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AGENDA

6:00 pm, Monday, November 16, 2026
Oconee County Council Chambers

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes from November 2nd, 2026.
5. Public Comment for *Non-Agenda Items* (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Discussion regarding revisions to Chapters 26, Road & Bridges, Chapter 32, Unified Performance Standards & Chapter 38, Zoning
    a. Public Comment
    b. Discussion/Vote
9. Adjourn

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

Chapter 26 ROADS AND BRIDGES[1]

ARTICLE I. IN GENERAL[2]

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

Sec. 26-1. General provisions.

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

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

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

(3) *Road signs.* Road name signs shall be installed at all intersections within a subdivision. All other signs shall be installed as required by and at the direction of the county engineer or his/her designee. All signage will be in accordance with the manual of uniform traffic control devices. ~~The developer shall be responsible for all cost of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of county council from time to time) prior to acceptance of road by the county.~~ Any person who shall willfully or maliciously damage, deface, remove or otherwise tamper with a sign erected by a subdivider or the county designating the name of any county road shall be

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

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

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

guilty of a misdemeanor and punished in accordance with this article. In addition thereto, such person shall be liable to the county for the cost incurred by the county as a result of said criminal acts.

(4) *Submission of road plans.* Construction plans for roads shall include accurate topographic information with increments of no more than five feet. In addition, all such plans should note the following items: the location and dimensions of all drainage features; routes of surface water drainage for the entire development; a typical cross section of the proposed roadway; road profiles; horizontal and vertical curve designs; right-of-way dimensions; the location of all cuts and fills; finished grade elevation; all necessary erosion control practices, which may include but are not limited to, permanent vegetation, lined or piped ditches or vegetated waterways; and contact information of all interested parties.

(5) *Road alignment and location.* The direction and pattern of roads shall take advantage of the land contour to eliminate or reduce excessive cutting and filling, and provide roads with reasonable grades.

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

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

~~Oconee County shall have no responsibility for nor control of the design, engineering, construction, inspection or maintenance of private driveways, drives and roads in Oconee County and shall only be involved with private driveways, drives and roads to enforce these regulations and to the extent required for the county to carry out its other duties and functions, such as approving the subdivision of property.~~

~~(a) *Private driveways.* Private driveways shall serve no more than three residential dwellings, and shall be maintained by the property owner(s). No design standards shall apply to private driveways, but driveways must comply with applicable building and fire codes.~~

~~(b) *Private drives.* All private drives existing and in use at the time of adoption of these regulations, as well as those private drives under construction prior to the time of adoption, shall be exempted from the standards contained in this section. This exemption shall also extend to those private drives approved by the planning department prior to the time of adoption. All other private drives shall:~~

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

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

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

~~(4) Have a minimum driving surface width of 20 feet constructed of no less than five inches of compacted crushed stone or gravel base; a minimum height clearance of 13½ feet; and appropriate documentation from a professional engineer licensed by the State of South Carolina certifying the maximum weight limit of any bridge or culvert located along the drive. All bridges and any culvert over which a private drive crosses a perennial stream must include appropriate signage (located at each end of the bridge) displaying the structure's weight limits;~~

~~(5) Be maintained by an individual, association of property owners, or commonly held by the property owners fronting the private drive;~~

~~(6) Comply with all current fire regulations and codes;~~

~~(7) Shall serve no more than ten dwellings, and shall connect to another road, either public or private, on one end only. In the event proposed construction and/or development will result in an existing private~~

drive serving 11 or more dwellings, the existing drive shall be upgraded so as to meet the standards put forth in these regulations for private roads;

(8) Parcel boundaries may extend to centerline of the road, with the appropriate road right-of-way shown on all plats and deeds;

(9) Be named in accordance with adopted E-911 addressing regulations and procedures;

(10) Allow at least 100 feet of sight distance for each ten miles per hour of the posted speed limit where the private drive intersects a public road. The sight distance shall be measured from a seeing height of 3½ [feet], offset 15 feet from edge of road, to an object 4¼ feet in height above the grade of the public road, as stated in SCDOT's 1996 Access and Roadside Management Manual. If the proposed drive does not meet the sight distance requirement, a waiver must by signed by the individual(s) constructing the private drive stating that the property owner(s) is liable and responsible for any accidents, injuries, problems, and property damage resulting from improper sight distance;

(11) Meet all applicable stormwater management and sediment control regulations;

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

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

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

(c) *Private roads.* Private roads shall provide vehicular access and road frontage to developments, or sections of developments, containing more than ten dwellings. All private, nondedicated roads shall be prominently indicated as such on plats prior to subdivision approval. Maintenance arrangements for such roads must be noted in writing on subdivision plat submittals and must be subsequently recorded. The development served by a private road shall have direct access into a public road, and no such private road shall be laid out so as to serve property outside the development. All private roads shall:

(1) Serve a minimum of 11 lots;

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

(3) Be designed in accordance with the regulations set forth in subsections 26-3(e) and (r) of these regulations;

(4) Be constructed in accordance with the regulations set forth in subsections 26-3(f) and (r) of these regulations;

(5) Be maintained by an association of property owners or the developer and be designated on all plats and recorded in appropriate deed covenants and restrictions, or an appropriately executed private roadway easement as defined by these regulations;

(6) Parcel boundaries may extend to the centerline of the road, with the appropriate right-of-way designated on all plats and deeds;

(7) Be legally certified for compliance by a surveyor/engineer licensed by the State of South Carolina;

(8) Be named in accordance with adopted E-911 addressing regulations;

(9) Meet all stormwater management and sediment control regulations;

~~(10) Be properly approved in writing by planning director prior to submission of plat(s) to the register of deeds for recording. The following shall be prominently printed on the plat(s):~~

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

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

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

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

Sec. 26-3. Public roads.

~~(a) *Continuation of adjoining road system.* The proposed road layout shall extend existing roads on a logical course at a width which meets the minimum required by this article. A minimum 100:1 taper section shall be used to transition from one width to another.~~

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

(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) ~~*Road*~~ *Public road system coordination.* The County road system ~~within a subdivision~~ shall be coordinated with existing, proposed, and anticipated roads ~~(hereinafter "surrounding roads") outside the subdivision, as determined by the county or the State of South Carolina. Subdivision roads shall intersect~~to promote continuity and connectivity within the County transportation network. Roads shall connect with surrounding roads at safe and convenient locations ~~and where necessary~~ to ~~permit~~facilitate the efficient movement of traffic ~~between residential neighborhoods by emergency service~~and access by public safety vehicles. ~~Subdivision roads shall only enter arterial roads when absolutely necessary. Whenever connections to surrounding roads are required by this section, the road~~ Where a future connection to an existing, proposed, or anticipated road is planned, the roadway and right-of-way shall be extended ~~and the street developed~~ to the property line ~~of the subdivided property (~~or to the edge of the remaining undeveloped portion of a single tract~~) at the point where the~~

~~connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. All temporary dead-end streets must be approved by the planning director and the county engineer.~~ to allow for future connection.

(c) *Road names and signs.* A ~~proposed~~ road ~~which~~name shall be approved under article II of this chapter at the Preliminary Plan stage when a Preliminary Plan is ~~obviously in alignment with or~~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 ~~the name of the existing road. Except for the above,~~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 ~~no case shall the name~~ accordance with the applicable standards for the practice of ~~a proposed road duplicate or be phonetically similar~~surveying in South Carolina. Elevations shall be tied to an ~~existing road name, irrespective of the use of suffix (~~identified datum and at least two benchmarks. Construction plans shall comply with subsection (e)(12). Subdivision plat and private-road~~, avenue, boulevard, drive, place, court, lane, etc.). It shall be unlawful for any person in laying out any new road to name such road on any final plat or instrument, without first obtaining the approval of the Oconee E-911 Addressing Office.~~ submittal requirements are governed by chapter 32.

~~(d) *Residential buffers for collector or arterial roads.* Where a subdivision abuts or contains an existing or proposed collector or arterial road; lots which abut or are adjacent to these existing or proposed collector or arterial roads shall face a local road. Other treatment may also be required, as necessary, for adequate protection of the landscape and residential properties and for separation of through and local traffic. Special treatment may be required, such as screen planting contained in a nonaccess reservation along the rear property line adjacent to the arterial road.~~

(e) ~~*Road design (*~~ *Roadway geometric design.* Roadway geometric design shall follow the applicable standards and criteria~~). In general, geometric criteria for road design shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest~~ 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. ~~Local and collector residential roads (public) shall be designed in accordance with the following standards.~~ 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 ~~width~~widths shall be as follows:

Road Type	Design Speed	Right-of-Way	Pavement	Shoulder
~~Arterial[1]~~ Arterial	40 mph minimum	66~~′ or greater~~ foot minimum	~~28′~~ 24 feet	~~10′~~ 8 feet
Collector	30 mph minimum	50~~′~~ foot minimum	~~24′~~ 22 feet	~~8′~~ 6 feet
~~Major local~~		~~50′~~	~~22′~~	~~6′~~

~~Minor local~~	~~50′~~	~~20′~~	~~4′~~

~~[1] As determined by county engineer~~

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

~~(2) Cul-de-sacs shall comply with current fire regulations and codes. Dead-end streets without turnarounds are prohibited. All unpaved islands located within perimeters of a cul-de-sac shall be round in configuration, centered within the right-of-way, curbed and properly drained. The area utilized by any unpaved island shall not be considered part of the minimum area needed to meet the required dimensions for the cul-de-sac or right-of-way and shall be governed by the same standards for planted median islands, as set forth in this article.~~

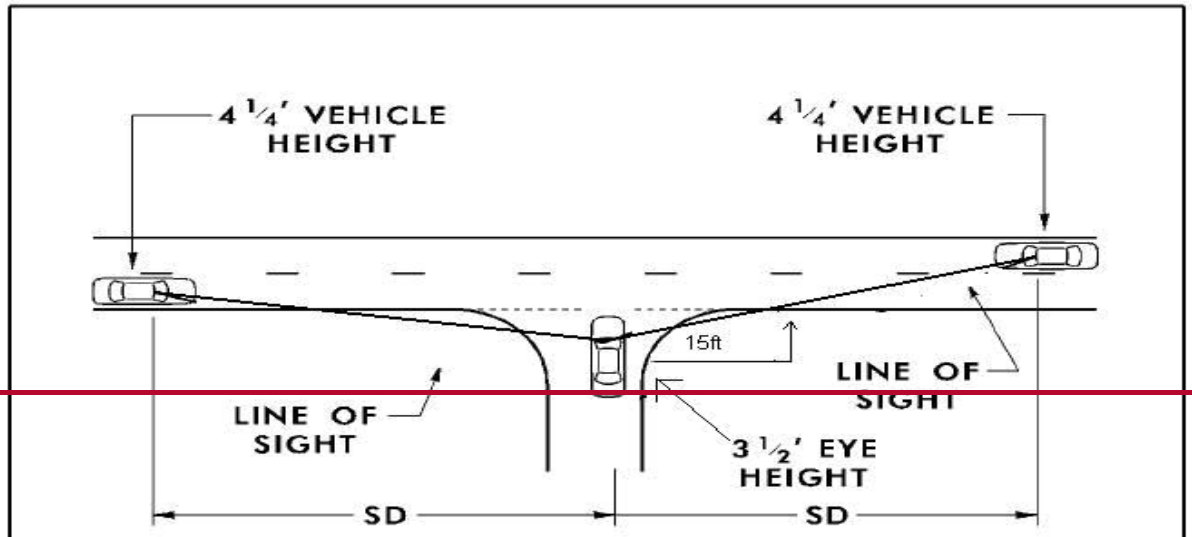
(2) Reserved.

(3) Horizontal curvature shall be introduced at any change in road direction, and the minimum centerline radius shall be ~~150 feet for local roads and 250 feet for collector roads.~~ 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. ~~Arterial road curvature shall be in accordance with state highway department standards. Minimum tangent between reverse curves shall be 150 feet for local roads, and 100 feet from curve to any intersecting road right-of-way.~~

(4) Stopping sight distance ~~on~~and vertical curves. Vertical curves, horizontal curves, ~~or normal~~and intersections shall ~~allow at least 100 feet of~~provide the minimum stopping sight distance for ~~each ten miles per hour of the posted~~the applicable design speed ~~limit where the road intersects another public road.~~

~~a.~~ The minimum stopping sight distance and vertical curve K-values shall be ~~measured from a seeing height of 3½ feet, offset 15 feet from edge of road, to an object 4¼ feet in height above~~ based on the ~~grade of~~applicable AASHTO design criteria. For ease of review, the ~~public road,~~minimum values are as ~~stated in SCDOT's 1996 Access and Roadside Management manual. See drawing.~~ follows:

SIGHT DISTANCE REQUIREMENTS
(DISTANCES GIVEN ARE FOR FLAT GRADES)



(DRAWING NOT TO SCALE)

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

~~b.~~

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 ~~enable~~provide the minimum sight distance required~~, as determined by~~ based on the design speed ~~limit~~ of the ~~road being accessed increases.~~intersecting roads and the intersection configuration. The necessary right-of-way in either direction shall be ~~entered upon~~included in the right-of-way and shown on the final plat prior to recording. ~~Modifications may be required by the county engineer in order to insure safety.~~

(5) Intersection skew. Roads shall be designed to intersect as nearly as possible at right angles. In no case shall the angle of intersection be less than 75 degrees. ~~Minimum~~The minimum radius of curb or pavement edge at intersections shall be ~~at least 20 feet at intersections with local roads and~~ 25 feet ~~at intersections with collector roads.~~ .

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

Road Classification	Maximum Grade
Arterial Roads	~~4~~8 percent
Collector Roads	~~6~~10 percent
~~Local~~	~~12 percent~~

~~(7) Proposed intersections on one side of a road shall coincide with existing or proposed intersections on the opposite side. Minimum centerline offset for intersections on the opposite side of a road shall be 150 feet. No two roads may intersect on the same side of a road at a centerline separation distance of less than 400 feet.~~

~~(8)~~ (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 ~~with~~at a ~~flat~~ grade ~~whenever practical. When approaching an intersection in hilly or rolling areas, a leveling area shall be provided having not greater than a five~~no more than 6 percent ~~grade at a distance of 30 feet, measured from the nearest right-of-way line of the intersecting street.~~ .

(9) Planted medians. If the developer proposes a roadway with a planted median ~~island~~, the road right-of-way shall be ~~divided in half for each half of~~increased to accommodate the ~~road (25 feet each side) with each lane centered in the right-of-way~~increased width needed. A perpetual maintenance plan and maintenance agreement shall be submitted to ~~the county~~and approved by the County Engineer or designee prior to construction of ~~said~~the planted median ~~island. the county~~. The County shall not be responsible for maintaining any median vegetation. Vegetation within the right-of-way may be removed by the ~~county~~County if it presents a safety or visual hazard. All planted medians shall ~~be drained and maintained by methods submitted by the developer and approved by the county engineer.~~ have sufficient drainage.

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

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

(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" (~~latest~~2025 edition) as ~~it related~~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~~. The county~~ and shall be designed by a professional engineer licensed in South Carolina. The County Engineer or designee may ~~wave~~waive the strict application of aggregate requirements for hot~~-mixed~~-mix asphalt pavement ~~with~~using materials prepared with stone from the ~~county~~County rock quarry~~.~~ for Type C asphalt mixes.

(2) Reserved.

(3) Reserved.

(4) Collector roads. The minimum ~~base course~~pavement section for ~~all~~collector roads shall consist of ~~type #1 (550 lbs. per square yard) crushed gravel aggregates compacted on the roadway to a depth of~~ not less than ~~five~~8 inches~~. Compaction~~ of type #1 crusher run base, 2 ½ inches of ~~the aggregate shall comply with the standards set forth in this article.~~ Type C Intermediate, and 1 ½ inches of Type C Surface or equivalent based on structural number and pavement design.

~~(3) *Local roads.* When hot asphaltic mix will be applied, specifications~~5) Arterial, industrial, and commercial roads. The minimum pavement section for ~~set up are same as for the surface treatment. Asphalt~~arterial, industrial, and commercial roads shall ~~be applied at no~~consist of not less than ~~two-inch compacted~~8 inches of type ~~as specified by the county engineer.~~

~~(4) *Collector roads.* Road~~#1 crusher run base ~~shall include 550 lbs. of stone per square yard (approx. 5) with two-inch surface course~~, 3 inches of ~~asphaltic concrete.~~

~~(5) *Industrial/commercial roads.* Road base shall include 650 lbs.~~Type C Intermediate, and 2 inches of ~~stone per square yard (approx. 6) with two-inch surface course of asphaltic concrete.~~

~~(6) Road paving is required for all new nonresidential subdivisions falling under the jurisdiction of this article. Pavement~~Type C Surface or equivalent based on structural number and pavement design ~~requirements for a nonresidential subdivision shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials; or the Portland Cement Institute; or the National Asphalt Institute. All designs shall be subject to review and approval of the county engineer and the county planning commission. However, in no case shall the paving standard be less than the standard required for a new residential subdivision.~~ .

(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 ~~sub-grade~~subgrade. Rock, when encountered, shall be scarified to a minimum depth of three inches below ~~sub-grade~~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~~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. ~~Prior to~~ Before placing each subsequent layer, the compacted layer shall be scarified before placing fill. The ~~county engineer~~County Engineer or ~~his designated representative~~designee may call for compaction tests at the completion of any of the six-inch lifts being made. Each ~~level will~~lift shall be compacted to ~~a~~ 95 percent ~~proctor.~~ 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 ~~road construction plan.~~ 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.~~ 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 (~~AASHO~~AASHTO) M170 Class 3 pipe.

b. ~~–~~ High~~-~~density ~~polyethylene (HDPE)~~ polypropylene pipe corrugated with a smooth interior ~~pipe~~ conforming to the requirements of ~~American Association of State Highway Officials (AASHO) M294M~~AASHTO M330, Type S pipe.

All pipe culverts shall be of sufficient size to adequately ~~insure~~ensure proper drainage. Calculations by a professional engineer licensed by the State of South Carolina must be submitted and approved by the ~~county engineer. Rip-rap~~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 ~~the engineer, after consultation with appropriate authorities, deems the~~a crossing of a watercourse ~~to necessitate~~necessitates a bridge, such bridge shall conform to ~~current~~the SCDOT ~~specifications for steel reinforced concrete bridges~~Bridge Design Manual (2006 edition) with a driving surface of at least 24 feet in width. ~~Such bridges~~Bridges shall be at an elevation ~~as to be~~ approved by the ~~county engineer.~~ 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 ~~county~~responsible parties access to the adjacent property needed to perform necessary maintenance work. Oconee County ~~will~~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 ~~sub-grade~~subgrade and base courses shall conform to the applicable sections of the ~~latest published edition of the~~ South Carolina ~~Highway~~ Department of Transportation Standard Specifications for Highway Construction~~.~~ (2025 edition). Nuclear compaction ~~test~~testing may be conducted on

all ~~sub-bases~~subbases as directed by the ~~county engineer.~~County Engineer or designee. A loaded (minimum of 60,000 lbs. gross weight) tandem truck roll test of the ~~sub-base~~subbase shall be performed. ~~Any of the compaction~~Compaction tests may be directed by the ~~county engineer or his designated representative~~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 ~~setup~~placement of the base material prior to paving the road. Any substandard materials will be replaced and retested as directed by the ~~county engineer~~County Engineer or ~~his designated representative.~~designee. Upon completion of a road, all fills shall be protected by either seeding or ~~rip-rap~~riprap. All fills of 2½:1 or steeper shall be protected by ~~rip-rap~~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~~County Engineer or designee at least 48 hours prior to any requested inspection. Work done prior to inspection is done ~~so~~ at the contractor's and owner's own risk and may, upon decision of the ~~county engineer~~County Engineer or designee, be required to be removed and redone or have ~~the~~its quality substantiated by any tests deemed necessary ~~all,~~ at the contractor's ~~and/~~or owner's sole expense. Inspections shall be required for the following:

a. At the completion of clearing and grubbing operations;

b. At the completion of rough grading;

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

d. At the completion of subgrade;

e. After installation and compaction of base course;

f. During all pavement applications; and

g. Final acceptance inspection.

(2) The ~~contractor/owner's~~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. Final acceptance inspection.~~

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~~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 ~~a~~ letter of credit ~~for the estimated cost of maintaining the road~~to secure that obligation for three years from the date of acceptance. The ~~county engineer shall determine the amount of the~~warranty bond or letter of credit~~. The~~ 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~~County Finance Department. The warranty bond or letter of credit shall expire after three years from the date of acceptance of the road~~, or in the case of a subdivision road, after a build out of 70 percent of the subdivision, whichever occurs first.~~. In order to facilitate the acceptance process, once a road ~~had~~has been

substantially completed the developer/owner may request a written punch list from the ~~county engineer.~~County Engineer or designee. The punch list will note the items that must be completed prior to acceptance of the road by the ~~county.~~ County.

(j) *Contracts.* ~~Not withstanding~~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~~County-maintained road by the ~~county.~~ County.

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

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

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

(m) Reserved.

(n) Reserved.

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

(1) No hot-mix asphalt ~~surfacing work~~surface paving shall be performed on a wet surface, ~~or~~ when the temperature is below 45 degrees Fahrenheit in the shade and falling, or when weather conditions are otherwise unfavorable. No proposed County-maintained road shall have surface paving performed between October 15 and March 15 unless approved in writing by the ~~county engineer, no surface treatment of a road planned by the owner/developer for acceptance into the county road system shall be begun before March 15 of each year. Unless approved in writing by the county engineer, surface treatment of a road planned by the owner/developer for acceptance into the county road system shall be completed prior to October 15.~~ County Engineer or designee.

~~(2) The mixture shall be delivered to the spreader at a temperature between 225°F and 325°F and, except for sand asphalt mixture for base course construction, within 30°F of the temperature at the plant.~~

(2) Reserved.

(p) *Drainage structures.*

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

(2) ~~Concrete~~ Driveway culverts must conform to South Carolina ~~Highway~~ Department of Transportation requirements. ~~HDPE double~~ Double-wall corrugated high-density polypropylene pipe with a smooth interior ~~pipe~~ conforming to the requirements of ~~American Association of State Highway Officials (AASHO) M294M~~AASHTO M330, Type S pipe or an approved equivalent shall be accepted where sufficient fill over the pipe is provided. No corrugated metal pipes shall be accepted. No driveway culvert shall be less than 15 inches in diameter.

(3) Unless approved by the ~~county engineer~~County Engineer or designee prior to construction, all pipes shall be laid in a trench. All trenches shall be excavated so as to allow for safe and proper installation. All backfill work shall comply with standards specified by the pipe manufacturer; however, in no case shall backfill covering a culvert be less than ten inches deep (pavement and/or base thickness shall not be considered part of this required minimum depth). All fill shall be compacted to 95 percent of ~~standard proctor test in the top foot of fill.~~ maximum density.

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

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

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

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

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

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

Table—Surface Water Exit Intervals

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

(10)— Exit intervals for surface water along curb and gutter roads, also known as catch basin spacing, shall be designed to limit the spread to seven feet from the face of curb. The two-year design storm shall be the basis for determining the stormwater runoff. In no case shall the spacing exceed 800 feet. Special attention should be ~~used~~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~~County rights-of-way when they meet the following conditions:

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

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

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

~~(r) Sidewalks are only permitted in private rights-of-way when they meet the following conditions:~~

~~(1) A financially responsible entity, as determined by the county in its sole discretion (the "responsible entity"), agrees to perform necessary maintenance and repair to the sidewalk and accepts all real and potential liability arising from the existence and use of the sidewalk.~~

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

~~(3) The final plat submitted for approval and recordation must include the following:~~

~~"THE SIDEWALK LOCATED IN THE RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE PRIVATE, NOT OWNED, MAINTAINED, OR OVERSEEN BY OCONEE COUNTY, AND NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY OCONEE COUNTY. SIDEWALKS IN RIGHTS-OF-WAY SHOWN UPON THIS PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY OCONEE COUNTY AT ANY TIME IN THE FUTURE. MAINTENANCE OF THE SIDEWALK SHALL BE THE RESPONSIBILITY OF _____."~~

~~(4)~~ (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. ~~Commercial and industrial roads and streets~~Reserved.

~~(a) In addition to residential road requirements set forth, the following standards shall apply to commercial and industrial roads.~~

~~(1) *Rights-of-way and road widths.* The following right-of-way and road widths are established:~~

~~a. Right-of-way: Minimum width is 66 feet.~~

~~b. Roadway width: Width is 24 feet with 12-foot lanes plus two-foot valley gutters or six-inch high curbing and two-foot concrete valley on each side.~~

~~(2) *Grades.*~~

~~a. The minimum grade shall not be less than one percent and the maximum shall not be more than seven percent.~~

~~b. All proposed street grades, when intersecting an existing street or highway, shall be constructed so as to meet the same horizontal grade at the existing intersection and shall have an elevation for a distance of 30 feet equal to the curb line grade of the existing street to which the proposed connection is being made. All proposed street connections to existing streets or highways having existing sidewalks crossing their intersection alignment shall be constructed by removal of the sidewalk to the new proposed curb radii.~~

~~(3) *Horizontal (circular) curves.* Where a deflection angle of more than five degrees in the alignment of the street occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature at the centerline of the proposed street right-of-way shall not be less than 250 feet.~~

~~(4) *Vertical (crest-sag) curves.* Changes in vertical grade shall be connected by vertical curves of minimum length equal to 25 times the sum of both approaching grades stated in percent of grade. Example: A five percent slope upward meeting a four percent slope downward requires a curve length of 9 x 25 = 225 feet.~~

~~(5) *Intersecting roads and road offsets.*~~

~~a. Intersecting roads. Industrial/commercial roads shall be laid out so as to intersect as nearly as possible at right angles and no road shall intersect any other road at an angle less than 80 degrees.~~

~~b. Road offsets. Where there is an offset in the alignment of a road across an intersection, the offset of the centerline shall be not less than 200 feet.~~

~~(6) *Cul-de-sacs.* The circular right-of-way radius shall be 66 feet and paved turning circle with the same center point and a radius of 50 feet is required.~~

~~(7) *Temperature and weather restrictions on asphalt paving work.*~~

~~a. No hot mix surfacing work shall be performed on wet surface, or when the temperature is below 45 degrees Fahrenheit in the shade and falling, or when weather conditions are otherwise unfavorable. Unless approved in writing by the county engineer, no surface treatment of a road planned by the owner/developer for acceptance into the county road system shall be begun before March 15 of each year. Unless approved in writing the county engineer, no hot mix surface treatment of a road planned by the owner/developer for acceptance into the county road system shall be done after October 15.~~

~~b. The mixture shall be delivered to the spreader at a temperature between 225 degrees Fahrenheit and 325 degrees Fahrenheit and except for sand asphalt mixture for base course construction, within 30 degrees Fahrenheit of the temperature at the plant.~~

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

Sec. 26-5. Road upgrades.

(a) *Upgrade of existing county roads.*

(1) Roads owned and/or maintained by the county shall be listed on a road maintenance plan maintained by the county road department. Any road not meeting the current standards for public roads as adopted by the county shall be identified. Those roads that do not meet the current county standards and are in the primary development areas identified on the county future land use map shall be placed on the priority upgrade list. A rating system shall be used to prioritize the roads on the priority upgrade list, with those roads receiving the highest score having the highest priority. Until the county future land use map is amended in 2009, primary development areas shall include those areas identified in the comprehensive plan defined as residential areas and transitional growth areas.

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

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

a. Condition and width of driving surface;

b. Existing hazards;

c. Right-of way acquisition; and

d. Current and projected traffic levels.

(4) County roads (whether paved or gravel) that are located outside the primary development areas as identified in the county future land use map may be placed on the priority upgrade list based on the recommendation of the county engineer and the agreement of the council's transportation committee.

(5) The county engineer shall review all roads within the county road system on an annual basis and make recommendations to the county planning commission regarding changes to the priority upgrade list. The planning commission shall review the priority upgrade list on an annual basis and make recommendations to county council for changes to the list. The county engineer shall estimate a projected completion date for all roads on the Priority Upgrade List. The county engineer shall update the projected completion date on an annual basis. The county engineer shall consider available funding sources in making these completion projections.

(6) In the event that a developer/subdivider is required to upgrade a county road in the primary development area, in accordance with section 26-5(b) of this article, the county and the developer/subdivider shall enter into a reimbursement agreement. The reimbursement agreement shall allow the developer/subdivider to receive reimbursement for the total cost of upgrading the road to the minimum county road standard. The cost of upgrading a county road may include the cost of right-of-way acquisition and the moving of existing utilities. The cost of upgrading the road shall not include the upgrade of utilities within the road right-of-way. The source for reimbursement shall be from rollback taxes, if any, and the incremental tax increase of property resulting from New Development accessed by the upgraded road. The reimbursement agreement shall include not more than ten percent of any rollback taxes on the property to be developed and such percentage of said incremental tax increase sufficient to allow the developer/subdivider to receive reimbursement for his/her/its total cost in upgrading the road over a period of time not to exceed ten years from the date that the county approves the final plat and the plat is recorded. Any reimbursement agreement shall only include the county portion of any rollback tax or incremental tax increase.

(7) A developer/subdivider who is planning a development that will impact a county road in such a way that the road classification will change, and said road is already scheduled to be upgraded by the county within the next five years, according to the Priority Upgrade List, may be assigned a higher priority on the Priority Upgrade List by agreeing to allocate ten percent of the proposed development for affordable housing or provide the same amount of affordable housing in another location in the county. Affordable housing provided in this section shall be of the same type of construction (ex. stick built, modular, etc.) as the new development.

(b) *Impact on existing roads system.* In order for the county to approve a subdivision site plan, a subdivision plat or a building permit for a subdivision project, the county road or network of county roads that serve said proposed development must be adequate to accommodate any increase in traffic resulting from said proposed development. For all developments consisting of more than ten dwelling units, the developer/subdivider shall submit a traffic impact/road capacity study demonstrating the impact of traffic upon any county road servicing the subdivision, either directly or indirectly. The extent of the study shall be determined by the county engineer on a case by case basis. The traffic impact/road capacity study shall be reviewed by the county planning director and the county engineer. In the event that the county planning director and the county engineer determine that the subdivision will increase the average daily traffic (ADT) on a county road to the extent that said road will need to be upgraded to safely accommodate the increase in traffic, improvements to the road must be made in accordance with the road classification set forth in the definitions section of the land development and subdivision regulations ordinance (Ordinance 2008-20 [as codfied in chapter 32, article VI, §§ 32-211—32-226]). The developer/subdivider shall be responsible for all costs (including right-of-way acquisition) necessary to upgrade the road.

(c) *Criteria for road improvement projects.*

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

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

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

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

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

(d) *Scoring gravel roads.*

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

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

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

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

(4) For example, if traffic counts were measured to be 480 ADT; and the slope exceeded 12 percent, it was 20 feet, and had no cul-de-sac the score would equal 480 + 60 = 540.

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

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

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

(1) No road shall be accepted by the county for maintenance and incorporated within the county road system unless the same be shown and delineated upon a plat of survey duly recorded in the office of the county Register of Deeds.

(2) A construction plan with sufficient detail, including a cross section of the proposed road, shall be submitted to the county engineer prior to commencement of construction. No construction shall commence unless the plan has been approved by the county engineer.

