Chapter 26 ROADS AND BRIDGES

ARTICLE I. IN GENERAL

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

Sec. 26-1. Purpose and applicability.

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.

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

Sec. 26-2. Definitions and coordination with chapter 32.

(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.

County road means a road in the County road system under section 26-6 or a legacy County road whose status is established under section 26-11 or other applicable law.

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

(b) *Private access standards.* 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.

(c) *Connections to County and state roads.* 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.

(d) *County road acceptance.* 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.

(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.

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.

(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.

(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.

(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.

(d) *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.

(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. 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.

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

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

(2) Reserved.

(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 runout.

(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:

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

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) 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. The minimum radius of curb or pavement edge at intersections shall be 25 feet.

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

Road Classification	Maximum Grade
Arterial Roads	8 percent
Collector Roads	10 percent

(7) Intersection spacing. Roadway intersection spacing shall meet the requirements set forth in the SCDOT Access and Roadside Management Standards, 2008 Edition, revised July 8, 2025.

(8) Intersection grades. Intersections shall be designed at a grade no more than 6 percent.

(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) 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.

(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.

(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.

(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:

(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 may 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.

(2) Reserved.

(3) Reserved.

(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.

(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.

(6) Reserved.

(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.

(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.

(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.

(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.

(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.

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

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

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

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.

(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).

(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.

(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.

(h) *Inspections.*

(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:

a. At the completion of clearing and grubbing operations;

b. At the completion of rough grading;

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

d. At the completion of subgrade;

e. After installation and compaction of base course;

f. During all pavement applications; and

g. Final acceptance inspection.

(2) The project engineer retained by the owner or developer shall be present for the following inspections:

a. Rough grading inspections;

b. Subgrade;

c. Base course inspections; and

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.

(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.

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

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

(l) *Road swales and channels.* All roadway ditches and channels shall be designed to contain, at minimum, a peak flow from a 25-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a 25-year frequency storm shall not exceed the permissible velocities for the type of lining used. Swales shall be stabilized against erosion by grassing with a mixture of rye and bermuda grass, or the appropriate grass for the season. Road swales shall be installed at a maximum depth of three feet and be designed to enable mowing by adjoining property owners.

(m) Reserved.

(n) Reserved.

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

(1) No hot-mix asphalt surface paving shall be performed on a wet surface, 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 or designee.

(2) Reserved.

(p) *Drainage structures.*

(1) Crossline pipes shall be designed to carry runoff from a 25-year, 24-hour design storm. The design shall be determined using runoff data sources and standard methods 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. Crossline pipes or structures along Waters of the State shall be designed to pass a 100-year, 24-hour design storm.

(2) Driveway culverts must conform to South Carolina Department of Transportation requirements. Double-wall corrugated high-density polypropylene pipe with a smooth interior conforming to the requirements of 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 approved by the 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 maximum density.

(4) The jointing of sections of culvert shall be done in a workmanlike manner in accordance with the standard practice recommended by the manufacturer of the culvert being used.

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

(6) All crossline drainage culverts shall be located in natural drainage areas or depressions, and shall terminate in a dedicated drainage easement no less than 20 feet wide.

(7) Junction boxes of an approved type will be constructed at all points where the line of pipe changes course or direction ten degrees or more and at proper intervals along the line of pipe.

(8) A means of access to inlet and outlet points of drainage structures and appurtenances must be provided and shown on the plans. Oconee County shall not be held liable for flood damage outside recorded drainage easements.

(9) Exits for surface water in sideline ditches shall comply with the standards put forth in the following table:

Table—Surface Water Exit Intervals

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

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

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

(1) A financially responsible entity, as determined by the County in its sole discretion (the "responsible entity"), agrees to perform necessary maintenance and repair to the sidewalk and accepts all real and potential liability arising from the existence and use of the sidewalk. The responsible entity must, prior to sidewalk construction, enter into an agreement with the County that establishes the responsible entity's maintenance, repair, and liability obligations. These obligations will include the duty to defend and hold the County harmless from any damages or claims for damages in any way related to sidewalk construction, maintenance, and repair.

(2) The sidewalk shall be designed by a professional engineer, licensed in the State of South Carolina, to meet the most recent applicable South Carolina Department of Transportation ("SCDOT") minimum standards and be in a form consistent with all applicable SCDOT standard drawings. The sidewalk shall be constructed in strict compliance with the approved design. Sidewalk design and construction must be timely submitted for approval by appropriate County personnel.

(3) Necessary maintenance and repair of the sidewalk will be performed expeditiously and in a manner consistent with the most recent applicable SCDOT minimum design standards and standard drawings.

(r) Reserved.

(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. Reserved.

Sec. 26-5. Road upgrades.

(a) *Upgrade of existing County roads.*

(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 on the priority upgrade list shall be upgraded in such a manner as to account for the current and projected traffic levels. These projections shall be based upon the best information available and anticipate changes occurring over the next 25-year period.

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

a. Condition and width of driving surface;

b. Existing hazards;

c. Right-of-way acquisition; and

d. Current and projected traffic levels.

(4) County roads, whether paved or gravel, that are located outside the primary development areas identified in the County future land use map may be placed on the priority upgrade list upon recommendation of the County Engineer or designee and agreement of the Oconee County Council Transportation Committee.

(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) Reserved.

(7) Reserved.

(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.

(c) *Criteria for road improvement projects.*

(1) A minimum of 50 feet of right-of-way is required for the entire road.

(2) Utilities must not be located, to the extent practicable, beneath the road surface (excluding sanitary sewer).

(3) A minimum 50-foot radius of right-of-way is required for the purpose of constructing an appropriate turnaround for improvement projects along terminating roads.

(4) Road improvement projects shall match existing County standards, to the extent practicable.

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

(d) *Scoring gravel roads.*

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

(2) ADT (Modeled or Measured Average Daily Trips) will be combined with safety parameters as follows:

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

(3) ADT and safety parameters will be the primary factors in scoring gravel roads.

(4) For example, if traffic counts were measured to be 480 ADT; the slope exceeded 12 percent; the intersection is in compliance; the road was 20 feet wide; the road had no 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 road system.

(a) *Eligibility for acceptance.*

(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) 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 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.

(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.

(c) *Construction plans and application.*

(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.

(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.

(d) *Engineering review.*

(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 roads.

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

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

County right-of-way, such work will be maintained by the County as a part of the County road system from that point.

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

(c) *Drainage.*

(1) Property owners adjoining the road right-of-way may request that the County perform work to assist the property owner with a drainage problem. The County may, at its sole discretion, construct berms, swales and/or ditches, or install pipe along the County-maintained road right-of-way. The property owner shall pay 2.5 times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the County from any liability associated with future drainage problems, in advance of the County considering and scheduling such project. Such projects will be scheduled, if at all, on a first pay, first scheduled, time-available basis and will be maintained by the County, as a part of the County road system from that point.

(2) The County Engineer or designee will provide a cost estimate for the material costs of the project. Special services or equipment needed to complete the job will be billed as invoiced by the contractor or vendor providing the special service or equipment.

(3) The County cannot assist in any drainage matter outside of the road right-of-way, and may only perform work within the County right-of-way.

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

(d) *Damages.*

(1) Any person, entity or utility that engages in an activity which causes damage to a County road or road structure shall be responsible for repairing said County road or road structure to SCDOT standard specifications for highway construction. This does not include normal wear and tear to a road caused by normal use of said road.

(2) Any person driving, operating or moving any vehicle, object or contrivance upon any County road or road structure shall be liable for any damage which road or structure may sustain as a result of dragging, scraping, breaking or any other damage done to said road or structure. Any such persons will also be liable to the County for the cost of such injury or damage.

(e) *Encroachment.*

(1) All persons desiring to excavate within, encroach upon, or in any way alter a County-maintained road and/or right-of-way, shall notify the County Engineer or designee and submit to the County road department an application for an encroachment permit, together with the required fees and security as determined and established periodically by County Council. Notice will be given by the applicant to the County at least 48 hours prior to initiating such work, and only after receiving an approved permit from the County. A schedule of required fees and securities shall be available for review from the County road department. No person may excavate within, encroach upon, or in any way alter a County-maintained road or right-of-way without the written approval, in advance, by approved permit, of the County Engineer or designee. In determining whether to approve any such request, and issue a permit, the County Engineer or designee will consider all factors, including the needs of the applicant, as well as the needs of the County, including, without limitation, good engineering standards, the need to maintain County rights-of-way and keep them open, the convenience of the traveling public, the applicant's compliance with previous permits, including temporary permits, and policies of the County, and other similar professional considerations, including, without limitation, the provisions of the encroachment permit policy which is maintained by the Oconee County Roads and Bridges Department and approved by County Council from time to time and is included herein by reference. The 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. 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 or designee under this subsection may seek administrative review under section 26-8.

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

(2) Upon completing the permitted activity, the applicant shall restore the County-maintained road and/or right-of-way to its original condition (except for any permanent alteration approved by County permit, and through a County-granted right-of-way or easement), 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 or designee, upon final inspection, approves the repair. If the County Engineer or designee deems the repair to be unacceptable, the security shall be retained by the County and used to properly repair and restore the road and/or right-of-way to its original condition. Once the road and/or right-of-way has been properly repaired, any excess security will be returned to the applicant, it being understood that, in one form or another, all costs of encroachment upon, or any alteration of a County-maintained road or right-of-way shall be borne by the applicant.

(3) Driveway aprons and mailbox turnouts abutting County-maintained roads are encroachments, subject to the provisions of this section, and will be the responsibility of the property owner, as to construction and maintenance, subject to the provisions of subsection 26-7(b), and subject to the caveat that if the County constructs or manages a road project, driveway aprons and mailbox turnouts may be part of the project, subject to the terms of such subsection 26-7(b).

(4) Violation of the encroachment permit policy is a violation of this Code and is punishable by civil fine of $500.00/day/violation. Each and every day of a continuing violation shall be deemed a new and separate offense. Failure to pay any civil fine levied hereunder shall constitute a violation of this Code and shall be punished in accordance with section 1-7, hereof.

(f) *Road safety.*

(1) All persons shall park vehicles and equipment at least three feet from the edge of the driving surface on all roads. Parked vehicles and equipment shall not block ditches and swales or in any way inhibit drainage.

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

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

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

(g) *Inspections.* A developer, owner, or other affected entity shall notify the County Engineer or designee at least 48 hours before a requested inspection required by this chapter for work on a County road or its right-of-way or for a road proposed for County acceptance. Inspection fees shall be established by resolution, ordinance, or

other official act of County Council and shall be paid in full before acceptance. Fees shall be maintained in a separate account used only for the County road inspection program and shall be limited to amounts sufficient to maintain that program. Work performed before inspection is undertaken 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 substantiated by necessary tests at the contractor's or owner's expense. 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 governed by chapter 32.

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

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

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

Sec. 26-8. Technical modifications and administrative review.

(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) *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) *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) *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 business 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.

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

Sec. 26-9. Road closure and abandonment.

(a) *Staff investigation.* 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) *Staff and Transportation Committee recommendations.* Following the investigation referred to in subsection (a), 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 determination.* 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) *Resolution and closure requirements.* 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) *Minimum standards.* These regulations expressed in this article shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

(b) *Conflict with other laws, ordinances, or regulations.* Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of these regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

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

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

(a) *Purpose.* The purpose of this section is to establish the criteria, method and means of identification of all roads making up and comprising the Oconee County (the "County") road and highway system (the "County road system") and to discontinue from the County road system those streets, roads and highways found by the County to be useless and unnecessary for the convenience and necessity of the general public. Nothing herein shall be deemed to amend, alter, or revoke, in any regard section 26-6 of the Oconee County Code of Ordinances (the "Code of Ordinances"), relating to the acceptance of roads into the County road system, nor any other section of chapter 26 of the Code of Ordinances, except as explicitly addressed herein.

(b) *Oconee County road map.* The County department that currently maintains the Geographic Information System (the "GIS") of the County shall maintain in its office a map of the County and such other records as may be deemed necessary or convenient showing the location and number of each roadway within the County which is a part of the County road system (the "County map"). 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 department that maintains the GIS to make such additions and deletions of road and highway sections upon such County map, as may be necessary to keep such County map current as conclusive evidence of the existence of a County road or highway. The public works director shall review such additions and deletions of road and highway sections, made through the GIS, to such County map for accuracy and shall inform the County Administrator that such County map has been updated appropriately. At such time, the County Administrator shall inform the County Council that such County map has been updated as directed by County Council. Where practical, written rights-of-way shall be obtained on roads and highways maintained by the County. Provided, however, recognizing that many roadways presently a part of the County road system have been acquired by prescriptive right or use, written easements or deeds of right-of-way shall not be necessary to conclusively establish the existence of a County road. All newly constructed County roads, including subdivision roads, shall become part of the County road system only in accordance with section 26-6, upon the grant of the required property interest by written instrument, either by deed or by dedication on a subdivision plat duly filed in the office of the Register of Deeds, and formal acceptance by Oconee County Council.

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

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

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

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

(3) There exist many roadways which were formerly maintained by the County, upon which maintenance is no longer required by reason of disuse or which were maintained by the County under circumstances possibly contrary to the statutory law of this state, none of which have ever been accepted by the County as County roads or designated as such in accordance with then-current County policies.

