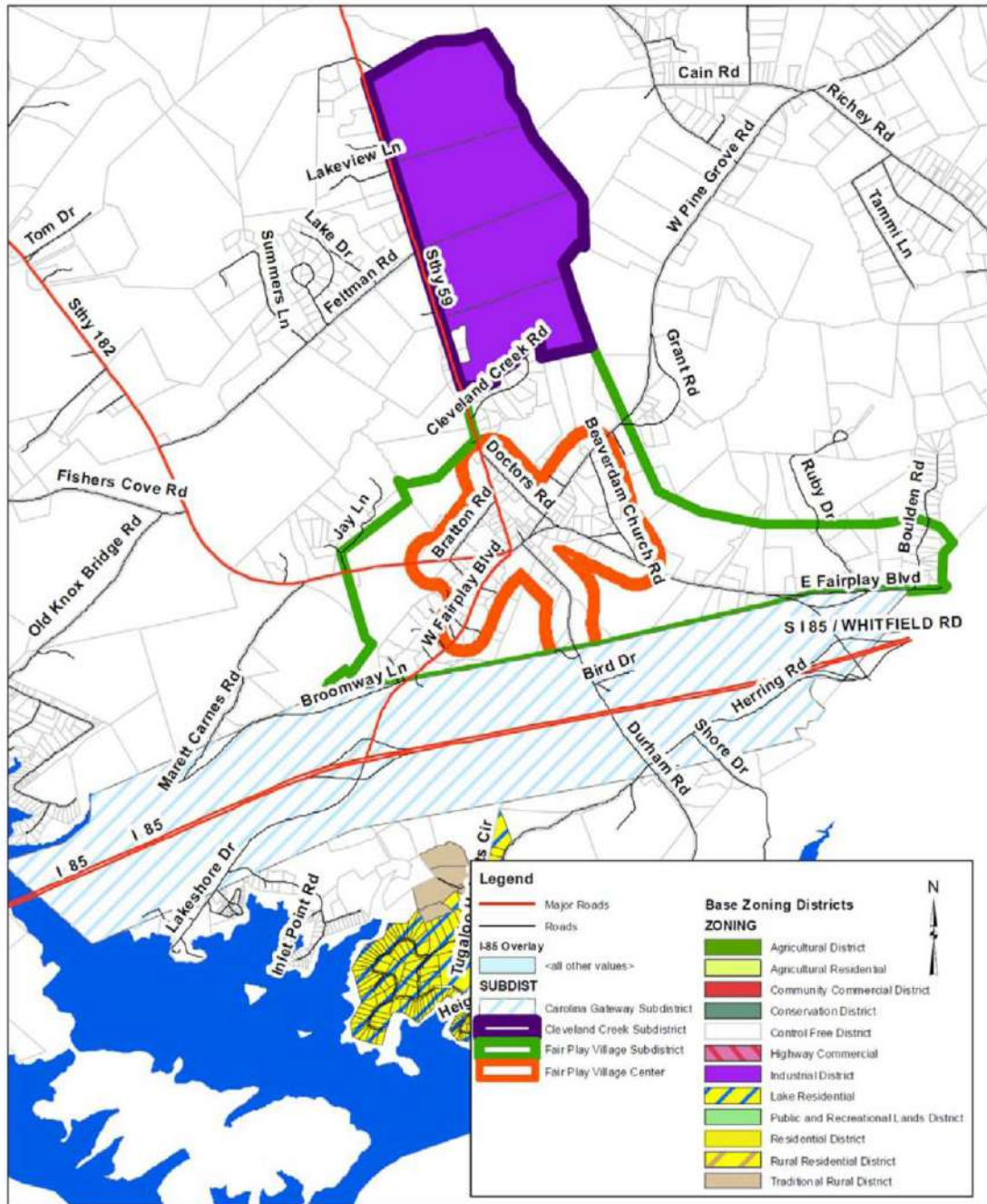
(13) Existing natural buffers. When a natural, undisturbed buffer is retained along a property boundary where a buffer is required, a waiver (in whole or part) of the required landscaping may be granted. The existing buffer must achieve the same screening effects as the required buffer materials and adhere to the requirements for protection and size outlined in the buffering adjacent uses section.

(14) Screening of collection areas. Screening of loading and trash collection areas must be accomplished with an opaque wall of masonry, rot-resistant wood, or evergreen shrubs that are one foot taller than the object to be screened. If evergreen shrubs are used, they must achieve the required screening at the time of planting.

(15) Sight triangles. The placement of any material shall not obstruct the view between access drives and streets, or the intersecting streets of a corner lot. No fence, building, wall or other structure, (excepting single

trunk trees less than 12 inches in diameter, pruned to a height of eight feet, and poles and support structures less than 12 inches in diameter), shall exist between a height of 2½ feet and eight feet above the upper face of the nearest curb (or street centerline if no curb exists) and the sight triangle. For a corner lot, the sight triangle area is the area bounded on two sides by the street right-of-way lines, each having a length of 25 feet, and a third side connecting the two right-of-way sides. For an intersecting street and driveway, the sight triangle is formed by measuring from the point of intersection of the right-of-way and the edge of drive the distance of 25 feet and connecting the points so established to form a triangle on the area of the lot adjacent to the street. Note that road design criteria concerning sight distances is governed by the standards in Chapter 32, Unified Performance Standards of the Oconee County Code of Ordinances.

(Ord. No. 2012-14, § 1, 5-15-2012)



(Ord. No. 2012-14, 5-15-2012; Ord. No. 2012-34, § 3(Exh. B), 1-22-2013)