(3) A deed granting a right-of-way as specified in this article shall be tendered to the county by the property owner/developer before a road shall be accepted into the county road system. Upon acceptance of such deed or right-of-way by the county, the owner/developer shall be notified in writing of the fact of such acceptance, and the same writing shall constitute an agreement on the part of the county to maintain and incorporate the said road into its system. The county administrator shall accept or deny the proffered deed or right-of-way for the county upon receipt of certification by the county engineer that said road has been constructed in accordance with the regulations set forth in this article.

(4) Prior to acceptance by the county for maintenance and incorporation within the county road system, all roads shall meet all road construction standards set forth in this article.

~~(5~~(5) The road design shall not result in a lot density below the minimum density requirement.

(6) No road shall be accepted into the county road system until the surface is treated in a manner and using such materials as approved by the county engineer. The county engineer shall furnish specification requirements upon request. The county engineer shall be notified by the developer/owner prior to the commencement of any construction, and shall be given periodic progress reports and periodic inspection reports as specified by the county engineer. Such progress and inspection reports are to include notification of the ending and planned commencement of construction intervals or phases. The county engineer shall certify in writing to county council that the road to be accepted into the county road system has been constructed in accordance with the regulations set forth in this article. A copy of the certification shall be sent to the county administrator.

(~~6~~7) The county may accept a road as a county road through the creation of a special tax district, a legislatively created administration division of the county whereby resident freeholders fund, through the collection of uniform fees included on the annual property tax bill, upgrades to existing private roads in order for such roads to meet the standards of and for the purpose of acceptance into the county road system.

(~~7~~8) No expenditures of any public funds shall be made on any road or right-of-way, which has not been accepted as a county road.

(~~8~~9) The roadway must connect to at least one federal, state, county, or municipal roadway.

(~~9~~10) The county administrator is hereby authorized to accept roads and rights-of-way on behalf of county.

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

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

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

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

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

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

(c) *Drainage.*

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

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

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

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

(d) *Damages.*

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

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

(e) *Encroachment.*

(1) All persons desiring to excavate within, encroach upon, or in any way alter a county maintained road and/or right-of-way, shall notify the county engineer and submit to the county road department an application for an encroachment permit, together with the required fees and security as determined and established periodically by county council. Notice will be given by the applicant to the county at least 48 hours prior to initiating such work, and only after receiving an approved permit from the county. A schedule of required fees and securities shall be available for review from the county road department. No person may excavate within, encroach upon, or in any way alter a county maintained road or right-of-way without the written approval, in advance, by approved permit, of the county engineer. In determining whether to approve any such request, and issue a permit, the county engineer will consider all factors, including the needs of the applicant, as well as the needs of the county, including, without limitation, good engineering standards, the need to maintain county rights-of-way and keep them open, the convenience of the traveling public, the applicant's compliance with previous permits, including temporary permits, and policies of the county, and other similar professional considerations, including, without limitation, the provisions of the encroachment permit policy (encroachment permit policy) which is maintained by the Oconee County Road and Bridges Department and approved by county council from time to time and is included herein by reference. The county engineer may impose restrictions on any granted approval and permit under this section, consistent with such professional considerations; including, without limitation, up to and including temporary suspension or permanent revocation of such permit, for failure to comply with the permit terms or these policies. Any appeal from any decision of the county engineer under this section will be treated as a request for a variance from road standards and handled in accordance with the procedures of section 26-8 of this Code.

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

(2) Upon completing the permitted activity, the applicant shall restore the county maintained road and/or right-of-way to its original condition (except for any permanent alteration approved by county permit, and through a county-granted right-of-way or easement), insuring that all repairs conform to the

requirements contained in the SCDOT standard specifications for highway construction and the encroachment permit policy. Eighteen months after the permitted activity is satisfactorily completed, the security shall be returned to the applicant provided the county engineer, upon final inspection, approves the repair. If the county engineer deems the repair to be unacceptable, the security shall be retained by the county and used to properly repair and restore the road and/or right-of-way to its original condition. Once the road and/or right-of-way has been properly repaired, any excess security will be returned to the applicant, it being understood that, in one form or another, all costs of encroachment upon, or any alteration of a county maintained road or right-of-way shall be borne by the applicant.

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

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

(f) *Road safety.*

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

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

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

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

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

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

(2) At the completion of rough grading;

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

(4) At the completion of subgrade;

(5) After installation and compaction of base course;

(6) During all pavement applications; and

(7) At final acceptance inspection.

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

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

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

Sec. 26-8. ~~Variance from road standards~~Reserved.

~~(a) Any variance from these road standards shall be consistent with the intent of this article, and shall be approved in writing by the board of zoning appeals. Any person or entity requesting a variance from road standards shall submit a written request for a variance to the planning director of the county. A variance can only be granted for actions to take place in the future. No variance may be granted for past actions.~~

~~(b) Prior to scheduling a variance hearing before the board of zoning appeals, the person or entity requesting said variance shall work with the county planning department and the county road department in an effort to eliminate or minimize the need for a variance. After reasonable efforts and no other solution can be reached, a hearing shall be scheduled before the board of zoning appeals. The county staff shall submit written reports to the board of zoning appeals setting forth the county regulation in question, the efforts made to remedy the situation, and a recommendation setting forth the county's position regarding the variance. These written reports shall be submitted to the person or entity requesting the variance at least five days before the variance hearing.~~

~~(c) Notice of the variance hearing shall be provided by first-class mail to the person or entity requesting the variance at least 15 days prior to the hearing. Notice of the hearing shall also be published in a newspaper of general circulation in the county at least 15 days before the hearing.~~

~~(d) Any party may be represented by counsel. Any person or entity that would be directly impacted by the granting or denial of the variance may participate as a party in the hearing, provided notice of intent is submitted in writing to planning department at least seven days prior to the hearing. The planning department shall immediately notify all other parties of the new party's participation. The county may support or oppose the variance request or be neutral.~~

~~(e) The board shall make the initial determination concerning the variance request and may consider any and all evidence it deems relevant concerning the variance issue. The paramount issue for all variance requests shall be the reasonable safety of the road under the proposed circumstances. If the board concludes that a safe road can be constructed without strict application of the regulations set forth in this article or other county ordinances and policies, the board may then consider issues such as the cost of right-of-way acquisition, placement of utilities, and unusual circumstances in determining whether to grant a variance. The board should use reasonable discretion in its decision making.~~

~~(f) A person or entity whose request for a variance has been denied by the board may appeal the board's decision to the transportation committee of the county council.~~

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

Sec. 26-9. Road closure and abandonment.

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

(b) Following the investigation referred to in paragraph 1, supra, county staff will make a recommendation to the Transportation Committee of Oconee County Council, which, in turn, will make a recommendation to Oconee County Council as to whether the request for abandonment and closure should be honored or not, and provide the results of the staff investigation to county council for its use and final determination whether the county will consent to such abandonment and closure. Included with the recommendation will be any public comments received and the recommendation(s) of county staff and the transportation committee.

(c) County council shall then, in public meeting, make a determination as to whether the request for abandonment and closure should be consented to by the County, acting by and through county council, and shall signify its decision by motion, if such decision be negative, and shall signify its decision by resolution of county council, if such decision be positive.

(d) If county council consents to the abandonment and closure of a county public road, as addressed herein, the resolution of county council consenting to such abandonment and closure shall state, with particularity, the road, or section thereof, to be closed; the basis for county council's decision to consent to the abandonment and closure of the road; and the absolute requirement that, prior to the road, or portion thereof, in question being closed, the primary private party(ies) in interest (unless the county, itself, is the party requesting the road closure, in which case the county will be the primary party in interest to comply with this section) shall fully comply with all applicable law, including, without limitation, S.C. Code 1976, § 57-9-10, as amended, and shall provide all required notice and service of process. Only upon the meeting of such conditions and the fulfillment of such procedures will the county council consent to such abandonment and closure be considered final, and that shall be stated in such resolution.

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

Sec. 26-10. Legal provisions.

(a) These regulations expressed in this article shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

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

or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

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

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

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

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

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

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

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

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

(3) There exist many roadways which were formerly maintained by the county, upon which maintenance is no longer required by reason of disuse or which were maintained by the county under circumstances

possibly contrary to the statutory law of this state, none of which have ever been accepted by the county as county roads or designated as such in accordance with then-current county policies.

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

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

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

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

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

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

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

In the event a county municipality's boundaries are expanded, through annexation or other such action, and such expanded boundaries then encompass or include any part of a road that has previously been maintained by the county and incorporated as a county road into the county road system, as evidenced by such road's inclusion in the county map, the municipality whose expanded boundaries then encompass such road portion shall be solely and exclusively responsible for all maintenance, of whatever kind, of such road portion in accordance with Section 5-27-110 et seq., of the Code of Laws of South Carolina, 1976, as amended. Such road portion, only (not the

remainder of the road which is not annexed), shall be removed from the county road system and the county map, in accordance with the guidelines and procedures set forth in this chapter, and such road portion shall henceforth be a road of that municipality and shall no longer be a county road.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The county engineer shall review the petition and provide a "staff report" determining whether the petition is complete.

(3) Complete petitions, along with the staff report, shall be submitted to the transportation committee of the county council, which in turn will provide the staff report to the county council, making a recommendation as to whether the petition for acceptance into the program should be accepted or not. Included with the recommendation will be any public comments received. The county council shall

then, in public meeting, make a determination as to whether the petition for acceptance into the program should be approved by the county or not. If the county council approves the petition, it shall signify so by resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) *Miscellaneous.*

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

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

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

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

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

(Ord. No. 2016-16, §§ 1—7, 6-7-2016)

Secs. 26-13—26-100. Reserved.

ARTICLE II. ROAD NAMING AND ADDRESSING

Sec. 26-101. Name.

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

(Ord. No. 2007-10, § 1, 7-17-2007)

Sec. 26-102. Purpose and intent.

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

(Ord. No. 2007-10, § 2, 7-17-2007)

Sec. 26-103. Authority.

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

(Ord. No. 2007-10, § 3, 7-17-2007)

Sec. 26-104. Jurisdiction.

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

(Ord. No. 2007-10, § 4, 7-17-2007)

Sec. 26-105. Finding of facts.

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

(Ord. No. 2007-10, § 6, 7-17-2007)

Sec. 26-106. Road naming.

(a) The county planning commission shall approve and authorize road names pursuant to S.C. Code 1976 § 6-29-1200 and § 23-47-60. To this end, the planning commission may establish policies and procedures as necessary to enable staff to carry out this directive in the most efficient and equitable manner possible.

(b) All policies and procedures governing road naming shall be contained in a public document entitled, "Oconee County Road Naming and Addressing Policies", which may be amended by the county planning commission from time to time as necessary.

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

(d) Appropriate fees may be established by resolution of county council from time to time to cover costs related to road naming.

(Ord. No. 2007-10, § 6, 7-17-2007)

Sec. 26-107. Road signage.

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

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

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

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

(e) Property owners' associations ("POAs") and homeowners' associations ("HOAs") which are properly organized as legal entities and insured to the satisfaction of county council, and which satisfactorily demonstrate to county council the financial ability to do so, may request the county, acting by and through the county council, to enter into a legally binding agreement with such POA/HOA authorizing the POA/HOA to maintain road signage within its respective community, subject to: agreeing to indemnify the county and hold the county harmless as to all harm, damages, or liability which might occur because of the POA/HOA's maintenance of such signage; compliance with subsection 26-107(a) hereof; complete payment by the POA/HOA of all costs of any type associated with maintaining such signage; and maintenance by the POA/HOA of adequate insurance, naming the county as an additional insured, to fulfill its obligations hereunder and thereunder. If the POA/HOA meets all conditions of this subsection, it may utilize signage of its own design and choosing, consistent with county roads and bridges department policies as to sign background color, lettering style, and inclusion of road number designation on street name signage, to the satisfaction of county council, in that respective community.

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

Sec. 26-108. Addressing and numbering.

(a) A uniform system of assigning address numbers for properties, principal buildings, and other structures shall be implemented in conformance to S.C. Code 1976 § 23-47-60.

(b) All addresses assigned after the adoption of these standards shall be unique within the jurisdiction of these regulations, and comply with the standards put forth in the "Oconee County's Road Naming and Addressing Policy."

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

(d) Written notification of assigned addresses shall be provided to the owner, occupant, or agent of each building in all instances of new or changed addresses.

(e) Assigned addresses shall be displayed in such a manner as to meet all applicable state and local standards.

(Ord. No. 2007-10, § 8, 7-17-2007)

Sec. 26-109. Appeals.

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

(Ord. No. 2007-10, § 9, 7-17-2007)

Sec. 26-110. Administration and implementation.

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

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

(Ord. No. 2007-10, § 10, 7-17-2007)

Sec. 26-111. Enforcement.

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

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

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

(Ord. No. 2007-10, § 11, 7-17-2007)

Sec. 26-112. Violations and penalties.

(a) *Failure obtain or to post addresses.* Failure by an owner, agent, or responsible party to obtain an appropriate E-911 address, or to knowingly place an incorrect address in such a manner other than is provided for by this article, shall constitute a violation of this article. The owner, agent, or responsible party shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than $50.00 dollars or imprisoned for a term not to exceed 30 days. Each day that the said violation continues to exist, shall constitute a separate offense.

(b) *Tampering with street signs, posting illegal street.* Removing or defacing a street name sign in any manner, placing a street name sign in any location not approved for such by the county roads department, or being found in possession of a stolen street sign shall constitute a violation of this article. Any person found in violation shall pay all cost associated with the replacement or repair of the signs, and shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than $250.00 dollars per offense or imprisoned for a term not to exceed the authority of the magistrate's courts.

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

(Ord. No. 2007-10, § 12, 7-17-2007)

Secs. 26-113—26-150. Reserved.

ARTICLE III. A PROGRAM TO DESIGNATE OCONEE COUNTY'S SCENIC HIGHWAYS; ESTABLISHED[3]

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.

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

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 shall be submitted in writing to the planning department by a sponsoring organization (see section 25-154(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 person designated by the submitting group as the primary contact for purposes of the designation process and subsequent regulatory and related activities if the proposed highway receives the scenic designation.

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

(c) Upon receipt of an application for the designation of a highway as a scenic highway, the planning director, or their designee, shall forward the application to the staff liaison for the planning commission, who shall then place review of the application on the next appropriate planning commission agenda 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 and noting that consideration of an application for designation of 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) 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) 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) It shall be unlawful for any person other than the owner, owner's agent, or other individual with the full knowledge and consent of the owner of a property situated along the right-of-way of a designated and properly identified scenic highway to dig, pull up, gather, remove, cut, maim, break, or injure in any way a public or private property, to include any injury done by fires intentionally set, and to include any injury done to any wild, cultivated, or ornamental plants, shrubs, and trees. These provisions shall not apply where the acts hereby prohibited are done by or under the instructions of county or state authorities lawfully in charge of such public roads, highways or lands, or by a utility in the lawful pursuit of installation or maintenance of their facilities. Violation of this provision of this article shall be punishable by a fine not to exceed $500.00.

(b) The sponsoring organization or 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) 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) 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 this issue 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 UNIFIED PERFORMANCE STANDARDS[1]

ARTICLE I. IN GENERAL

Sec. 32-1. Authority of chapter provisions.

These performance standards and land development regulations are adopted under authority granted by S.C. Code 1976, § 6-29-310 et seq., otherwise known as the Comprehensive Planning Enabling Act of 1994.

(Ord. No. 1999-14, § 1.1, 4-4-2000)

Sec. 32-2. Jurisdiction and purpose of chapter.

The regulations of this chapter shall apply to new development and to specified uses of land within the unincorporated areas of the county as now or hereafter established, and to municipalities within the county that have adopted the provisions of this chapter and have contracted with the county for the enforcement thereof. The purpose of this chapter is to establish regulations and standards that specify a minimum requirement or maximum limit on the impact of certain land uses and development. The standards of this chapter are based upon consideration of the impact upon adjacent land, residents and the general health, safety, and welfare of the county as a whole.

(Ord. No. 1999-14, § 1.2, 4-4-2000)

Sec. 32-3. Existing regulations and standards; conflicts.

This chapter shall complement existing regulations addressing road standards, manufactured housing, and other design and safety regulations until such time as this chapter is amended to include specific provision for those aspects of development and land use. In the case of any conflict between the performance standards set forth herein and any other rules and regulations, the more restrictive shall apply.

(Ord. No. 1999-14, § 1.4, 4-4-2000)

Sec. 32-4. County planning commission.

(a) *Authority to establish.* The county planning commission (referred to as the "planning commission") is established pursuant to S.C. Code 1976, § 6-29-310 et seq.

[1]Cross reference(s)—Any ordinance or resolution regarding a comprehensive plan, land use, unified development, zoning or subdivisions saved from repeal, § 1-10(10); buildings and building regulations, ch. 6; environment, ch. 12; floods, ch. 16; planning and development, ch. 24.

State law reference(s)—Authority of county to provide for land use regulations, S.C. Code 1976, § 4-9-30(9); S.C. Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq.

(b) *Functions, powers and duties.* It is the function and duty of the county planning commission to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the county. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of the county. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The county planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of the county to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of the county.

In the discharge of its responsibilities, the county planning commission has the power and duty to:

(1) Prepare and revise periodically plans and programs for the development and redevelopment of the county as provided in S.C. Code 1976, § 6-29-310 et seq.; and

(2) Prepare and recommend for adoption to the county council as a means for implementing the plans and programs:

a. Performance (performance zoning) standards and zoning ordinances to include zoning district maps and appropriate revisions thereof;

b. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted;

c. An official map and appropriate revisions on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces;

d. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;

e. A capital improvements program setting forth capital projects (as such term is defined in chapter 2, article IV, division 8, section 2-392 of this Code of Ordinances) required to implement or in conformity with plans which have been prepared and adopted, including an annual listing of priority capital projects for consideration by county council prior to preparation of its capital budget;

f. Policies or procedures to facilitate implementation of planning elements; and

Appeals regarding alleged errors by the planning director concerning a decision on a land development plan or subdivision may be heard by the planning commission. The planning commission shall act on the appeal within 60 days and the action of the planning commission is final. An appeal from the decision of the planning commission may be taken to circuit court within 30 days after actual notice.

(3) Coordinate with, and receive scored proposals for capital projects from, the Oconee County Capital Projects Advisory Committee pursuant to chapter 2, article IV, division 8 of this Code of Ordinances.

(c) *Membership.*

(1) The membership of the county planning commission shall be seven in number, selected and appointed by a majority vote of the membership of the county council voting in any meeting of county council, duly assembled, with one member being selected from each of the five county council districts in existence and as delineated at the time of the adoption of this section, nominated by the respective member of county council from each district, together with two members appointed by county council from the county at-large. County council may receive recommendations for the two at-large seats from the county planning commission, the county soil and water conservation district commission, the county school board, and any other interested organization or agency, and county council welcomes any such recommendations; however, county council is not required to wait on such recommendation(s) before county council selects and appoints one or both at-large members, nor is county council obligated to select and appoint any person recommended. Nothwithstanding any other provision hereof, the complete selection and appointing authority for the entire county planning commission, including, without limitation, the at-large members, rests with county council, and the ultimate decision of whom to select and appoint for any of the membership positions is that of county council, by a majority vote of the membership of the county council voting in any meeting of county council, duly assembled, with or without any recommendation.

(2) If after an appointment of a member to represent a particular council district of the county to the planning commission, such district is altered, then such commission member shall continue to serve thereon for the remainder of the term to which said member is appointed, regardless of his/her place of residence within the county.

(3) In the event the county is further divided into additional county council districts, additional appointments of members to the commission to represent the newly created district(s) may be made by county council through amendment of this section.

(4) Should any member of this commission move and establish residence outside of the county or the district where such member was residing at the time of the appointment to this commission, such move shall constitute a resignation by the member, and a replacement member shall be appointed to fill the unexpired term of such resigned member, in the same manner as the original appointment.

(5) No member of the planning commission may hold an elected public office within the boundaries of the county.

(d) *Terms of members.*

(1) The length of the regular term served by each member shall be four (4) years, beginning on January 1 of the year of appointment.

(2) For the purposes of implementing the standards of this section, and thereby returning the reappointment/replacement schedule of the membership of the commission to staggered lengths in as fair and equitable manner as possible, the following shall apply:

a. All members appointed by county council district shall serve for the same term as the length of the remaining term of the council member who appointed them, after which the term of such district members shall be equal to and coincidental with the term of the council member appointing or reappointing them, with all terms or parts thereof starting as of January 1 of the year of appointment or reappointment.

b. The first at-large member appointed by county council after adoption of the restatement of this section shall serve for four years and the second such at-large member shall serve for two years, after which the term of each such at-large member shall be four years following appointment/reappointment, with all terms or parts thereof starting as of January 1 of the year of appointment or reappointment.

(3) In the event the regular term of a member in good standing expires prior to reappointment or replacement by county council, said member shall continue to serve until his/her replacement is appointed and qualified. The date of reappointment or replacement, however, in no way alters the scheduled length of the term.

(e) *Removal of members.* Members of the county planning commission may be removed at any time by a majority vote of the county council, for cause (defined herein as dereliction of duty, as duties are defined herein, conviction of any felony or any crime of moral turpitude, or violation of the South Carolina Ethics Act, all as determined by county council). If, or in the event, any member of the commission shall fail to attend 50 percent or more of the regularly scheduled meetings of the commission within any period of 12 calendar months without excuse of the commission chairman, such member may be replaced without notice by action of the county council.

(f) *Organization, meetings, procedural rules, records, and purchases.* The county planning commission shall organize itself, electing one of its members as chairman and one as vice-chairman, whose terms must each be for one-year. The chairman and vice-chairman shall have the right to vote. The commission shall appoint a secretary, who may be a member or an employee of the county council or of the commission. If the secretary is a member of the commission, he/she shall also have the right to vote. The commission shall meet at the call of the chairman, and at such times as the chairman or commission may determine. Vacancies in such offices by reason of death, resignation or replacement shall be filled for the unexpired term of the officer whose position becomes vacant, in the same manner as the original election or appointment.

The commission shall adopt rules of organizational procedure, and maintain a record of its resolutions, findings, determinations, recommendations, and other actions as required by state and federal requirements.

Typical operational expenses of the commission shall be provided for in the budget of the planning department; however, the commission may from time to time employ or contract for professional services with funds appropriated by county council.

(g) *Powers and duties.* The county planning commission shall have those powers and duties provided for in Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended, to be exercised with respect to the total unincorporated area of Oconee County, South Carolina, and to include the function to undertake a continuing planning program for the physical, social, and economic growth and development, and redevelopment, throughout its area of responsibility. The commission shall, within the bounds of standards established in state law, draft and periodically review a comprehensive plan for the county, which shall be the basis for a planning process consisting of those elements considered critical, necessary, and desirable to guide the development and redevelopment for the county. It shall also be the duty of the planning commission to provide advice to the county council on any and all matters related to growth and development within the unincorporated areas of the county.

(h) *Salaries and funding.* Each member of the county planning commission shall be paid the sum of $25.00 per meeting of the commission attended, or as county council shall subsequently direct by ordinance or resolution. Additionally, members shall be compensated at the same rate, and in the same manner, as county employees for expenses incurred as a result of attending schools, seminars, meetings, and other normal activities associated with membership, provided said trips and activities are approved in advance by the chairman of county council.

(Ord. No. 1999-14, § 1.4, 4-4-2000; Ord. No. 2009-10, § 1, 5-19-2009; Ord. No. 2010-14, §§ 2(Exh. B), 3(Exh. C), 8-17-2010; Ord. No. 2011-06, § 2, 3-15-2011)

Cross reference(s)—Boards, commissions and committees, § 2-241 et seq.

Sec. 32-5. Zoning board of appeals.

(a) *Authority to establish.* The county zoning board of appeals shall be established and shall be referred to as "the board," as defined in S.C. Code 1976, § 6-29-780 et seq.

(b) *Membership.* The board shall consist of seven members, a majority of which shall constitute a quorum. Members shall be appointed by the county council, and shall serve overlapping terms of three years, except that original appointees shall serve for staggered terms. Members whose terms have expired shall continue serving until a successor has been appointed by the county council. Members may serve an unlimited number of consecutive terms. A vacancy in membership shall be filled for the unexpired term in the same manner in which the original appointment was made. The county council shall have the authority to remove any member of the board for cause or for violating any of the bylaws, as adopted by the board. The county council shall have the authority to approve a budget for the board and to appropriate funds for the board's activities. Members shall serve without compensation, unless authorized by the county council. No board member shall hold any other public office or position in the county or a municipality in the county.

(c) *Initial appointments.* Upon concluding the appointment of the initial seven members of the board, members shall determine terms through a random drawing, with two members to have a term of one year, two members to have a term of two years, and three members to have a term of three years.

(d) *Organization.* The board shall elect one of its members as chair, who shall serve for one year or until reelected or until a successor is elected and qualified. The board shall appoint a secretary who may be an employee of the county or who may be a member of the board. The board shall adopt rules of procedures to be contained in bylaws. Meetings shall be held at the call of the chair. Public notice of meetings shall be provided by publication in a newspaper of general circulation in the county. The chair may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each question.

(e) *Public meetings and public records.* All meetings of the board shall be open to the public, unless an executive session is declared to receive advice from legal counsel. All meeting minutes shall be public records and shall be available for inspection at the office of the designated administration official during regular office hours of the county government.

State law reference(s)—Similar provisions, S.C. Code 1976, §§ 6-29-780, 6-29-790.

(f) *Powers; variances; special exceptions.*

(1) The board of appeals has the following powers:

a. Appeals: to hear and decide appeals (excepting actions involving the subdivision of land) where it is alleged that there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the performance standards ordinance;

b. Special exception: to permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the performance standards ordinance;

c. Variance: to hear and decide requests for variance from the requirements of the performance standards ordinance when strict application of the provisions of such ordinance would result in unnecessary hardship.

(2) *General criteria for granting a special exception.* The board shall 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 shall among other things require that any proposed use and location be:

a. In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter;

b. In the best interests of the county, the convenience of the community and the public welfare;

c. 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;

d. Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazard;

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 may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will secure substantially the objectives in this chapter.

(3) *General criteria for granting a variance.* A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

b. These conditions do not generally apply to other property in the vicinity.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

1. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted or to extend physically a nonconforming use of land. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

2. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

(Ord. No. 1999-14, § 1.5, 4-4-2000)

Cross reference(s)—Boards, commissions and committees, § 2-241 et seq.

State law reference(s)—Similar provisions, S.C. Code 1976, § 6-29-800.

Sec. 32-6. Appeals; generally.

(a) *Time limit for appeals.* Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the county. The appeal must be taken within a reasonable time, by filing with the planning director and with the board of appeals notice of appeal specifying the grounds of it. The appeals must be taken within 30 days from the date the appealing party has received actual notice of the action from which the appeal is taken. The planning director shall immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(b) *Appeal stays action.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to

life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(c) *Hearing; advertisement.* The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 days' public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

(d) *Authority to reverse, affirm, modify decisions.* In exercising such power, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board in the execution of the duties specified in this chapter may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

(e) *Decisions to be put in writing.* All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.

(f) *Appeals from decisions of the board.* Any person who may have a substantial interest in any decision of the board may appeal from any decision of the board to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the board is rendered.

(g) *Fees may be charged to offset the cost of the appeals process.* Reasonable fees may be established by the county council to cover the costs of administering the appeals process. Fees shall be established by resolution by the county council and may be adjusted by subsequent resolution.

(Ord. No. 1999-14, § 1.6, 4-4-2000)

State law reference(s)—Similar provisions, S.C. Code 1976, §§ 6-29-820, 6-29-830.

Sec. 32-7. Administration of the performance standards and land use regulations.

The county planning director is designated by the county council as the zoning administrator to administer the performance standards and land development regulations. The county council shall employ such staff as necessary to assist the planning director in his duties.

(Ord. No. 1999-14, § 1.7, 4-4-2000)

Secs. 32-8—32-40. Reserved.

ARTICLE II. SEXUALLY ORIENTED BUSINESSES[2]

[2]Editor's note(s)—Ord. No. 2015-05, § 1(Att. A), adopted Apr. 5, 2016, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 32-41—32-58, pertained to similar subject matter, and derived from Ord. No. 1999-14, §§ 2.1, 2.2, 2.5—2.11, 2.13—2.25, 2.29, adopted Apr. 4, 2000.

Cross reference(s)—Sexually oriented businesses, § 8-31 et seq.

State law reference(s)—Massage/Bodywork Practice Act, S.C. Code 1976, § 40-30-10 et seq.

Sec. 32-41. Purpose and intent of article.

It is the purpose of this article to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the deleterious locating and concentration of sexually oriented businesses within the county. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented material. Similarly, it is not the intent or effect of this article to restrict or deny access by adults to sexually oriented materials or expressions that are protected by the First Amendment to the Constitution of the United States of America, or to deny access by the distributor and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this article to condone or legitimize any act which is otherwise prohibited and punishable by law.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016)

Sec. 32-42. Findings of fact.

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

(b) Sexually oriented businesses generate secondary effects which are detrimental to the public health, safety, and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution, and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to residences, schools, churches, parks, or playgrounds.

(c) The concern over sexually transmitted diseases is an additional legitimate concern for the county, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well being of citizens.

(d) Live entertainment at sexually oriented businesses sometimes involves a considerable amount of bodily contact between patrons and seminude or nude employees and dancers, including physical contact such as hugging, kissing, and sexual fondling of employees or patrons. Many sexually oriented businesses have "couch" or "straddle" dancing, in which employees do such things as sit in a patron's lap, place their sexual organs against a patron while physical contact is maintained, or gyrate in a manner so as to simulate sexual intercourse. Such activity can be defined as obscene and illegal in accordance with S.C. Code 1976, § 16-15-10 et seq. Such behavior can also lead to prostitution and the spread of sexually transmitted diseases. The planning commission and county council of the county recognizes that the prevention of these and similar activities that pose a threat to the health, safety, and general welfare of the citizens of the county is clearly within the police powers of the county. Further, the planning commission and county council of the county believes that prohibiting contact between performers and patrons at sexually oriented business establishments is a reasonable and effective means of addressing these legitimate governmental interests. Also, the planning commission and county council of the county recognize that regulating the location of sexually oriented businesses is an additional reasonable and effective means of addressing secondary effects associated with these activities.

(e) The establishment of a permit process is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations to facilitate the enforcement of legitimate distancing requirements, and to ensure that operators do not allow their establishments to be used as places of illegal activities or solicitation.

(f) The location of sexually oriented businesses close to residential areas, schools, churches, parks, or playgrounds leads to the decline in the general welfare of the area, leads to conditions that give rise to crime, and places children in a position such that they are endangered by secondary effects of these activities.

(g) It is not the intent of this article to suppress speech activities protected by the First Amendment of the Constitution of the United States of America or to place any permissible burden on any constitutionally protected expression or expressive conduct by the enactment of this article. Rather, it is the intent of the county to enact a content neutral regulation that addresses the threats to the public health, safety, and general welfare that are produced by sexually oriented businesses.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016)

Sec. 32-43. Enforcement of article provisions.