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

(1) Those unpaved roads or highways continuously maintained by County equipment as duly authorized by the administrator (or a predecessor) of the County since January 1, 1981, and thereafter, and treated as and called County roads; and

(2) Those roadways, streets or highways accepted into the County road system since January 1, 1981, by reason of and in accordance with the provisions of the Code of Ordinances pertaining to non-subdivision roads, including newly-constructed roads, and subdivision roads; and

(3) All paved or asphalted roads running in and through the County other than roads and highways of the state and federal highway systems, and roads designated on the County records as "private roads", upon receipt of evidence satisfactory to the County Administrator and public works director that such road(s) are, in fact, public roads of the County, including, without limitation, through proof of dedication to public use and acceptance by the County, or by proof of continuous use and maintenance as public roads by the County for the period of time as statutorily required by Section 15-67-210, et seq., of the Code of Laws of South Carolina, 1976, or successor legislation, as amended, to establish adverse possession, or other good and sufficient proof; provided, however, any portion of a paved road which has been barricaded or blocked because of the construction of Lakes Keowee, Hartwell or Jocassee shall not be considered part of the County road system from the point of the blockade and shall not be maintained by the County. Upon the identification of any such "orphaned" sections of roads which were previously County roads, actions shall be initiated by the County pursuant to Section 57-9-10, et seq., of the Code of Laws of South Carolina, 1976, as amended, to make such orphaned parts be judicially closed and abandoned and title thereto vested as dedicated by the courts.

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

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

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

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

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

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

(a) *Rudimentary roads.* There is hereby established a class of public roads to be known as "rudimentary roads."

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

(c) *Criteria for substandard roads to be accepted into the program.* In order for a substandard road to be accepted into the program it must meet the following criteria:

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

(2) The road must be unpaved and in a state of severe disrepair, such that it may be impassable by emergency vehicles or otherwise dangerous.

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

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

(5) All property owners adjacent to, and served by, the road must agree to remove any structures, improvements, debris, etc. that exist within the right-of-way.

(6) All property owners adjacent to, and served by, the road must agree to accept the conditions and results of limited upgrade and maintenance, as well as resulting stormwater runoff.

(7) All property owners adjacent to, and served by, the road must agree that use of the road by the general public will be unrestricted.

(8) All property owners adjacent to, and served by, the road must agree to release, indemnify, and hold the County harmless from any claims or damages arising, or alleged to have arisen, from or in any way related to the program established hereby.

(9) The road shall be subject to an emergency service access review.

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

(1) The County's roads and bridges department shall establish a petition containing the elements outlined in subsection (c) above, to be completed and submitted by the community requesting acceptance of a substandard road into the program. The petitioning community is solely responsible for all costs associated with compiling a complete petition, including but not limited to costs related to any necessary investigations, surveys, agreements, deeds and/or rights-of-way.

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

(3) Complete petitions, along with the staff report, shall be submitted to the transportation committee of the County Council, which in turn will provide the staff report to the County Council, making a recommendation as to whether the petition for acceptance into the program should be accepted or not. Included with the recommendation will be any public comments received. The County Council shall then, in public meeting, make a determination as to whether the petition for acceptance into the program should be approved by the County or not. If the County Council approves the petition, it shall signify so by resolution.

(e) *Minimal upgrading and maintenance standards established for rudimentary roads.* Once accepted into the program, the subject road will be minimally upgraded and maintained as follows:

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

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

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

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

(5) From the edge of the shoulders there shall exist, or be constructed, 18-inch deep ditches, with a minimum 2:1 slope.

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

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

(8) If the road terminates, as opposed to intersects with another public road, a cul-de-sac with an 80-foot diameter shall be constructed. In this case, a deeded right-of-way of 100 feet shall also be required for the subject area.

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

(10) Maintenance (limited to blading and stone replacement) shall be on an as needed basis but not to exceed one time per calendar year, barring the need for emergency-related work as determined by the roads and bridges department.

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

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

(1) As the provisions of this section create a distinct program by which the County may receive and accept a limited number of substandard roads into the County public road system for minimal upgrade and minimal maintenance as rudimentary roads, this section does not operate to repeal or rescind any existing ordinances, resolutions, or other enactments of the County to the extent there exist any conflicts herewith. Nonetheless, any such conflicts do not operate to preclude the effect of the provisions contained herein.

(2) To the extent any ordinance, resolution, or other enactment of the County does not conflict with the provisions and intent of this section, such ordinance, resolution, or other enactment applies here with equal force.

(g) *Miscellaneous.*

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

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

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

(4) Rudimentary roads are subject to such other limitations and restrictions as the County Administrator, in 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 public road system.

(5) Operation of the program may be significantly limited or completely suspended based on existing budgetary constraints.

(Ord. No. 2016-16, §§ 1—7, 6-7-2016)

Secs. 26-13—26-100. Reserved.

ARTICLE II. ROAD NAMING AND ADDRESSING

Sec. 26-101. Name.

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

(Ord. No. 2007-10, § 1, 7-17-2007)

Sec. 26-102. Purpose and intent.

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

(Ord. No. 2007-10, § 2, 7-17-2007)

Sec. 26-103. Authority.

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

(Ord. No. 2007-10, § 3, 7-17-2007)

Sec. 26-104. Jurisdiction.

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

(Ord. No. 2007-10, § 4, 7-17-2007)

Sec. 26-105. Finding of facts.

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

(Ord. No. 2007-10, § 6, 7-17-2007)

Sec. 26-106. Road naming.

(a) *Planning Commission authority.* 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 may establish policies and procedures as necessary to enable staff to carry out this directive in the most efficient and equitable manner possible.

(b) *Road naming policies.* 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 Planning Commission from time to time as necessary.

(c) *Master list of road names.* The Planning Commission shall maintain a master list of road names assigned in the County.

(d) *Fees.* Appropriate fees may be established by resolution of County Council from time to time to cover costs related to road naming.

(Ord. No. 2007-10, § 6, 7-17-2007)

Sec. 26-107. Road signage.

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

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

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

(d) *Existing road signage changes.* All costs associated with changing signage on an existing road for nonemergency related reasons shall be paid by the party initiating the change.

(e) *POA and HOA maintenance of signage.* Property owners' associations ("POAs") and homeowners' associations ("HOAs") which are properly organized as legal entities and insured to the satisfaction of County Council, and which satisfactorily demonstrate to County Council the financial ability to do so, may request the County, acting by and through the County Council, to enter into a legally binding agreement with such POA/HOA authorizing the POA/HOA to maintain road signage within its respective community, subject to: agreeing to indemnify the County and hold the County harmless as to all harm, damages, or liability which might occur because of the

POA/HOA's maintenance of such signage; compliance with subsection 26-107(a) hereof; complete payment by the POA/HOA of all costs of any type associated with maintaining such signage; and maintenance by the POA/HOA of adequate insurance, naming the County as an additional insured, to fulfill its obligations hereunder and thereunder. If the POA/HOA meets all conditions of this subsection, it may utilize signage of its own design and choosing, consistent with County roads and bridges department policies as to sign background color, lettering style, and inclusion of road number designation on street name signage, to the satisfaction of County Council, in that respective community.

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

Sec. 26-108. Addressing and numbering.

(a) *Uniform addressing system.* 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) *New addresses.* 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) *Existing addresses.* Addresses existing at the time of the adoption of these standards may be changed as necessary to provide for an efficient emergency response, and to accomplish the purpose and intent of state regulations and this article. Any address found to present a potential threat to the health, safety, and welfare of the public shall be changed as soon as is practicable.

(d) *Notification.* 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) *Display of addresses.* 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 from a decision made by County addressing staff shall be submitted in writing to the Planning Director and shall state the specific reason for the appeal. The Planning Director shall forward all appeals to the 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 addressing office shall assign all addresses issued in the 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 authorization shall be issued for any building, structure, development, or other use until appropriate addresses have been 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 and may subject the owner, agent or responsible party to all penalties prescribed herein.

(Ord. No. 2007-10, § 11, 7-17-2007)

Sec. 26-112. Violations and penalties.

(a) Failure to obtain or 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 or imprisoned for a term not to exceed 30 days. Each day that the violation continues to exist shall constitute a separate offense.

(b) Tampering with road signs or posting illegal 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 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 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 per offense or imprisoned for a term not to exceed the authority of the magistrate's courts.

(c) Removing or defacing numbers. Any person who unlawfully removes, defaces, marks, changes, destroys or renders an existing posted address number, or road number unreadable in any manner shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned for a term not to exceed the authority of the magistrate's court.

(Ord. No. 2007-10, § 12, 7-17-2007)

Secs. 26-113—26-150. Reserved.

ARTICLE III. A PROGRAM TO DESIGNATE OCONEE COUNTY'S SCENIC HIGHWAYS; 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, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

(1) Scenic: The composition of features that are regionally representative, associative or inspirational. These features are memorable, distinct, visually impressive, and continuous across the view.

(2) Historic: Landscapes and structures that educate and stir an appreciation for the legacy of Oconee County's past.

(3) Cultural: Activities or objects that represent unique and distinctive expressions of community life, customs or traditional ways and identify a place, region or culture.

(4) Recreational: Passive and active leisure activities directly dependent on the scenic qualities of the area and usually associated with outdoor recreation as we seek to refresh and renew our spirits.

(5) Natural: Relatively undisturbed and visually pleasing natural areas and/or ecologically sensitive landscapes representing natural occurrences including landforms, water, vegetation and wildlife characteristics.

(6) Archaeological: Sites, artifacts or structures recognized by the scientific or academic communities as being representative of past human life and activities.

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

(1) Highways with limited development visible from the highway, yet still retaining special characteristics worthy of preservation, shall be designated a category I scenic highway.

(2) Highways with little or no development visible from the highway lying outside primary growth areas, shall be designated a category II scenic highway.

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

Sec. 26-153. Designation process.

(a) *Applications.* Applications shall be submitted in writing to the planning department by a sponsoring organization (see section 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) *Property owner consent.* 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) *Planning Commission review scheduling and notice.* Upon receipt of an application for the designation of a highway as a scenic highway, the Planning Director or designee shall forward the application to the staff liaison for the Planning Commission, who shall then place review of the application on the next appropriate Planning Commission agenda for consideration.

Notice of the date, time, and nature of the 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 at least 15 days prior to the meeting. Additionally, signs measuring at least nine square feet, providing notice of consideration of an application to designate the subject highway as a scenic highway, and containing contact information for the 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 takes final action on the application, as provided for herein.

(d) *Planning Commission recommendation and County Council action.* The Planning Commission shall review applications for compliance with the criteria for designating a scenic highway established in this article (see section 26-156, appendix B). Upon completion of the review, the Planning Commission shall by vote determine a recommendation regarding the designation of the subject highway. The Planning Commission's recommendation shall be forwarded to County Council. In the event County Council determines the proposed highway merits designation as a scenic highway, it shall so indicate its decision by ordinance. Prior to enactment of such ordinance, 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

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 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 tax assessor.

(e) *Reapplication following rejection.* Any highway proposed for designation as a scenic highway that is rejected for designation by County Council may not be proposed again for a period of one year from the date of publication of the decision.

(Ord. No. 2017-22, § 1(Exh. A), 9-19-2017; Ord. No. 2019-10, § 1(Exh. A), 3-5-2019; Ord. No. 2025-06, § 1(Exh. A), 4-1-2025)

Sec. 26-154. Regulations.

(a) *Protection of property and vegetation.* 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 public or private property, to include any injury done by fires intentionally set, and to include any injury done to any wild, cultivated, or ornamental plants, shrubs, and trees. These provisions shall not apply where the acts hereby prohibited are done by or under the instructions of County or state authorities lawfully in charge of such public roads, highways or lands, or by a utility in the lawful pursuit of installation or maintenance of its facilities. Violation of this provision of this article shall be punishable by a fine not to exceed $500.00.

(b) *Maintenance responsibilities.* The sponsoring organization or property owner(s) submitting an application to the County for designation of a highway as a scenic highway shall be responsible for the removal of trash along the portion of the highway so designated as a scenic highway no fewer than three times each year. Permits and/or required notifications related to any and all activities inside a right-of-way shall be the responsibility of the sponsoring organization or 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) *Periodic review and corrective action.* A member of the County staff shall be designated by the County Administrator to review the status of all County designated scenic highways every two years, or more frequently if deemed necessary by the 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, 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 shall thereafter recommend a course of action to County Council if necessary. Such recommendations may include, but are not limited to, reclassification to a lower category and/or redesignation.

(d) *Applicability and funding preference.* 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 determination of an application for scenic highway designation must be made within six months of the 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 detailed description of the section of the highway to be designated, including two or more of the intrinsic qualities as defined in this article; a specification as to how the highway in question fits the criteria; an identification of any problem areas that may impact the scenic highway designation.

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

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

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

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

(6) Any additional proposed actions intended to enhance and maintain the highway if 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 shall consider the following in determining whether a highway should be designated as a scenic highway.

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

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

a. Hospitality features.

b. Length of route.

c. General support for proposed route.

d. Financial commitment.

e. Role in regional/statewide strategy.

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

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

a. Junkyards/litter.

b. Dilapidated/unattractive structures.

c. Excessive advertising.

d. Heavy traffic uses.

e. Mining/lumbering scars.

f. Heavy industry.

g. Parallel and visible utilities along highway.

h. Landfills/other pollutants visible from route.

(4) Feasibility of maintenance plan and responsibilities.

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

CHAPTER 32 — DRAFT 5.2 — AMENDED PROVISIONS ONLY

ARTICLE IV. COMMUNICATION TOWERS

Sec. 32-136. Maximum height of freestanding communication towers.

The maximum height of freestanding communication towers shall be as follows:

District1	Maximum Height
Residential	Not exceeding 175 feet
Commercial	Not exceeding 200 feet
Industrial/agricultural	Not exceeding 250 feet

1 See section 38-10.1.

(Ord. No. 1999-14, § 4.6, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016)

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 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 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 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 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.

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 the person or entity undertaking land development or a subdivision, whether or not the developer owns the land.

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.

Dwelling means a building or portion of a building designed or used for residential occupancy containing one or more dwelling units.

(1) Single-family dwelling means a detached dwelling containing one dwelling unit on a single lot.

(2) Duplex means a building containing two dwelling units arranged, designed, or used for independent residential occupancy.

(3) Group dwelling means two or more principal residential structures on one lot, parcel, or tract, each containing one or more dwelling units.

(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.

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.

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 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 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.

Lake means a considerable inland body of standing water.

Land development means the changing of land characteristics through construction, redevelopment, a subdivision, condominium complex, apartment complex, commercial park, shopping center, industrial park, manufactured-home park, or similar project for sale or lease. A townhouse, condominium, or apartment project is subject to the applicable land-development review whether units are rented or separately owned.

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.

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.

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.

Multi-family housing means multiple-family dwelling as defined in this section.

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 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 means the person or entity holding title to the property that is the subject of an application. An applicant or developer is not necessarily the owner.

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.

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 Oconee County Planning Commission.

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 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 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 driveway means a private vehicular access serving no more than three lots, dwelling units, or other units of development, counted in accordance with section 32-228.

Private road means a privately maintained roadway within a private roadway easement serving 11 or more lots, dwelling units, or other units of development, counted in accordance with section 32-228.

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 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 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 the width of the applicable public right-of-way or private roadway easement and is distinct from the constructed travel surface.

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.

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.

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.

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

SCDES means 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 or future) of sale, lease, or building development; including all 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 is also included. A subdivision can include townhouses, condominium complexes, apartment complexes, multi-family housing, and 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.

Subdivision, major means any subdivision that does not qualify as an exempt subdivision or a minor subdivision as defined in this chapter.

Subdivision, minor means a subdivision that:

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

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

(3) Does not require the extension of public water or public sanitary sewer infrastructure intended to 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.

(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; 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 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 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 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 26-108 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 26-106, 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 review and approval.

(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.

(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 and cumulative lot limit. During the two (2) years following recordation of the original minor subdivision plat, no additional minor subdivision of the same parent parcel may be

approved if the cumulative number of lots created from that parent parcel, including the remainder parcel, would exceed ten (10). The cumulative total applies regardless of subsequent conveyance, change in ownership, or use of separate related applications. A subdivision that does not qualify as a minor subdivision shall be reviewed as a major subdivision under this chapter.

(4) Reestablishment of minor subdivision eligibility. Upon expiration of the two-year limitation, each lot created by the recorded minor subdivision, including the remainder parcel, shall be treated as a new parent parcel for purposes of determining eligibility for a subsequent minor subdivision, provided that each proposed division independently meets the definition of minor subdivision and all other applicable requirements of this chapter. Expiration of the limitation does not exempt a proposed division from applicable access, infrastructure, land-development, or major-subdivision requirements.

(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 setbacks from both streets, without encroaching into side and rear 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 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. Applicable zoning setbacks and exceptions are governed by section 38-9.3 and article 10 of chapter 38. General Use District requirements are contained in 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 Environmental Services (SCDES).

(2) The applicant shall provide the planning director a copy of all South Carolina Department of Environmental Services (SCDES) permit drawings and an approved SCDES permit application for the proposed septic systems utilized within the development.

(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.

The planning director may waive or modify this requirement when the applicant demonstrates that providing an additional entrance is impracticable due to topography, property configuration, environmental constraints, access restrictions, or other physical site conditions.

The applicant shall submit documentation sufficient to support the request, which may include a site plan, topographic information, engineering analysis, documentation of access restrictions, or other relevant evidence.

Any waiver or modification shall be documented in writing by the planning director and shall identify the requirement being waived or modified, the site conditions justifying the decision, and the supporting evidence relied upon.

A waiver or modification under this subsection shall not relieve the applicant of applicable emergency-access, fire-code, sight-distance, or other safety requirements. Any separate technical modification of private-access standards shall comply with section 32-235.

Every effort shall be made to avoid an entrance directly onto an arterial road where a reasonable alternative is available.

(l) Reserved.

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

Sec. 32-215. Blocks.

(a) Residential block length. In order that there may be convenient access between various parts of a subdivision and in order to help prevent traffic congestion and undue inconvenience, the length of blocks hereafter established should not exceed 1,800 feet and shall not be less than 600 feet; provided, however, that such length may be modified when appropriate due to the topography or physical shape of the property being subdivided.

(b) Residential block width. Blocks shall have sufficient width to allow two tiers of lots. Blocks may be one lot in depth at the boundary of the subdivision, or where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses.

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

Sec. 32-216. Drainage and stormwater.

(a) General requirements. In most cases the land disturbance permit required by SCDES will have considered the information needed for compliance with this section. However, the county will review the information to ensure that all stormwater runoff will be removed from proposed developments in perpetually maintained drainage systems designed to avoid damage to personal property. The planning director shall not approve any plat of subdivision which fails to make adequate provision for storm or floodwater runoff channels or basins. Stormwater drainage systems shall be separate and independent of any sanitary sewer system. Inlets shall be provided so that surface water is not carried across or around any road intersection except where routing around of small volumes is approved in writing by the County Engineer or designee.

(b) Reserved.

(c) Accommodation of upstream drainage areas. The 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 project engineer shall study and provide the planning director and 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 SCDES, or other appropriate state agency. All construction activity within a development shall comply with standards of the county floodplain ordinance.

(1) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose and to accommodate maintenance equipment and activities. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The planning department will review the information required by the SCDES land disturbance permit to ensure the requirements of 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 areas along watercourses that are subject to flooding or periodic overflow and that are proposed for dedication or use as drainage areas shall be preserved and maintained so as not to obstruct or impair their drainage or flood-conveyance function. Improvements within such areas may be permitted where they are demonstrated not to adversely affect drainage, flood conveyance, or applicable floodplain requirements.

(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 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 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 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. Wells may be used or a package central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Central water systems shall be approved by the appropriate division of SCDES. Orders of approval shall be submitted to the planning department.

(c) Fire hydrants. Fire hydrants shall be required for 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 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 comply with the adopted fire code. To avoid future road cutting, underground utilities for fire hydrants, the fire hydrants, and all other supply improvements shall be installed and approved before final paving of a road shown on the subdivision plat.

(d) Wastewater facilities.

(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 SCDES division.

(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) 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.

(4) Reserved.

(5) Roads carrying nonresidential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

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

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

(a) *General.* 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 or designee.

(b) *Performance or surety bond.* If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements, the subdivider may file a performance 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 project engineer's estimated cost, as verified by the 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.

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

(d) *Failure to complete improvements.* 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.

(e) *Building permit limitations.* The planning director may also, at the planning director's discretion, withhold building permits or occupancy permits in such subdivision until such improvements are completed, in which case it shall 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 road improvements are at least adequate for vehicular access by the prospective occupant(s) and by the emergency vehicles and personnel. 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 or designee for the subdivision have been fully completed and the county has accepted all as-built drawings.

(f) *Maintenance of improvements.* 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 road not dedicated to the county, the county may on 12 hours notice effect emergency repairs and charge those costs to the developer.

(g) *Release of surety bonds.* Surety bonds will be returned to the developer following delivery of all as-built drawings to the 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 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 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. A staff decision under this section may be appealed to the planning commission under section 32-224.

(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.

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

Sec. 32-221. Sketch plan.

(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) 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.

(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.

(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.

Sec. 32-222. Preliminary plan.

(a) Applicability and submittal.

(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 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) 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) 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.

(b) Preliminary plan requirements.

(1) The preliminary plan shall be prepared at a scale sufficient to clearly and legibly show all required information and shall include a vicinity map. No sheet shall exceed 24 inches by 36 inches.

(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.

(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

(h) other information reasonably necessary to determine compliance with this chapter.

(4) A project containing multiple uses shall show all project components and shared infrastructure on one coordinated plan.

(c) Review procedure.

(1) The planning director shall issue a written approval, conditional approval, or denial within 30 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.

(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.

(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.

(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.

(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.

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

Sec. 32-223. Final plan.

(a) Submittal requirements.

(1) A final plan application shall include all or an approved phase of the major subdivision or land development for which preliminary plan approval was granted.

(2) The final plan shall conform to the approved preliminary plan and any conditions of approval. Material changes require amended approval before final approval.

(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 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) Where individual septic waste disposal is proposed, the applicant shall provide documentation of final subdivision approval from the appropriate SCDES division identifying each lot approved.

(6) Before final approval, assigned addresses shall be obtained as required by section 26-108.

(7) Where a private road is proposed, the applicant shall submit the recorded private-road maintenance instrument required by this chapter before final approval.

(8) A final plat shall be approved and signed by the planning director prior to recordation with the Oconee County Register of Deeds.

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

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

(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.

(2) Name of the owner of record.

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

(4) Name, registration number, and seal of the project land surveyor and, where applicable, the project engineer responsible for the plan.

(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.

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

(7) Exact boundaries of the tract, subdivision, or development area included in the final plan.

(8) Location and identification of all roads, rights-of-way, and private roadway easements, including widths, grades, and road names approved in accordance with chapter 26, article II.

(9) Location, width, and purpose of all other easements not otherwise identified under subsection (8).

(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

f. building, unit, or other development identifiers necessary to clearly describe the approved development.

(11) For each private roadway easement shown, the recording reference, responsible maintenance entity, and any associated private sidewalk or drainage facility.

(12) Location and designation of parks, school sites, open space, common areas, and other land reserved or dedicated for public or common use.

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

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

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

(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.

(c) Certificates and maintenance notices.

(1) CERTIFICATE OF MAINTENANCE FOR ROADS

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 _____.

Date: _____ Owner/Developer: _____

(2) CERTIFICATE OF MAINTENANCE FOR ROADS - FUTURE ACCEPTANCE PLAN

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.

Date: _____ Owner/Developer: _____

(3) CERTIFICATE OF CONSTRUCTION - ROADS AND DRAINAGE

I hereby certify that the roads and drainage facilities serving _____ have been constructed substantially in accordance with the approved preliminary plan, including the construction drawings submitted as part of that plan, except for any deviations approved by Oconee County.

SEAL _____ Project Engineer Date: _____

(4) NOTICE OF PRIVATE SIDEWALK MAINTENANCE

THE SIDEWALK LOCATED IN THE PRIVATE ROADWAY EASEMENT 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 PRIVATE ROADWAY EASEMENTS SHOWN ON 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 _____.

(d) Final plan review procedure.

(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) 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) 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 complete and all required supporting documentation has been submitted, the planning director shall render a written approval or 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 notified of the extension and the reason for it.

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

(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.

(a) A party in interest aggrieved by a final staff decision under this article concerning a land-development plan, subdivision plat, or private-road standard may appeal to the planning commission by filing a written notice of appeal with the planning director within ten business days after actual notice of the decision. The notice shall identify the decision appealed and state the grounds for appeal.

(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 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.

(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).

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

Sec. 32-226. Legal provisions.

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

(1) Conflict with other laws, ordinances, or regulations. Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of these regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

(2) Severability. Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.

(3) Repeal of conflicting ordinances. All ordinances or parts of ordinances in conflict with any of the provisions of this article are hereby repealed.

(4) Amendments. The planning commission shall hold a public hearing on any proposed amendment to these regulations; notice of time and place shall be given at least 30 days prior to the hearing date. The notice shall be placed in a newspaper of general circulation. Amendments may be adopted by vote of the county council.

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

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 20 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 32 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, to the extent applicable to private roads, including express County modifications adopted by ordinance, apply to corresponding private-road work under this article. This reference incorporates construction requirements and does 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.

This section establishes requirements for mass grading and site preparation associated with subdivisions and land development in order to limit simultaneous land disturbance, provide for phased stabilization, and coordinate site grading with approved infrastructure and applicable environmental requirements.

(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) *Applicability.* The requirements of this section apply to subdivision or land development involving mass grading that disturbs one (1) acre or more. Related phases, parcels, and land-disturbing activities within a common development plan shall be considered cumulatively for purposes of this threshold. 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) *Maximum disturbance and grading limits.* 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) *Phasing and stabilization.* 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) *Grading plan requirements.* 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 design standards.* 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) *Exceptions.* 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) *Inspections and compliance.* 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) *Additional requirements and limitations.* 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) *Applicability.* 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.