(a) *Penalty; injunction.* A person who is found by a court of law to have operated or have caused to be operated a sexually oriented business without a permit or in any other manner that is in violation of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Such violations shall be punishable in accordance with section 1-7. Each day a person operates or causes to be operated a sexually oriented business in a manner that is in violation of this article shall constitute a separate offense.

(b) *Article regulations in addition to other valid law.* The regulations included in this article are in addition to any other valid laws or regulations of the United States of America, the state or the county. Nothing in this article is intended to or shall be interpreted as invalidating any other laws or regulations. Any penalties imposed by a court of law for the violation of this article shall not interfere with any separate criminal prosecution or penalty levied for any other criminal act.

(c) *Seeking of relief not limited.* Nothing in this article is intended to or shall be interpreted as limiting the rights of the county, any citizen, or any entity from seeking any relief from any cause for action as proscribed by state law.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016)

Sec. 32-44. 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:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated or electronically, or mechanically-controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to one or more persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult bookstore, adult retail store or *adult video store* means a commercial establishment which excludes any person by virtue of age from all or part of the premises generally held open to the public where products or equipment distinguished or characterized by a predominant emphasis or simulation of "specified sexual activities" or "specified anatomical areas" are sold, rented, or displayed therein, or which has as one of its principal business purposes, the sale or rental for any form, for consideration, one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."

(2) Instruments, devices, paraphernalia or clothing which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental the specified materials which describe "specified sexual activities or "specified anatomical areas."

(3) Adult bookstore, adult retail store, or adult video store does not mean any establishment which displays, rents or sells sexually-explicit materials in an enclosed room equal to less than ten percent of the business' total square footage, and which prohibits anyone under 18 years of age from entering the room.

(4) Principal business purpose, as used in this section, means that more than 25 percent of the "stock in trade" of the business is devoted to the display, rent, or sale of items, products, or equipment distinguished or characterized by a predominant emphasis on, or simulation of, "specified sexual activities" or "specified anatomical areas."

(5) Stock in trade for purposes of this subsection shall mean the greater of:

a. The retail dollar value of all items, products or equipment readily available for purpose, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or

b. The total volume of shelf space and display area.

Adult cabaret means a nightclub, bar, restaurant or similar commercial eating or drinking establishment, which regularly features:

(1) Persons who appear in a state of nudity.

(2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(3) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified anatomical areas."

Adult car wash means a car wash where some or all of the employees are seminude or nude and/or where "specified sexual activities" or "specified anatomical areas" are exhibited.

Adult motel means a hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which may have a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions;

(2) Routinely offers a sleeping room for rent for a period of time that is less than eight hours;

(3) Routinely allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than eight hours; or

(4) Evidence that a sleeping room in hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than eight hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this section.

Adult motion picture theater means a commercial motion picture theater, one of whose primary business purpose is, for any form of consideration, to regularly show films, motion pictures, videocassettes, slides or similar

photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult theater means a commercial theater, concert hall, auditorium, or similar commercial establishment, one of whose primary business purpose is to regularly feature persons who appear in a state of nudity or which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Board means the board of zoning appeals.

Certificate of nonconformity means a certificate issued by the planning department to any sexually oriented business which is operating at the time of the enactment of this chapter, and is not in compliance with one of more of its provisions.

Dancer means an employee of a sexually oriented business that entertains patrons through expressive forms of dance and/or movement.

Designated county employee means the planning director or other employee of the county who is designated by the county administrator for the administration of this article.

Employee means an individual working and performing services for any sexually oriented business, including any independent contractor who provides services on behalf of any sexually oriented business to the patrons of such business.

Established or establishment means any of the following:

(1) The opening or commencement of any sexually oriented business as a new business.

(2) The conversion of an existing building or not a sexually oriented business, to a sexually oriented business.

(3) The addition of any sexually oriented business to any other existing sexually oriented business.

(4) The relocation of any sexually oriented business.

Health club means a health club where some or all of the employees are nude or seminude, or in which "specified sexual activities" occur or "specified anatomical areas" are exhibited.

Licensee means a person in whose name a sexually oriented business regulatory license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a sexually oriented business regulatory license.

Live entertainment means a person who appears nude, seminude, or a performance which is characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

Nude model studio means any place where a person appears in a state of nudity or displays "specified anatomical areas" and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration.

Nude, nudity, or state of nudity means:

(1) The appearance of a bare human buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or

(2) A state of dress which fails to cover a human buttock, anus, male genitals, female genitals, pubic region, or areola or nipple of the female breast.

Operate or *cause to be operated* means to cause to function or to put or keep in operation.

Operator means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business, or who causes to function or who puts or keeps in operation the

business. A person may be found to be operating or causing to operate a sexually oriented business whether or not the person is an owner, part owner, or licensee of the business.

Patron means any persons who pays a sexually oriented business any form of consideration for services provided to him by the sexually oriented business.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Seminude or *seminudity* means a state of dress in which clothing covers no more than the genitals of a man, or the pubic region and areola of the breasts of a woman.

Sexually oriented business means an adult arcade, adult bookstore, adult retail store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, or any other business such as a car wash or a health club, which offers for consideration, materials, or services characterized as depicting "specified sexual activities" or "specified anatomical areas," or whose employees perform services in a state of nudity or seminudity.

Sexually oriented business permit means a special annual operating permit necessary for a sexually oriented business to do business in the unincorporated portions of the county. Such license is in addition to any other regional, state, or county permits. The sexually oriented business regulatory permit also requires the registration of each employee and each employee hired during the operation period authorized by the sexually oriented business regulatory permit.

Specified anatomical areas means the male or female genitals including the vulva or more intimate parts of the female genitals, or bare human buttocks, anus, or the areola or nipple of the female breast.

Specified sexual activities means any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.

(2) Sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy.

(3) Masturbation, actual or simulated.

(4) Excretory functions as a part of or in conjunction with any of the activities set forth in subsections (1)—(3) of this section.

Substantial enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than ten percent as the floor areas exist on the date the original certificate of compliance was obtained.

Transfer of ownership or control of a sexually oriented business means any of the following:

(1) The sale, lease or sublease of the business.

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.

(3) The establishment of a trust, gift, or other similar legal device which transfer the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Viewing room means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, video reproduction, or live production.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

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

Sec. 32-45. Permitting requirements for the establishment of sexually oriented businesses within the unincorporated areas of the county.

(a) *Purpose and intent.* It is the purpose and intent of this section to establish a permit requirement for sexually oriented businesses that will ensure that these businesses are operated in a manner that is in full compliance with all applicable laws of the United States of America, the state, and the county. The purpose is also to ensure that these businesses are operated in a manner that minimizes adverse impacts on the community and that does not pose a threat to the public health, safety, and general welfare. Further, the purpose is to provide the county with a reasonable and legitimate mechanism for enforcing applicable laws.

(b) *Enabling authority.* This section is adopted by the county council in accordance with S.C. Code 1976, § 4-9-30, as an application of the police powers for the purpose of promoting the public health, safety, and welfare.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016)

Sec. 32-46. Enumeration of permit requirements.

(a) Every person or entity engaged or intending to engage in a sexually oriented business, as defined in this article, is required to obtain a sexually oriented business permit (referred to in this article as a permit) from the county before initiating operation of the business. Any person or entity engaging in such business shall have a valid permit in effect at any time in which the business is in operation.

(b) Applications for a permit shall be made to the planning director.

(c) Any person or entity engaged or intending to engage in a sexually oriented business is required to obtain and hold a valid permit during any period of time in which the business is in operation.

(d) An application for a permit shall be made to the planning director on a form provided by the county. If an entity wishing to operate a sexually oriented business is an individual, that individual must sign the permit application. If the entity wishing to operate a sexually oriented business is other than an individual, each individual who has at least ten percent ownership in the business must sign the permit application. If a corporation is listed as the owner of a sexually oriented business, then each individual having at least ten percent ownership interest in the corporation must sign the permit application. Permit applications may be submitted during normal business hours of the county government offices. Permit applications are a matter of public record, and may be viewed by any person during normal business hours of the county government offices.

(e) Any applicant for a permit shall be required to provide proof of identification and proof of age.

(f) If one person or entity owns or operates more than one sexually oriented business in the county, that person or entity must obtain and hold a separate permit for each sexually oriented business in operation.

(g) Any application for a permit must be accompanied by a sketch or diagram showing the configuration of the property and premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(h) The fact that a person or entity possesses other types of state or county permits or licenses does not exempt the individual or entity from the permit requirements of this article.

(i) The county council shall have the authority to establish reasonable fees for permits and permit applications. Such fees shall be appropriate to cover costs associated with the administration of this article and for the policing of sexually oriented business establishments. Such fees shall be established by resolution by the county council and may be changed by subsequent resolution.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-47. Issuance of permit.

The planning director shall approve the issuance of a sexually oriented business permit within 30 days after receiving an application, unless he finds one or more of the conditions listed as follows to be present:

(1) The proposed business is in violation of any portion of this article, including, the section concerning location requirements of sexually oriented businesses.

(2) The proposed business is in violation of any article or regulation of the county, any article or regulation of any administrative department, bureau, or governmental entity of the state, or any law or regulation of the United States of America.

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

(4) The applicant has failed to provide information that is reasonably necessary and required on the permit application form for the issuance of a permit, or has falsely answered a question or request for information, as is required on the application form.

(5) The premises to be used for the sexually oriented business is found to be unsafe by the county fire marshal, the county building official, or an appropriate official of the State Department of ~~Health and~~ Environmental ~~Control (DHEC~~Services (SCDES).

(6) To apply if the applicant is an individual, the applicant, or the spouse of the applicant is found to be overdue in payment to the county of taxes, fees, fines, of penalties assessed against the individual, or imposed upon the individual in relation to a sexually oriented business. If the applicant is more than one individual or is a corporation, it is found that any person having at least ten percent ownership in the sexually oriented business, any person having at least ten percent ownership interest in a corporation owning the sexually oriented business, or the spouse of any person having ten percent ownership in the sexually oriented business or corporation owning the sexually oriented business is overdue in payment to the county of taxes, fees, fines, of penalties assessed against the individual, or imposed upon the individual in relation to a sexually oriented business.

(7) The permit fee or permit application fee required by this article and adopted by resolution of the county council has not been paid.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-48. Administration and display of permits.

(a) The permit shall be printed on a form developed by the county. The planning director shall maintain a copy of all permits issued, and shall maintain a record of permit issuances, to include the name of the business, the name of the owner, the date of permit issuance, and the date of permit expiration.

(b) Permits and permit records are a matter of public record, and may be reviewed by any person during normal business hours of the county government offices, except that records or information pertaining to an ongoing investigation of illegal otherwise noncompliant activity of a sexually oriented business, owner or operator of a sexually oriented business, or employee of a sexually oriented business, may be shielded from public review in accordance with state law.

(c) The permit, if granted, shall state on its face the name of the person to whom the permit is issued, the date of issuance, expiration date, and the address of the sexually oriented business. The permit shall be posted at

a conspicuous place at or near the entrance of the sexually oriented business so that it may easily be read at any time.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-49. Inspection.

(a) An applicant or permit holder shall permit representatives of the county sheriff's department, the State Department of ~~Health and~~ Environmental ~~Control~~Services, local fire department, the county administrator's office, the county attorney's office, or the county building official's office to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time the building is occupied and open for business.

(b) All employees, while on duty at a sexually oriented business, must have a valid driver's license or other government issued official identification with picture in their possession and must present that identification to an inspecting official, as identified in subsection (a) of this section, upon demand.

(c) The permit holder (or agent or employee of the permit holder) commits a misdemeanor if it is found by the appropriate court of law that such lawful inspection of the premises is denied for any reason. Such refusal is also grounds for the suspension or revocation of the permit.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016)

Sec. 32-50. Expiration and renewal of permit.

All sexually oriented business permits shall be valid for a period of 12 months. Applications for renewal shall be made planning director. An application for renewal shall be made not more than 45 days before the expiration of a valid permit, nor less than 30 days before the expiration of a valid permit. If an application for permit renewal is not made during this time period, the permit will lapse and an application for a new period shall be required to continue operation of the sexually oriented business. If there is a period in which the existing permit expires before a new permit is issued, the sexually oriented business shall not operate during such period.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-51. Suspension of a permit.

The planning director shall suspend a sexually oriented business permit for a period not to exceed 30 days, if it is determined that a permit holder or employee of a permit holder commits one or more of the acts listed as follows:

(1) Has violated a portion of this article or any other applicable ordinance or regulation of the county, the state, any departments, bureaus, or agencies of the state, or the United States of America.

(2) Has refused to allow the inspection of a sexually oriented business, as authorized by this article.

(3) Has failed to provide identification, as specified in section 32-49(b).

(4) Has failed to register any employee, as specified in this article, or has misrepresented the number of employees of the sexually oriented business.

(5) Has allowed any person under 18 years of age to access the premises.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, 6-4-2019)

Sec. 32-52. Revocation of a permit.

The planning director shall revoke a sexually oriented business permit if a cause for suspension as specified in section 32-51 has occurred at least one time during the preceding 12 months. In addition, planning director shall revoke a sexually oriented business permit if it is determined that any of the acts listed as follows have occurred:

(1) The permit holder or an agent of the permit holder has provided false, incomplete, or misleading information in the material submitted during the application process.

(2) The permit holder, or an agent or employee of the permit holder operated the sexually oriented business during a period of time in which no valid permit was in existence or the permit was suspended.

(3) Any act of obscenity as specified in S.C. Code 1976, § 16-15-305 et seq., has taken place on the premises.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-53. Reissuance of a permit.

If a permit for a sexually oriented business has been revoked, no new permit for that business shall be issued for a period of 12 months from the date of revocation. This prohibition shall cover any business in the same location, any business owned by the owner of the business for which the permit has been revoked, any business owned by any person having at least ten percent ownership of the business for which the permit was revoked, or any business owned by a corporation of which at least ten percent ownership interest is held by a person with at least ten percent ownership interest in a corporation that owned the business for which the permit was revoked. Such prohibition shall also apply to the spouse of any person meeting the criteria listed above. Any permit holder who has had two permits revoked within a period of 36 months, shall be prohibited from being issued a permit for a period of five years. This regulation shall apply to any individual who shall have at least ten percent interest in the ownership of a subject business or who shall have at least ten percent ownership in a corporation which owned a subject business. This prohibition shall also apply to the spouse of any person meeting the criteria listed above.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016)

Sec. 32-54. Appeals of designation as a sexually oriented business; denial of permit; suspension or revocation of permit.

(a) Any aggrieved person or entity may appeal the planning director's designation of a business as a sexually oriented business, the denial of a permit, or the suspension or revocation of a permit to the board (as established in section 32-51 and 32-52 of this chapter). Such appeal must be submitted on a form developed by the county and maintained by the planning director. Any appeal must be submitted by certified or registered mail to the county administrator or designated employee within ten business days after notification has been received by the applicant, person, or entity of the decision that is detrimental to the applicant, person, or entity.

(b) Reasonable fees may be established by the county council to cover the costs of administering the appeals process. Fees shall be established by resolution by the county council and may be adjusted by subsequent resolution.

(c) Before making a determination on an appeal, the board shall conduct a public hearing on the matter. Upon submission of an application for appeal, the chair of the board shall establish the date, time, and location for the public hearing, which shall be within 30 days of the submission of the application for appeal.

(d) Notification of the public hearing must be published in a newspaper of general circulation in the county at least 15 days prior to the public hearing. Notice of the public hearing must also be displayed in the office of the planning director. Further, the applicant for the appeal shall be provided notification of the location, date, and time of the public hearing by registered mail with return receipt, or by hand delivery of an agent of the county who is authorized to deliver legal warrants.

(e) Any person shall have the right to testify at the public hearing. Any person shall have the right to representation by legal counsel. Any person who does testify shall be required to state their legal name and address. The chair of the board may require the presentation of a valid driver's license or other official government issued identification with picture to establish the identity of any person wishing to testify.

(f) As the appeals process is a quasijudicial function, no member of the board shall accept any evidence pertaining to the issue outside of the hearing context, except that the county employee designated for the administration of this article may prefile a report to the board. Such report, if prefiled shall be distributed to board of zoning appeals members at least seven days prior to the hearing. Such report shall also be provided to the applicant for appeal either by certified mail with return receipt or by an agent of the county who is authorized to serve legal warrants. In either case, such report shall be provided to the applicant at least three days prior to the public hearing. Such report shall also be available for public review at the office of the county employee designated for the administration of this article during normal business hours of the county government. In addition, the applicant for appeal may also provide a prefiled report to the board. Such report shall be filed with the employee who is designated to administer this article and must be filed at least seven days prior to the public hearing. Such report shall be distributed to members of the board in an expeditious manner. Further, such report shall be available for public review at the office of the county employee designated for the administration of this article during normal business hours of the county government. If the applicant refuses to sign a certified mail receipt of public hearing notice or of receipt of a prefiled report, or if the applicant cannot reasonably be located at the address provided on the application, the designated county official shall make notice of such event, and it shall not cause the public hearing to be delayed. If any member of the board has reason to believe that he or she has a conflict of interest in voting on the appeal, or if any member has inadvertently received information, evidence, correspondence or testimony regarding the appeal outside of the hearing context, that member shall report the potential conflict, information, evidence, correspondence, or testimony to the county employee designated for the administration of this article. That official shall inform the county attorney of such information. The county attorney shall then provide advice as to whether the board member should participate in the deliberations, participate in the deliberations but make public notification for the record of the information received, or abstain from deliberations.

(g) The decision of the board of zoning appeals shall be made solely on findings of fact and shall be based on state law or ordinances of the county. Official action may be taken only if a quorum (as specified in article I of this chapter) is established. Decisions shall be made by a majority vote of board members present and shall be rendered in a written form within five business days of the public hearing, and shall be available for public review at the office of the county employee who is designated to administer this article, the county council shall have no authority to alter a decision of the county board of zoning appeals. Any decision of the board may be appealed to circuit court within ten days after the decision is rendered and made available for public review.

(h) If a decision by the designated administrative officer to suspend or revoke a permit is appealed, such decision is stayed from the time the appeal is filed until the board of appeals renders its decision. If the board of zoning appeals upholds the order of the administrative officer, then the period of suspension or revocation shall commence upon the date that the decision of the board is rendered.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-55. Transfer of a permit.

A permit holder shall not transfer a permit to another sexually oriented business, nor shall a permit holder operate a sexually oriented business under the authority of a sexually oriented business at any location other than the address designated in the permit. Should a sexually oriented permit change ownership, the permit may not be transferred. A new permit may be applied for in accordance with the application procedure included within this article by the new owner.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016)

Sec. 32-56. Permit requirements of businesses operating at the time this article is adopted.

(a) Any sexually oriented business that is in operation at the time the ordinance from which this article is enacted shall be permitted to remain in operation without a permit for a period not to exceed 120 days.

(b) If the owner of the sexually oriented business desires to operate the business for a period exceeding 120 days, the owner shall obtain a permit in the manner proscribed in section 32-46. In order to ensure that no lapse of time is incurred, a permit application must be submitted within 90 days of the enactment of this article.

(c) Any existing sexually oriented business that is nonconforming to the locational requirements as stated in section 32-57(e), may nonetheless be issued a permit in accordance with the nonconforming use provision of this article.

(d) To provide notification of permit requirements and application procedures, once this article is enacted, the county shall provide advertisement in a newspaper of general circulation in the county. Such advertisement shall be published at least three times at a minimum interval of 14 days. Such advertisement shall include notification of permit requirements, information concerning how a permit application may be obtained, a telephone number and address for obtaining additional information, notification that an existing sexually oriented business may remain in operation without a permit until the designated date that is 120 days subsequent to the enactment of the ordinance from which this article is derived.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016)

Sec. 32-57. Location of sexually oriented businesses.

(a) *Purpose and intent.* It is the purpose and intent of this section to provide for the location of sexually oriented businesses in a manner that promotes the public health, safety, and welfare of the county, that minimizes secondary impacts associated with these businesses, and that allows for the reasonable establishment of these businesses in accordance with rights as established in the Constitution of the United States of America.

(b) *Enabling authority.* This section is adopted by the county council, upon recommendation from the county planning commission, in conformance with S.C. Code 1976, § 6-29-310 et seq.

(c) *Consistency with comprehensive plan.* This section is adopted by the county council, upon recommendation from the county planning commission, in conformance with the land use element of the county comprehensive plan. Specifically, this article is adopted to accomplish short range goal #4, as identified in the comprehensive plan.

(d) *Applicability.* This section shall apply to the location of any sexually oriented business that is established within the unincorporated area of the county.

(e) *Locational requirements.* No sexually oriented business shall be established, located, or operated on a parcel that is within 1,000 feet of any building or structure utilized for any of the activities listed in this section. Further, no permit shall be granted for a sexually oriented business that is proposed for establishment on a parcel that is within 1,000 feet of any building or structure utilized for any of the activities identified as follows:

(1) A church, synagogue, mosque, other place of worship, or facility used for the formal congregation of persons engaged in religious worship activities.

(2) A public or private school or nursery school (structure shall include buildings and fenced in play areas).

(3) A residence or structure built for residency.

(4) A public park, public recreation area, or private recreation area (structure shall include the entire parcel on which the facility is located), or any other sexually oriented business.

(5) For the purposes of this section, measurement shall be made in a straight line without regard to intervening structures or objects. Measurement shall be from the nearest portion of the parcel that is proposed for the location of the sexually oriented business to the closest point of any structure identified in this section. No more than one sexually oriented business shall be permitted on any parcel.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016)

Sec. 32-58. Sexually oriented businesses, designated as a nonconforming use.

(a) *Generally.* Any sexually oriented business operating on the date that the ordinance from which this article is derived that is found to not be in conformance with the locational requirements, as specified in section 32-57(e) shall be designated as a nonconforming use. Such business shall be permitted to remain in operation without a permit during the 120-day period, as specified in section 32-56 and shall be eligible to be issued a permit. Upon issuance of the permit, the planning director, shall make a notation on the permit that the use is designated as nonconforming.

(b) *Supplemental regulations applied to sexually oriented businesses that are designated as a nonconforming use.*

(1) No nonconforming use shall be increased, enlarged, extended, or altered.

(2) Any sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use due to the subsequent location of any of the activities listed in section 32-57(e) within 1,000 feet of the parcel upon which the sexually oriented business is located. If the permit for the sexually oriented business shall lapse or be revoked, or if the business shall cease operation for a period of at least 60 consecutive days, then the business shall be deemed as having been terminated. In such case, no new permit shall be issued for any business that is not in compliance with section 32-57(e).

(3) The nonconforming status of any sexually oriented business shall be terminated if the business ceases operation for a period of at least 60 consecutive days, if the business's permit is revoked in accordance with section 32-52, or if the building in which the business is housed suffers damage to an extent in which the cost of repair would exceed 50 percent of the value of the building before it was damaged.

(4) Upon the termination of the nonconforming status of the sexually oriented business, the permit shall be permanently revoked. However, unless the revocation is in part or in whole based on one or more of the violations included in section 32-52, the owner shall be eligible to apply for a new permit to reestablish the business or establish a new business without waiting the one-year period, as specified in section 32-53

(c) *Issuance of permits.* A designated nonconforming use may be issued no more than three annual permits. Upon the termination of the third permit, the nonconforming use must terminate or relocate to a conforming site.

(Ord. No. 2016-05, § 1(Att. A), 4-5-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Secs. 32-59—32-90. Reserved.

ARTICLE III. AIRPORT HEIGHT LIMITATION[3]

Sec. 32-91. Jurisdiction of article provisions.

The regulations set forth in this article shall be applicable within the area as shown on the Official Clemson-Oconee County Airport Height Limitation Ordinance Map. The Clemson-Oconee Airport shall be referred to as the "Oconee County Airport." The map may be referred to as the "Clemson-Oconee County Airport Height Limitation Ordinance Map."

(Ord. No. 1999-14, § 3.1, 4-4-2000)

Sec. 32-92. 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:

Airport means anyplace where aircraft can land and take off.

Airport elevation means the highest point of an airport's usable landing area measured in feet from sea level.

Airport height restriction districts mean as set forth in this article.

Airport, private, means any privately owned and operated airport.

Airport, public, means the county airport.

Approach surface means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the airport height restriction districts limitations set forth in section 32-93.

Conical district means the district which slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal district and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or at a height of 1,242 feet above the mean sea level.

Construction means the erection or alteration of any structure either of a permanent or temporary character.

Excepted height limitations means that nothing in this article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

[3]State law reference(s)—Zoning of land surrounding certain airports, S.C. Code 1976, § 55-9-240.

Height means the overall height of a structure, including any appurtenance thereon, and for the purpose of determining the height limitations set forth in section 32-93, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal district means a horizontal plane 150 feet above the established airport elevation or at a height of 1,042 feet above the mean sea level, the perimeter of which in plane coincides with the perimeter of the horizontal district.

Lot means the least fractional part of subdivided lands, which have been duly recorded, having fixed boundaries, an assigned number, letter, or other name through which it may be identified.

Nonconforming use means any structure, growth or use of land which was lawfully in existence prior to the enactment of the regulations of this article and which does not conform to this article.

Nonprecision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Obstruction means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 32-93.

Planning director means the administrative officer or his designee who has been designated by the county council to administer the height ordinance regulations.

Precision instrument runway. Reserved.

Primary surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section 32-93. The elevation of any point the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure means any object constructed or installed by man including, but not limited to, buildings, towers, smokestacks, utility poles, and overhead transmission lines.

Transitional surfaces means surfaces extended outward at 90 degree angles to the extended runway centerline.

Utility runway means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(Ord. No. 1999-14, § 3.2, 4-4-2000)

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

Sec. 32-93. Height restrictions.

(a) *Generally.* Notwithstanding any other provisions of this article, no structure may be built or vegetation allowed to grow within any district established by this article which in any way endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use the airport. The height restrictions for the individual districts shall be those planes delineated as surfaces in part 77.25, subchapter E (airspace), of title 14 of the Code of Federal Regulations, or in successor federal regulations.

(b) *Airport height restriction districts.* In order to carry out the provisions of this article, there are hereby created and established certain districts which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the county airport. Such

districts are shown on the Clemson-Oconee County Airport height limitation map consisting of one sheet, prepared by Talbert & Bright, Inc., and dated March 1994, which, together with all explanatory matter thereon, is by reference made a part of this article. A lot located in more than one of the following districts is considered to be only in the district with the more restrictive height limitation. The various height restriction districts are hereby established and defined as follows:

(1) *Visual approach district (Runway 25).* The inner edge of this visual approach district coincides with the width of the primary surface and is 500 feet wide. The approach district expands outward uniformly to a width of 1,500 feet at the horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(2) *Nonprecision instrument approach district (Runway 7).* The inner edge of this nonprecision instrument approach district coincides with the width of the primary surface and is 500 feet wide. The approach district expands outward uniformly to a width of 3,500 feet at the horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(3) *Transitional districts.* The transitional districts are the areas beneath the transitional surfaces.

(4) *Horizontal district.* The horizontal district is established by swinging arcs of 10,000 feet radii for all runways designated instruments or visual from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal district does not include the approach and transitional districts.

(5) *Conical district.* The conical district is established as the area that commences at the periphery of the horizontal district and extends outward from the horizontal district at the slope of 20 to one for a distance of 4,000 feet.

(c) *Airport height district restrictions.* Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree or other vegetation shall be allowed to grow in any district created by this article to a height in excess of the applicable height limit established for such district. Such applicable height limitations are hereby established for each of the districts in question as follows:

(1) Visual approach district (Runway 25): Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(2) Nonprecision instrument approach district (Runway 7): Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(3) Transitional district: Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 892 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

(4) Horizontal district: Established at 150 feet above the airport elevation or at a height of 1,042 feet above mean sea level.

(5) Conical district: Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal district and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, 1,242 feet above mean sea level.

(6) Excepted height limitations: Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 50 feet above the surface of the land.

(7) Private airports are prohibited.

(Ord. No. 1999-14, § 3.3, 4-4-2000)

Sec. 32-94. Nonconforming situations.

(a) *Generally.* After the effective date of the ordinance from which this article is derived, structures which would be prohibited under this article, structures which would be prohibited under the regulations of this article and which were existing prior to the effective date of the ordinance from which this article is derived, shall be considered as nonconforming. It is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their continual use. Nonconforming structures may be continued provided they conform to the provisions of this article.

(b) *Definitions of nonconformity.* Unless the context clearly indicates otherwise, the terms defined in this subsection are used in this article in the following manner:

Nonconforming building or structure (dimensional nonconformity) means a nonconforming situation that occurs when the height of a building does not conform to the regulations applicable to the height restriction zone in which the property is located.

Nonconforming project means any structure that is incomplete at the effective date of the ordinance from which this article is derived and would be inconsistent with any regulation applicable to the height restriction zone in which it is located if completed as proposed or planned.

Nonconforming situation means a situation that occurs when, on the effective date of the ordinance from which this article is derived or any amendment hereto, an existing structure does not conform to one or more of the regulations applicable to the height restriction zone in which the structure is located.

(c) *Completion of nonconforming projects.* The construction or erection of any nonconforming project may be completed, provided that all construction is done pursuant to a validly issued building permit.

(d) *Extension or enlargement of nonconforming situations.*

(1) Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

(2) Physical alteration of structures or the placement of new structures on open land are unlawful if they result in greater nonconformity with respect to height limitations.

(3) Minor repairs to and routine maintenance of structures where nonconforming situations exist are permitted and encouraged.

(4) A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:

a. A letter of intent is received by the planning director within six months from the time of such destruction.

b. A building permit is obtained from the planning director within one year from the time the damage or destruction took place.

c. The reconstructed building shall eliminate height limitation nonconformities if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building.

d. The cost of reconstruction is less than 80 percent of the assessed tax value of the structure.

(5) Whenever the planning director determines that a nonconforming structure has been more than 80 percent torn down, or a tree or other vegetation is physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree or other vegetation to exceed the applicable height limits as specified in section 32-93.

(Ord. No. 1999-14, § 3.4, 4-4-2000)

Sec. 32-95. Marking and lighting.

Notwithstanding the preceding provisions of this article, the owner of any existing nonconforming structure or tree or other vegetation is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the county airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the county airport.

(Ord. No. 1999-14, § 3.5, 4-4-2000)

Sec. 32-96. Administration and enforcement; appeal; complaints and remedies.

(a) *Administration and enforcement.* The county council has designated the county planning director or his designee to administer and enforce the provisions of this article. If the planning director shall find that any of the provisions of this article are being violated, the planning director shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes: discontinuance of any illegal work being done; or shall take any other action authorized by this article to ensure compliance with or to prevent violation of its provisions.

(b) *Building permits required.* No building, mobile home, or other structure shall be erected, located, moved, added to, or structurally altered without a certificate of ordinance compliance therefor issued by the planning director. No building or other structure permit shall be approved by the planning director except in conformity with the provisions of this article, unless he is so directed by the board as provided by this article. No building permit issued under the provisions of this article for construction in the jurisdictional area of this article shall be considered valid unless approved by the planning director through a certificate of ordinance compliance.

(c) *Application for building permit.*

(1) All application for building permits shall be accompanied by sufficient information to allow the planning director to determine conformance with and provide for the enforcement of this article.

(2) One copy of the plans and/or other information presented shall be returned to the applicant by the planning director after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the planning director.