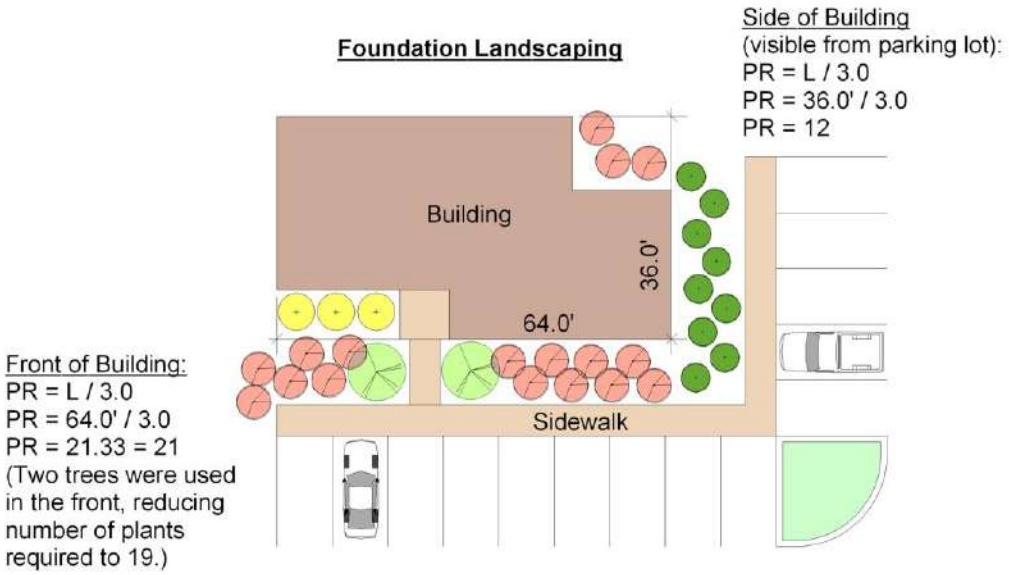


Figure 1 Foundation landscaping example from Appendix A

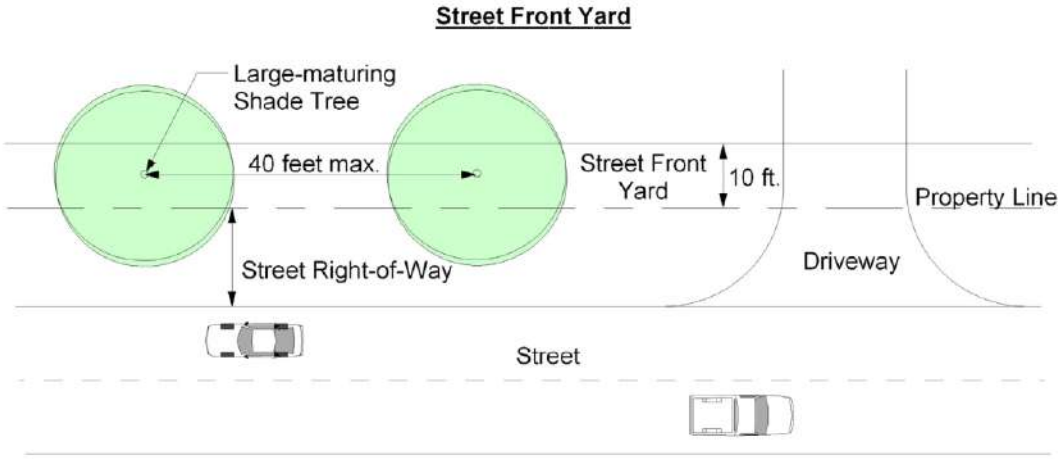


Figure 2 Street-front landscaping example from Appendix A

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.

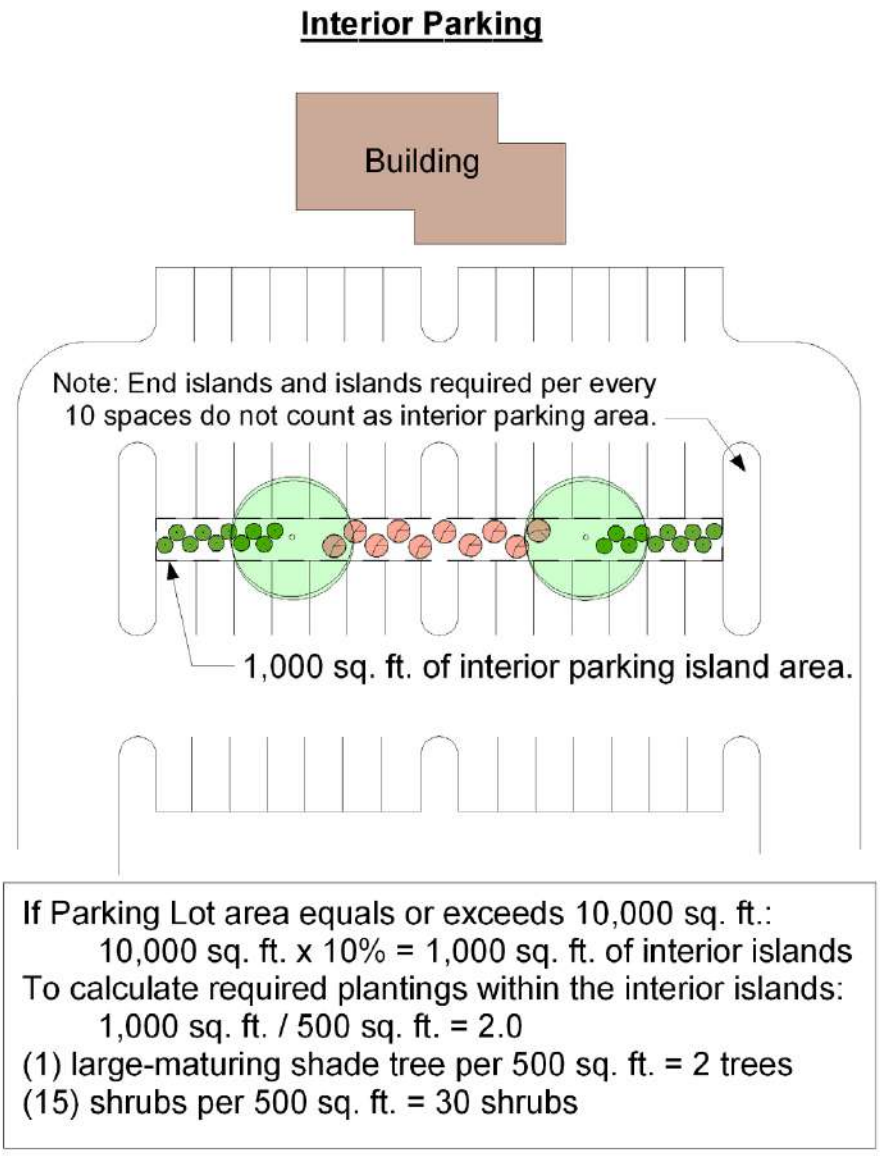


Figure 3 Interior parking landscaping example from Appendix A

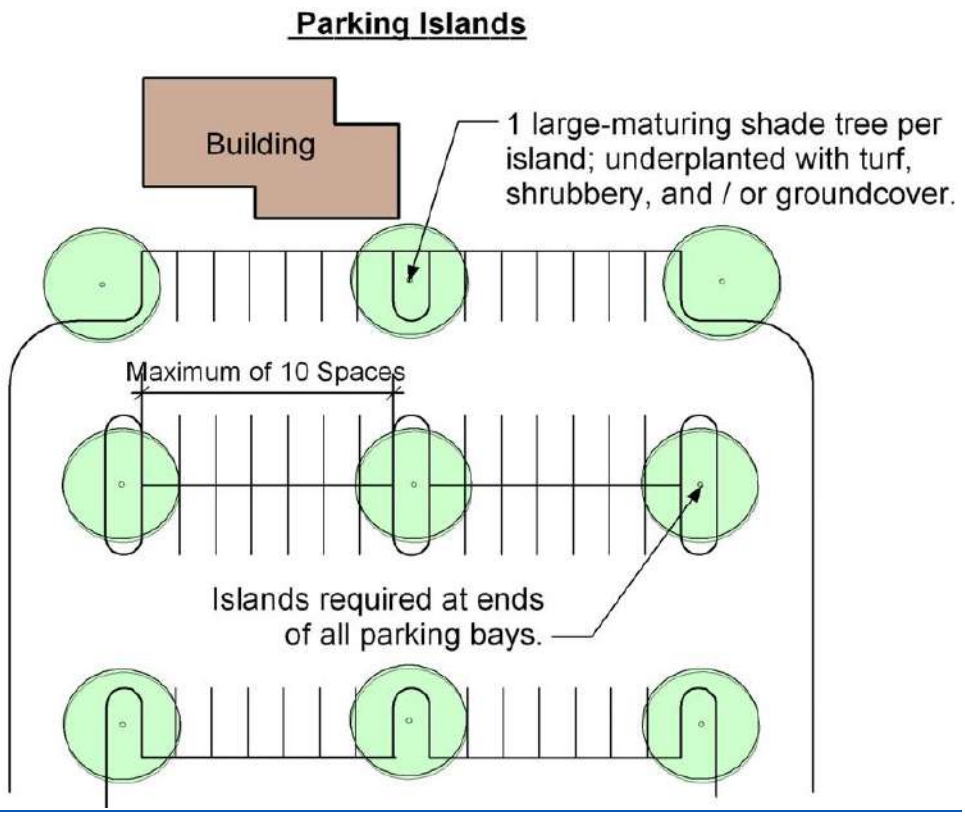


Figure 4 Parking-island example from Appendix A

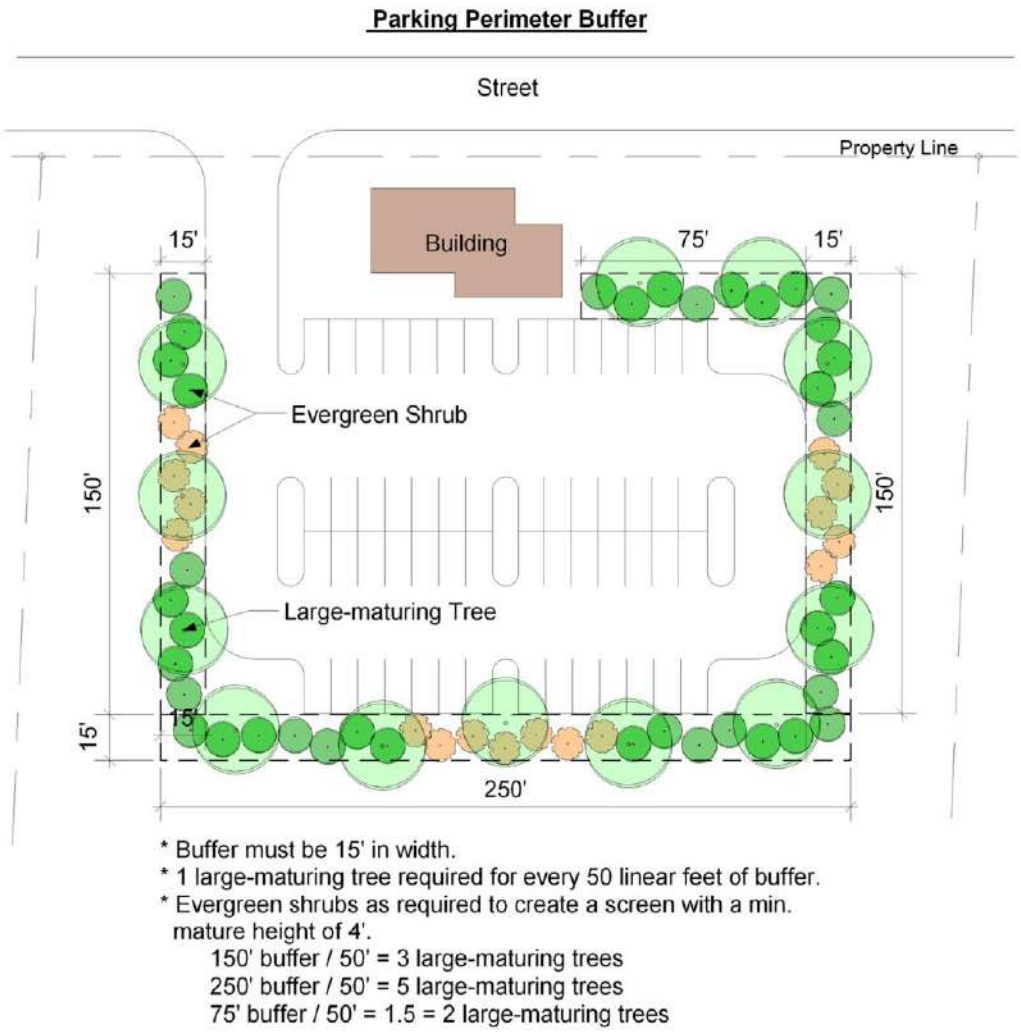


Figure 5 Perimeter parking buffer example from Appendix A

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.

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

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.

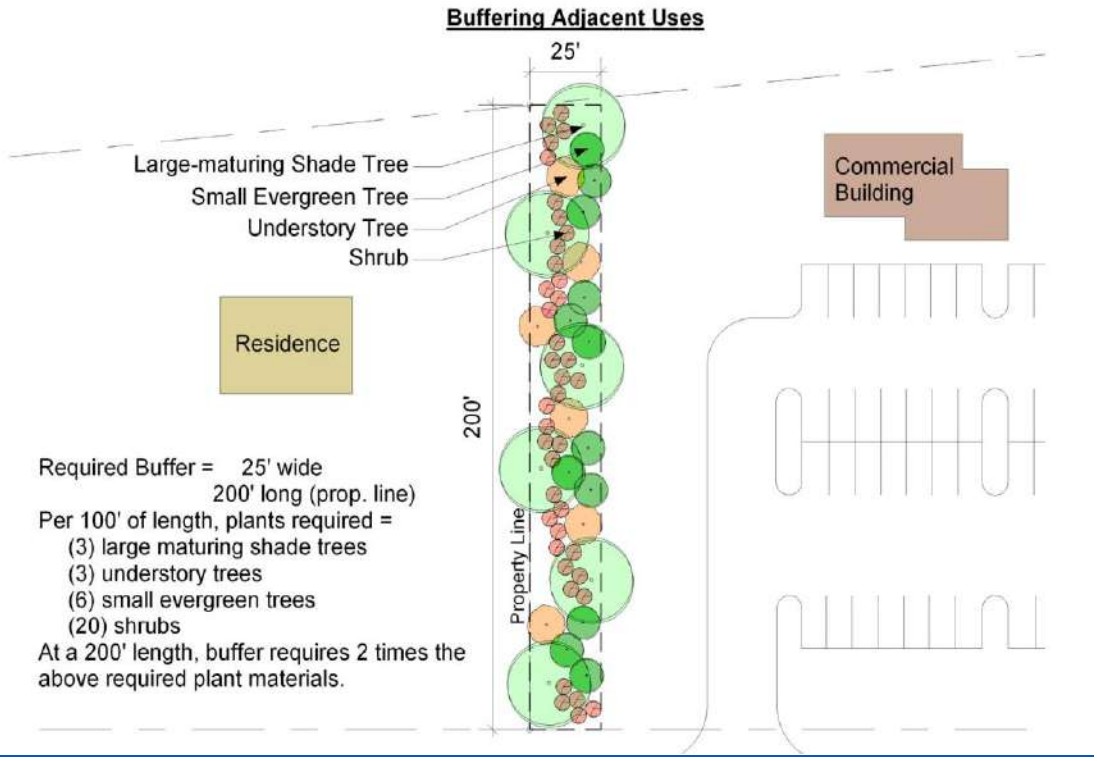


Figure 6 Appendix A adjoining-use buffer example corresponding to the proposed Type C Option 2 standard

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	—	—
Commercial or service	C	B	—	—

Proposed development	Adjacent detached single-family	Adjacent multifamily or other residential	Adjacent commercial office or institutional	Adjacent industrial
Industrial use	D*	D*	C*	—

* 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.

Secs. 32-261—32-414. Reserved.

ARTICLE VIII. SIGN CONTROL

Secs. 32-530—32-600. Reserved.

ARTICLE IX. RECREATIONAL VEHICLE PARK STANDARDS

Sec. 32-601. Intent.

To provide a safe, clean, and sanitary environment for occupants of recreational vehicle parks in Oconee County, South Carolina.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-602. Definitions.

All-weather road means a hard-packed and graded and/or graveled road that is passable by vehicles under both wet and dry weather conditions, is at least ten feet wide, and is suitable for emergency vehicles to utilize regardless of weather, as determined by Oconee County Emergency Services.

Dealer means any person, firm, corporation, or business entity licensed or required to be licensed to sell new and/or used recreational vehicles to the retail public.

Fifth-wheel trailer means a vehicle-mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations and is of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle equipped with a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Folding camping trailer means a vehicle-mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations and is constructed with collapsible partial side walls that fold for towing by another vehicle.

Major recreational vehicle park means twenty (20) or more recreational vehicles or recreational vehicle spaces for rent on-site on any single piece of property utilized as temporary living quarters for recreational, camping, or travel use.

Manufacturer means any person, firm, corporation, or business entity that engages in the manufacturing of recreational vehicles.

Minor recreational vehicle park means four (4) to nineteen (19) recreational vehicles or recreational vehicle spaces for rent on-site on any single parcel to be utilized as temporary living quarters for recreational, camping, or travel use.

Motorhome means a self-propelled vehicle designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations. The unit must contain at least four of the following permanently installed independent life support systems which meet the NFPA 1192 Standard for Recreational Vehicles:

a. A cooking facility with an on-board fuel source;
b. A potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection;
c. A toilet with exterior evacuation;
d. A gas or electric refrigerator;
e. A heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine; or,
f. An electric power system.

Ready to travel: A recreational vehicle is ready to travel if it:

a. Is on wheels or a jacking system;
b. Is attached to the site only by quick-disconnect type utilities and security devices; and,
c. Has no permanently-attached additions.

Recreational vehicle means a motorhome, travel trailer, fifth-wheel trailer, or folding camping trailer designed to provide temporary living quarters for recreational, camping, or travel use, as defined herein.

Recyclable materials means those materials which are capable of being recycled which would otherwise be processed or disposed of as solid waste.

Solid waste means any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, mining, and agricultural operations and from community activities.

Travel trailer means a vehicle-mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations and is of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-603. Authority.

Personnel employed by the county administrator as zoning administrator or the zoning administrator's designee shall be vested with the authority to enforce and administer recreational vehicle park standards within the county.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-604. Jurisdiction.

The regulations set forth in this article shall be applicable within the unincorporated areas of the county.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-605. Exemptions.

(a) Dealers and manufacturers of recreational vehicles are exempt from the standards in this article unless a portion of the dealer or manufacturing business meets the definition of a recreational vehicle park, as contained in this article.

(b) Indoor or outdoor facilities that store recreational vehicles that are not being utilized to provide temporary living quarters for recreational, camping, or travel use on-site.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-606. Existing recreational vehicle parks.

Recreational vehicle parks existing prior to the enactment of the ordinance codified in this article, are exempt from this article. Creation of new recreational vehicle sites in an existing recreational vehicle park will, however, be required to adhere to this article.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-607. Solid waste and recycling facilities.

All recreational vehicle park owners and/or operators shall provide appropriate on-site solid waste and recyclable materials disposal receptacles. The recreational vehicle park owner and/or operator is responsible for transporting solid waste and recyclable materials from the recreational vehicle park to an

appropriate disposal site, consistent with local, state, and federal law. Removing solid waste and recyclable materials shall be done on a regular basis in order to avoid the attraction of pests or the development of other nuisances.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-608. Wastewater.

All recreational vehicle park owners and/or operators are responsible for ensuring all recreational vehicles and recreational vehicle sites that are for rent follow all applicable SCDES standards. SCDES-approved wastewater facilities shall be included in the submission of plans for any recreational vehicle park if proposed or present.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-609. Utilities.

Utility connections shall adhere to all local, state, and federal laws including any applicable building code standards.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-610. Setbacks and height.

Setbacks and height regulations shall be determined by the underlying zoning district.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-611. Ready to travel.

Recreational vehicles in recreational vehicle parks must be ready to travel, as defined in this chapter. Recreational vehicle parks containing recreational vehicles not ready for travel will be reviewed utilizing chapter 32, article VI "land development and subdivision regulations," including the review process, road standards, traffic-impact studies, density, and all other applicable provisions of that ordinance chapter and corresponding local, state, and federal law, as applicable.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-612. Parking and maneuverability.

All-weather roads and parking areas capable of accommodating recreational and associated vehicles will be provided by the park and reviewed by Oconee County Emergency Services prior to approval and construction. No recreational vehicle shall be parked or set up in any private or public right-of-way.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-613. Access.

In order for the county to approve an application for a major or minor recreational vehicle park, the county must determine whether the county road or network of county roads serving the proposed development is adequate to accommodate any increase in traffic resulting from the proposed development. Permitted access to the recreational vehicle park from a state, county, or private road shall be authorized as follows, and the required submissions must be included with the application for the recreational vehicle park:

(1) State road: Permit from South Carolina Department of Transportation;
(2) County road:

a. Minor recreational vehicle parks: Permit from Oconee County Roads and Bridges;

b. Major recreational vehicle parks: A traffic-impact study and a permit from Oconee County Roads and Bridges. The traffic-impact study is intended to demonstrate the impact of traffic upon any county road serving the development, either directly or indirectly. The extent of the study shall be determined by the county engineer or designee. The traffic-impact study shall be reviewed by the county planning director and the county engineer or designee. If the county planning director and the county engineer or designee determine that the development will increase the average daily traffic (ADT) on a county road to the extent that the road must be upgraded to safely accommodate the increase in traffic, improvements to the road shall be made in accordance with the public road standards set forth in chapter 26, Roads and Bridges, of the Oconee County Code of Ordinances. The developer shall be responsible for all costs, including right-of-way acquisition, necessary to upgrade the road.

(3) Private road intersecting a county road:

a. Major and minor recreational vehicle parks: Written permission from private road owners;
b. Major recreational vehicle park: A traffic-impact study and a permit from Oconee County Roads and Bridges. The traffic-impact study is intended to demonstrate the impact of traffic upon any county road serving the development, either directly or indirectly. The extent of the study shall be determined by the county engineer or designee. The traffic-impact study shall be reviewed by the county planning director and the county engineer or designee. If the county planning director and the county engineer or designee determine that the development will increase the average daily traffic (ADT) on a county road to the extent that the road must be upgraded to safely accommodate the increase in traffic, improvements to the road shall be made in accordance with the public road standards set forth in chapter 26, Roads and Bridges, of the Oconee County Code of Ordinances. The developer shall be responsible for all costs, including right-of-way acquisition, necessary to upgrade the road.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-614. Park contact information.

For purposes of emergency contact, the owner and/or operator shall post up-to-date contact information for the park owner and/or operator. This posting shall be at a place within the park that is clear and conspicuous.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-615. Application, review, and permitting process.

The following must be included with the application for a minor or major recreational vehicle park:

(1) An accounting of total acreage in the tract to be utilized, the number of proposed recreational vehicle parking spaces, and any existing and proposed accessory buildings and setbacks;
(2) Location of existing property lines, buildings, easements, road rights-of-way and other public ways contained within and adjoining the tract;
(3) Alignment, right-of-way width, and clarification of proposed roads;
(4) Map scale, north arrow, and date;
(5) Name, address, and telephone number of legal owner or agent;
(6) 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;
(7) The existing and proposed uses of land throughout the recreational vehicle park;
(8) Permits and method of water supply and wastewater treatment and other utility services;
(9) SCDES land-disturbance permits and storm-water permits if applicable;
(10) The proposed names of the recreational vehicle park and internal road system;
(11) Applicable zoning (including any applicable overlay) designations;

(12) Any other information the zoning administrator or his or her designee requests, as necessary to assist in the review process.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Sec. 32-616. Penalties.

Any person or entity violating the regulations set forth in this article is guilty of a misdemeanor and may be fined up to $500.00 or imprisoned for 30 days or both.

(Ord. No. 2020-17, § 1(Att. A), 10-6-2020)

Secs. 32-617—32-750. Reserved.

Chapter 38 Zoning

Oconee County South Carolina

ARTICLE 1. LEGAL PROVISIONS

Sec. 38-1.1. Purpose.

The zoning regulations and districts 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 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 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, 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 or amended by county council shall be exempt from these regulations or the amended regulations, respectively, until the intensity of the use changes or the use is abandoned as outlined in section 38-4.1. Nonconforming or grandfathered uses shall be subject to the standards in Article 4, "Nonconforming 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 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 one or more zoning 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.

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 official or designee, or by the board of zoning appeals, except in conformity with the provisions of this chapter.

(1) A zoning permit shall be issued administratively for permitted uses and uses permitted with conditions. Appropriate fees may be established by county council from time to time.

(2) For those uses requiring a special exception, the zoning official shall not grant a zoning permit unless ordered to do so by the board of zoning appeals.

(3) No permit shall be issued by any department or agency of Oconee County prior to certification of zoning compliance by the zoning official.

(4) Unless specifically waived by the planning director or designee, permitted uses with conditions and uses permitted by special exception shall require site plan review prior to issuance of a zoning permit. The zoning official may require site plan review for permitted uses when necessary to 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 or signed, as applicable, and returned to the applicant upon approval. The following items shall be 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 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 or encroachment permits.

h. A copy of any required stormwater or erosion-control permits, as applicable.

i. Any other information deemed necessary by staff for enforcement of the provisions of this chapter.

(6) *Completion of Site Improvements and As-Built Verification.* No permanent utility connection shall be authorized, and no certificate of occupancy shall be issued, until the zoning official certifies that the required site improvements are complete and an approved as-built plan or other verification authorized by this subsection is on file. For a single-family detached residence, an as-built plan may be limited to a setback-verification survey identifying the location of the completed dwelling in relation to the applicable property lines and required setbacks. Such verification shall be required for residential lots smaller than one acre and when a building or other regulated structure is located within five feet of a required setback boundary. The zoning official may require field verification of property lines when their locations cannot be reasonably established from existing survey information. For developments other than single-family detached residences, the as-built documentation shall identify the completed improvements and any material changes affecting compliance with the approved site plan and zoning requirements. Nothing in this subsection waives any separate engineering, land-development, floodplain, or applicable permitting requirements.