(d) *Certificate of ordinance compliance for new, altered, or nonconforming structures.*

(1) It shall be unlawful to use, occupy, or permit the use or occupancy of any structure, building, or premises, or all or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its structure until a certificate of ordinance compliance shall have been issued therefor by the planning director stating that the proposed structure, building, or land conforms to the requirements of this article.

(2) Failure to obtain a certificate of ordinance compliance shall be a violation of this article, and punishable under this article.

(e) *Expiration of building permit.* If the work described in any building permit has not begun six months from the date of issuance thereof, such permit shall expire; it shall be canceled by the planning director. Permit extensions may be issued by the planning director.

(f) *Complaints regarding violations and remedies.* Whenever a violation of this article occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the planning director. The planning director shall record properly such complaint, immediately investigate, and take whatever action is necessary to ensure compliance with this article.

(g) *Remedies.* In case any building or structure is proposed to be, or is erected, constructed, reconstructed, altered, maintained; or any land is proposed to be, or is used in violation of this article, the county attorney, or any other person aggrieved, may, in addition to other remedies provided by law, institute an injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

(h) *Penalties for violation.* Any person violating any provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be imprisoned for a period not to exceed 30 days and/or fined not more than $200.00 for each offense. Each day such violation continues shall constitute a separate offense. Nothing contained in this section shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 1999-14, § 3.6, 4-4-2000)

Cross reference(s)—Administration, ch. 2.

Sec. 32-97. Appeals.

Appeals from the decision of the planning director and appeals from decisions of the board shall be heard in accordance with article I of this chapter.

(Ord. No. 1999-14, § 3.7, 4-4-2000)

Sec. 32-98. Amendments.

(a) *Authority.* This article, including the airport height limitation map, may be amended from time to time by the county council as specified in this section, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning commission. The planning commission shall have 30 days within which to submit its report. If the planning commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment.

(b) *Requirements for change.* When the public necessity, convenience, or general welfare justify such action, and after the required review and report of the planning commission, the county council may undertake the necessary steps to amend the height ordinance.

(c) *Procedure for amendment.* Requests to amend the height ordinance shall be processed in accordance with the following requirements:

(1) *Initiation of amendments.* A proposed amendment to the height ordinance may be initiated by the planning commission or by the owners of the property proposed to be changed; provided, however, that action shall not be initiated for an amendment affecting the same parcel or parcels of property or

any part thereof, and requesting the same change in district classification by a property owner of more than once every 12 months.

a. Applications for amendments must be submitted, in proper from, at least 20 days prior to a planning commission meeting in order to be heard at that meeting.

b. The planning commission, at regular meetings, shall review and prepare a report, including its recommendation for transmittal to the county council.

c. All meetings of the planning commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney.

d. No member of the planning commission shall participate in a matter in which he has any pecuniary or special interest.

e. Following action by the planning commission, all papers and data pertinent to the application shall be transmitted to the county council for final action.

(2) *Public hearing.* Before enacting an amendment to this article, the county council or planning commission shall hold a public hearing thereon; notice of the time and place of which shall be published in a newspaper of general circulation in the county at least 15 days in advance of the scheduled public hearing date.

(Ord. No. 1999-14, § 3.8, 4-4-2000)

Sec. 32-99. Official Clemson-Oconee County Airport height limitation map amendments.

(a) If changes are made in district boundaries or other matter portrayed on the Official Clemson-Oconee County Airport height limitation map, such changes shall be entered on the Official Clemson-Oconee County Airport height limitation map promptly by the planning director within 15 days after the amendment has been approved by the county council. No amendment to this article which involves information portrayed on the Official Clemson-Oconee County Airport height limitation map shall become effective until after such change has been made on such map.

(b) No changes of any nature shall be made to the Official Clemson-Oconee County Airport height limitation map or information shown thereon except in conformity with the procedures set forth in this article. Any unauthorized change of whatever kind by any person shall be considered a violation of this article and punishable as provided by law.

(c) Regardless of the existence of purported copies of the Official Clemson-Oconee County Airport height limitation map, copies may from time to time be made or published. The Official Clemson-Oconee county Airport height limitation map, which shall be located in the planning director's office, shall be the final authority as to the current status of land and water areas, buildings, and other structures in the county.

(Ord. No. 1999-14, § 3.9, 4-4-2000)

Secs. 32-100—32-130. Reserved.

ARTICLE IV. COMMUNICATION TOWERS[4]

[4]Cross reference(s)—Utilities, ch. 34.

Sec. 32-131. Authority of article provisions.

The authority to regulate communication towers in the county is found in the South Carolina Code of Laws, Title 6, Chapter 29.

(Ord. No. 1999-14, § 4.1, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016)

Sec. 32-132. 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:

Antenna means a device, dish, or array used to collect or radiate electromagnetic waves for the purpose of transmitting or receiving telecommunications signals.

Board means the county zoning board of appeals.

Communication tower means a tower, pole, or similar structure that supports or functions as a telecommunications antenna; that is constructed above ground level at a fixed location; that is operated for commercial purposes; and that is either self-supporting, guyed, or mounted on a building or structure.

Height (of a communication tower) means the distance from the base of the communication tower, as measured from the average original, unimproved elevation of the finished grade upon which the communication tower is constructed to the highest point of the communication tower.

Performance standards means performance zoning as authorized by S.C. Code 1976, § 6-29-720(C) et seq.

Stealth tower means a communication tower designed and installed in a manner such that the antenna, supporting apparatus and associated structures are aesthetically and architecturally complimentary and appropriate with regard to an existing structure or immediate environment in which the communication tower is located. Examples include, without limitation, church steeples, bell towers, flagpoles, etc.

Telecommunications (as defined in the Federal Telecommunications Act of 1996) means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(Ord. No. 1999-14, § 4.2, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016)

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

Sec. 32-133. Communications tower and antenna permitted.

(a) *Determination by planning director or his designated staff representative (collectively "director").* All applications for tower placement must be submitted to the director for review. Applications must be complete and shall include all of the materials required by this article (application requirements) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. Under the following circumstances, the director may administratively approve applications for placement of towers and associated antennas:

(1) As a communication tower and/or antenna in any district co-located on existing towers or structures.

(2) As co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than 20 feet.

(3) As an individual communication tower and associated antennas that do not exceed 75 feet in total height.

Applications approved by the director must comply with all other requirements of this article. The director may refer any application to the board for final review and approval as a special exception.

(b) *Special exceptions granted by the board.* Other than as permitted by section 32-133(a), communication towers are permitted in the county for use only as a special exception. Applications for tower construction are subject to review and approval by the board. Priority in approving additional telecommunications facilities in the county shall be given to co-location on existing towers or structures, including electric utility company transmission line towers.

Only when these possibilities have been exhausted or when it can be demonstrated by an applicant that the alternatives are not technically feasible to provide adequate coverage for the county, or when it can be documented by the applicant that the cost of the proposed lease for a site or location is more than 20 percent above the prevailing rate of leases in comparable metropolitan statistical areas (M.S.A.) in the southeast, shall other sites be considered for approval. Communication towers approved by the board in all districts, as defined in O.C. Code § 38-10.7, shall be encouraged as stealth designs. At the discretion of the board, communication towers may be required to be constructed as a stealth design depending on the impact of the tower on the surrounding area.

(c) *Appeals to the board.* Whenever there is an alleged error by the director in an order, requirement, decision, or determination, an applicant may request a hearing before the board. The board has the authority to correct, reverse, or uphold the decision of the director.

(d) *Time limit for determination.* Failure of the director to act within 45 days from the date of the submission of a properly completed application, unless extended by mutual agreement, may be considered by applicant to be a denial of a permit and may be appealed to the board.

(e) *Co-locations.* Co-locations on existing communication towers or other structures such as existing electric utility company towers which do not increase the height of the existing communication tower or structure are strongly encouraged. Co-locations, construction of freestanding structures (such as monopoles) which are located within the footprint of the existing tower or reconstruction of existing towers, any of which increase the height of the existing tower by more than 20 feet may be approved by special exception if they do not exceed the total tower height permitted in section 32-136. All new towers shall be designed to accommodate the principal provider and at least two additional carriers. At the discretion of the board, new stealth towers shall also be designed to accommodate additional carriers. The county, prior to final approval, must be satisfied that the communication tower makes reasonable accommodations for an additional user. The applicant shall make unused tower space available at fair market value.

(Ord. No. 1999-14, § 4.3, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016; Ord. No. 2018-21, § 1(Att. A), 8-21-2018; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-134. General requirements.

(a) *Illumination.* Communication towers shall be illuminated only as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA).

(b) *Color.* Communication towers shall only be painted with a gray, non-reflective paint unless otherwise required by state or federal regulations.

(c) *Signs.* A sign, two square feet in size which includes the names of the companies operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication

tower. This sign shall be in addition to any signage requirements set by state and federal regulators. No commercial advertising of any type may be attached to a communication tower.

(d) *Removal.* A communication tower which use has been discontinued for a continuous period of one year, shall be removed within 120 days of the date of the end of such period, unless a use agreement is maintained with the landowner. Companies must notify the county within 30 days if telecommunications cease operations at a tower or antenna. All structures, fencing, screening and other improvements must be removed, and the site must be returned to its original condition at the company's expense.

(e) *Security.* For towers greater than 75 feet, self-supporting freestanding communication towers, and associated structures shall be appropriately secured by means of a wall, fence, or other device at least eight feet in height and installed an appropriate distance from the outer edge of the communication tower at all points (collectively "security fencing").

(f) *Screening.* For towers greater than 75 feet, the purpose of this subsection is to establish control for the visual quality of communication towers from the ground level. A communication tower, as pertains to this subsection, includes the tower, the land, and everything within the required security fencing including any other building and equipment. The screen shall be a minimum depth of ten feet of land surrounding the tower except for one service access. An appropriate plant material screen shall be evergreen plants of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the county area. Such plantings shall be appropriately spaced and of such a size so as to achieve a dense screen with a minimum height of six feet within a three-year period from erection of a tower. Additional screening with deciduous or evergreen trees is desirable and encouraged. Existing trees shall be preserved unless a waiver has been granted by the director to selectively cut specified trees. If in extreme or unusual situations and where it is proven impossible to properly construct the plant material screen, the director may grant permission to construct the security fence as a solid masonry wall, either brick or stucco-type finish, with a minimum height of six feet above ground level and constructed in accordance with applicable construction codes. A certificate of occupancy shall not be issued by the county codes department until the required planting is completed. When the occupancy of a structure is desired prior to the completion of the required planting, a certificate of occupancy may be issued only if the owners or developers provide to the county a form of surety satisfactory to the county attorney and in an amount equal to 125 percent of the costs of the remaining plant materials, related materials, and installation (with the costs agreed to by the director). The form of the surety shall be in conformity with the land development regulations for the county. All required plantings must be installed and approved by the first planting season following issuance of the certificate of occupancy or the bond will be forfeited to the county. The owners and their agents shall be responsible for providing, protecting, and maintaining all required plant material in healthy condition, replacing unhealthy or dead plants within one year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the approved plan.

(g) *Tower wind load.* The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards based on the wind load presented by antenna, feedlines, and other associated hardware to be supported by the communication tower. Certification from a structural engineer registered in the state shall constitute proof that such standard has been met.

(h) *FCC authorization.* The owner of the antenna and transmission/reception equipment to be installed on the communication tower shall possess either a valid FCC license/construction permit or a statement establishing FCC compliance for the proposed operation.

(i) *Design for multiple use.* A new communication tower shall be designed to accommodate additional antennae as provided for elsewhere in this article.

(j) *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building, and safety code requirements.

(k) *Distance between towers.* A proposed communication tower in excess of 100 feet shall not be permitted within 1,300 feet of an existing communication tower in excess of 100 feet in height, unless the applicant certifies to the board that the existing communication tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.

(l) *Application of county land use regulations.* Land development regulations and other performance standards shall apply to the use, unless otherwise provided in this article.

(m) *Minimum setbacks.* A communication tower (not including guy anchors) over 75 feet must be, at a minimum, setback as follows:

(1) A distance equal to the total height of the communication tower from all property lot lines.

(2) A distance equal to the total height of the communication tower from the nearest point of any structure meeting minimum standards for human occupation as put forth in applicable building codes adopted by the county.

(3) A distance equal to the total height of the communication tower from any properties containing churches, schools, colleges, children's homes and shelters, hospitals and nursing homes; except that communication towers which meet the definition of stealth tower in section 32-132 may be permitted by special exception on these properties.

(4) A distance equal to the total height of the communication tower from the right-of-way of all streets and roads.

(5) A communication tower may not be sited (1) within a distance equal to 250 feet of the boundary of a historic district; (2) on or within 250 feet of a structure that is a designated a National Historic Landmark or that is listed in, or eligible for listing in, the National Register of Historic Places; or (3) on or within property that is the subject of a pending complaint alleging an adverse effect on a historic property.

All guy cables and anchors must be set back at a minimum of 20 feet from all lot lines and habitable structures.

Variances may be granted from the requirements of subsections (1) and (2) upon submission of a properly prepared engineered fall zone design/construction document(s).

(Ord. No. 2001-14, § 1, 7-10-2001; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016)

Sec. 32-135. Additional requirements for location near the county airport.

(a) With the exception of towers for aeronautical purposes, in no case may a communication tower penetrate any imaginary surface, as described in chapter 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, associated with existing or proposed runways at any publicly owned airport. All communications towers located within the first 12,000 feet of the approach surface of an existing or proposed runway at such facility, or within the horizontal surface associated with such runways as described in FAR Part 77, shall be lighted. Such towers shall be illuminated by strobe lights during daylight and twilight hours, and red lights during nighttime hours.

(b) A copy of any plans whereby a communication tower will be located within such 12,000 feet area shall be provided by the applicant to the county airport manager and the director for comment. Any comments shall be made within ten days of delivery to such manager with a copy to the director and the applicant. Prior to issuance of a building permit, the applicant shall provide documentation to the director that the proposed

communication tower has been reviewed by the Federal Aviation Administration (FAA), if so required, and that a finding of no hazard to air navigation has been determined.

(Ord. No. 1999-14, § 4.5, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016)

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

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

District[1]	Maximum Height
Residential	Not exceeding 175 feet
Commercial	Not exceeding 200 feet
Industrial/agricultural	Not exceeding 250 feet

[1] See section 38-10.

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

Sec. 32-137. Permitted height of building-mounted communication towers.

A communication tower shall not exceed 20 feet in height, as measured from the base of the communication tower to the highest point of the communication tower, if mounted on a building or any structure other than a freestanding or guyed communications tower.

(Ord. No. 1999-14, § 4.7, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016)

Sec. 32-138. Application requirements.

The following information shall be submitted for all applications for approval of a communication tower:

(a) *Structural specifications.* Two copies of the specifications for proposed structure, including description of design characteristics and material.

(b) *Technical specifications.* For each antenna to be installed:

(1) Manufacturer and model number.

(2) Frequency band used for transmitting and receiving.

(3) Effective radiating power.

(4) Mounting position above ground.

(5) A study demonstrating compliance with FCC RF exposure limits (all antennas).

(c) *Site plan.* Two copies of a site plan drawn to scale showing property boundaries, communication tower location, communication tower height, guy wires and anchors, security fencing, screening, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure. Prototypical drawings indicating various types of equipment to be located on the communication tower may be submitted at the time of the permit application. Identification of the owners of all antennae and equipment to be located on the site. Other equipment may be added to the communication tower without additional permits or inspections as long as electrical wiring is not required.

(d) *Location map.* Two copies of a current map, or update for an existing map on file, showing geographic coordinates of the communication tower, calculated coverage areas, facilities, location of existing nearby (within three miles) communication towers, and proposed communication towers, serving contiguous areas. An applicant may request that specific proprietary or confidential information be withheld from the public record.

(e) *Owner authorization.* Written authorization from the site owner for the application.

(f) *Visual impact analysis.* A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts. For communication tower applications, balloon testing and computer generated viewshed analysis/rendering to provide a visual representation of the proposed structure on the proposed site, shall be provided as part of the application package by the applicant.

(g) *Alternative to co-location or stealth design.* Co-located or stealth designs shall be required unless satisfactory documented evidence can be provided indicating that:

(1) The proposed antenna and equipment cannot be accommodated and function as required;

(2) The applicant's technical design requirements are such that without unreasonable modifications they cannot function on any existing structure or communication tower under the control of applicant; and

(3) The applicant has considered all available publicly-owned sites, and available privately owned sites occupied by a compatible use, including all applicable sites or locations or a combination of sites and locations as described under section 32-133(b) for priority of approval and the applicant has demonstrated that for the reasons described in section 32-133(b) that these sites and/or locations are unsuitable for operation of the facility under applicable state and federal communications regulations, the applicant's technical design requirements and/or valid economic reasons.

(h) *Indemnity.* The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the director a written indemnification agreement, on a form approved by the county. The applicant must also file with the county proof of liability insurance or financial ability to respond to claims up to $1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the county, in a form approved by the county attorney.

(i) *Application fees.* All communication tower applications shall include a check made out to the county treasurer in an amount to be determined by the director, based upon a schedule of fees enacted by the county council. Additional fees may be imposed in order to offset the costs associated with processing applications for special exceptions, appeals, or variances.

(Ord. No. 1999-14, § 4.8, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016; Ord. No. 2018-20, § 1(Att. A), 8-21-2018)

Sec. 32-139. Special exceptions, variances and appeals.

(a) *Special exception.* Unless indicated otherwise, communications towers are permitted in the county only by special exception, approved by the board, within the criteria of the performance standards ordinance. The board shall conduct a public hearing on each request for a special exception. All public hearings shall be advertised in a newspaper of general circulation in the county at least 15 days in advance of the hearing.

(b) *Variance.* An applicant may submit a request to the board for a variance from this or any other applicable land use ordinance. The board shall hear and decide appeals for a variance from the requirements of the performance standards ordinance when strict application of the provisions of the article would result in

unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing a unique, exceptional and otherwise unusual circumstance as provided for in general criteria for granting a variance in article I of this chapter. Special exceptions and variances, may be applied for simultaneously and considered by the board simultaneously.

(c) *Appeals.* Applications for appeal shall be submitted through the director to the board. All appeals shall be accompanied by copies of the original application, supporting maps and documentation and shall include a detailed written summary of the alleged error or misinterpretation of this article by the director in not granting approval to the original application. A copy shall be provided for each board member and the director, and other copies as may be required by the director. Appeals shall be heard by the board within 45 days of submission of the completed application to the director.

(Ord. No. 1999-14, § 4.9, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016)

Sec. 32-140. Additional criteria for evaluating special exceptions and variances.

(a) *Application; conditions.* All application requirements imposed by section 32-138 must be met.

(b) *Setback requirements; additional conditions.* The applicant must demonstrate that the proposed communication tower location is sufficient to satisfy setback requirements and must satisfy such other additional conditions, if any, necessary to remove dangers to safety and to protect adjacent property.

(c) *Residential service area.* If location in a residential district, as defined in section 38-10.7 has been requested, the applicant must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.

(d) *Greenspaces.* If location in a residential district has been requested, the tower shall not be located on land designated for public recreational uses on the county land use plan.

(e) *Priority of approval.* If a location is requested which does not meet the requirements under section 32-133(b) for priority of approval the applicant must demonstrate that all alternative sites and locations or combinations thereof provided for in section 32-133(b) have been considered by the applicant, and the applicant has demonstrated that for the reasons described these sites and/or locations or combinations thereof cannot adequately serve the area for valid technical or economic reasons and are unsuitable for operation of the facility under applicable communications regulations.

(f) *Denial on substantial evidence.* The Federal Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence. The board shall maintain a written record of all appeal proceedings and shall maintain supporting documentation for any and all decisions.

(Ord. No. 1999-14, § 4.10, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016)

Sec. 32-141. Annual report required.

All companies that operate or maintain ownership of communication towers in the county shall submit an annual report to the county planning department no later than January 15 of each year. The report shall include a description of all of the company's active and inactive facilities located in the county, co-locations of its own equipment, co-locations of other companies using its facilities, and shall include telephone numbers and addresses for company officials and maintenance personnel.

(Ord. No. 1999-14, § 4.11, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016; Ord. No. 2019-11, § 1, 6-4-2019)

Sec. 32-142. Technical assistance required.

The director (prior to issuing a permit) and the board (prior to issuing a permit by special exception or deciding an appeal or request for variance) may make use of technical consultants to review applications and to determine if the standards in this article are met. The permit applicant shall be required to bear the cost of the required technical services. The director shall estimate any expenses and shall require payment with the completed application. Additional expenses shall be invoiced by the county finance department to the applicant. Amounts in excess of required fees and actual expenses shall be returned to the applicant.

(Ord. No. 1999-14, § 4.12, 4-4-2000; Ord. No. 2016-38, § 1(Exh. A), 1-17-2016)

Secs. 32-143—32-170. Reserved.

ARTICLE V. GROUP RESIDENTIAL DEVELOPMENTS[5]

Sec. 32-171. Authority of article provisions.

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

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

Sec. 32-172. Purpose of article.

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

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

Sec. 32-173. Definitions.

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

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

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

Group residential facility means a public, private, or not-for-profit facility~~, which (i) provides a community living environment for individuals, whether or not disabled under applicable law, requiring custodial care, medical or therapeutic treatment, or specialized social services and (ii)~~ that houses ten or more persons not

[5]Editor's note(s)—Exh. A of Ord. No. 2022-09, adopted April 19, 2022, revised, rewrote, and amended art. V to read as herein set out. Former art. V pertained to the same subject matter, and derived from Ord. No. 2016-06, adopted April 5, 2016; and Ord. No. 2019-11, adopted June 4, 2019.

State law reference(s)—Government entities subject to zoning ordinances; exceptions, S.C. Code 1976, § 6-29-770.

related by blood, marriage, or adoption in a residential or dormitory environment for a period of 30 days or more per year~~. Residential~~ and that is one of the following:

(1) A community living facility for persons requiring custodial care, medical or therapeutic treatment~~ centers (RTCs) are included in this definition. Proposed group~~, or specialized social services, including a residential ~~facilities must show compliance~~treatment center;

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

A facility shall comply with all ~~applicable~~state requirements ~~of the State of South Carolina.~~applicable to that facility.

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

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

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

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

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

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

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

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

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

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

Sec. 32-177. Appeals.

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

with article I of this chapter. Appeals of the decisions of county council may be made to the county circuit court in accordance with the South Carolina Code of Laws.

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

Sec. 32-178. Application requirements.

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

(1) A complete description of the name and purpose of the proposed facility;

(2) A complete list of the names, addresses, and phone numbers of board members, owners and investors, as applicable;

(3) A copy of ~~a~~any state license, or application for a state license ~~to~~, required by law for operation of the ~~state department of social services to operate a~~proposed group residential facility;

(4) State tax identification number or tax exemption certification; and

(5) Two copies of a preliminary development plans and a sketch plan displaying the physical and relative layout of the facility as outlined by section 32-179.

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

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

A sketch and development plan will be required for all proposed group residential developments. The sketch plan shall be drawn at an approximate scale of not less than a scale of 200 feet to one inch and shall include a vicinity map showing the relationship of the proposed development to the surrounding areas. The planning director, or designee may waive some of the following sketch plan elements on applications for minor modifications and additions to existing facilities; otherwise, all sketch plan submittals shall include the following in sketch and narrative form:

(1) An accounting of total acreage in the tract and any proposed subdivision of parcels;

(2) Arrangement, shape, dimensions, and area of proposed development;

(3) Location of existing property lines, easements, road rights-of-way, buildings, or other public ways adjoining the tract to be developed;

(4) Alignment, right-of-way width, and clarification of proposed roads;

(5) Topography by contour at intervals of not more than ten feet (as from USGS quad sheets);

(6) Map scale, north arrow, and date;

(7) Name/address/telephone number of legal owner or agent and the professional (surveyor or engineer) who will undertake detailed layout and improvements design;

(8) Location of watercourses and land subject to flooding based on a 100-year frequency flood;

(9) The existing and proposed uses of land throughout the development;

(10) Proposed method of water supply and wastewater treatment and other utility services;

(11) The proposed name of the development;

(12) The owner/developer shall submit a sketch plan of this entire tract even though the subdivider's present plans call for the actual development of only a part of the property.

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

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

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

(1) Traffic flow from the facility shall not present a danger to local residents, motorists and pedestrians.

(2) Noise, lighting, and activities carried out on the premises of the facility shall not present a nuisance to local residents.

(3) The residents of the facility shall not present any potential danger to local residents.

(4) The residents of the facility shall reside in a safe and healthy environment.

(5) The proposed development is in compliance with the other provisions of this chapter.

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

Sec. 32-181. Reasonable accommodation requests.

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

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

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

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

(2) The contact information for the owner(s) of the property (if different from the applicant);

(3) The address of the property at which the reasonable accommodation is requested;

(4) A full description of the reasonable accommodation requested;

(5) A detailed statement explaining how and why the request meets the standards for a reasonable accommodation as set forth in this section;

(6) The notarized signature of the applicant and property owner(s) (if different from the applicant); and

(7) The information required under sections 32-178 and 32-179 of this article, provided the requirement of submitting such information is not the subject of the reasonable accommodation request.

No filing fee shall be required for the application.

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

County council shall grant a reasonable accommodation in relation to any provision of this article and related law, if county council finds that the applicant has demonstrated, by the greater weight of the evidence, that the

proposed reasonable accommodation is both reasonable and necessary, in accordance with applicable law and the following:

(1) "Reasonable": an accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing land use or zoning regulations, and if it will not impose significant financial and administrative burdens upon the county and/or constitute a substantial or fundamental alteration of the county's zoning or land use ordinance provisions; and

(2) "Necessary": an accommodation will be determined to be necessary if it would provide direct or meaningful amelioration of the effects of the particular disability or handicap and would afford disabled or handicapped persons equal opportunity to enjoy and use a dwelling, including public and common spaces, in the county.

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

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

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

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

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

Secs. 32-183—32-210. Reserved.

ARTICLE VI. LAND DEVELOPMENT AND SUBDIVISION REGULATIONS[6]

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.

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

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

(c) *Jurisdiction.* These regulations shall apply to ~~the~~ development and subdivision of land within the unincorporated areas of the county ~~as now or hereafter established~~ and any ~~incorporated~~ municipality ~~which~~that contracts with the county for ~~these regulations to be administered within such municipality. Regulations contained within this article that apply to the construction and maintenance of roads shall apply to all roads and drainage structures, whether public or private, constructed within any unincorporated area of the county and municipalities contracted with the county for~~ their administration ~~of these regulations. Regulations contained within this article that apply to the construction and maintenance of roads, appurtenances or drainage structures shall apply to all public~~. Private drives, private roads, and private ~~roads, drives and driveways in the unincorporated areas of the county; also included shall be all municipalities contracted with the county to administer these regulations. These regulations shall not apply to those roads completed,~~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 ~~construction, or approved (accepted) by the county prior to adoption of~~ this article ~~by county council.~~does not constitute acceptance of a road or dedication into the county road system. In the event ~~that~~of a ~~regulation in this article conflicts with any other~~conflict between applicable county ~~regulation~~regulations, the more ~~stringent~~restrictive standard ~~shall apply.~~ applies, subject to state law.

(d) *Purpose.* The purpose of this article is to protect and promote the public health, safety and general welfare of the citizens of the county, South Carolina, providing for the harmonious, progressive, and orderly development of land. These regulations are established for the following specific purposes, among others, as provided for in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code 1976, § 6-29-1120, et seq.):

(1) To encourage the development of an economically sound and stable county;

(2) To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;

(3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;

(4) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and

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

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

Sec. 32-212. Definitions.

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

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

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

Applicant means the ~~developer~~owner or an authorized agent ~~of the developer~~ who applies for ~~a subdivision~~ review under this article. The application shall identify the owner and ~~is designated as~~include written authorization for an agent to act on the ~~primary contact for said subdivision.~~ owner's behalf.

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

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

~~*Building footprint* means the area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts.~~*Buildable lot* means an individual dimensional parcel of a size and shape capable of supporting a dwelling structure while meeting all setback and anticipated waste removal requirements. Any parcel which reasonably could qualify will be deemed a buildable lot.

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

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

Building permit means a document or certificate issued by the county authorizing construction, enlargement, alteration, moving of, or demolition of a building or structure, or the placement of a ~~mobile home (~~manufactured ~~housing).~~ 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 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 ~~an area~~a designated pedestrian crossing across a roadway with a minimum width of ~~ten or more~~six feet ~~dedicated for public use, and intended for pedestrian access to adjacent land area.~~

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

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

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

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

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

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

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

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

Development means ~~any~~a manmade change to improved or unimproved real estate, including~~, but not limited to: new homes, building structures, dredging~~ construction, clearing, filling, grading, paving, or excavation ~~operations~~. A review requirement applies when the activity meets the particular land-development or subdivision trigger stated in this article.

~~*DHEC*~~*SCDES* means the South Carolina Department of ~~Health and~~ Environmental ~~Control~~Services.

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

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

(2) *Duplex* means a building ~~arranged or designed to be occupied by~~containing two ~~families living independently of each other on a single lot.~~ dwelling units arranged, designed, or used for independent residential occupancy.

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

(4) *Multiple-family dwelling* means a building or series of buildings on the same parent parcel ~~used or designed as a dwelling place for~~ containing three or more ~~families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.~~ dwelling 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 ~~connected together and constituting a separate,~~ arranged, designed, or used as a single independent housekeeping ~~establishment~~unit for one household, with permanent provisions for ~~cooking, eating and~~living, sleeping, ~~and physically set apart from any other rooms or dwelling units~~

~~in the same structure.~~ 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 an easement that grants access for all utility and roadway construction and maintenance.~~

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

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

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

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

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

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

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

Lake means a considerable inland body of standing water.

Land development means the changing of land characteristics through construction, redevelopment, ~~construction,~~ a subdivision ~~into parcels~~, condominium ~~complexes~~complex, apartment ~~complexes~~complex, commercial ~~parks~~park, shopping ~~centers~~center, industrial ~~parks, mobile~~ park, manufactured home ~~parks, and~~ park, or similar ~~developments~~project for sale~~,~~ or lease~~, or any combination of owner and rental characteristics.~~ . 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 ~~single~~ parcel or tract of ~~contiguous~~ land ~~intended~~existing, created, or proposed as a separate unit ~~for transfer of ownership, or for building development, or both~~of land, including a remainder parcel.

(1) Corner lot means a lot with frontage on at least two intersecting roads located at the point of intersection.

(2) Lot depth means the mean horizontal distance between the front and rear lot lines.

(3) Double frontage lot means a parcel having frontage on two or more roads which is not located at any intersection of such roads.

(4) Lot width, unless indicated otherwise by context, means the straight-line distance between the points where the front building line intersects the two side lot lines.

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

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

~~(2) May or may not involve the construction of a private drive, private road, or public road.~~

~~*Mobile home (*~~*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 furniture~~, and ready for occupancy. Removal of the wheels ~~and~~or placement ~~of~~on a permanent foundation does not change the ~~mobile~~manufactured home classification. A travel trailer is not a ~~mobile~~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 ~~a building or buildings designed to be occupied by two or more households living independently of each other, with the number of households in residence not exceeding the number of~~ multiple-family dwelling ~~units provided.~~ 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 ~~any paved~~a road~~, gravel road, dirt~~ in the Oconee County road system under section 26-6 or a legacy County road ~~or bridge that~~whose status is ~~owned and/~~established under section 26-11 or ~~regularly maintained~~other applicable law. The separate rudimentary-road program is governed by ~~the county and considered part~~section 26-12. Approval of ~~the county road system.~~ a plan or plat alone does not establish County-road status.

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

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

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

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.

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.

Parking, off-street means ~~an area adequate for~~ parking ~~an automobile with room for safely opening doors on both sides, together with properly related access to~~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 ~~no~~ maneuvering incidental to parking ~~shall~~does not occur on ~~any~~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 ~~county planning commission and planning staff specifically authorized to carry out certain functions on its behalf~~Oconee County Planning Commission.

~~*Plat* means a map or drawing which is an accurate graphical representation of a subdivider's plan for a subdivision.~~*Plat* means a survey drawing for land division. A sketch plan depicts the concept; a preliminary plan depicts the proposed development and construction; a final plat is the recordable survey instrument depicting the approved lots and interests. An as-built plan is a separate engineering record of completed improvements.

(1) *Sketch plan* means a simple sketch of a proposed subdivision layout showing roads and other principal features. The sketch plan is preparatory to the preliminary and final plats and may enable the subdivider to save time and expense in reaching general agreement as to the form of the plat and the objectives of these regulations.

(2) *Preliminary plan (plat)* means a drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its working ability in all aspects.

(3) *Final plat (plan)* means ~~a drawing which shows~~ the ~~'as built' layout of all~~recordable survey instrument depicting the approved lots and interests. An as-built plan is a separate engineering record of completed road construction, ~~public~~ utilities, ~~public facilities,~~ and ~~lots to be sold~~other improvements.

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

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

Private drive means a privately ~~owned and~~ maintained ~~right-of-way or an~~ access within a private roadway easement ~~that specifically grants the right for utilities and all road work, that provides vehicular access and road frontage to not less than~~serving four ~~and not more than~~through ten ~~single-family residential~~buildable lots~~.~~ counted in accordance with section 32-228.

Private driveway means a private vehicular access serving no more than three buildable lots counted in accordance with section 32-228.

Private road means a privately ~~owned and~~ maintained ~~right-of-way that contains~~roadway within a private roadway ~~constructed~~easement serving 11 or more buildable lots counted in accordance with ~~these regulations~~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, and related costs.

Project engineer means a professional engineer licensed in South Carolina and ~~provides vehicular access~~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 ~~road frontage to more than ten single-family residential lots.~~ retained by the owner, developer, or applicant to prepare or certify surveys, plats, or other surveying work required under this chapter.

Public road means ~~roads, avenues, boulevards, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cul-de-sacs and other ways~~a road, including ~~the entire~~its public right-of-way ~~considered~~, established for public ~~and both dedicated to~~use and accepted by the United States, the State of South Carolina, ~~or the county~~a municipality, or the County under applicable law. County-road design and eligibility for acceptance are governed by chapter 26.

(1) *Arterial road* means a major road with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials and from collector streets.

~~(2) *Collector road* means a road that typically exceeds 800 ADTs and has the primary purpose of intersecting traffic from intersecting local road and handling movements to the nearest arterial road. A secondary function is to provide direct access to abutting properties. A road that connects local access roads to the highway systems major and high-speed arterial roads. The collector road provides both land access service and traffic service within residential subdivisions.~~

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

(3) *Local road (major)* means a road in which the road typical number of average daily traffic (ADT) ranges from 401 to 800 and contains two or more access points. The primary purpose is to provide access to abutting properties and receiving traffic from minor local roads.

(4) *Local road (minor)* means a road in which the typical number of average daily traffic (ADT) ranges from zero to 400 and has the primary purpose of providing access to abutting properties. This road normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.

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

~~The following are~~width of the ~~required~~applicable public right-of-way or private roadway easement. Required County road rights-of-way and ~~minimum road widths allowable:~~

~~*Arterial roads:*~~

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

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

~~*Collector roads:*~~

~~Right-of-way: 66 feet~~

~~Road widths: 24 feet~~

~~*Major local:*~~

~~Right-of-way: 50 feet~~

~~Road widths: 22 feet~~

~~*Minor local and/or service roads:*~~

~~Right-of-way: 50 feet~~

~~Road widths: 20 feet~~

~~The above widths are driving~~ travel-surface widths ~~and exclude widths added by curb and gutter and/or asphalt valleys.~~ 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 Environmental Services (SCDES). References in older permits, approvals, regulations, agreements, or other records to SCDES shall be understood to refer to SCDES where the applicable function or authority was transferred to SCDES.

Setback means the required minimum distance between ~~every~~a structure and the ~~lot lines of the lot on which it is located (~~applicable property line, road right-of-way, or private roadway easement. Front setbacks shall be measured from the ~~road right-of-way at the front of the lot if~~edge of the road right-of-way ~~projects over the property line, and measured~~, 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 ~~lines on the remaining portions of the property).~~ line. Applicable zoning setbacks and exceptions are governed by chapter 38.

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

Sketch plan See Plat (plan).

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

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

Street. See Public road.

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

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

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

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

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 twenty (20) lots, including any remainder parcel;

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

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

Townhouse means a building ~~or group of buildings~~ containing ~~a~~three or more attached single-family townhouse units.

Townhouse unit means an individual single-family dwelling unit ~~or units constructed in a series or group of attached~~ within a townhouse that extends from foundation to roof, is separated from adjoining townhouse units ~~with property lines separating such 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 ~~Health and~~ Environmental ~~Control.~~ 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 ~~of~~or trade of a property subject to a mortgage, the assumption of a mortgage debt by the property purchaser, and any exchange of possession of the property under a land sales contract or any other land trust device.

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

View lane means the portion of a natural buffer utilized and maintained by the property owner to enhance observation of the lake and surrounding landscapes. Typically, the vegetation in the view lane is lower in height and/or smaller in diameter than that found in the rest of the buffer.

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

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

(1) *Front yard* means a yard situated between the front building line and the front lot line or road right-of-way, as applicable, extending the full width of the lot.

(2) *Rear yard* means a yard situated between the rear building line and the rear lot line extending the full width of the lot.

(3) *Side yard* means a yard between the side building line and a side lot line that extends from the front yard to the rear yard.

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

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

; zoning and landscape terms incorporated in this article, § 38-12.2. These cross-references apply only to the terms and purposes expressly identified in this article.

Sec. 32-213. Requirements and standards.

(a) Unapproved plat prohibition. No plat of the subdivision of anyplat or land within the unincorporated areas of the county as now or hereafter established, and any incorporated municipality which contracts with the county for these regulations development plan subject to be administered within such municipality,this article shall be filed with or recorded with the Oconee County Register of Deeds until it has been approved and signed by the county register of deeds until such plat shall have been submitted to and approved by the county planning commission, planning director, or authorized designee according to thein accordance with this article. Required improvements and permits remain subject to the applicable review procedures set forth in this article. No. Approval of a plan or plat does not constitute County acceptance of a road or other way shall be accepted or maintained, nor shall any water line, sewerage, road lighting or similar improvements extended or connected, nor shall any permit be issued by any department of the county for any or other improvements in any subdivision established hereafter which has not been approved by the county planning department and met such requirements as prescribed by the county council.property interest..

(b) Survey standards. Plats shall be prepared and survey data entered thereon in accordance with the most recent adopted version of the "Minimum shall comply with the Standards Manual of the Practice ofManual for Surveying in South Carolina" established by the South Carolina Board of Registration for Professional Engineers and Land Surveyors provided that all elevations, S.C. Code of Regulations, chapter 49, article 4, as applicable. Elevation information shall refer to Mean Sea Level Datum or other identify its vertical datum, and any assumed datum shall be identified as such. The project land surveyor shall establish datum (a minimum of [Z] assumed elevation with two and identify the benchmarks). required by the applicable surveying standards.

(c) Subdivision name.

(1) All subdivision names must be submitted to the addressing office. Names must be easy to read and pronounce. Proposed names may be rejected by the addressing office if in the opinion of emergency response officials, pronunciation may impair an efficient response.

(2) Subdivision names that may be confused as homonyms (having the same or similar pronunciation) of existing subdivision names shall not be approved.

(3) Names that are vulgar, ethnically offensive, or otherwise problematic shall not be approved.

(4) Subdivision names spelled in an unconventional, complex, or potentially confusing manner shall not be approved.

(5) A subdivision shall be designated by only one name.

(6) Special characters, including numbers, are not allowed.

(7) No duplicates of existing subdivision names are allowed.

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

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

(e) Road names and signs.

(1) Road names. Proposed road names shall be submitted for approval under chapter 26, article II, at the Preliminary Plan stage, where a Preliminary Plan is required. Required road names shall be approved before final subdivision approval. Assigned addresses required under section 26-108 shall be obtained before final subdivision approval.

(2) Road signs. The developer shall install and pay for road-name signs required for private drives and private roads under section 26-106 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~~ Transfers to family ~~transfers~~are considered to fall within the scope of an exempt subdivision, as defined ~~by this section of this article,~~below, regardless of sum involved, and to which the following shall apply:

(1) Subdivision of parcels that results from the conveyance of parcels deeded by parents to children, children to parent, sibling to sibling, grandparents to grandchildren or grandchild to grandparent, and does not involve the construction or extension of any road, bridge, or drainage structure to provide access to interior lots, and does not involve the creation of any new drainage easement, shall be received as information only and approved administratively by the planning director.

(g) Minor subdivision~~. (Reserved).~~ 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 buildable 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 buildable lots created from that parent parcel, including the remainder parcel, would exceed twenty (20). 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 buildable 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 ~~all adopted the county~~ applicable private-road standards under this chapter or public-road standards under chapter 26 shall be included with the ~~submission of~~ subdivision plans. Approval of the subdivision shall not be granted unless all applicable road standards are met.

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

Sec. 32-214. Lot improvements.

(a) *Lot arrangements.* All lots shall be arranged such that there will be no apparent difficulties in securing driveway encroachment permits or building permits for reasons of topography or other conditions and must have driveway access from an approved road. The developer shall be liable for all lots within a proposed subdivision.

(b) *Lot dimensions.* Except where circumstances such as topography, watercourses, road alignment or existing site boundary configurations dictate otherwise, the following requirements shall apply:

(1) Dimensions of corner lots shall be large enough to allow for the erection of buildings observing the minimum yard setbacks from both streets, without encroaching into side and rear yard setbacks, established in the building line section of this chapter.

(2) Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for that type of development, without encroaching into yard setbacks.

(c) *Lot size.* Minimum lot size shall be determined by the underlying zoning district located in chapter 38. All required setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.

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

(e) *Reserved.*

(f) *Usable area.* All lots adjacent to floodplains, creeks, and wetlands should use these natural features as lot boundaries when possible. Lots containing areas unsuitable for usage shall not use these areas in calculating minimum lot area.

(g) *Septic system setback.*

(1) Traditional septic systems shall be constructed so that they comply with all regulations of the South Carolina Department of ~~Health and~~ Environmental ~~Control (DHEC~~Services (SCDES).

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

~~(3) The developer must demonstrate to the planning director that the proposed development will not adversely affect the present water table and the existing water supplies; and also demonstrate that the proposed water supply system will not be adversely affected by existing septic systems.~~(3) Reserved.

(h) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to prevent concentration of stormwater from each lot to any adjacent property. Drainage systems used to control water on one property shall not increase the water flow on adjacent properties without legal easements.

(i) *Lakes and streams.* If a tract being subdivided contains a water body, or portion thereof, the ownership of and the responsibility for safe and environmentally compliant maintenance of the water body is to be placed so that it will not become a local government responsibility. The minimum area of a lot required under this article may not be satisfied by land that is under water. Where a watercourse other than storm drainage separates the lot's buildable area from the road providing access, an engineer's certified structure shall be provided linking the buildable area to the road. All watercourses shall remain free of obstructions and degradations.

~~(j) *Easements.* Easements having a minimum width of ten feet and located along the side or rear lot lines shall be provided as required for utilities and drainage.~~

~~(k) *Entrances.* One~~(j) *Reserved*.

(k) *Entrances.* In major subdivisions, one entrance is required for every 100 lots ~~in a proposed subdivision~~, or a maximum of 100 lots on a dead end road with a cul-de-sac. ~~This~~

The planning director may waive or modify this requirement ~~may be waived~~ 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 ~~due to topography and feasibility.~~ 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 ~~not have~~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 ~~DHEC~~SCDES will have considered the information needed for compliance with this section. However, the county will review the information to ensure that all stormwater runoff will be removed from proposed developments in perpetually maintained drainage systems designed to avoid damage to personal property. The planning director shall not approve any plat of subdivision which fails to make adequate provision for storm or floodwater runoff channels or basins. Stormwater drainage systems shall be separate and independent of any sanitary sewer system. Inlets shall be provided so that surface water is not carried across or around any road intersection except where routing around of small volumes is approved in writing by the county engineer or designee.

~~(b) *Nature of stormwater facilities.* The applicant may be required by the planning department or county engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with accepted engineering standards and specifications as approved by the county engineer. All swales, ditches, or other open drainage shall be constructed and established to minimize erosion as approved by the county engineer.~~(b) Reserved.

(c) Accommodation of upstream drainage areas. The owner's engineer shall determine, certify, and design drainage facilities that are large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

(d) Effect on downstream drainage areas. The owner's engineer shall study and provide the planning director and county engineer or designee with sufficient data proving that there are no adverse impacts on existing downstream drainage facilities outside the area of the subdivision. Where it is determined that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning director may withhold approval of the subdivision until provision has been made for the improvement of said potential condition.

(e) Floodplain areas. Floodplain areas shall be noted on all plans and plats for proposed development, and shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material, or stumps, unless explicitly permitted by ~~DHEC~~SCDES, or other appropriate state agency. All construction activity within a development shall comply with standards of the county floodplain ordinance.

(1) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose and to accommodate maintenance equipment and activities. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The planning department will review the information required by the ~~DHEC~~SCDES land disturbance permit to ensure the ~~intentions~~requirements of ~~6.12~~this subsection are met.

(2) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access

to the road. Easements shall be indicated on all plats. Drainage easements shall be carried from the road to a natural watercourse or to other approved or adequate drainage facilities.

(3) When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(4) Low-lying ~~lands~~areas along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways except where improvements such as grassing, walkways, and playground areas are specifically approved by the planning director.

(5) All rights-of-way shall contain a permanent drainage easement for all water runoff from the road right-of-way as deemed necessary by the ~~county engineer.~~storm water management plan. It shall be the responsibility of the owner/developer to acquire any necessary drainage easements from private landowners.

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

Sec. 32-217. Water facilities.

(a) *General requirements.*

(1) Where ~~a public water main is within 1,000 feet of a subdivision boundary,~~ the developer ~~shall~~elects to connect ~~thereto and install~~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 the existence of insufficient water pressure to provide service to six-inch distribution lines to the site, the planning director shall permit appropriate reductions in the diameter of distribution lines. In cases along permanent cul-de-sacs or circles less than 1,000 feet in length, a minimum diameter of 2½ inches is permitted.

(2) Water distribution systems shall be approved by the designated utility entity and the appropriate division of ~~DHEC~~SCDES.

(3) The location and design of all water system improvements shall be shown on the preliminary plat, and the cost of installing same shall be included in any bond to be furnished by the developer.

(4) All utility lines shall be located a minimum of two feet outside of public 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 public road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.

(b) *Individual wells and central water systems.* ~~If a public water system is not available, wells~~Wells may be used or a package central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Central water systems shall be approved by the appropriate division of ~~DHEC~~SCDES. Orders of approval shall be submitted to the planning department.

(c) *Fire hydrants.* Fire hydrants shall be required for ~~all~~major subdivisions except where individual wells are used or a water main of less than six-inch diameter is permitted, and shall be located as defined in the adopted fire code and ~~shall be~~ approved by the applicable fire protection entity. In the event no adequate water supply is available, alternative methods of fire protection may be approved by appropriate fire officials, provided such measures ~~are provided for under~~ comply with the adopted fire code. To avoid future road cutting, ~~all~~ underground utilities for fire hydrants, ~~together with~~ the fire hydrants ~~themselves~~, and all other supply improvements shall be installed and approved before ~~any~~ final paving of a road shown on the subdivision plat.

(d) *Wastewater facilities.*

~~(1) Where a public sanitary sewerage system is reasonably accessible and available, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.~~ (1) When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.

(2) Sanitary sewer shall be designed and installed to the design standards and specifications of the city, county, or public service district into whose sewer system the subdivision is connecting and all design standards and specifications of the appropriate ~~DHEC~~SCDES division.

(3) ~~Where public sanitary sewerage systems are not reasonably accessible or available, package~~Package, central, or individual ~~waste~~wastewater collection~~/~~ or treatment systems may be provided~~.~~ instead of a connection to public sanitary sewer. These systems ~~must~~shall be approved by the appropriate division of ~~DHEC prior to~~SCDES before approval of any preliminary subdivision plan.

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

Sec. 32-218. Nonresidential subdivisions.

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

(b) Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the commission that the road, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(1) Proposed nonresidential parcels shall be suitable in area and dimensions to the types of industrial/commercial development anticipated.

(2) Road rights-of-way ~~and pavement~~ shall be adequate to accommodate the type and volume of traffic anticipated to be generated.

~~(3) Special requirements may be imposed by the county with respect to road, curb, gutter, and sidewalk design and construction.~~

~~(4) Every effort shall be made to protect adjacent residential areas from potential nuisances from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.~~(3) Reserved.

(4) Reserved.

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

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

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

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

(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.~~ County Engineer or designee.

(~~1~~) 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 ~~he~~, the subdivider may file a performance ~~of~~or surety bond executed by a surety company licensed to do business in the State of South Carolina, in an amount equal to 125 percent of the ~~owner's engineer (and~~project engineer's estimated cost, as verified by the ~~county engineer) estimated cost~~County Engineer or designee, to complete the improvements. The bond shall guarantee the completion of all improvements within a time prescribed by the planning director.

~~(2)~~ (c) *Escrow account.* If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements, ~~he~~the subdivider may establish an escrow account with the county into which the subdivider shall place, prior to the sale of any lot in the subdivision, an amount equal to 125 percent of the ~~owner's engineer (~~project engineer's estimated cost, as verified by the ~~county engineer) estimated cost~~County Engineer or designee, to complete the improvements. Funds in such escrow account shall be returned to the subdivider following completion of all improvements within time limits prescribed by the ~~county engineer.~~County Engineer or designee. The final determination for returning the escrowed money to the developer shall be made by the ~~county engineer.~~ County Engineer or designee.

~~(3)~~ (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 ~~his~~the planning director's discretion, withhold building permits or occupancy permits in such subdivision until such improvements are completed~~. In~~, in which case~~,~~ it shall ~~then~~ be unlawful to sell any further lots in the subdivision until all improvements are completed. No occupancy permits shall be issued within the subdivision, unless ~~street~~road improvements are at least adequate for vehicular access by the prospective occupant(s) and by the emergency vehicles and personnel.

~~(4)~~ No building permit shall be issued for the final ten percent of lots in a subdivision, or if ten percent be less than two, for the final two lots of a subdivision, until all public improvements required by the ~~county engineer~~County Engineer or designee for the subdivision have been fully completed and the county has accepted all as-built drawings.

~~(5)~~ (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 ~~street~~road not dedicated to the county, the county may on 12 hours notice effect emergency repairs and charge those costs to the developer.

(~~6~~) g) *Release of surety bonds.* Surety bonds will be returned to the developer following delivery of all as-built drawings to the ~~county engineer~~County Engineer or designee, and after acceptance of all improvements by the county.

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

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

(a) *General.* No lot proposed to be created through the creation of a subdivision shall be sold until a final plat showing the subdivision has been approved by the planning director, and has been recorded with the county Register of Deeds.

(b) *Application review.* ~~The planning director may approve a minor or exempt subdivision, containing no new roads, after reviewing the final plan.~~ The planning director may approve a minor subdivision, or a division qualifying for an informational exception within the definition of subdivision in section 32-212, after reviewing the final plat or informational plat as applicable. A proposal that does not qualify as a minor subdivision or an informational exception shall be processed under the applicable major-subdivision or land-development procedures. Townhouse, condominium, and apartment projects, including rental projects, shall undergo applicable land-development review of the site and common improvements whether or not separately owned lots are created.

(c) *Plat recordation.* The planning ~~director's approval of a subdivision~~ director or authorized designee shall approve and sign the final ~~plan is contingent on submission of four original copies of the~~ plat before it is submitted to the ~~county~~Oconee County Register of Deeds~~, and recordation of the plat by the Register of Deeds. An~~ for recording. Four original approved copies shall be submitted for recording, and an authorized copy of the recorded plat shall be ~~submitted~~provided to the planning director.

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

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

Sec. 32-221. Sketch plan.

(a) ~~*Sketch plan review*~~ A preapplication conference~~. All persons intending to subdivide or develop property are strongly~~ is encouraged ~~to confer with the planning director prior to proceeding. Proposed developments consisting of 20 new housing units shall schedule a sketch plan review prior to any formal application.~~

~~(b) *Basic sketch plan (optional requirements* for all proposed subdivisions and land developments ~~*less than 20 units.)*~~

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

~~(2) Sketch plans are informal, exploratory examinations of a proposed idea. The planning director will review the proposed layout and discuss any issues with the subdivider and may require a detailed sketch plan to be~~ submitted~~.~~

~~(c) *Detailed sketch plan (required*~~ before a formal application for ~~*20 or more units)*~~any major subdivision or land development containing 21 or more lots, dwelling units, or other units of development, including multifamily and student housing development.

~~(1) The~~ (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 shall show the proposed development as a whole and any anticipated phases. The plan shall be drawn at ~~an approximate~~a scale ~~of not less than a scale of 200 feet to one inch~~sufficient to clearly show the proposal and shall include ~~a vicinity map at a scale of not less than two miles to one inch showing the relationship of the proposed subdivision to the surrounding areas.~~, as applicable:

~~(2) All sketch plan submittals shall include the following in sketch or narrative form:~~

~~a. An accounting of~~(1) total acreage ~~in~~and the number of proposed lots, dwelling units, buildings, and other units of development;

(2) the ~~tract to be divided~~general arrangement and ~~number~~location of ~~lots~~ proposed lots, buildings, structures, common areas, and principal site features;

~~b. Arrangement, shape, dimensions, and area of proposed lots;~~

~~c. Location of~~(3) existing property lines, easements, road ~~right-of-ways, buildings, or other public ways adjoining the tract to be subdivided;~~

~~d. Alignment, right~~rights-of-way ~~width, and clarification of proposed roads;~~

~~e. Topography by contour at intervals of not more than 20 feet (as from USGS quad sheets);~~

~~f. Map scale, north arrow, and date;~~

~~g. Name/address/telephone number of legal owner or agent~~, private roadway easements, buildings, and ~~the professional (surveyor or engineer) who will undertake detailed subdivision layout and improvements design~~significant site features;

~~h. Location of watercourses and land subject to flooding based on a 100-year frequency flood. Owner's surveyor shall indicate if property is or is not in a floodplain;~~

~~i. The~~(4) existing and proposed ~~uses of land throughout the subdivision~~roads, private roads, drives, access points, and pedestrian connections;

~~j. Proposed method of water supply~~(5) topographic information sufficient to evaluate the proposal;

(6) scale, north arrow, and ~~wastewater treatment~~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;

~~k. The~~(11) proposed landscaping, buffers, screening, open space, and common areas; and

(12) proposed ~~name of the subdivision.~~

~~(3) A subdivider shall submit a sketch plan of the entire tract even if the subdivider's present plans call for the actual development of only a part of the property. All phases of the subdivision must be shown on the sketch plan and marked as future development.~~

~~(4) Prior to sketch plan submittal, the subdivider is encouraged to interact with the county soil and water conservation district to obtain soil survey information and written site evaluation comments to be included as part of the sketch plan submittal.~~

~~(d) *Sketch plan review.*~~

~~(1) A subdivider shall submit sketch plan copies and application forms in quantities specified by the planning director. The planning director shall obtain input from the county engineer~~parking and ~~affected agencies and shall provide comments in the form of a composite list to the subdivider within 15 working days of sketch plan submitted.~~ internal circulation.

~~(2) If the subdivider disagrees with comments provided, the subdivider may request an informal review by the planning commission in accordance with the county planning commission rules of procedure.~~

~~(3) In reviewing a sketch plan and sketch plan comments, the planning commission may affirm such comments or modify them to the extent as such modifications do not depart from the provisions of these adopted regulations.~~

(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.

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

Sec. 32-222. Preliminary plan.

(a) Applicability and ~~supporting data~~submittal.

~~(a) *Submittal requirements.*~~

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

(1) A preliminary plan is required for each major subdivision and for each land development containing 21 or more lots, dwelling units, or other units of development, including multifamily and student housing development, unless another provision of this chapter establishes a more specific review procedure.

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

~~(3) Applications~~ 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.

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

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

~~(6) It shall be unlawful for construction to commence prior to preliminary approval of the plan as defined in this article.~~

~~(7)~~ (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; and

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

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

(9) An electronic copy of the proposed development plan showing the layout of the subdivision in an approved format and file extension shall be required.

(10) Properties designed to access state roads shall submit to and receive conditional approval from the South Carolina Department of Transportation ("SCDOT") prior to receiving final approval from the Oconee County Planning Department. All SCDOT comments shall be incorporated in the plans plan approval is valid for one year. Upon written request submitted to the county.

(b) *Preliminary plan requirements.*

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

a. The preliminary plan shall be drawn at a scale of 200 feet to one inch or greater, and shall include a vicinity sketch at a scale of not less than one-inch = two miles. Sheet sizes should be 8.5 inches x 11 inches, 8.5 inches x 14 inches, 11 inches x 17 inches, 18 inches x 24 inches, or 24 inches x 36 inches. This map and supporting data shall be prepared according to standards set forth in this article and shall contain the following sections: General, existing conditions, and proposed conditions.

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

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

d. The acreage to be subdivided.

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

f. A SC DHEC approved stormwater pollution prevention plan (SWPPP).

g. The following statement:

"NO COUNTY BUILDING PERMITS SHALL BE ISSUED FOR PROJECTS ON INDIVIDUAL LOTS PRIOR TO THE RECORDING OF A FINAL PLAT IN THE OFFICE OF THE REGISTER OF DEEDS"

(2) *Existing conditions.* The preliminary plan shall include the following:

a. Deed record names of adjoining property owners or subdivisions.

b. Location of watercourses and land subject to flooding based on a 100-year frequency flood. Owner's surveyor shall indicate if property is or is not located in a floodplain.

c. Location of adjoining property lines and existing building on the property to be subdivided.

d. Location and right-of-way of roads, railroads, and utility lines either on or adjoining the property to be subdivided.

e. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the site and adjoining the tract.

f. The acreage of each drainage area affecting the proposed subdivision.

g. Topography by contour at intervals of not more than 20 feet (as from USGS Quad maps).

h. Elevations shall refer to sea level or assumed elevation with a minimum of Z bench mark near the site.

i. Location of city and county line, if applicable, and a statement identifying the location of the nearest central water and sewer lines and fire department and the distance from same to the tract being subdivided.

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

a. Total number of lots, total acreage, total length of new roads.

b. Layout of roads including all right-of-way, public crosswalks, road names or designations, grades, and cross sections.

c. Profile of proposed roads showing natural and finished grades.

d. Layout of all lots, including area; building setback lines, scaled dimensions of lots; lot and block numbers, utility easements with width and use.

e. Construction plan of sanitary sewers (if applicable) with grade, pipe size, and location and permit to construct from DHEC and approval of the appropriate utility provider.

f. Storm sewers shall be sized to accommodate runoff based upon the ten-year design storm except road crossings shall be a minimum of 25-year design storm.

g. Construction plan for water supply system (if applicable) with pipe size and location of hydrants and valves and permit to construct from DHEC and, where applicable, approval of the appropriate utility provider.

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

i. Designation of proposed use of all lots.

j. Proposed major contour changes in areas where substantial cut and/or fill is to be done.

Note: Refer to survey requirements.

(c) *Preliminary review procedure.*

(1) The planning director shall notify all appropriate review agencies for comments. These may include, but are not limited to, the following:

a. Appropriate division of DHEC.

b. Soil and water conservation office.

c. Appropriate public service district or city as applicable.

d. County public works department.

e. Appropriate fire protection entity.

f. County engineer.

g. Oconee County Sewer Commission.

h. Oconee County School District.

(2) Agencies and departments shall provide written comments to before expiration, the planning director within 15 working days of the date of the preliminary plan application. may grant one extension for a period not exceeding one additional year.

(3) The planning director shall render a decision within 25 working days of the date of preliminary plan application. The planning director's action and reasons therefore shall be transmitted in writing to the subdivider.

(4) Agencies and departments shall provide written comments to the planning director within 15 working days of the date of the preliminary plan application.

(5) Once the submitted plans are deemed to be in compliance with all applicable the county ordinances, the applicant shall be notified in writing that the plans have been preliminarily approved.

~~(6) The planning director may grant conditional preliminary approval to insure compliance with all county ordinances. All such conditions shall be met prior to final approval.~~

~~(7) If a plan is approved subject to conditions, the subdivider shall submit plan exhibits amended to incorporate such conditions within 20 working days of such approval. Preliminary plat approval shall be effective for one year provided the commission may extend same for up to one additional year upon written request from the subdivider.~~

~~(8) A subdivider, or other party materially affected by the planning director's decision, may appeal for review by the planning commission. Such appeal shall detail the reasons therefore, and be made in writing within ten working days of the planning director's action. Affected parties shall be notified in writing of the planning commission's determination. The planning commission's decision may be appealed to the circuit court within 30 days after the actual notice of the commission's decision.~~

~~(9) Variances shall be considered by the planning commission pursuant to Section 1-5.5(3) of the United Performance Standards Ordinance and conducted in a manner consistent with standards put forth in the Oconee County Planning Commission Rules of Procedure.~~(6) A person aggrieved by a decision of the planning director under this section may appeal in accordance with section 32-224.

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

Sec. 32-223. Final plan.

(a) Submittal requirements.

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

(2) The final plan shall ~~submit an application~~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 ~~for review of~~, together with all supporting documentation required by this ~~article.~~ section.

~~(2) The~~ (4) Upon completion of improvements required for final approval, the applicant shall ~~also~~ submit ~~all appropriate fees at the time of application.~~

~~(3) Where~~ a final as-built engineering plan identifying material changes from the ~~improvements required by this article and the~~ approved preliminary plan ~~have not been~~. The project engineer shall submit the signed and sealed construction certification required by this chapter for improvements actually completed ~~prior to the submission of the final plan for approval, approval of the plan shall be subject to the owner filing a~~. An improvement secured by an accepted performance guarantee ~~in the form of cash and/or surety with the county according to the provision set forth in this article.~~ under section 32-219 shall not be certified as completed until construction is complete.

~~(4) Upon 90 percent completion of the construction of road and utilities of a preliminarily approved subdivision, a final "as built" plan shall be submitted to~~ (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 26-111.