(7) Copies of documents related to zoning permits and board of zoning appeals activities shall be kept on file by the zoning official and shall be subject to all provisions of the Freedom of Information Act. Appropriate fees to cover costs related to research and copying may be established by county council.

(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 for a specific period not exceeding 15 days and shall be subject to all limitations deemed necessary to protect the character of the affected district. If the temporary use results in no apparent negative impacts, the certificate may be renewed for additional 15-day periods; however, no more than three 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 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, and signature. All complaints shall be acted on within ten days of 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 issuance of a land use permit, building permit, or other permit or certificate issued by Oconee County contingent on an approved zoning permit or temporary use certificate shall constitute a voiding or cancellation of all issued permits and 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 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.

GUD	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
CCD	Community Commercial District	Section 38-10.9

GUD	General Use District	Section 38-10.2
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 boundaries of the unincorporated 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 Oconee County Council in accordance with the procedures outlined in this chapter and S.C. Code § 6-29-760, as amended. The map shall at all times portray the current zoning district boundaries.

(2) *Custodian map* — A reproducible copy of the official zoning map shall be kept in the office of the Oconee County zoning official, and copies shall be made available for inspection by the public.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-3.2. Interpretation of 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 centerlines of roadways, streams, or other water channels and platted lot lines or other property lines. In the absence of 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 — If the zoning official is unable to determine the exact boundary on the official zoning map, the board of zoning appeals shall interpret the district boundary.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 4. NONCONFORMING USES

Sec. 38-4.0.

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 12 months or more shall 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, other calamity or act of God; catastrophic illness or injury detrimental to continuation of the use; or the exercise of eminent domain or other governmental action, other than an action resulting from criminal activity proven in a court of competent 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 recognized by a competent state or national authority or business restructuring due to bankruptcy, other than dissolution of the business, provided the owner of the nonconforming use submits a written request to the county planning department before discontinuation of the use, supported by appropriate documentation, for an additional 12-month extension. No more than three such extensions shall be granted. If the nonconforming use has not resumed by the end of the final extension, the nonconforming use shall be deemed abandoned or expired.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-4.2.

In the event an alteration, expansion, change, rebuilding, or resumption is proposed for any nonconforming 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) 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) 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:

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 is mitigated by screening, fencing, or other means necessary.

(4) Any proposed change in use of a nonconforming use may be permitted as a special exception by the board of zoning appeals if the proposed use does not increase the effects of the existing use in the neighborhood and all other provisions for granting a special exception are met.

(5) For purposes of this section, the following terms shall have the meanings indicated:

a. *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.

b. *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.

c. *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.

d. *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.

e. *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.

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 noise, excess light, and dust shall be controlled so as not to be detrimental to or create a nuisance for nearby residential or commercial uses. A landscape plan providing a minimum 15-foot-wide screening and buffering area shall be submitted with the application for a zoning permit. Parking areas shall be located no closer than 15 feet from the boundary of any adjoining parcel and shall be bordered on adjoining sides by a landscaped area containing an evergreen screen at least four feet in height.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.3. Bed and breakfast inns (zoning districts: AD, CCD).

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).

Adequate ingress and egress shall be provided, and commercial cemeteries 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, AD, ARD, RRD, RD, LRD, HCD, GUD).

(a) A licensed landscape architect shall design the site layout and preliminary layout plans for the 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 Environmental 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 identifying the responsible party or entity having continuing responsibility for 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, thin strips of conservation land less than 150 feet in width shall be prohibited.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.7. Home occupations (zoning districts: TRD, 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 business. At a minimum, two spaces shall be provided off the public thoroughfare. Whenever feasible, all parking shall 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 and overnight storage of vehicles. No more than three working bays shall be 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 separate from the merchant stands. Fire access shall be maintained throughout the outdoor retail area by fire lanes and thoroughfares at least 20 feet wide. All adjacent residential areas shall be screened or buffered to minimize visual 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 square feet) (zoning districts: TRD, RRD).

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the business. A minimum of ten spaces shall be provided off the public thoroughfare. Whenever feasible, all parking shall 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, requests for variances, and special exceptions from these regulations in accordance with 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 or 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 that:

a. Identifies the time, date, and location of the board of zoning appeals meeting;

b. Identifies the project location requesting the meeting by parcel ID number and physical address, if available;

c. Identifies the reason for the meeting; and

d. Provide county planning staff contact information.

(2) Public signage. Produce a sign at least six square feet in size that identifies the party requesting the BZA meeting, the purpose of the BZA meeting (variance or special exception), the project location (address and parcel ID), the time and location of the BZA meeting, and a contact phone number for county planning staff. The signs should include four-inch-high lettering stating the type of 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 that is the subject of the BZA hearing, and at least one additional sign, as needed at staff's discretion, to provide adequate 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 area's property lines that:

a. Identify the proposed project site;

b. Identify the need for the BZA hearing;

c. Identify the time and location of the BZA hearing; and

d. 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.

(a) *General standards.* 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 consistent with the spirit, purposes, intent, and specific requirements of this chapter, including the definition and intent of the district in which the special exception is requested;

(2) In the best interests of the county, the convenience of the community, and the public welfare;

(3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;

(4) Suitable in terms of effects on highway traffic, parking, and safety, with adequate access arrangements to protect streets from undue congestion and hazards.

(b) *Burden of proof and conditions.* 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.

(c) *Student housing.* 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.

(d) *Group residential facilities.* 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 this chapter or the official zoning map shall be submitted to the county planning commission for review and recommendation before final action by county council. Upon receipt of the planning commission report and recommendation, county council shall act on the proposed amendment within 60 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 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 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) 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) Written notice containing the pertinent information concerning the public hearing shall be mailed by first-class mail to the owner of record of each affected parcel at least 15 days before the public hearing. The name and mailing address of the owner shall be those shown in the records of the county tax assessor.

(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 denies a request to amend the zoning classification of property, county council shall not consider a new application for amendment affecting the same property until one year from the date of denial.

(Ord. No. 2017-25, § 1(Att. A), 12-5-2017)

Sec. 38-8.4. Effective date of change.

An ordinance amending the text of this chapter or the official zoning map shall become effective upon final adoption by 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. Initial rezoning.

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.

Once a parcel has been rezoned from GUD to another zoning district, the parcel shall not thereafter be rezoned to GUD.

(1) *Owner-initiated rezoning.*

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.

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.

c. All persons holding a legal ownership interest in the parcel or parcels proposed for rezoning shall sign the petition.

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.

(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.

Sec. 38-8.6. Subsequent rezoning.

(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) A property owner or authorized agent may petition county council for subsequent rezoning of a parcel or parcels, provided that:

(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. The zoning use matrix places each listed use in the applicable category for each district. Except in the General Use District (GUD), uses not expressly permitted are prohibited. In the GUD, uses not expressly listed in the zoning use matrix are permitted, subject to all other applicable requirements of this chapter and other applicable law. The following review processes 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: Review and approval by the board of zoning appeals are subject to all district provisions, other applicable requirements, and conditions of approval. Some special exceptions may also be subject to conditions in this chapter. Uses governed as special exceptions by the Unified Performance Standards provisions of the Oconee County Code of Ordinances shall be governed by those standards unless otherwise noted in this chapter.

(b) Two or more uses may be located on the same lot of record when each use is permitted within the applicable zoning district, including a use not expressly listed in the General Use District (GUD) as provided in subsection (a). Each use shall comply with its applicable approval requirements and conditions. Where two or more uses have differing requirements, the more restrictive applicable requirement shall govern. If any component use requires approval as a special exception, the combined proposal shall be subject to that approval.

(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, establishes the official zoning districts and overlay districts. Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the zoning official shall employ the following rules of interpretation.

(1) Centerline: Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be the centerline of such street or alley right-of-way, railroad right-of-way, or utility easement boundary. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated 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 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 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 described above and no distances are specified by ordinance, the boundary shall be determined by 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.

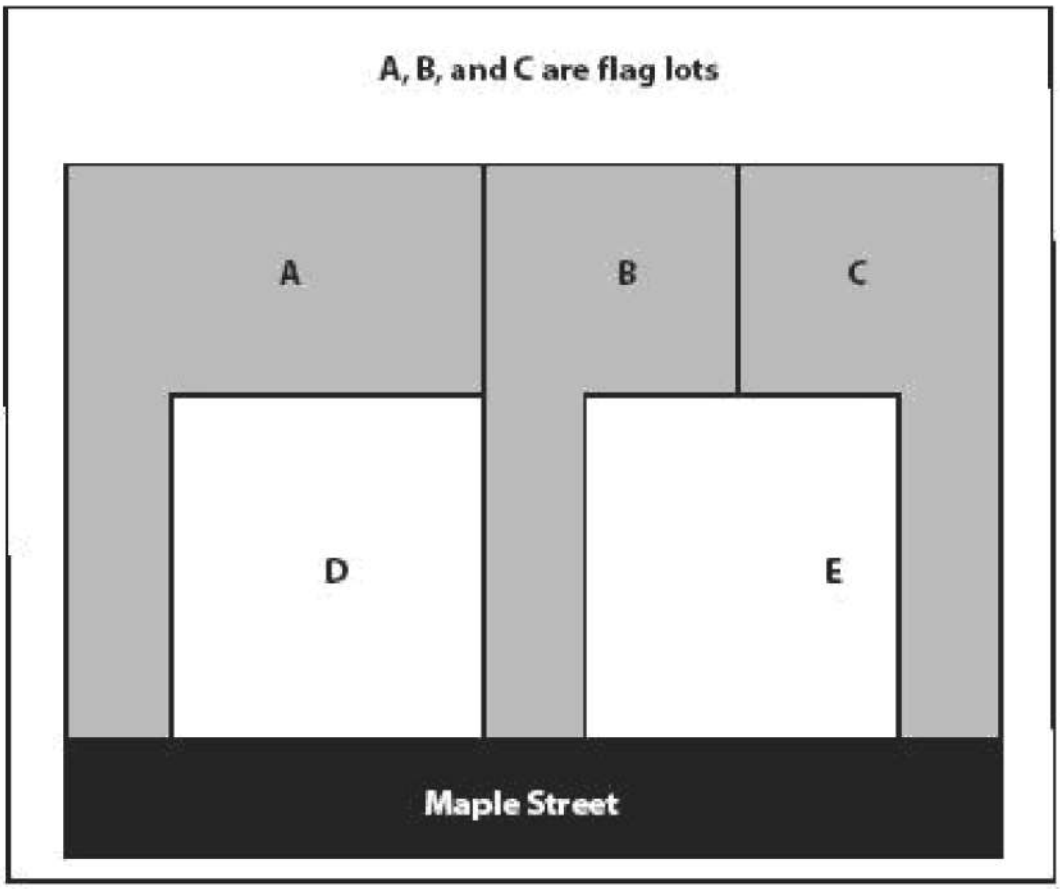
In addition to the dimensional requirements listed below and district dimensional requirements, further dimensional requirements may be set forth in Article 5 for those uses listed as conditional.

(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.

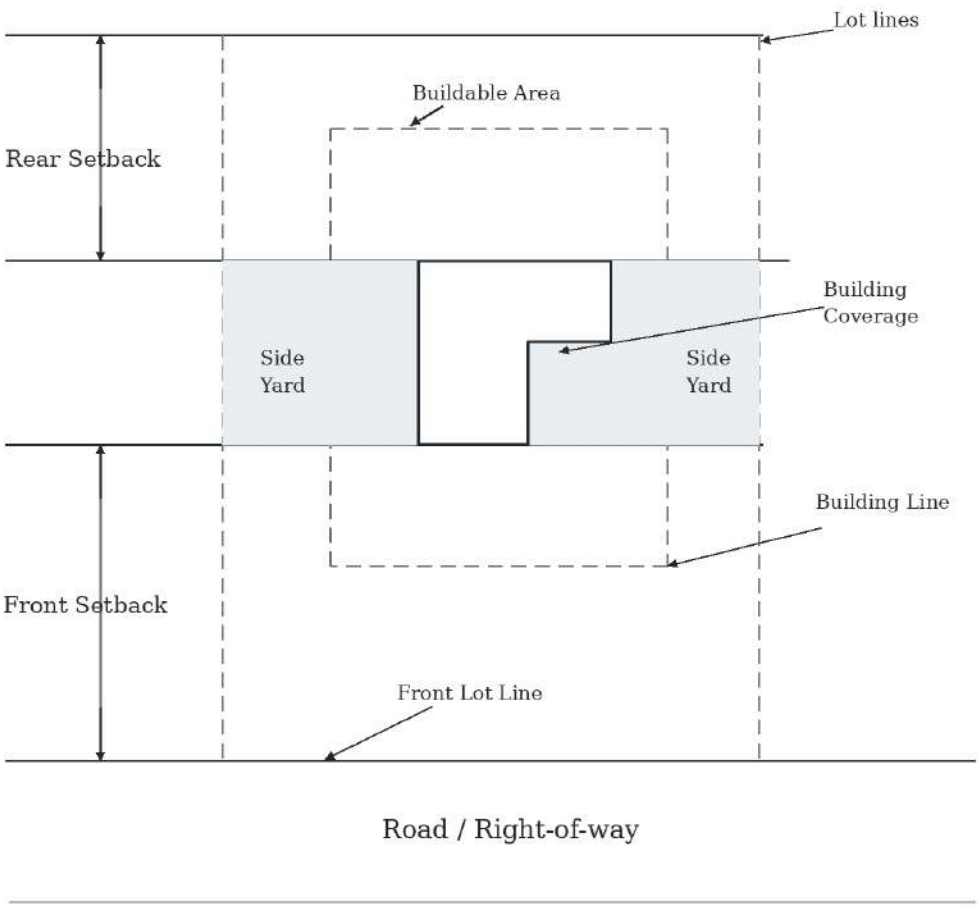
b. *Flag lots.* Flag lots may be permitted under the following conditions:

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. 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 frontages and shall comply with the applicable front setback along each frontage.