(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 ~~noting any changes from the preliminarily approved plans.~~

~~(5) The planning director's approval of a final plan is contingent on submission of four original stamped copies of the plat to the county~~ prior to recordation with the Oconee County Register of Deeds.

~~(6) A~~ (9) Following recordation, the applicant shall submit an authorized copy of the recorded plat ~~authorized by the Register of Deeds shall be submitted to~~ to the planning director.

~~(7) Where individual septic waste disposal is proposed, the developer shall provide a letter of final subdivision approval from the appropriate division of DHEC identifying each lot for which individual waste disposal is approved.~~

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

(1) If ~~the final plan is~~ drawn in two or more sections, each section shall be accompanied by a key map ~~showing the location of the several sections. Final plans~~. The final plan shall be ~~drawn~~prepared at a scale ~~of no less than 100 feet to one inch; shall be drawn on sheets 8.5 inches x 11 inches, 8.5 inches x 14 inches, 11 inches x 17 inches, 18 inches x~~sufficient to clearly and legibly show all required information. No sheet shall exceed 24 inches~~, or 24 inches x~~ by 36 inches~~; shall be prepared according to the standards set forth in this article.~~ .

(2) Name of the owner of record.

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

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

(5) Sufficient surveying data to readily determine ~~readily~~ and ~~reproduce~~ accurately ~~on the ground~~ reproduce the location, bearing, and length of ~~every~~applicable road ~~line~~lines, lot ~~line~~lines, easement~~, boundary line~~ lines, and ~~building line whether curved~~tract or ~~straight. Curve~~development boundaries ~~will be defined by curve~~. Curved lines shall include sufficient data ~~to include the~~, including radius, delta ~~angle, total area,~~, arc length ~~and the long~~, chord ~~by~~ bearing, and chord distance ~~and shall also be defined as a traverse of chords around the curve using bearings and distance.~~ .

(6) Names of ~~owners of record of all~~ adjoining ~~land, all property~~owners and the location of adjoining boundaries, watercourses, roads, easements, utilities, and other ~~such improvements, which cross or form a boundary line of the tract being subdivided.~~ significant features crossing or adjoining the property.

(7) Exact boundaries of the tract ~~of land being subdivided as noted in the survey article of this article.~~ , subdivision, or development area included in the final plan.

(8) ~~Roads~~Location and identification of all roads, rights-of-way, ~~percent of~~ and private roadway easements, including widths, grades, and road names~~. Steel or iron rods at least 20 inches long and one half inch~~ approved in ~~diameter shall be placed at all lot corners and at~~ accordance with chapter 26, article II.

(9) Location, width, and purpose of all other ~~survey points not marked by permanent monuments. Property~~ easements not otherwise identified under subsection (8).

(10) Final layout of the subdivision or land development, as applicable, including: a. lot lines ~~extending to road centerlines shall be marked by an iron stake on~~, 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 ~~offset with location~~ required landscape and buffer areas established under sections 32-237 through 32-253; and f. building, unit, or other development identifiers necessary to clearly ~~shown on the plat and selected so corners lie on a line of survey or a prolongation of such lines.~~ describe the approved development.

~~(9) Rights-of-way or easement; location, widths, and purposes.~~

~~(10) Lot lines, minimum building setback lines, and lot and block indicators.~~

~~(11) Any~~ (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, ~~or other~~ open space, common areas, and other land reserved or dedicated for public ~~spaces.~~ or common use.

(~~12~~13) All dimensions shall be shown to the nearest ~~1/100of a~~one-hundredth foot and angles to the nearest 20 seconds.

(~~13~~14) Accurate description ~~of the~~and location of all monuments and markers.

(~~14~~15) Utility easements~~, showing the widths of the following:~~

~~a. Water;~~

~~b. Gas;~~

~~c. Sanitary~~ shall be shown by location, width, and purpose, including water, gas, sanitary sewer~~;~~

~~d. Storm~~, storm drainage~~; and~~ , electrical, and other utilities as applicable.

~~e. Electrical line.~~

(~~15~~16) Where individual ~~septic waste~~onsite wastewater disposal is proposed, ~~a letter of final subdivision approval from the appropriate division of DHEC identifying~~ each lot ~~for which individual waste disposal is~~ approved~~. Areas~~ by SCDES shall be identified consistent with the documentation required by subsection (a)(5). Any lot or ~~lots~~area not ~~so~~ approved shall ~~not~~ be ~~included on the final plat unless~~clearly identified and, where applicable, restricted ~~to prohibit construction of building space thereon~~ by ~~such~~ notation ~~as "reserved exclusively for open space", etc.~~ from development requiring onsite wastewater disposal.

(c) ~~*Final plat certificates.*~~

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

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

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

~~_____, 20___~~

~~_____ _____~~
~~Registration No. Registered Land Surveyor~~

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

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

~~_____ _____~~
~~Date Owner~~

~~_____~~
~~Owner~~

~~**Certificate of Maintenance for Private Roads (when applicable)**~~

(1) CERTIFICATE OF MAINTENANCE FOR ROADS

The road ~~right~~rights-of-way/easements shown on this plat ~~shall be~~are private ~~drives~~and are not owned, maintained, or supervised by Oconee County~~, and~~ . Such road rights-of-way were not designed or constructed pursuant to ~~any~~a plan for future acceptance ~~by~~into the Oconee County~~.~~ Public Road ~~right~~System. Road rights-of-~~ways~~way/easements shown ~~upon the~~on this plat shall not be accepted for maintenance by Oconee County ~~at any time in the future~~ unless ~~constructed in accordance~~subsequently brought into compliance with all ~~adopted~~applicable Oconee County ~~regulations.~~requirements for road acceptance. Maintenance of the ~~right~~road rights-of-way/easements shall be the responsibility of ~~_____~~.

_____.

~~_____ _____~~
Date~~-~~:_____Owner/Developer:_____

~~**Certificate of Security in Lieu of Completion (when applicable)**~~

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

~~_____ _____~~
~~Date Planning Director~~

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

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

The road rights-of-way/easements 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/easements 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 ~~system, in _____ Subdivision as shown on Plat dated _____, prepared by _____ have been installed~~facilities serving _____ have been constructed substantially in accordance with the ~~Preliminary Plan (Construction Drawings) approved _____.~~ approved preliminary plan, including the construction drawings submitted as part of that plan, except for any deviations approved by Oconee County.

SEAL

~~_____~~
~~Registered~~ _____ Project Engineer ~~or Surveyor~~ Date: _____

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

~~SEAL~~

~~_____~~
~~Registered Engineer or Surveyor~~

~~**Certificate of Approval (to be signed upon approval)**~~

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

~~_____ _____~~
~~Date Planning Director~~

(d) Final plan review procedure.

~~(1) Final approval of the submitted plans shall be granted to the applicant after a review by the planning director.~~

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

(2) ~~Final plan.~~ 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 ~~of or phases of a subdivision for which preliminary approval was granted,~~ documentation required by this section and shall ~~contain documentation~~ demonstrate that ~~all required~~ the improvements required for final approval have been ~~installed~~ completed and certified~~.~~

, except as otherwise permitted under subsection (3~~) Final plan applications may be considered, at the discretion of the planning director, if accompanied by the required security in lieu of completion of improvement.~~).

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

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

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

(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.

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

Sec. 32-224. Appeal of decision.

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

26-8. (Ord. No. 2008-20, Art. 14, 12-16-2008)

Sec. 32-225. Violations and penalties.

(a) Any violation of these regulations shall be a misdemeanor and, upon conviction, is punishable as provided by law.

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

(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)

~~Secs~~

DIVISION 1. PRIVATE ACCESS AND PRIVATE ROADS

Sec. 32-227 Private road standards and regulations.

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) *Private driveways.* Private driveways shall serve no more than three buildable lots, and shall be maintained by the property owner(s). No design standards shall apply to private driveways, but driveways must comply with applicable building and fire codes.

(b) *Private drives.* All private drives existing and in use at the time of adoption of these regulations, as well as those private drives under construction prior to the time of adoption, shall be exempted from the standards contained in this section. This exemption shall also extend to those private drives approved by the planning department prior to the time of adoption. All other private drives shall:

(1) Serve no more than ten buildable lots;

(2) Reserved

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

(4) Have a minimum driving surface width of 20 feet constructed of no less than five inches of compacted crushed stone or gravel base; a minimum height clearance of 13½ feet; and appropriate documentation from a professional engineer licensed by the State of South Carolina certifying the maximum weight limit of any bridge or culvert located along the drive. All bridges and any culvert over which a private drive crosses a perennial stream must include appropriate signage (located at each end of the bridge) displaying the structure's weight limits;

(5) Be maintained by an individual, association of property owners, or commonly held by the property owners fronting the private drive;

(6) Comply with all current fire regulations and codes;

(7) Shall serve no more than ten lots, and shall connect to another road, either public or private, on one end only. In the event proposed construction and/or development will result in an existing private drive serving 11 or more lots, the existing drive shall be upgraded so as to meet the standards put forth in these regulations for private roads;

(8) Parcel boundaries may extend to centerline of the road, with the appropriate road right-of-way shown on all plats and deeds;

(9) Be named in accordance with adopted E-911 addressing regulations and procedures;

(10) Reserved

(11) Meet all applicable stormwater management and sediment control regulations;

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

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

(13) Signage shall comply with SC State Code of Law Title 56 – Motor Vehicles.

(14) The developer shall be responsible for all cost of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of county council from time to time) prior to acceptance of road by the county. Also, at the beginning of the private subdivision roads there shall be signs which state "Private Road" The subdivider may assume the responsibility to install signs provided the county engineer or designee approves in writing the signage.

(15) Reserved

(c) *Private roads.* Private roads shall provide vehicular access and road frontage to developments, or sections of developments, containing more than ten buildable lots. All private, nondedicated roads shall be prominently indicated as such on plats prior to subdivision approval. Maintenance arrangements for such roads must be noted in writing on subdivision plat submittals and must be subsequently recorded. The development served by a private road shall have direct access into a public road. All private roads shall:

(1) Serve a minimum of 11 buildable lots;

(2) Have a minimum road right-of-way width of 20 feet;

(3) Reserved

(4) Reserved

(5) Be maintained by an association of property owners or the developer and be designated on all plats and recorded in appropriate deed covenants and restrictions, or an appropriately executed private roadway easement as defined by these regulations;

(6) Parcel boundaries may extend to the centerline of the road, with the appropriate right-of-way designated on all plats and deeds;

(7) Be legally certified for compliance by a surveyor/engineer licensed by the State of South Carolina;

(8) Be named in accordance with adopted E-911 addressing regulations;

(9) Meet all stormwater management and sediment control regulations;

(10) Be properly approved in writing by planning director prior to submission of plat(s) to the register of deeds for recording. The following shall be prominently printed on the plat(s):

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

(11) Have installed signs that control the traffic flow in a safe manner as specified by SC State Code of Law Title 56 – Motor Vehicles.

(12) The developer shall be responsible for all cost of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of county council from time to time) prior to acceptance of road by the county. Also, at the beginning of the private subdivision roads there shall be signs which state "Private Road" The subdivider may assume the responsibility to install signs provided the county engineer or designee approves in writing the signage.

(13) Reserved

(14) Reserved

(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)

Secs. 32-229—32-235. Reserved.

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 major subdivisions and land development associated with major subdivisions 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 major subdivision or land development involving a major subdivision.

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 major subdivisions or land development associated with major subdivisions, 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 20 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 ÷ 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 (Chapter 38) examples. They illustrate the standards but do not replace the ordinance text. If a figure conflicts with the text, the text controls.

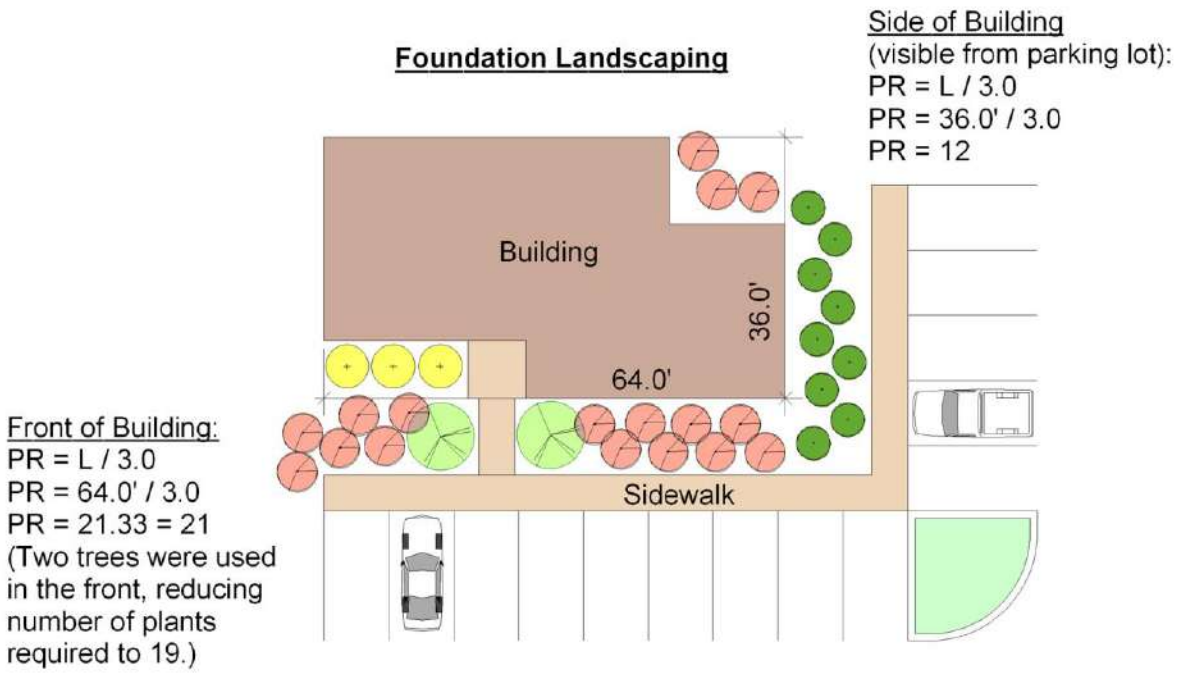


Figure 1 Foundation landscaping example from Appendix A

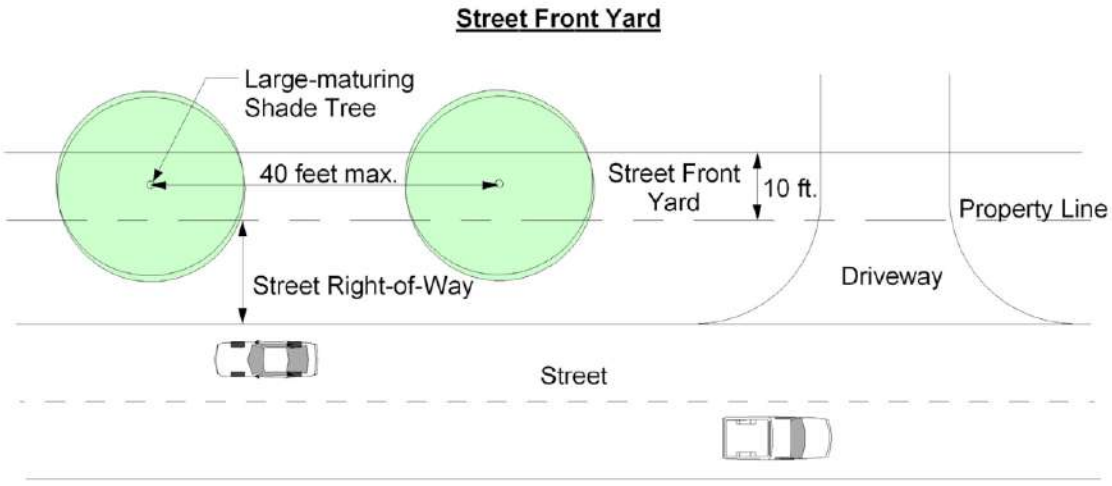


Figure 2 Street-front landscaping example from Appendix A

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.

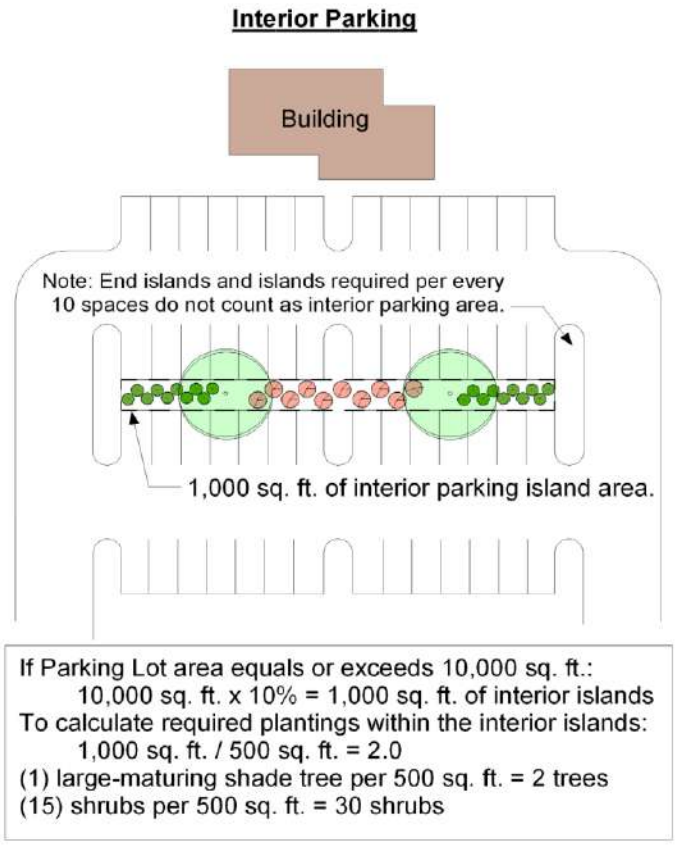


Figure 3 Interior parking landscaping example from Appendix A

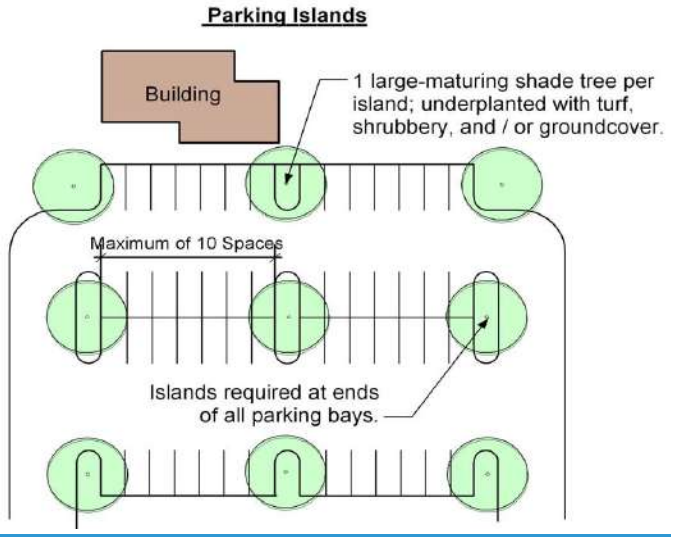


Figure 4 Parking-island example from Appendix A

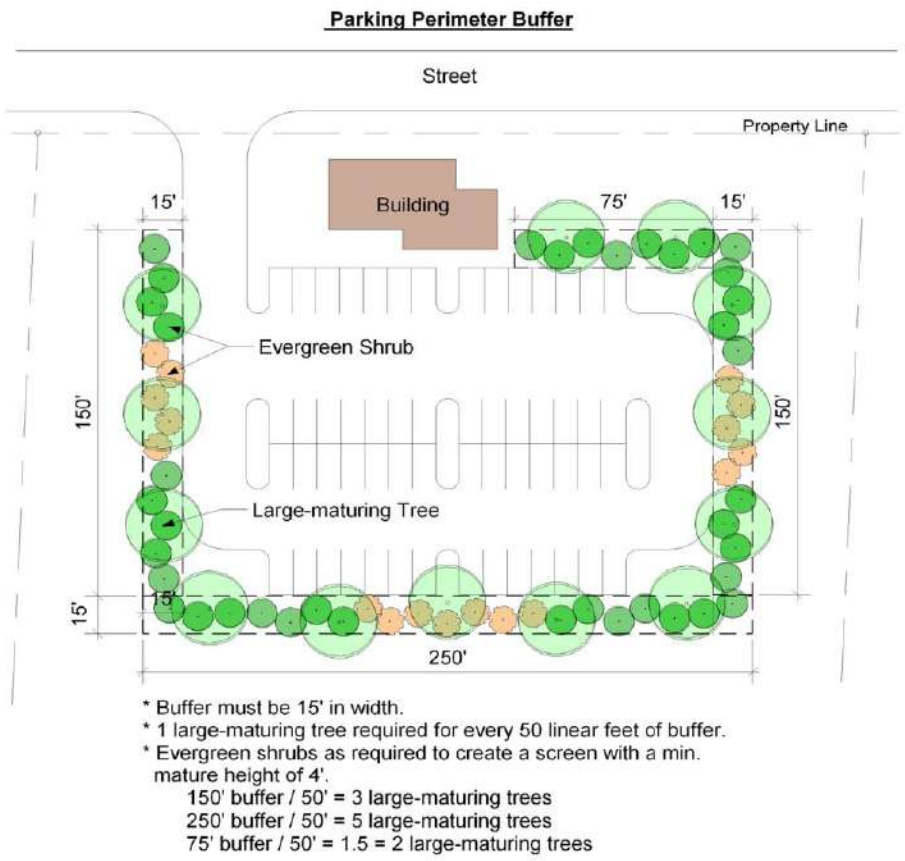


Figure 5 Perimeter parking buffer example from Appendix A

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.

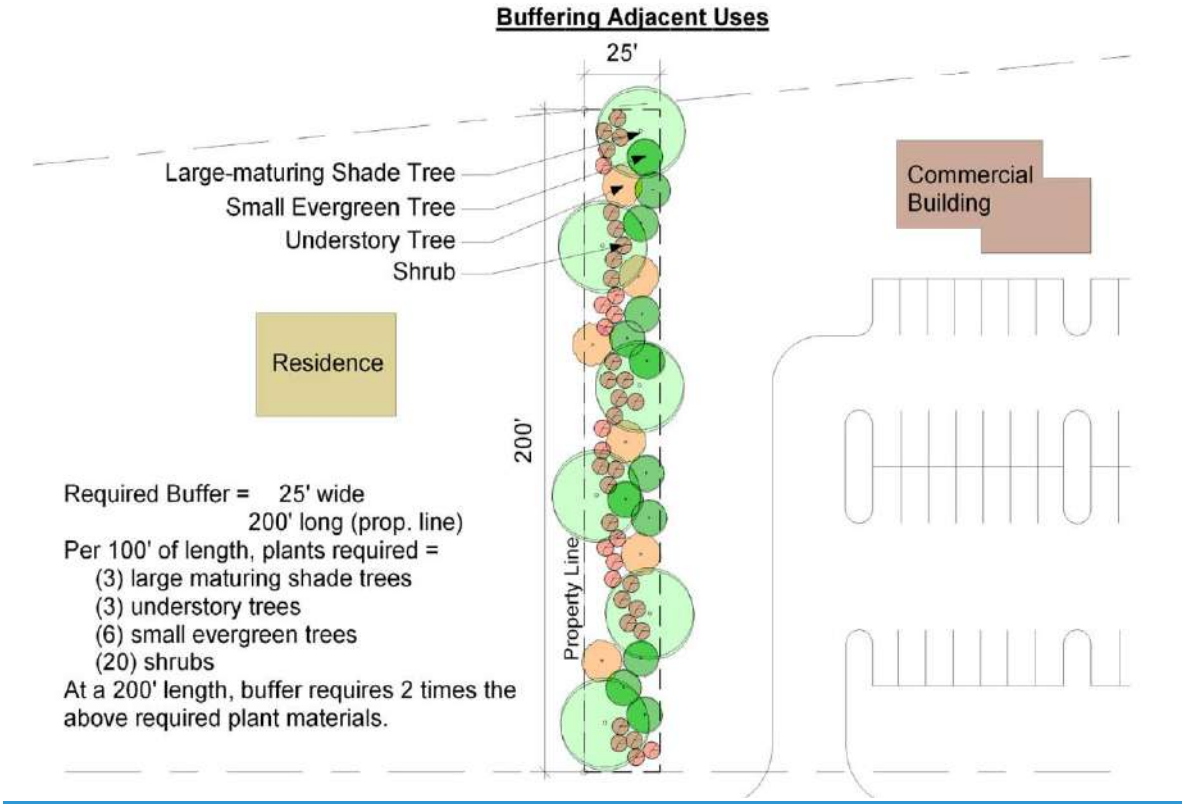


Figure 6 Appendix A adjoining-use buffer example corresponding to the proposed Type C Option 2 standard

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	—	—
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 VII. TATTOOING FACILITIES WITHIN THE UNINCORPORATED AREAS OF OCONEE COUNTY[7]

Sec. 32-415. Purpose and intent.

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

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

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

Sec. 32-416. Jurisdiction.

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

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

Sec. 32-417. Enabling authority.

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

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

Sec. 32-418. Finding of fact.

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

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

[7]Editor's note(s)—Ord. No. 2016-07, § 1(Att. A), adopted Apr. 5, 2016, amended Art. VII in its entirety to read as herein set out. Former Art. VII, §§ 32-415—32-423, pertained to similar subject matter, and derived from 2006-30, §§ 7.1—7.9, adopted Feb. 20, 2007.

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

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

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

Sec. 32-419. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 32-420. Location requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Appropriate fees are unpaid.

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

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

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

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

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

Sec. 32-423. Noncompliance.

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

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

Secs. 32-424—32-514. Reserved.

ARTICLE VIII. SIGN CONTROL[8]

Sec. 32-515. Title.

This article shall be known as the "Sign Control Ordinance of Oconee County, South Carolina."

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-516. Purpose.

It is the purpose of this article to establish regulations for the safe and orderly placement of all signage to which this article applies in the unincorporated areas of the county; also, this article shall establish penalties necessary to discourage violations of these standards and to establish appropriate fees to offset costs associated with implementation.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-517. Authority.

This article is adopted pursuant to the provisions of S.C. Code § 4-9-25 and § 4-9-30. Personnel employed by the county as planning and zoning officials, code enforcement officers, building code officials, and personnel employed by the sheriff of the county are vested with the authority to enforce and administer signage control within the county.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-518. Jurisdiction.

The regulations set forth in this article shall be applicable within the unincorporated areas of the county. All billboards and signs proposed to be constructed in the unincorporated areas of the county shall be permitted under, and/or governed by, these regulations. Billboards and signs existing at the time of the adoption of these standards shall be considered exempt, with the exception of any structure considered abandoned, disassembled, or otherwise removed from a site.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-519. Terms and definitions.

Except where specifically defined herein, all words used in this article shall carry their customary meanings. Where applicable, words used in the present tense include the future tense, and the singular includes the plural.

[8]Editor's note(s)—Ord. No. 2020-09, adopted August 18, 2020, revised, rewrote, and amended art. VIII in its entirety to read as herein set out. Former art. VIII pertained to the same subject matter, and derived from Ord. No. 2018-13, adopted September 11, 2008.

Abandoned billboard or sign means a billboard or sign which is not being maintained as required by this article, which has an obsolete advertising message or no advertising message, or one for which a permit has not been obtained or is not current. Public service signage shall not be considered abandoned under this definition.

Billboard means any advertising structure that directs persons to a different location from where the billboard is located or which is otherwise "off-premises" but makes no reference to a location.

Building-mounted sign or billboard means any sign or billboard attached to, or artistically rendered upon (such as a painting), a building or canopy/awning attached to a building or structure.

Excepted billboard means a billboard falling within one of the following categories that are excepted from the county's general billboard prohibition:

(1) A billboard which is visible from Interstate 85 and which is erected with the purpose of its message being read from the traveled way of Interstate 85, as determined by the planning director;

(2) A billboard which is less than 33 square feet in size and less than ten linear feet in height;

(3) A billboard erected by or for a governmental entity for a public purpose; and

(4) An existing billboard.

Existing billboard means a billboard lawfully erected within the boundaries of the county prior to the adoption of this article, as amended by Oconee County Ordinance 2020-09.

Group development means any aggregate nonresidential, mixed-use, and/or multifamily development project, commonly referred to as (by way of example and not limitation) a strip mall, mall, town-center development, apartment or condominium complex, or town-home community, which is constructed on one or multiple lots of land.

Sign means any sign structure or combination of sign structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, advertising structure, advertisement, logo, symbol or other form which is designated, intended, or used to advertise or inform in relation to the premises on which it is located, any part of the message or informative contents of which is visible from the main traveled way. The term does not include official traffic control signs, official markers, or specific information panels erected, caused to be erected, or approved by the state department of transportation; signs erected by or for a governmental entity for a public purpose are also excluded from operation of this article.

Sign area means the entire face of a sign or billboard, including the advertising surface and any framing, trim, or molding, but not including the supporting structure. For non-rectangular signs or billboards, the sign area shall be equal to that of the smallest rectangle that encompasses all features of that sign or billboard. For stacked signs or billboards, the sign area shall be that of the small rectangle that encompasses all signs or billboards in the stack.

Sign permit means any permit, other than a building permit, obtained by an applicant from the county for the purpose of the construction or maintenance of a sign or billboard, or a permit obtained for any sign or billboard to be placed on public property, including a county-owned or operated right-of-way.

Stacked sign or billboard means any structure so configured to present two or more sign areas at different elevations and/or presenting two or more sign areas facing in the same direction.

Temporary billboard means a billboard placed in a location, or intended for a use, that is clearly not permanent in nature. A billboard with an intended use that is related to a specific event, of a definite time and limited duration, shall be deemed a temporary billboard.

Temporary sign means a sign placed in a location, or intended for a use, that is clearly not permanent in nature. A sign with an intended use that is related to a specific event, of a definite time and limited duration, shall be deemed a temporary sign.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-520. Billboards.

(a) Only excepted billboards are authorized within the unincorporated area of the county.

(b) No billboard shall be erected within 1,300 feet of another billboard located on the same road. This distance shall be measured as the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the location of an existing billboard to the proposed site.

(c) Maximum sign area for any billboard is 672 square feet.

(d) No billboard shall be located along any federal, state, or county designated scenic highway or roadway.

(e) Stacked billboards are permitted subject to the sign area calculation in section 32-519.

(f) Billboards less than 33 square in size feet are exempt from permitting unless illuminated or exceeding seven feet in height and/or until the aggregate size of billboards is less than 33 square feet in size exceeds 33 square feet on a given lot. This exemption applies to internal directional or wayfinding signage.

(g) Replacing any billboard for content change, repair, or other replacement, provided the square footage of the billboard does not increase, is exempt from permitting under this article.

(h) This article does not apply to temporary billboards.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-521. General provisions applicable to signs (monument, pole, and similar signs).

The following provisions apply to all signs unless a special provision contained in this article clearly indicates otherwise:

(1) *Number.* One sign is authorized for each 100 linear feet of road frontage.

(2) *Size.* The maximum allowable sign area per sign is 75 square feet.

(3) *Height.* The maximum allowable height of a sign is 20 feet.

(4) *Setbacks.* All signs shall be setback five feet from the front property line and ten feet from the side and rear property lines. No portion of a sign may extend into a right-of-way, over a property line, or over a drive or road. Setbacks are measured from the right-of-way if the right-of-way projects over the property line.

(5) *Building-mounted signs.* Building-mounted signs are not subject to the numerical limits above; however, the maximum size of any one building mounted sign is 150 square feet, and the total sign area per building may not exceed 200 square feet. Additionally, roof mounted signs must be approved as a special exception by the Oconee County Board of Zoning Appeals.

(6) *Illumination.*

a. Reserved.

b. No sign shall be erected, or any existing sign operated, where illumination is of such intensity or brilliance as to cause glare or impair the vision of any driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle.

c. No sign shall be erected, or any existing sign operated, where illumination is not shielded to prevent light from being directed at any portion of a traveled right-of-way.

d. No sign shall be erected, or any existing sign operated, where illumination is not shielded to prevent light from being directed at a residential property.

e. Reserved.

(7) *Reserved.*

(8) *Reserved.*

(9) *Window signs.* Window signs shall be static and shall not flash, blink, or scroll. There is no limit on the number or type of windows signs. Window signs do not count towards the total number of square footage of building mounted signage. Window signs shall be legible only from the premises on which they are located.

(10) *Signs and billboards on public property.* Any sign or billboard installed or placed on public property, including county-owned or operated rights-of-way, except in conformance with the requirements of this article and expressly permitted by the appropriate governing authority, shall be deemed illegal and shall be subject to removal. In addition to other remedies hereunder, the county shall have the right to recover the cost of removal and disposal of such sign or billboard from the owner or the person who placed it.

(11) *Sculptural and nonplanar signs.* The surface area of a spherical, free form, sculptural, or other nonplanar sign may be equal to the applicable amount of square footage permitted.

(12) *Corner lots and double frontage properties.* Each frontage is allowed the specified amount of ground signage indicated in this section 32-521.

(13) *Signs exempt from permitting:*

a. Signs less than 33 square feet in size are exempt from permitting unless illuminated or exceeding seven feet in height and/or until the aggregate size of signage under 33 square feet on a lot totals the permitted size of a single sign, as established herein. This exemption applies to internal directional or wayfinding signage.

b. Replacing any sign face for content change, repair, or other replacement, provided the square footage of the sign face does not increase.

This article does not apply to temporary signs.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020; Ord. No. 2023-18, § 1, 11-21-2023)

Sec. 32-522. Special provisions applicable to residential subdivision entrance signage.

(a) Each residential subdivision entrance is allowed two subdivision entrance signs. Such signs shall be located outside of rights-of-way and shall not encroach into any corner sight visibility triangle.

(b) Subdivision entrance signs may be internally or externally illuminated.

(3) Subdivision entrance signs shall not exceed 75 square feet; shall be designed as a monument or ground sign; and shall not exceed 20 feet in height. Such signs may, however, be incorporated into a wall, fence, or other structure that also shall not exceed 20 feet in height. Such structures shall be located at least 15 feet from rights-of-way and shall be subject to all applicable building codes and permitting.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-523. Special provisions applicable group development signage.

(a) Group development signage shall not be considered a billboard if located within the project area as determined by the planning director.

(b) Individual businesses and developments within group developments will not be permitted to construct their own ground signage along public rights-of-way.

(c) Group development ground signs (monument, pole, and similar signs):

Maximum number of ground signs in relation to road frontage	Maximum number of individual signs per ground sign	Total sign area, combined, per ground sign	Maximum height
Up to 200 linear feet of road frontage - Two ground signs permitted	Five	100 square feet	20 feet
More than 200 linear feet - Three ground signs permitted	Ten	200 square feet	20 feet

(d) *Setbacks.* All signs shall be setback five feet from the front property line and ten feet from the side and rear property lines. No portion of the sign may extend into the right-of-way, over a property line, or over a drive or road. Setbacks are measured from the right-of-way if the right-of-way projects over the property line.

(e) Group development building-mounted signs: canopy, marquee, wall, and similar signs.

(1) Number of signs limited to two per business.

(2) Maximum square footage is limited to 150 square feet per sign.

(3) Lighting, if any, shall be internal or downward facing.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-524. Abandoned billboards and signs.

An abandoned billboard or sign, as defined by this article, shall be removed by the owner thereof or the owner of the property upon which the billboard or sign is located within 45 days of notification by the county that the billboard or sign is deemed abandoned. The billboard or sign owner and/or the property owner may appeal the county's designation of the billboard or sign as abandoned to the magistrate's court of the county during the 45-day period to remove the billboard or sign. If the property owner files a timely appeal, the time period for removing the billboard or sign shall be tolled until the magistrate's court renders a decision. In the event that an abandoned billboard or sign is removed, the billboard or sign owner and/or the property owner shall have the right to replace it in the same location with a new billboard or sign of the same size and height for a period of six months from the date of removal.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-525. Billboard and sign submittal process.

Signs and billboards permitted under these regulations shall impose no obvious hazards to any drivers, pedestrians, bicyclists, or other users of any public road in the unincorporated areas of the county. As such, the following materials shall be submitted to the planning director or his/her designee at the time of application:

(1) A completed application form;

(2) A detailed site plan prepared and stamped by a surveyor licensed by the state, noting the proposed location of the structure, and verification that the new sign or billboard meets all location requirements set forth in this article;

(3) A set of construction plans, to include all proposed lighting features. All plans submitted shall be stamped by appropriate professionals licensed by the state; and

(4) Payment of required fees.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-526. Maintenance requirements.

All signage subject to this article must be structurally safe and maintained in a good state of repair which includes, but is not limited to, the following:

(1) The sign area must be maintained free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.

(2) All parts of the sign, including the cutouts, extensions, border, trim, and sign structure must be maintained in a safe manner, free from rusting, rotting, breaking and other deterioration.

(3) The sign face must not have any vegetation growing upon it or touching or clinging to it.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-527. Fees.

Fees shall be established for the cost of a sign permit by county council from time to time.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-528. Permits.

Upon satisfactory completion of all requirements set forth in this article, the owner/agent shall be issued a land use permit by the planning director or his/her designee for construction of the billboard or sign. The land use permit shall be valid for six months from the date of issue; the owner/agent may be granted a one-time six-month extension, provided a written request is submitted to the planning director no later than seven working days prior to the original expiration date. Request for extension shall include documentation of efforts to obtain other necessary permits and permissions needed to begin construction, specifically noting the reason for the extension request. Extensions shall be granted only to those projects that were delayed through no fault of the owner/agent of the billboard or sign. The land use permit issued by the planning director shall in no way be construed to be a building permit needed to begin construction of a sign. No building permit, or other county-issued permits, certification or approval, shall be issued for a billboard or sign prior to the issuance of the land use permit. Replacing any billboard or sign face with no change in sign area, structure, or use of electricity does not require a permit.

(Ord. No. 2020-09, § 1(Exh. A), 8-18-2020)

Sec. 32-529. 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. 2020-09, § 1(Exh. A), 8-18-2020)

Secs. 32-530—52-600. 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.

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

Minor recreational vehicle park means four to 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.

Major recreational vehicle park means 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.

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.

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.

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.

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.

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.

(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 ~~DHEC~~SCDES standards. ~~DHEC~~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.

Permitted access to the recreational vehicle park from a state, county, or private road is as follows and must be included in the submission of plans for a 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 the recommended improvements therein and a permit from Oconee County Roads and Bridges.

(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 the recommended improvements therein. Permit from Oconee County Roads and Bridges.

(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) ~~DHEC~~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.

ARTICLE X. COMMERCIAL JUNKYARDS

Sec. 32-751. Findings.

The county finds that commercial junkyards:

(a) Provide a necessary service to county residents; and

(b) Contribute to the economy and tax base of the county; yet

(c) Pose a potential hazard to the health, safety, and general welfare of the citizens of the county;

(d) Can depreciate the value of surrounding property;

(e) Can attract and harbor mosquitoes or other insects, snakes, rats, and other pests and vermin;

(f) Pose a potential threat of injury to children and other individuals who may be attracted to the premises; and

(g) Can be a visual blight and depreciative to the aesthetic quality of the environment of the county.

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

Sec. 32-752. Purpose.

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

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

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

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

Sec. 32-753. Definitions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 32-754. Regulation of commercial junkyards.

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

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

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

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

(3) Fifty feet from all property lines.

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

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

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

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

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

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

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

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

(g) Electric vehicle batteries shall not be stored or handled at a commercial junkyard unless such storage or handling is expressly permitted by, and such activity is done in strict compliance with, applicable hazardous waste regulations promulgated by the South Carolina Department of ~~Health and~~ Environmental ~~Control (DHEC~~Services (SCDES), or its successor agency, the United States Environmental Protection Agency (EPA), and any other entity of competent jurisdiction. Electric vehicle batteries are generally considered "Universal Waste" by the EPA and ~~DHEC~~SCDES due to, among other factors, characteristics of ignitability and reactivity,

and consequently must be carefully managed. Current ~~DHEC~~SCDES regulations governing the handling of Universal Waste are located at S.C. Code Ann. Regs. 61-79.273.1, et seq.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 32-756. Provisions for administration.

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

(1) A commercial junkyard application shall consist of:

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

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

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

iv. A certificate of compliance prior to starting operations.

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

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

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

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

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

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

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

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

Sec. 32-757. Site remediation.

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

(1) Proposed practices, policies, procedures, and timelines to remove and properly dispose of all remaining junk;

(2) Plans for an environmental assessment of the property, including the planned methods of mitigation and treatment in relation to any soil, subsurface/ground water, or other type of contamination;

(3) Manner and type of revegetation and restoration of the commercial junkyard area to stabilize the soil and minimize erosion, protect water quality, and to otherwise minimize any negative environmental impact resulting from the commercial junkyard use;

(4) Method of compliance with ~~DHEC~~SCDES environmental regulations, including NPDES permitting requirements, as applicable; and

(5) Method of ensuring the site is secure to protect it from looting, loitering, trespassing, and similar activities.

(b) The site remediation plan must provide that the remediation activities will be completed within six months after the closing of, or ceasing operations at, the commercial junkyard.

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

Sec. 32-758. Bonding.

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

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

Secs. 32-759—32-800. Reserved.

Chapter 38 ZONING[1]

ARTICLE 1. LEGAL PROVISIONS

Sec. 38-1.1. Purpose.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.2. Authority.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.3. Jurisdiction.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.4. Conflicting regulations.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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[1]Editor's note(s)—Ord. No. 2012-14, § 1, adopted May 15, 2012, amended Ch. 38 to read as herein set out. Former Ch. 38, §§ 38-1.1—App. A, pertained to similar subject matter, and derived from Ord. No. 2007-18, Arts. 1—12, App. A, adopted Nov. 6, 2008; Ord. No. 2009-03, § 1(A)—(K), adopted May 19, 2009; Ord. No. 2010-21, § 1A—B, adopted Aug. 17, 2010.

Cross reference(s)—Development agreement regulations, ch. 6, art. IV.

Sec. 38-1.5. Severability.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-1.6. Exemptions (grandfathering).

Any lawfully existing land use or structure present at the time zoning regulations are adopted and/or amended by county council shall be exempt from these regulations or such amended regulations, respectively, until such a time as the intensity of use changes, or the use is abandoned as outlined in section 38-4.1. Nonconforming (or grandfathered) uses shall be subject to the standards listed 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 of the provisions contained within this chapter. As such, no building or structure, no use of any building, structure, or land; and no lot of record which did not exist on the effective date of these regulations, or any amendment hereof, shall be created, established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this chapter, or such amendment, respectively. No standard set forth in this document shall in any manner be construed to conflict with the provisions of the South Carolina Right to Farm Act or the South Carolina forestry regulations in effect on the date of adoption of these regulations, or any amendment hereof.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.2. Zoning official.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.3. Violations.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.4. Zoning permit.

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

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

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

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

(4) Unless specifically waived by the planning director or his/her designee, permitted uses with conditions and uses permitted by special exception shall require a site plan review prior to the issue of a zoning permit. The zoning official may require a site plan review for permitted uses when necessary to insure compliance.

(5) An approved site plan shall consist of two sets of plans drawn to an appropriate engineering scale, one of which shall be appropriately stamped and/or signed and returned to the applicant upon approval. The following items shall be noted on all site plans:

   a. The shape and dimensions of the lot on which the proposed building is to be located.

   b. The location of said lot with respect to adjacent rights-of-way.

   c. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks.

   d. The nature of the proposed use of the building or land, including the extent and location of the use.

   e. The location and dimensions of off-street parking and loading space and means of ingress and egress.

   f. The location of all required buffers.

   g. Required driveway/encroachment permits.

   h. A copy of any required stormwater and/or erosion control permits.

   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. These requirements are only applicable to major subdivisions.

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

(8) Coordinated development review. A proposed subdivision or land development shall also comply with chapter 32. A mixed residential development shall submit one coordinated plan showing each component use and all shared access, parking, utilities, stormwater facilities, landscaping, buffers, and other common improvements. The substantive standards applicable to each use shall apply to that component; shared site features shall be reviewed through the more demanding applicable approval process. Approval under this chapter does not constitute subdivision approval, approval of private access, or acceptance of a road into the County road system.

(9) Student housing. Student housing requires the special exception designated in section 38-10.16 and shall comply with section 32-258. The application shall state the dwelling units, bedrooms, approved beds, parking, access, pedestrian and bicycle connections, waste and service areas, amenities, lighting, landscaping, buffers, stormwater facilities, common improvements, operator contact, maintenance, parking enforcement, and complaint procedures. Conversion of conventional multifamily or another residential use to student housing requires the applicable zoning approval before the changed use begins. Occupancy by students alone does not constitute such a conversion where dwelling units continue to be rented as whole units and are not operated as student housing as defined in section 38-12.2.

(10) Student-housing amendments. An increase in approved beds or a material change to the approved use, site arrangement, parking, access, buffers, or other condition affecting compliance requires amended approval by the board of zoning appeals before additional beds are marketed or occupied or the material change is implemented. The planning director may approve minor plan changes that do not increase approved beds, change the approved use, reduce required access or buffers, or alter a condition imposed by the board. An administrative parking reduction is governed by section 32-258(d) and shall not alter a condition imposed by the board without its approval.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.5. Temporary use certificates.

A temporary use certificate may be issued by the zoning official. Such certificates shall be issued for a specific period of time, with none to exceed 15 days, and shall be subject to any and all limitations deemed to be necessary to protect the character of the district affected. In the event said temporary use proves to result in no apparent negative impacts, a temporary use certificate may be renewed for additional 15-day periods; however, no more than three such renewals shall be approved.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.6. Appeals of staff decisions.

Decisions made by the zoning official 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. Complainants must reside within the same planning district in which the potential violation lies. All complaints shall be acted on within ten days of submission. Anonymous reports of alleged violations will not be considered valid.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-2.8. Cancellation of permits.

Violation of the provisions of this chapter found after the issuance of a land use permit, building permit, or other permit or certificate issued by Oconee County contingent on an approved zoning permit or temporary use certificate shall constitute a voiding or cancellation of all issued permits, and 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
HCD	Highway Commercial District	Section 38-10.10
ID	Industrial District	Section 38-10.11
ARD	Agricultural Residential District	Section 38-10.12
PRLD	Public and Recreation Lands District	Section 38-10.13
MUD	Mixed Use District	Section 38-10.14
PDD	Planned Development District	Section 38-10.15

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 3. OFFICIAL ZONING MAP AND ZONING DISTRICTS

Sec. 38-3.1. Official zoning map.

The boundary of the unincorporated areas of Oconee County and all adopted zoning districts are shown on a map entitled "Official Zoning Map, Oconee County, South Carolina," which is hereby adopted and declared to be part of this chapter and incorporated herein by reference.

(1) *Amendments* — Amendments to the official zoning map shall be made as necessary by the Oconee County Council, in accordance with the procedures outlined in this chapter and according to § 6-29-760 of the State of South Carolina Code of Laws, 1976, as amended. The map shall at all times portray the current status of the zoning district boundaries.

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-3.2. Interpretation of districts' boundaries.

When uncertainty exists with respect to the boundaries of a zoning district, as shown on the official zoning map, the following rules shall apply:

(1) *Delineation* — Zoning district boundary lines are intended to follow the centerline of roadways, streams or other water channels, and follow platted lot lines or other property lines. In the absence of visual district boundaries or specified distances on the official zoning map, dimensions or distances shall be determined by the scale on the official zoning map.

(2) *Interpretation* — In the event that the zoning official is unable to make a decision regarding the exact boundary on the official zoning map, the board of zoning appeals shall interpret the district's boundary.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 4. NONCONFORMING USES

Sec. 38-4.0. [Use.]

Any usage of a parcel or structure lawful at the time these regulations or any amendment thereof become effective shall be allowed to continue as a nonconforming usage, subject to the restrictions listed herein. For purposes of this article usage shall be construed to include, without limitation and in addition to the usual meaning of the word, usage expressly and explicitly approved, indicated and stated in a deed restriction, restrictive covenant, or other form of land use restriction imposed or obtained in a private, arm's length, contractual transaction which is reduced to a matter of public record, and actually recorded as a public record, at the time of enactment of Ordinance 2007-18 on November 6, 2008.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-4.1. Discontinuation of use.

Any nonconforming use discontinued or abandoned for a period of 12 months or more shall void any exemption as a nonconformity, and thereafter the use shall conform to all provisions of these regulations. However, suspension of a use for longer than 12 months solely as a result of fire, flood, wind, explosion, or other calamity or Act of God; catastrophic illness or injury detrimental to the continuation of the use; or the exercise of eminent domain or other governmental act (other than that which results from criminal activity proven in a court of competent jurisdiction) shall not constitute discontinuance or abandonment. A nonconforming use may be discontinued for more than 12 months due to a national or regional recession (as recognized by competent state or national authority), or business restructuring due to bankruptcy (other than through dissolution of the business in question), provided the owner of said nonconforming use submits a request in writing to the county planning department prior to discontinuation of the nonconforming use, supported by appropriate documentation, for an extension of nonconformance for an additional 12 months. No more than three such extensions shall be granted, and if the nonconforming use has not been resumed by the end of the last such extension, the nonconforming use shall be deemed to have been abandoned or expired.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-4.2. [Nonconforming structure.]

In the event an alteration, 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) Reserved.

(2) 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.

(3) An expansion of a nonconforming structure that is a nonconformity solely due to dimensional setbacks shall be permitted, provided the dimensional nonconformity will not be increased.

(4) Nonconforming buildings or structures utilized as an integral part of a business at the time of adoption of these regulations or any sequential rezoning shall be permitted to be expanded by an amount up to 50 percent of the building footprint existing at the time of adoption, as a special exception, provided:

a. District setback and height requirements are met, with no existing dimensional nonconformities being increased;

b. Any increase in excessive light, noise, dust, or other negative impacts on neighboring uses resulting from the proposed expansion are mitigated by screening, fencing, or other means necessary.

(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. [Use.]

The standards listed in this section shall be applied in addition to any and all zoning district requirements applicable for the use specified. The zoning official may require site plans, technical specifications, and/or any other reasonable documentation necessary to verify compliance.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.1. [Reserved.]

Sec. 38-5.2. Auction houses (zoning districts: ARD, RRD, CCD, HCD).

All noises, excess light, or dust shall be controlled so as not to be detrimental or cause a nuisance to nearby residential or commercial uses. A landscape plan which provides for screening and buffering of a minimum width of 15 feet shall be submitted at the time of application for a zoning permit. Parking areas shall be no closer than 15

feet from the boundary of any adjoining parcel, and bordered on adjoining sides by a landscaped area which contains an evergreen screen a minimum of four feet in height.

(Ord. No. 2012-14, § 1, 5-15-2012)

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

Off-street parking shall be provided in accordance with the average amount of expected traffic utilizing the said business. A minimum of two spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur in the rear of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.4. Cemeteries and accessory uses (zoning district: CCD).

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.6. Conservation subdivision (zoning districts: TRD, AG, 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. 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, AG, ARD, CD, RRD, RD, LRD, CCD, HCD).

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the said business. At a minimum, two spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur in the rear of the business.

(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 clearly designated area apart from the merchant stands. Fire access shall be maintained throughout the entire outdoor retail area with fire lanes and thoroughfares that are a minimum of 20 feet wide. All adjacent residential areas shall be screened or buffered so as to ensure that the visual impacts are minimized. See Appendix A for screening and buffering guidelines.

(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 said business. A minimum of ten spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur to the rear or side of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

ARTICLE 6. BOARD OF ZONING APPEALS

Sec. 38-6.1. References.

All references within these regulations to the board of zoning appeals shall be considered to indicate the Oconee County Board of Zoning Appeals, created under the provisions of Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2018-18, § 1(Att. A), 8-21-2018)

Sec. 38-6.2. Responsibilities.

The board of zoning appeals shall:

(1) Hear all appeals, request for variances, and special exceptions from these regulations, in accordance with the Code of Laws of South Carolina, Title 6, Chapter 29 and the adopted bylaws of the board of zoning appeals.

(2) Hear and decide appeals where there is an alleged error in any order, or decisions made by the zoning official or designated staff.

(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 I.D. number and physical address, if available;

c. Identifies the reason for the meeting; and

d. Provides county planning staff contact information.

(2) *Public signage.* Produce a sign, at least six square feet in size that identifies the party asking for the BZA meeting, what the BZA meeting is for (variance, special exception), the project location (address and parcel - I.D.), time and location of the BZA meeting, and a contact phone number of county planning staff. The signs should include four-inch high lettering that states 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 asking for the BZA hearing, and at least one more sign, as needed at staff's discretion, to provide adequate notification for area property owners and residents.

(3) *Adjacent landowner notification.* County planning staff shall produce and mail letters to all landowners within 250 feet of the project areas property lines that:

a. Identifies the proposed project site;

b. Identifies the need for the BZA hearing;

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

d. Provides 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 is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the special exception is being requested;

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

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

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

(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[2]

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 hearings.* County council shall conduct all required public hearings for amendments and rezoning. No amendment to these regulations or official zoning map shall be considered for third and final reading until after the public notice and hearing requirements set forth in the South Carolina Code of Laws and this chapter have been met. An ordinance amending this chapter or the official zoning map shall receive three readings at public meetings of county council on three separate days, with not less than seven days between second and third readings, as required by S.C. Code § 4-9-120. The required public hearing shall be held before final council action in accordance with S.C. Code §§ 4-9-130 and 6-29-760.

(b) *Notice of hearing.* Notice of public hearing shall be published in a newspaper of general circulation at least 15 days prior to hearing. The notice shall carry an appropriate descriptive title and shall state the time, date, and place of the hearing. Interested persons shall be provided a reasonable opportunity to be heard in accordance with county council's rules of procedure.

(c) *Posting.* Pursuant to the provisions of the South Carolina Code of Laws, signs noting a rezoning for the small area method shall be posted on or adjacent to affected parcels along public thoroughfares. In the event less than ten effected parcels are so situated as to share frontage along the same public thoroughfare, a sign shall be located on each parcel, provided no two signs are closer than 100 feet of each other. In the event ten or more affected parcels are so situated as to share frontage along the same public thoroughfare, or any number of parcels are located off of the public thoroughfare, signs shall be posted as close as is practical in a manner sufficient to ensure due public notice. At a minimum, signs shall be posted at the beginning and end of any continuous shared public frontage, with no more than one mile between signs; at least one sign shall be visible from all directions in each intersection adjacent to a parcel for which rezoning is proposed. The rezoning of lands owned by the United States, the State of South Carolina, public universities, or the county

[2]Editor's note(s)—Ord. No. 2017-25, § 1(Att. A), adopted Dec. 5, 2017, amended art. 8 in its entirety to read as herein set out. Former art. 8, §§ 38-8.1—38-8.6, pertained to similar subject matter, and derived from Ord. No. 2012-14, § 1, adopted May 15, 2012.

shall be posted at any major identifying signs stating the identification of the property; in the event that no signs are present, state posting guidelines shall be followed. For all other rezoning, state posting guidelines shall be followed.

(d) *Notification of property owners.* A written notice containing all pertinent information related to any public hearing shall be sent by first class mail to the registered owner of each affected parcel at least 15 days prior to the event. For the purposes of this section, the name and address of the owner of the parcel shall be that listed on tax records maintained by the 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) *Action by council.* After conducting a duly advertised public hearing, county council shall consider all information presented at the hearing, staff review, and the recommendation received from the county planning commission, prior to making their decision.

(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.

(Ord. No. 2017-25, § 1(Att. A), 12-5-2017; Ord. No. 2019-12, § 1, 6-4-2019)

Sec. 38-8.6. Subsequent rezoning.

(a) 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 fifty acres; or

(2) If the parcel or parcels proposed for rezoning contain less than fifty 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 and the combined properties are greater than fifty acres.

(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).

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

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:* The board of zoning appeals review and approval is subject to any and all district provisions, other applicable requirements, and conditions of approval. Some special exceptions may also be subject to conditions in this chapter. Those uses currently governed by the Unified Performance Standards Sections of the Oconee County Code of Ordinances as special exceptions shall be governed by those standards unless otherwise noted in this chapter.

(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-right, railroad right-of-way, or utility easement boundary. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

(2) *Edge line:* Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the centerline of such street or alley right-of-way, railroad right-of-way, or utility easement boundary.

(3) *Lot line:* Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

(4) *County/municipal limits:* Boundaries indicated as approximately following county/municipal limits or extraterritorial boundary lines shall be construed as following the county/municipal limits or extraterritorial boundary lines.

(5) *Watercourses:* Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(6) *Extensions:* Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.

(7) *Scaling:* In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.

(8) In the event physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are different than those shown on the official zoning map, the board of zoning appeals shall have the authority to interpret zoning district boundaries.

(Ord. No. 2012-14, § 1, 5-15-2012)

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

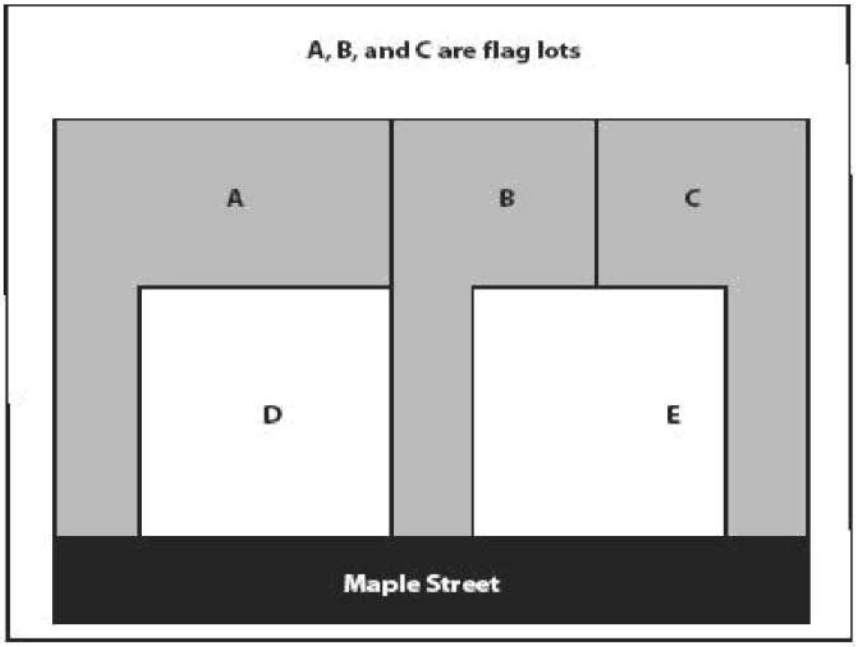
In addition to the dimensional requirements listed below and district dimensional requirements, further dimensional requirements may be set forth in article 5 for those uses listed as conditional.

(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.

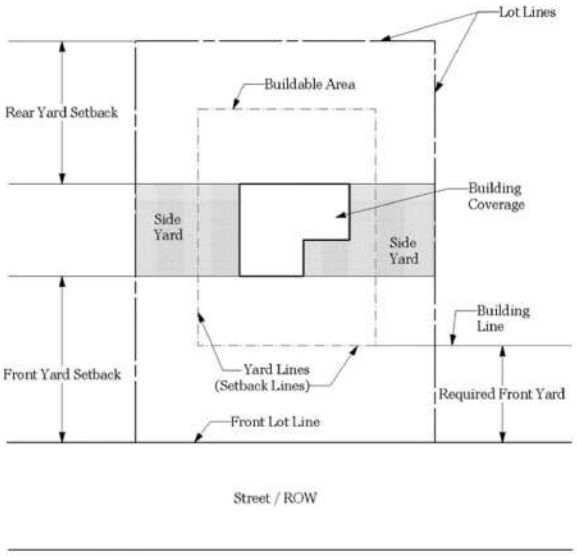
b. *Flag lots.* Flag lots may be permitted under the following conditions:

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 fronts and shall meet the front setback for the district.

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

e. For lots not meeting the required minimum lot width for the respective district at the front property line or road right-of-way, as applicable, the setback shall be measured such that the distance from the front property line or road right-of-way, as applicable, shall nonetheless be included in the measurement for the required setback. The buildable area shall not, however, include any area where the minimum lot width is not met. This provision is meant to apply to irregularly shaped lots, as generally determined by their existing lot width and configuration in relation to the district minimum lot width. This provision does not apply to flag lots. See section 38-9.3(1)(b) for flag lot provisions.

f. Road design and encroachment criteria 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 32-228 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 yard a distance not to exceed five feet but no closer than five feet of a property line. Fences, freestanding walls, retaining walls and appurtenances, hedges, septic lines and other structures that do not require a building permit may be located in any setback, so long as they remain on the property.

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

Sec. 38-9.4. Height.

(a) *Requirements.* All proposed structures not specifically exempted by this article that are greater than 65 feet in height, or otherwise subject to the exemptions found in subsection 38-9.4.(b)(1)a.18. and 19. and greater than 199 feet in height, shall be subject to review and approval by the Oconee County Board of Zoning Appeals only as a special exception. In addition to the requirements for special exceptions established in Chapter 38, Article 7 of this Code, as amended, the board shall issue findings on each of the following criteria:

(1) Projected traffic and ability of existing roadways to accommodate the increase caused by the proposed structure.

(2) Anticipated cost of any specialized emergency response equipment and training required to serve the proposed structure.

(3) Potential noise, light, fumes, shadows, obstruction of air flow, and other negative secondary effects caused by the proposed structure that may impact existing uses and/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 proposed structure in relation to the character of the community.

(b) *Height.*

(1) Structure height is measured from the average elevation of the finished grade of the structure to the highest point of the structure; all methods relating to the establishment of elevations, grades, and distances shall conform to those set forth in codes adopted by Oconee County.

a. *Exemptions.* The height limitations of this chapter shall not apply to the following:

1. Belfries.

2. Chimneys.

3. Church spires.

4. Conveyors.

5. Cooling towers.

6. Cupolas.

7. Domes.

8. Elevator bulkheads.

9. Fire towers.

10. Flag poles.
11. Ornamental towers and spires.
12. Public monuments.
13. Public utility poles.
14. Silos.
15. Skylights.
16. Smoke stacks.
17. Stage towers or scenery lofts.
18. Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property zoned as an Industrial District (ID) in accordance with chapter 38 of the Oconee County Code of Ordinances.
19. Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property designated by Oconee County as county industrial parks.

b. Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

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 standards provided for in the Oconee County Unified Performance Standards Chapters of the Oconee County Code of Ordinances; however, all other district dimensional standards shall apply as specified.