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 shall be governed by chapter 26 for County roads and roads proposed for acceptance into the 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 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 it. If the applicable district setback is greater than 20 feet, the greater setback shall apply.

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

i. Required setback areas shall remain free of buildings and other structures except as expressly permitted by this section. Ordinary projections of window sills, cornices, eaves, window air-conditioning units, and other architectural features may extend no more than two feet into a required setback.

j. Steps and heating and cooling units may project into a required setback by not more than five feet but shall not be located closer than five feet to a property line. Fences, freestanding walls, retaining walls and appurtenances, hedges, and septic lines may be located within a required setback, 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 in subsection 38-9.4(b)(1)a.18 and 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 airflow, and other negative secondary effects caused by the proposed structure that may impact existing uses 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 the height necessary to accomplish the purpose they are intended to 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 but shall instead be subject to applicable standards in chapter 32, Unified Performance Standards, of the Oconee County Code of 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, see the following sections for other requirements:

(1) See Article 5 for "Conditional uses".

(2) See Article 7 for "Special exceptions".

(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. Where landscaping, screening, or buffer requirements of chapter 32 and this chapter, including Appendix A where expressly applicable, govern the same development, the more restrictive applicable standard shall apply.

(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 regulations throughout Oconee County. There are 14 base zoning districts that provide for a variety of uses appropriate to the character of the areas in which they are located, in accordance with the Oconee County Comprehensive Plan. All 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 7 of this chapter. For purposes of this chapter, Oconee County is hereby divided into the following base zoning districts. These districts shall comply with all general and specific requirements of this chapter.

GUD	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
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. General use district (GUD).

The General Use District (GUD), formerly known as the Control Free District (CFD), is the initial zoning district for all parcels within Oconee County at the time of the initial adoption of zoning. Any parcel subsequently rezoned from GUD to another zoning district shall not thereafter be rezoned to GUD.

Dimensional requirements:

Residential Uses	Density and Lot Size			Minimum 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	1 dwelling unit per acre	N/A	25	5	10	65

Nonresidential Uses	Minimum Lot Size			Minimum Setback Requirements			Max. Height
	Min. Lot Size	Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre		N/A	25	5	10	65

(a) These setback requirements shall not apply to major 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 within the same townhouse, duplex, multifamily residential, or student housing development. Required setbacks shall apply to the exterior perimeter of the development or structure, as applicable.

(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) 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.

(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 a lot shown on a final plat for a major subdivision lawfully recorded in the Office of the Oconee County Register of Deeds prior to July 18, 2024.

(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.

(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.

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 commercial, industrial, or other development and to preserve the character of more remote rural areas. Additionally, residents of traditional rural areas typically have access to fewer public conveniences than residents of more urban areas but retain greater freedom in the manner in which they use their land.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum 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 (21,780 sf)	2 dwellings per acre	80	35	10	20	

Nonresidential Uses	Minimum Lot Size		Minimum 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)	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: Areas intended to protect the rural nature of the community 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 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 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 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 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: Areas in which rural lifestyles have traditionally been, and continue to be, intertwined with agricultural activity and production that has a significant economic impact on the area and Oconee County.

Intent: Agricultural districts are intended 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 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 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 residential.

Intent: This district is intended to provide for single-family residential development in the county and for related uses normally associated with residential communities. Uses that may generate negative secondary effects affecting quality of life shall be discouraged.

Dimensional requirements:*

	Density and Lot Size			Minimum Setback Requirements			Max. Height
	Min. 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	4 dwellings per acre	80	25	5	10	65
	½ acre Utilities not available	2 dwellings per acre	80	25	5	10	65
Nonresidential Uses	Minimum Lot Size			Minimum 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 residential with limited multi-family residential use.

Intent: This district is intended to provide for single-family residential development around the lakes and for related uses normally associated with lake residential communities. Uses that may generate negative secondary effects affecting quality of life shall be discouraged.

Dimensional requirements*:

		Density and Lot Size			Minimum Setback Requirements			Max. Height
Residential Uses	Min. Lot Size	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	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 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; Ord. No. 2018-22, § 1(Att. A), 8-21-2018)

Sec. 38-10.9. Community commercial district (CCD).

Title: Community commercial district.

Definition: Areas well suited to supporting low-intensity commercial activity centered on providing services to the adjacent community.

Intent: This district is intended to protect rural areas while allowing the development of low-intensity commercial and business establishments that provide basic goods and services to the surrounding community.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum 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	
Nonresidential Uses	Minimum Lot Size			Minimum 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	25	5	10	

*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: Areas well suited for 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 Setback Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width(ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	⅛ acre (7,260 sf)	6 dwellings per acre	70	25	5	10	
Nonresidential Uses	Minimum Lot Size			Minimum Setback Requirements			Max. Height
	Min. Lot Size		Min. Width(ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sf)		70	30	5	10	

*See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.11. Industrial district (ID).

Title: Industrial district.

Definition: Areas suited for light 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 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).

Definition: Areas that have maintained rural uses, including agricultural and forestry practices, while neighboring areas have experienced residential growth not typical of rural areas.

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.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum 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 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 recreation lands district (PRLD).

Title: Public and recreation lands district.

Definition: Areas set aside for the promotion, use, and protection of natural resources, including parks, forests, and educational or research facilities, or federal, state, and county-owned lands typically maintained for the benefit of the public.

Intent: This district is meant to provide for a continuation and identification of public lands and to allow for those uses typically associated with accomplishing the mission of the agency charged with the care and promotion of the land.

Dimensional requirements: See Article 9 for general provisions and exceptions to dimensional requirements.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.14. Mixed use district (MUD).

Title: Mixed use district.

Definition: Areas in which a mix of adjacent or nearby uses creates no significant negative impacts and in which the proximity of development activities enhances surrounding properties.

Intent: This district is intended to provide for the development of mixed-use projects, as well as the continuation or expansion of areas comprising a blend of compatible uses.

Dimensional requirements:*

Residential Uses	Density and Lot Size			Minimum 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	2 units per acre	100	25	5	10	65

Nonresidential Uses	Minimum Lot Size		Minimum Setback 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 rights-of-way, or other restricted or built-upon areas that are generally accessible for passive recreational use by the development's residents, tenants, patrons, and guests. Open space shall not include lawns, landscaping, and other areas considered accessory to a specific amenity or structure but may include required buffer areas.

Uses:

Permitted uses: A listing of uses permitted within a particular planned development district shall be contained in a plan adopted as part of the regulations applying to that district only. Uses may be of similar residential or commercial character, or may consist of a mix of residential, commercial, or other appropriate uses. Uses shall be restricted to those listed in the adopted plan.

Dimensional requirements:*

Project Area, Density and Open Space			Minimum 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 in Appendix A of chapter 38 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, or requirement not varied in an approved plan shall be strictly applied.

(6) Proposed planned developments shall consist of a use mix of at least five percent commercial and 20 percent residential.

(7) All historic or culturally significant structures and sensitive natural areas within the boundaries of the proposed planned development shall be identified on plans and protected, preserved, and maintained by methods endorsed by appropriate state and federal agencies. A maintenance plan for each such significant or sensitive feature shall be included as part of an approved planned development plan.

(8) To the extent possible, all proposed planned developments shall be designed to provide for pedestrian and bicycle traffic, with "bicycle lanes" included on roads designed to accommodate more than 400 average daily trips (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 to ensure that post-construction runoff generated by the planned development meets minimum state requirements. Low-impact development (LID) measures using controls such as natural infiltration and vegetative conveyance

systems, stormwater wetlands, bioretention areas, and vegetative filter strips are encouraged to the extent 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	GUD	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Agricultural production, crops, livestock, and poultry	P	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	P	X	P	X	P	P	P	X
Agricultural support services- veterinarians, kennels, feed/seeds, supply stores, implements, etc.	P	P	P	P	X	P	X	X	X	P	P	P	X
Air strips	S	S	S	X	X	S	X	X	X	X	S	S	X
Auction houses	P	P	P	S	X	P	X	X	X	C	C	X	C
Auditorium/Indoor Public Assembly	P	P	S	X	X	X	X	X	X	P	P	X	X
Bed and Breakfast Inns	P	P	C	P	S	P	X	S	S	C	P	X	X
Building and Trade Contractors, including materials and supply uses	P	P	P	S	X	X	X	X	X	P	P	P	P
Cemeteries and accessory uses	P	P	P	P	P	P	X	P	X	C	P	P	P
Civic, fraternal, professional, and political organizations	P	P	P	P	X	P	X	S	X	P	P	X	P
Commercial Fishing, Hunting and Trapping	P	P	P	S	S	S	S	X	X	X	X	X	X

Uses	GUD	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Communications towers	S	S	S	S	S	S	S	X	X	S	S	S	S
Conservation subdivisions	C	C	C	C	S	C	X	C	C	X	C	X	C
Convenience stores (excluding motor vehicle services)	P	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	X	S	X
Data centers	X	X	X	X	X	X	X	X	X	X	X	S	X
Day Care Facilities (all ages)	P	P	P	S	X	S	X	S	S	P	P	X	S
Distribution and other Warehouses	P	P	P	X	X	X	X	X	X	S	P	P	S
Duplex residential development	P	P	P	P	P	P	X	P	P	P	P	X	P
Educational buildings, and Research Facilities (all types)	P	S	S	X	S	S	P	S	X	P	P	P	S
Emergency services	P	P	P	P	X	P	X	P	P	P	P	P	P
Farm and roadside markets	P	P	P	P	P	P	P	X	X	P	P	X	X
Financial Services	P	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	P
Fuel supply services	S	X	P	X	X	X	X	X	X	S	P	P	S
Funeral homes and services	P	X	X	X	X	X	X	X	X	P	P	X	P
Golf courses, country clubs, driving ranges	P	S	X	S	X	X	X	P	P	X	P	X	X

Uses	GUD	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Government buildings (excluding correctional facilities)	P	P	S	X	S	P	P	P	X	P	P	P	P
Greenhouses, nurseries, and landscape commercial services	P	P	P	P	S	P	X	X	X	P	P	P	P
Group residential facilities	S	S	S	S	X	S	S	S	X	X	X	X	S
Gun and Archery clubs and shooting ranges	S	S	S	X	S	S	X	X	X	X	S	X	X
Health care services, service retail, and emergency short term shelters	P	P	P	S	X	P	X	X	X	P	P	X	P
Heavy Manufacturing	X	X	X	X	X	X	X	X	X	X	S	P	X
Home occupations and businesses	P	C	C	C	C	C	X	C	C	C	C	X	C
Hotels, Motels, and Inns	S	S	S	X	X	X	X	X	X	P	P	X	X
Laundry and dry cleaning services	P	P	X	X	X	X	X	X	X	P	P	X	S
Laundry Mats	P	P	P	P	X	X	X	X	X	P	P	X	P
Light Manufacturing	S	P	S	X	X	X	X	X	X	S	P	P	S
Liquor stores and bars	P	X	X	X	X	X	X	X	X	S	S	X	S
Lumber and saw mills (permanent)	P	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	P
Major subdivisions	P	S	X	X	X	X	X	P	P	S	X	X	S

Uses	GUD	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Manufactured Home Dealer	P	X	X	X	X	X	X	X	X	X	P	P	X
Marinas	S	S	S	S	X	S	S	S	S	P	P	P	X
Mini storage or mini warehouses	P	X	X	X	X	X	X	X	X	P	P	P	X
Mining	S	S	S	X	X	X	X	X	X	X	X	X	X
Minor subdivisions	P	P	S	P	X	P	X	P	P	P	X	X	P
Mixed Use Buildings and parcels	P	P	P	X	X	P	X	S	X	P	P	X	P
Motor vehicle parking and garages (as a principal business use)	S	X	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle sales and rental	P	S	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle services and gas stations (excluding truck stops)	P	P	P	X	X	P	X	X	X	P	P	P	P
Motor vehicle services and repair	P	P	P	P	X	X	X	X	X	C	P	P	C
Movie theater	P	P	X	X	X	X	X	X	X	S	P	X	X
Multi-family residential development	P	P	X	S	X	X	X	S	S	S	P	X	S
Museums, cultural centers, historical sites, sightseeing, and similar institutions	P	P	P	P	S	P	P	P	X	P	P	X	P
Office uses, general	P	P	X	X	X	X	X	S	X	P	P	X	P
Outdoor Retail	P	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	P	S	P

Uses	GUD	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Public and private utilities	P	P	P	P	P	P	P	X	X	P	P	P	P
Public, Private, and Commercial parks and recreation, camping or social facilities	P	P	P	P	S	P	P	P	S	P	P	X	X
Railroad stations	P	P	X	X	X	X	X	X	X	P	P	P	X
Residential care facilities	P	S	X	X	X	S	X	S	X	P	P	X	S
Restaurants (greater than 2,500 square feet)	P	S	S	X	X	S	X	X	X	P	P	S	S
Restaurants (up to 2,500 square feet)	P	C	P	S	X	C	X	X	X	P	P	S	P
Retail uses (5,000—50,000 square feet)	S	S	X	X	X	S	X	X	X	X	P	P	S
Retail uses (greater than 50,000 square feet)	S	X	X	X	X	X	X	X	X	X	P	S	X
Retail uses (up to 5,000 square feet)	P	P	S	S	X	P	X	X	X	P	P	P	P
Roadside Stands	P	P	P	P	P	P	X	P	P	P	P	P	P
Salvage yard, Junkyard, and Recycling Operations	S	S	S	X	X	X	X	X	X	X	X	P	X
Single-family detached residential	P	P	P	P	P	P	X	P	P	P	P	X	P
Solid waste landfill and Waste Management Services; (excluding hazardous waste)	S	S	S	X	X	X	X	X	X	X	X	S	X
Student Housing	S	S	X	X	X	X	X	S	S	S	S	X	S

Uses	GUD	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
Taxidermy, slaughter houses and wild game processing	P	P	P	S	S	P	X	X	X	S	S	X	X
Townhouse	P	P	X	S	X	X	X	S	S	S	P	X	S
Waste management services (excluding hazardous waste)	S	S	S	X	X	X	X	X	X	X	X	P	X

X—Not permitted

P—Permitted

C—Conditional use - permitted if conditions are met

S—Special exception - approved by Board of Zoning Appeals

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 and are divided into the following subdistricts:

(1) Keowee/Jocassee Overlay (Lakes Keowee and Jocassee). The following standards shall apply within 750 feet of the full-pond contour of Lake Keowee and Lake Jocassee, to be measured along a perpendicular line from the full-pond contour.

a. Standards.

1. Lots created after the effective date of the ordinance codified in this subsection that exist, in whole or in part, within 200 feet of the full-pond contour of Lake Keowee or Lake Jocassee shall be at least one-half acre in size, with a maximum density of one dwelling unit per one-half acre. Lots located entirely within the remaining boundaries of the lake overlay district shall be limited to a net density of no 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 structural soundness. For purposes of this section, unless otherwise stated, all dimensions, heights, elevations, and other specifications related to structures shall be measured in accordance with adopted building codes.

3. Marinas and commercial boat storage shall comply with Duke Energy's regulations and shall not be located within a one-mile radius of an existing platted and properly recorded subdivision.

4. All nonresidential projects 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, for good cause 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 of the full-pond contour. Parcels not meeting these criteria shall be exempt from this standard. A map indicating the parcels to which the standards of this section apply, as well as the status of establishment of the required buffer, shall be created and maintained as a layer in the county's geographic information system (GIS) and shall be available to the public.

(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) 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.

(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 or deck.

d. Required for work related to installing permitted electrical or water piping into the lake.

e. Golf carts and similar vehicles are permitted to use the path of the permitted 15 percent view lanes.

(v) All structures and landscaping existing at the time of adoption of this chapter shall be considered permitted and shall not be considered impediments to the buffer.

(vi) Silt fences: To ensure that the natural vegetative buffer is maintained during development, properly installed, entrenched, and maintained silt fences are required before a zoning inspection will take place. Silt fences must begin at or above the vegetative buffer line. Wire-backed silt fences are highly recommended, and J-hooks, hay bales, grass mats, and seeding shall be installed as needed at least 25 feet from the full-pond contour (800 feet above MSL for

Keowee and 1,100 feet above MSL for Jocassee), separating the buffer from the developed area until construction is complete. The county may require any or all of these 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 further accumulation.

Silt that has entered the natural vegetative buffer shall be removed where practicable, and the affected area within the natural vegetative buffer shall then be stabilized with pine straw, mulch, or other planted vegetation.

See subsection (f) for penalties.

(vii) View lanes: A view lane is the portion of a natural buffer used and maintained by the property owner to enhance observation of and access to the lake and surrounding landscapes. Typically, vegetation in the view lane is lower in height or smaller in diameter than vegetation in the remainder of the buffer. The view lane may comprise up to 15 percent of the vegetative buffer as one contiguous lane or multiple smaller lanes.

(viii) Allowed development within the vegetative buffer: Paths of permeable or impermeable construction are permitted within the natural vegetative buffer, provided that they are no wider than six feet. Turnarounds are permitted within the 15 percent view lane. Any path is considered part of the allowed 15 percent view lane. Patios or decks without permanent vertical features, other than those required for safety or building code standards, are permitted but shall not 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, provided that they run within the permitted 15 percent view lane and meet all applicable building codes.

(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.

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.

(xi) No new manicured lawns or other managed grasses shall be established within the buffer area. Additionally, no clear-cutting, mowing, cultivation, fertilization, or use of herbicides, fungicides, or pesticides shall occur within the buffer area.

(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 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 orders issued, and civil fines levied as appropriate under the circumstances.

(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 11 or more lots, dwelling units, or other units of development 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 nonresidential uses within the Carolina Gateway (Interstate 85) overlay, excluding 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 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 or underpinning shall be constructed of concrete, masonry (brick or block), or similar material and designed 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 other materials or debris that may attract rodents, mosquitoes, or other potential threats to occupants or the public shall be established for each residential unit before final approval for occupancy.

iii. Access to residences shall be from an all-weather driveway 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 unless a different meaning is expressly provided:

(1) Customary meaning. A word or phrase not specifically defined in this chapter shall have its customary meaning.

(2) Tense. The present tense includes the future tense.

(3) Number. The singular includes the plural, and the plural includes the singular, as the context requires.

(4) Person. The term "person" includes an individual, firm, association, partnership, trust, company, corporation, governmental entity, or other legal entity.

(5) Shall and may. "Shall" is mandatory. "May" is permissive.

(6) Used or occupied. "Used" or "occupied" includes intended, designed, arranged, or proposed to be used or occupied.

(7) Used for. "Used for" includes arranged for, designed for, intended for, or occupied for.

(8) Lot. Unless otherwise indicated by context, "lot" includes a parcel or tract of land.

(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) On the premises. When applied to an accessory use or structure, "on the premises" means located on the same lot as the principal use or as otherwise expressly authorized by this chapter.

(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.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-12.2. Definitions.

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., two lots are abutting if they have property lines in common. Lots are also considered abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

Access: A means of approaching, entering, or leaving a property, including ingress and egress.

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.

Addition: An extension or increase in the floor area, building footprint, or height of an existing building or structure.

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.

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.

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.

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 provide secondary access to the side or rear of properties whose principal frontage is on a street and not intended for general traffic.

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.

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.

As-built plan: A survey, drawing, or other record depicting the location and dimensions of completed site improvements in relation to the approved plans, applicable property boundaries, and zoning requirements; for a single-family detached residence, may consist of a limited setback-verification survey as provided in section 38-2.4(6).

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.

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: A large-format outdoor advertising display or sign intended for viewing from extended distances. Billboards include, but are not limited to, 30-sheet posters, eight-sheet posters, vinyl-wrapped posters, bulletins, wall murals, and stadium or arena signage as defined by the Outdoor Advertising Association of America. The sign area of a billboard typically ranges from 50 square feet to 672 square feet.

Board of zoning appeals: The board created by Oconee County pursuant to Title 6, Chapter 29 of the South Carolina Code of Laws to exercise the powers and 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 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.

Buildable area (building envelope): The area of a parcel remaining after application of required setbacks and other applicable open-space requirements.

Building: A roofed structure designed, constructed, or used for residential, commercial, industrial, institutional, agricultural, or other occupancy or use.

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 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 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: The line established by the applicable setback requirement beyond which a building or structure may not extend, except for projections expressly permitted by this chapter.

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.

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.

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.

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.

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.

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: A use permitted by right in a zoning district subject to additional standards, conditions, restrictions, or limitations established by this chapter.

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: 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 the contractor's business location. As used in this chapter, the term "contractor" does not include general assembly, fabrication, or manufacturing at 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: A change from the original purpose of a building to a different use.

County council: The governing body of Oconee County.

Covenant: A private legal restriction on the use of land contained in a deed or other recorded instrument.

Current land use map: A nonregulatory map that graphically represents existing land use by parcel throughout the county.

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.

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.

Dedication: The transfer of property from private to public ownership, with or without compensation.

Density: The number of dwelling units permitted or developed per acre of land, calculated as required by the applicable provision of this chapter.

Density, gross: The number of dwelling units divided by the total acreage of the development site.

Density, net: The number of dwelling units divided by the acreage remaining after deduction of those areas expressly excluded from the calculation by this chapter.

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 vehicular access serving a lot, building, parking area, or use and connecting to a road, private drive, or private road.

Duplex: A building containing two dwelling units arranged, designed, or used for independent residential occupancy.

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.

Dwelling, single-family: a detached dwelling containing one dwelling unit on a single lot.

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: An exterior wall of a building exposed to public view or otherwise visible from outside the building.

Farm and roadside market: A market or stand operated on a seasonal or year-round basis that allows agricultural producers to sell their products and 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 this chapter for specific provisions addressing flag 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

(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 gross horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, for nonresidential facilities, arcades, porticos, and similar areas open to the outside air that are accessible to the general public and are not designed or used for sales, display, storage, service, or production. For determining off-street parking spaces, floor area does not include floor area devoted primarily to storage purposes, except as otherwise provided; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than areas devoted to retail activities, 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: The length of property abutting a street or road, measured along the applicable street or road right-of-way line.

Future land use map (FLUM): A nonregulatory map that graphically represents the community's desired future land-use pattern and brings together the goals expressed in the elements of the Comprehensive Plan.

Garage, private: A building or space used as an accessory to or part of the principal building permitted in any district, providing for the storage of motor vehicles and in which no business, occupation, or service for profit is conducted, except 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 residential facility (also referred to as group home): A public, private, or not-for-profit 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 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 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 are placed temporarily for 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.

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.

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, 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.

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.

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.

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.

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 used for the retail dispensing or sale of automobile fuels and related accessories or services, such as lubricants, tires, or car washing. Mechanical and electrical repairs and tire repairs shall be incidental to operation of the service station and performed indoors. Fuel pumps shall not be located within 15 feet of any property line or street right-of-way. Incidental activities shall not include tire retreading, major body work, major mechanical work, or upholstery work.

Motor vehicle services and repair: Any building or land used for servicing or repairing vehicles, excluding fuel sales but including the sale or installation of lubricants or tires, car washing, mechanical and electrical repairs, tire repairs, and body work.

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.

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.

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 a 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 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.

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 Oconee County Planning Commission.

Plant material: Large-maturing trees, understory trees, 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 drive: 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 driveway: a private vehicular access serving no more than three lots, dwelling units, or other units of development, counted in accordance with section 32-228.

Private road: a privately maintained roadway within a private roadway easement serving 11 or more lots, dwelling units, or other units of development, counted in accordance with section 32-228.

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.

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.

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.

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 distance between a structure and the applicable property line, road right-of-way, or private roadway easement, measured 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: A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

Sign, flashing: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means. For purposes of this chapter, any moving illuminated sign shall be considered a flashing sign. The term does not include time-and-temperature signs or public-message displays using electronic switching.

Sign, hanging: A sign that forms an angle with a building, extends from the building, and is supported by the building.

Sign, monument: A freestanding sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade level.

Sign, portable: A sign that is not permanently affixed to a building, structure, or the ground.

Sign, projecting: A sign that forms an angle with a building, extends from the building, and is supported by the building.

Sign, revolving/rotating: Any sign or part of a sign that changes physical position or light intensity by any movement or animation or that gives the visual impression of such movement.

Sign, roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary: A sign or advertising display intended to be displayed in connection with a specific event for a limited duration.

Sign, wall: A sign fastened to or painted on the wall of a building or structure so that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than six inches from the building or structure.

Sign, window: A sign mounted for display on or within a window and intended to be viewed from outside.

Single-family detached residential: A parcel or lot containing a detached single-family dwelling, including a manufactured home, together with customary residential accessory uses.

Site plan: A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by the applicable regulations. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and manmade, and, depending on applicable requirements, the locations of proposed utility lines.

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 and may include runoff from impervious areas such as roads and roofs.

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.

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: 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: 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 that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code

enforcement official and that are the minimum necessary to assure safe living conditions; or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Townhouse: A building containing three or more attached single-family townhouse units.

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.

Tree protection: Measures, such as temporary fencing and tree wells, extending at least to the dripline to protect existing trees from damage or loss during and after project construction.

Understory tree: An evergreen or deciduous tree with a mature height of less than 35 feet. Examples include, but are not limited to, redbud, dogwood, crape myrtle, wax myrtle, and ornamental cherry.

Use: The purpose or activity for which land, a building, or a structure is occupied, maintained, arranged, designed, or intended.

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.

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.

Viewshed: An area of land, water, or other environmental elements visible from a fixed vantage point or a series of points along a linear transportation facility.

Zoning administrator: The planning director or other official designated by the County to administer and enforce this chapter.

Zoning district: A geographic area established by this chapter and shown on the official zoning map within which specified land-use and development regulations apply.

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