(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, for landscaping, screening, and buffer requirements applicable to major subdivisions or developments containing 21 or more buildable lots. See chapter 32, article VI, division 5, 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 that are appropriate to the character of the areas in which they are located in accordance with the Oconee County Comprehensive Plan. All permitted, conditional, and special exceptions are identified in the zoning use matrix. All conditional uses shall meet the guidelines established in Article 5 of this chapter. Likewise, all special exceptions shall meet the guidelines established in Article 7 of this chapter. For the purpose of this chapter, Oconee County is hereby divided into the following base zoning districts. These districts shall comply with all of the general and specific requirements of this chapter.

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 twenty 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.

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

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

Sec. 38-10.3. Traditional rural district (TRD).

Title: Traditional rural district.

Definition: Parcels located in areas with little or no commercial, industrial, or other significant development; residential development is primarily limited to single-family dwellings. Public infrastructure is limited.

Intent: This district is meant to provide for a continuation of traditional lifestyles in sparsely populated areas with low intensity commercial, industrial, or other development; and to preserve the character of more remote rural areas. Additionally, residents of traditional rural areas typically have access to fewer public conveniences than more urban areas, but retain greater freedom in the manner in which they use their land.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	2 dwellings per acre	80	35	10	20	
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)		80	35	10	20	

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.4. Rural residential district (RRD).

Title: Rural residential district.

Definition: Those areas wanting to protect the rural nature of their community but allow for limited residential growth.

Intent: The intent of this district is to allow for residential development in rural areas that wish to minimize the impact of dense residential development.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres	1 dwelling per 5 acres	400	35	20	50	65
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres		600	35	20	50	65

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.5. Conservation district (CD).

Title: Conservation district.

Definition: Those areas designated for preservation and protection.

Intent: This district is intended to protect and promote the continuation of Oconee County's natural resources.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	10 acres	1 dwelling per 10 acres	600	35	20	50	65

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.6. Agriculture district (AD).

Title: Agriculture district.

Definition: Those areas in which rural lifestyles have traditionally been and continue to be intertwined with agricultural activity and production which has a significant economic impact to the area and Oconee County.

Intent: Agricultural districts are intended for the protection of farm land in Oconee County while ensuring sufficient residential and commercial development opportunities exist to serve the needs of citizens living in those areas.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	35	10	20	
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)		100	35	10	20	

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

(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 residential single family development in the county and for those related uses that are normally associated with residential communities. Those uses that may generate negative secondary effects impacting life shall be discouraged.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (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 Yard 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 is single family residential with limited multi-family residential use.

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

Dimensional requirements:*

		Density and Lot Size			Minimum Yard 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 Yard Requirements			Max. Height
	Min. Lot Size			*Min. Width (ft.)*	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre or ½ acre depending on availability of utilities	80		35	10	30	65	

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

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2018-22, § 1(Att. A), 8-21-2018)

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

Title: Community commercial district.

Definition: Those areas well suited to supporting low intensity commercial activity centered around providing service to the adjacent community.

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

*Dimensional requirements:**

Residential Uses							
	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	25	5	10	
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	*Structure Height (ft.)*
	1 acre (43,560 sf)		100	25	5	10	

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.10. Highway commercial district (HCD).

Title: Highway commercial district.

Definition: Those areas well suited for higher intensity more regional scale commercial activity typically found adjacent to major highways and intersections.

Intent: This district is intended to provide commercial goods and services to a larger service area at a more regional scale. The uses are much more intense than what would be expected in a community commercial district.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	*Min. Width (ft.)*	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)

	⅛ acre (7,260 sf)	6 dwellings per acre	70	25	5	10	
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		*Min. Width (ft.)*	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	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: Those areas suited for light and/or heavy industries.

Intent: The intent of this district is to provide for the industrial and commercial needs of Oconee County while protecting other uses from potential negative impacts associated with such activities.

*Dimensional requirements:**

ID District	Minimum District Size		Minimum District Buffer			Max. Height
	10 Acres		50 feet			
Nonresidential Uses (interior lots)	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	90	30	10	15	200

Where a Type D buffer under chapter 32 is used to satisfy planting or screening requirements, the minimum 50-foot industrial district buffer required by this section shall not be reduced.

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

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2014-28, § 4(Att. D), 12-16-2014)

Sec. 38-10.12. Agricultural residential district (ARD).

Title: Agricultural residential district (ARD).

Intent: The Agricultural Residential districts are intended to allow for most agricultural, forestry, and other related uses that are typically found in rural communities; however, in consideration for the residential areas nearby, certain uses are prohibited in this zoning district.

Definition: For those areas that have maintained their rural uses, including engaging in agricultural and forestry practices, while the neighboring areas have experienced a growth in residential development not typical to rural areas.

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre	1 dwelling unit per acre	80	35	5	10	65
Nonresidential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre with availability of utilities		80	35	10	30	65

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

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2015-08, § 1(Att. A), 6-2-2015)

Sec. 38-10.13. Public and/or recreation lands district (PRLD).

Title: Public and recreation lands district.

Definition: Those areas set aside for the promotion, use, and protection of natural resources in the form of (but not limited to) parks, forests, and educational or research facilities; or federal, state, and county owned lands typically maintained for the benefit of the public.

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

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

(Ord. No. 2012-14, § 1, 5-15-2012)

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

Title: Mixed use district.

Definition: Those areas in which a mix of uses situated adjacent or nearby imposes no significant negative impacts, with the proximity of the activities associated with the development enhancing the surrounding properties.

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

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre	2 units per acre	100	25	5	10	65
Non-residential Uses	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre		100	25	5	10	65

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

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-10.15. Planned development district (PDD).

Title: Planned development district.

Definition: Those areas suitable for relatively intense mixed-use development that offers significant amounts of open space and designed amenities that enhance the surrounding scenic, natural, and cultural characteristics.

Intent: This district is intended to allow flexibility in development that will result in improved design, character, and quality of new mixed-use developments in order to preserve natural and scenic features of open spaces that might be negatively impacted by more restrictive zoning districts.

Definitions: For the purposes of this district, the following definitions shall apply:

(1) *Impervious surface ratio (ISR).* The ratio of impervious surface area to a development's total area (ISR = Area of Impervious Surface/Total Project Area).

(2) *Open space.* Portions of a project not occupied by private lots, amenities, public road right-of-ways, 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 Yard Requirements and Lot Size		Max. Height
Min. Project Area	Max. Density	Min. Open Space	Front, Side and Rear Setbacks	Min. Lot Size	Structure Height (ft.)
5 acres	Set in approved plan	15% of Site Project Area	Set in approved plan	Set in approved plan	65

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

Additional requirements:

(1) With the exception of the draft ordinance of amendments necessary to amend these zoning regulations to approve the planned development, all draft plans, agreements, or other materials related to the establishment of a planned development district shall be the responsibility of the developer.

(2) All such plans shall be stamped and signed by an appropriate design professional licensed by the State of South Carolina.

(3) Proposed planned developments shall meet standards established for non-residential parking, buffering/screening, and lighting established in appendix A of chapter 38 (zoning) of the Oconee County Code of Ordinances, as amended.

(4) All commercial signage in proposed planned developments shall be designed and located so as to avoid any negative impacts on neighboring uses both inside and outside the development. All road signage shall meet the standards established in the latest edition of the "Manual of Uniform Traffic Control Devices."

(5) All variations from adopted county regulations shall be specifically and clearly stated in the approved plan. Any regulation, standard or requirement not varied in an approved plan shall be strictly applied.

(6) Proposed planned developments shall consist of a use mix of no less than five percent commercial, and 20 percent residential.

(7) All historic and/or culturally significant structures and sensitive natural areas within the boundaries of the proposed planned development shall be identified on plans, and protected, preserved and

maintained by methods endorsed by appropriate state and federal agencies. A maintenance plan for each such significant or sensitive feature shall be included as part of an approved planned development plan.

(8) To the extent possible, all proposed planned developments shall be designed to provide for pedestrian and bicycle traffic, with "bicycle lanes" included on roads designed to accommodate more than 400 average daily trips (ADTs). An all-weather trail or sidewalk designed to safely accommodate both pedestrian and bicycle traffic may be approved in lieu of this requirement.

(9) Stormwater control measures shall be designed and maintained so as to adequately ensure post-construction runoff generated from planned development meets minimum requirements as defined by state regulations. Low impact development (LID) measures utilizing controls such as natural infiltration and vegetative conveyance systems, as well as stormwater wetlands, bioretention areas, and vegetative filter strips are encouraged to be utilized to the extent possible.

(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
	Zoning Use Matrix												
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	P	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	P	P	P	S	X	X	X	X	X	P	P	P	P

materials and supply uses													
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
Communications towers	P	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	S	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)	S	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
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	S	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 Mats	P	P	P	P	X	X	X	X	X	P	P	X	P
Laundry and dry cleaning services	P	P	X	X	X	X	X	X	X	P	P	X	S
Light Manufacturing	P	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
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
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)	P	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 repair	P	P	P	P	X	X	X	X	X	C	P	P	C

Motor vehicle services and gas stations (excluding truck stops)	P	P	P	X	X	P	X	X	X	P	P	P	P
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
Public, Private, and Commercial parks and recreation, camping or social facilities	P	P	P	P	S	P	P	P	S	P	P	X	X
Public and private utilities	P	P	P	P	P	P	P	X	X	P	P	P	P
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 (up to 2,500 square feet)	P	C	P	S	X	C	X	X	X	P	P	S	P
Restaurants (greater than 2,500 square feet)	P	S	S	X	X	S	X	X	X	P	P	S	S

Retail uses (up to 5,000 square feet)	P	P	S	S	X	P	X	X	X	P	P	P	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
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)	P	S	S	X	X	X	X	X	X	X	X	S	X
Taxidermy, slaughter houses and wild game processing	P	P	P	S	S	P	X	X	X	S	S	X	X
Townhouses	P	P	X	S	X	X	X	S	S	S	P	X	S
Waste management services (excluding hazardous waste)	P	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 sub-districts:

(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 that are created subsequent to the effective date of the ordinance codified in this subsection and which exist, in whole or in part, within 200 feet of the full pond contour of lake Keowee or Lake Jocassee shall be no less than one-half acre in size, with a maximum density of one dwelling unit per one-half acre. Lots located fully within the remaining boundaries of the lake overlay district are limited to a net density of no greater than two dwelling units per acre.

2. No structure constructed in the overlay shall have a building height greater than 65 feet above finished grade. In no circumstance shall the grade elevation be altered beyond that necessary to provide for structural soundness. For the purposes of this section, unless otherwise stated, all dimensions, heights, elevations and other specifications related to structures shall be measured in accordance with adopted building codes.

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

4. All non-residential projects that have a proposed developed area fully or partially located within the boundaries of the Lake Keowee/Jocassee Overlay shall be subject to a special exception hearing by the board of zoning appeals. The board of zoning appeals shall use Appendix A as a guide and for good cause shown they may waive the strict application of any standard therein.

5. Natural vegetative buffer.

   (i) The natural vegetative buffer shall be established on all waterfront parcels whose property line is located within 25 feet from the full pond contour. Those parcels not meeting these criteria shall be exempt from this standard. A map indicating those parcels to which the standards of this section apply, as well as the status of the establishment of the required buffer, shall be created and maintained as a layer in the county's geographic information system (GIS), and shall be available to the public.

   (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 will be permitted inside the natural vegetative buffer if:

      a. Required to remove dead or dying trees, as confirmed by a certified arborist, forester or zoning administrator.

      b. Required for remediation purposes, as permitted by the zoning administrator.

      c. Required for construction of the 15 percent view lane path or permitted patio/deck.

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

      e. Golf carts and similar vehicles are permitted to utilize the path of the permitted 15 percent view lane(s).

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

   (vi) Silt fences: In order to ensure that the natural vegetative buffer is maintained during the development of property, properly installed, entrenched and maintained silt fences are required, before a zoning inspection will take place. The 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 the completion of construction. The county may mandate additions of any or all of these options at any point during construction.

If the silt fences and other measures, listed above, fail to prevent an accumulation of silt and other debris in the natural vegetative buffer, the county shall require the responsible parties to install additional control measures. These measures shall be installed in a timely manner to prevent any further accumulation.

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

See subsection (f) for penalties.

(vii) View lanes: View Lane means the portion of a natural buffer utilized and maintained by the property owner to enhance observation and access 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. The view lane may be up to 15 percent of the vegetative buffer either 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 they are no wider than six feet. Turnarounds are permitted within the 15 percent view lane. Any path is considered a part of the allowed 15 percent view lane. Patios or decks, without permanent vertical features other than those required for safety or building code standards, are permitted but may not be more than 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 they run within the permitted 15 percent view lane and meet all applicable building codes.

(ix) Vegetation removal: No trees larger than six-inch caliber at four feet from the ground shall be removed unless certified to be a hazard by a registered forester or arborist. Trees may be limbed up to 50 percent of their height. A removal plan shall be submitted for approval. Invasive species may be removed in such a manner that does minimal damage to surrounding native vegetation. Trees that are clearly dead or dying may be removed with the permission of the zoning administrator. Existing vegetation, outside of the allowed 15 percent view lane, may be under-brushed. This under-brushing may not utilize herbicides, fertilizers or other chemicals and may not increase run-off throughout the natural vegetative buffer. Vegetation within the allowed 15 percent view lane may be maintained to the property owner's standards provided it does not create or contribute to runoff entering the lake or adjacent properties and the maintenance does not utilize herbicides, fertilizers or other chemicals.

(x) Vegetation mitigation: The following mixture of plants for every 2,500 square feet of the natural vegetative buffer shall be required if reestablishing the native vegetation or for mitigation purposes:

a. 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 or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the buffer area.

(xii) In the event that a property owner is unable to establish the said buffer they may request a variance, to be considered at a hearing before the board of zoning appeals, stating the reasons why a buffer cannot be established. The board of zoning appeals may, in its sole discretion, grant or not grant such variance, for good cause shown.

(e) *Compliance and conflicts:* Compliance with the requirements of this section does not nullify a party's duty to comply with other or more stringent regulations, requirements, or guidelines of a Duke Energy company or affiliate, or any local, state, or federal law or other applicable authority.

(f) *Penalties:* The intent of the natural vegetative buffer is to protect the natural and built environment within and surrounding Lakes Keowee and Jocassee. All parties owning, renting, or inhabiting property or working on property within the lake overlay are required to work within the intent and the letter of this and all applicable ordinances and standards to protect and enhance the natural and built environments.

A violation of this article is punishable by fine and/or imprisonment 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. Further, the provisions, including prescriptions, proscriptions, and penalties contained within the International Property Maintenance Code may apply.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2017-33, § 1(Att. A), 2-6-2018; Ord. No. 2022-24, § 1, 12-16-2022)

Sec. 38-11.2. I-85 overlay district.

Title: I-85 overlay district.

Definition: The I-85 overlay district is not intended to be a separate zoning district, but shall be assigned to those areas county council has determined to be essential to the future economic prosperity and general well-being of all Oconee County citizens.

Intent: The overlay is intended to promote development that reflects the best building and site design practices in a manner that will maintain the greatest marketability of the area over time, while limiting any negative effects that may impact the existing lifestyle of the area's citizens.

Boundary: The boundaries of the I-85 overlay district shall be shown on the Official Oconee County Zoning Map:

The I-85 overlay district shall be divided into the following sub-districts:

(a) Carolina Gateway (Interstate 85).

(b) Fair Play Village.

(c) Cleveland Creek.

Standards:

(1) No new residential subdivision development consisting of more than ten residential housing units proposed for any sub-district of the I-85 overlay shall have a gross density greater than one dwelling unit per acre, unless otherwise specified by this chapter.

(2) Sexually oriented businesses, as defined by the Unified Performance Standards chapter of the Oconee County Code of Ordinances, shall not be located in the I-85 overlay district.

The following standards shall apply within one or more of the sub-districts of the I-85 overlay, as specified:

(1) Carolina Gateway sub-district:

A. The regulations contained within Appendix A of this chapter shall apply in their entirety to all non-residential uses within the Carolina Gateway (Interstate 85) overlay, excluding agriculture uses.

(2) Fair Play Village sub-district:

A. All new primary and accessory residential buildings proposed to be located within the boundaries of the Fair Play Village sub-district shall be subject to the following standards:

1. Maximum density: Two dwelling units per acre.

2. Setbacks: Front - 25 feet; Side - Five feet; Rear - Ten feet.

B. All new lots/parcels shall have a minimum lot width on road frontage of 100 feet.

C. All structures and properties located in the Fair Play Village overlay constructed, installed or maintained in such a manner as to permit the harborage of rodents, mosquitoes, or any other pest or vermin, shall within 30 days of notification (by certified mail) by the zoning administrator repair, upgrade, clean or otherwise improve the structure or property so as to mitigate the situation. In the event the owner of a structure deemed to be in violation of this standard can demonstrate the need for additional time beyond 30 days from the date of notification to complete necessary work, provided all imminent hazards to residents and the public have been mitigated, the zoning administrator may grant up to an additional 60 days for completion.

D. Proposed structures to be located in the Fair Play Village sub-district subsequent to the adoption of this standard shall be subject to the following:

1. All nonresidential and non-agricultural structures and uses shall be approved as a special exception by the board of zoning appeals and may be required to conform to the standards established in Appendix A.

2. Single-family residential developments proposed to consist of greater than two units, and all multi-family residential developments, shall be subject to review and approval by the Oconee County Planning Commission.

3. Proposed structures, of any type, intended for occupancy shall meet the following standards:

i. Foundations and/or underpinning shall be constructed of concrete, masonry (brick or block), or similar material, and designed so as to provide a continuous, permanent, and attractive impediment to the harborage of rodents and vermin.

ii. A lawn or landscaped area cleared of weeds, excess undergrowth, and any other materials or debris that may attract rodents, mosquitoes, and other

potential threats to occupants and/or the public shall be established for each residential unit prior to final approval for occupation.

iii. Access to residences shall be from an all-weather driveway and/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 meanings of words.* The words and phrases used in this chapter shall have their customary meanings except for specific words and phrases.

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

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

(4) *Person.* The word "person" includes a firm, association, partnership, trust, company, corporation, governmental entity, or other legal entity.

(5) *Shall and may.* The word "shall" is mandatory; the word "may" is permissive.

(6) *Used and occupied.* The word "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."

(7) *Used for.* The term 'used for' shall include the phrases: arranged for, designed for, intended for, and 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 of.* The phrase "on the premises of" as applied to accessory uses or structures shall be interpreted to mean: on the same lot or on a contiguous lot in the same ownership.

(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 to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

Access: A way of approaching or entering a property. Access also includes ingress, the right to enter and egress, and the right to leave.

Accessory building or use: A building or use, not including signs, which is:

(1) Conducted or located on the same parcel as the principal building or use, except as may be specifically provided elsewhere in the chapter;

(2) Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and

(3) Either in the same ownership as the principal use or is clearly operated or maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Addition (to an existing building): Means an extension or increase in the floor area or height of 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, such as but not limited to, establishments that include adult bookstores, adult motion picture theaters, adult motels and hotels, and other similar establishments which depict or emphasize sexual activities and/or nudity.

Affected land (relating to mining): The surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and settling ponds.

Agriculture: The practice of farming by means of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry, and animal and poultry husbandry.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley: A public or private right-of-way or easement primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street, and not intended for general traffic.

Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in a multi-family structure, duplex, or as an accessory use in a single family home or a commercial building.

Area of special flood hazard: Is 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 project from the wall of a building for the purpose of shielding a doorway or window from the elements. Canopies and marquees are rigid, structures of a more permanent nature attached to a building or supported by columns extending to the ground.

Bed and breakfast: Sleeping accommodations for travelers where meals may be included or available. There is no restaurant, but a dining room may be used by overnight guests only. The owner must be a resident.

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

Board of zoning appeals: 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 space remaining on a parcel after the minimum open space requirements (yards, setbacks) have been met.

Building: Any roofed structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto.

Building 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 elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building,

and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.

Building lot coverage: The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

Building, principal (main): A building in which is conducted the principal use of the parcel on which it is situated.

Building setback line: 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: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc.

Campground: Land upon which, for compensation, shelters (such as tents, travel trailers, and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

Centerline: A line along the center of a road, highway, river, creek, or property that equal divides the object into two equal parts; a line running through the middle.

Certificate of occupancy: Official certification that a premise conforms to provisions of the zoning chapter (and state building code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Civic, fraternal, professional, and political organizations: A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.

Common open space or green space: A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common open space shall be substantially free of structures, but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

Conditional use(s): Provisions that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district which have been set forth in the text of the zoning chapter.

Condominium: An attached multi-family dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual, and such ownership is not inclusive of any land.

Contractor: One who accomplishes work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from his business location. As used in this chapter, the term "contractor" does not include general assembly, fabrication, or manufacture at his business location.

Convenience store: A commercial building where a variety of items are sold, which may include food, magazines, automobile accessories and maintenance supplies, and other such items. In addition to the commercial building, other services on the premises may include gasoline sales, and a coin operated (automated) car wash.

Conversion: Changing the original purpose of the building to a different use.

County council: The governing body of Oconee County.

Covenant: A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.

Current land use map: A nonregulatory map that graphically represents the 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, which provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. All state registration requirements and inspections shall be met.

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

Density: The average number of families, persons, housing units, or buildings per unit of land.

Density, gross: The total number of dwelling units proposed on a property per acre.

$$\text{Gross density} = \frac{\text{Proposed number of dwelling units}}{\text{The total acreage}}$$

Density, net: The total number of dwelling units proposed on a property per acre after the area of the infrastructure is taken into account.

$$\text{Net Density} = \frac{\text{Proposed number of dwelling units}}{\text{(The total acreage - roads and right-of-ways)}}$$

District, zoning: A specifically delineated area in a planning district, shown on the official zoning map, within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Dripline: A collective name for all vertical lines from the earth to the outermost tips of the crown of a tree. These lines will completely encircle the tree and thereby define its outermost reaches.

Driveway: A private roadway located on a parcel or lot used for vehicle access.

Dwelling: A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

Dwelling, single-family: a 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 right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property. No land is dedicated to the party receiving an easement, only permission to use the land for a specific purpose.

Elevated building: Means, for floodplain management purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

Erect: Build, construct, erect, rebuild, reconstruct, or re-erect any building or other structure.

Exempted residential facility: Residential summer camps, day facilities, and religious retreat facilities, any of which do not provide for long-term stays of 30 days or more. Hospitals, nursing homes, and accredited college/accredited university housing are exempted from this definition.

Facade: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Farm and roadside market: A market or stand operated on a seasonal or year-round basis that allows for agricultural producers to retail their products and agricultural related items directly to consumers and enhance income through value-added products, services, and activities.

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 chapter 38 for specific provisions addressing flag lots.)

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; and,

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area (for determining off-street parking and loading requirements): the gross total horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production. However, "floor area", for the purpose of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted above); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or business or professional offices.

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

Future land use map (FLUM): A nonregulatory map that graphically represents what the citizens would like to see the county look like in the future; bringing together the goals expressed in all of the elements of the Comprehensive Plan.

Garage, private: A building or space used as an accessory to, or a part of, the main building permitted in any district, providing for the storage of motor vehicles, and in which no business, occupation, or service for profit is in any way conducted, except in an approved home occupation.

Glare: The effect of brightness in the field of view that causes annoyance or discomfort or interferes with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

Grade: The percent of rise or descent of a sloping surface; the average elevation of a specified area of land.

Greenhouses, nursery, and landscape commercial services: A place where various plants and trees are grown for sale, transplanting, or experimentation.

Groundcover: Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Group 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 is placed temporarily for shipping to the appropriate facility.

Landscape architect: A professional landscape architect registered by the State of South Carolina.

Landscaped area: A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns, and plantings.

Large-maturing tree: An evergreen or deciduous tree having a mature height of over 35 feet. Examples include but are not limited to: sycamore, oak, deodar cedar, red maple, elm, red cedar.

Large-maturing shade tree: An evergreen or deciduous tree having a mature height of over 35 feet with a substantial canopy that provides shade and overhead cover. Examples include but are not limited to: sycamore, oak, red maple, elm.

Loading area or space, off-street: An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking.

Lot: A parcel of land in undivided ownership occupied, or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this chapter, either shown on a plat of record or described by metes and bounds and recorded with the register of deeds. For the purpose of this chapter, the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

Lot, corner: A lot abutting the intersection of two or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than 135 degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this chapter, such as in corner visibility requirements.

Lot, depth: The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

Lot, interior: A lot other than a corner lot.

Lot lines: The lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

Lot of record: A lot that is part of a subdivision for which a plat has been recorded in the office of the Oconee County Register of Deeds, or a lot described by metes and bounds for which the description has been recorded in that office by the owner or predecessor in title.

Lot, through: An interior lot having frontage on two streets.

Lot, width: The straight-line distance between the points where the building setback line intersects the two side lot lines, unless indicated otherwise by context.

Lot of record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Oconee County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Oconee County Register of Deeds by the owner or predecessor in title thereto.

Manufactured home (also referred to as a mobile home or manufactured housing unit): A detached, single-family dwelling designed for long-term occupancy, designed to be transported on its own axle and wheels, arriving at the site in sections or as a complete dwelling unit, usually including major appliances, and ready

for occupancy. Removal of the wheels or placement on a permanent foundation does not change the manufactured home classification. A travel trailer is not a manufactured home.

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: Any commercial business on a public access body of water where commercially rented, leased, or for sale boat slips for overnight, on water or docked storage of bots; or access for trailered boats to be cast into the water. Other activities such as restaurants and mini-storage for boating purposes may be permitted on premises. Common docks for subdivision development is excluded.

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 comprised of a mixture of light commercial and residential uses; the commercial area shall be at least 25 percent of the building with the residential area, comprising no less than 35 percent of the building area. Parcels with existing or permitted residential structures may also include independent structures of light commercial usage limited to the permitted uses in the said district. Also, within any district, in addition to the permitted uses, multi-family residential (not to exceed four units), retail up to 2,500 square feet, restaurants up to 2,500 square feet, and office uses up to 2,500 square feet are also considered permitted use for mixed use buildings or parcels.

Motel: A building or other structure kept, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants and where

rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants, or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

Motor vehicle services and gas stations (excluding truck stops): Any building or land use for the dispensing, sale, or offering for sale at retail any automobile fuels along with accessories and services such as lubricants or tires, car washing, except that mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors. There shall be no fuel pumps within 15 feet of any property line or street right-of-way and incidental activities shall not include tire re-treading, major body work, major mechanical work, or upholstery work.

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

Multi-family residential 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, respectively, of this chapter which does not meet the minimum requirements for area and/or width applicable in the district in which such lot is located.

Nonconforming structure: A structure which existed lawfully on the date this zoning chapter became effective or the effective date of any amendments and does not conform to the permitted uses for the zoning district in which it is situated. Nonconforming uses are incompatible with permitted uses in the districts involved. Such nonconformities are permitted to continue until they are removed or vacated, as specified in this chapter.

Nonconforming use: A use that lawfully occupied a building or land at the time this chapter, or any amendment thereto, became effective, which has been lawfully continued and which does not now conform to the use regulations.

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.

Ordinance: The Zoning Enabling Ordinance, Oconee County Ordinance 2007-18, creating this chapter, and any ordinance amendatory thereof. Whenever the effective date of the chapter is referred to, the reference includes the effective date of any amendatory ordinance.

Overlay district: A district, which applies additional supplementary or replacement regulations to land that is already classified in an existing zoning district.

Parking bay: The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking lot or area: An area or plot of land used for, or designated for, the parking or storage of motor vehicles, either as a principal use or as an accessory use.

Parking space: A storage space of not less than 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 uses: Those uses explicitly stated as permitted in the definition of a particular zoning district or any use that clearly meets the definition and intent of the zoning district in question, including accessory buildings and uses.

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, and/or shrubs.

Planting island: In parking lot design, a built-up, curbed structure placed at the end or within parking rows for landscaping and as a guide to traffic.

Plat: A map, usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing, and length of every street and alley line, lot line, and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this chapter and other ordinances and amendments.

Premises: A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

Private drive: a privately maintained access within a private 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 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(s): For the purposes of this chapter, the person(s), entity(ies), corporation(s), or partnership(s), whether one or more, listed as being an owner of record of the property in question, either recorded with the deed of the property or as listed by the public tax records of Oconee County.

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: Typically a seasonally temporary stand less than 200 square feet used to sell farm and garden products, hand crafts, and other homemade items; or those locations used for educational, religious, or recreational fundraisers; or those locations used for the conveyance of public information. Stands must be authorized by the property owner and the appropriate right-of-way entity such as SCDOT, Oconee County, etc. Unsafe or abandoned structures, or any structure that presents a health or safety threat to the public, shall not be considered a legitimate roadside stand.

Roadway: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder or berm. In the event a highway includes two or more separate roadways, the term "roadway" as used in this chapter shall refer to any such roadway separately but not to all such roadways collectively. (This is taken from SC Code Section 56-5-460.)

Salvage yard, junk yard, and recycling operations: Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A "junk yard" includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. A "junk yard" for vehicles is defined as four or more junk, inoperable or unlicensed vehicles stored on the property.

Screening: The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

Searchlight: An apparatus with reflectors for projecting a powerful beam of light of approximately parallel rays in a particular direction, usually devised so that it can be swiveled about.

Setback: The 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: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit".

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

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

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

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

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

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

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

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

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

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

Single-family detached residential: A parcel or lot containing a detached dwelling unit; includes homes and manufactured homes, but in no way excludes activities generally associated with residential living, such as; private parties, gardening, personal workshop(s), keeping of household pets and other anaimals such as horses provided sufficient acreage is available for such animals.

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

Special exception: A special exception use is one which is not permitted by right, but which may be permitted after a public hearing by the board of zoning appeals and all conditions stated in this chapter are met. The zoning chapter lists, by zoning district, those uses that may be allowed by right or by special exception. Uses that are included or fit the intent of these lists will be considered in each zoning district.

Spot zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the goals in the comprehensive plan.

Stormwater: Water that accumulates on land as a result of precipitation events, and can include runoff from impervious areas such as roads and roofs.

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: Means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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 taken, such as temporary fencing and the use of tree wells, existing at a minimum outside the dripline, to protect existing trees from damage or loss during and after project construction.

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

Use: Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to; residential, manufacturing, retailing, offices, public services, recreational, and educational.

Variance: A variance is a waiver of the dimensional terms of the zoning chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship; and does not involve a change in the use of the property.

View lane: The portion of a natural buffer utilized and maintained by the property owner to enhance observation of the lake and surrounding landscapes. Typically, the vegetation in the view lane is lower in height and/or smaller in diameter than that found in the rest of the buffer.

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

Zoning administrator: The official person in charged with the enforcement of the zoning chapter.

Zoning district: An area established by this chapter where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

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

APPENDIX A

(a) *Building standards.* Diversity in design consistent with the local natural and architectural surroundings is encouraged.

(1) To the extent feasible, primary facades and entrances shall face the street.

(2) All buildings less than or equal to 20 feet in height shall have a setback of at least 30 feet from the property line along the primary road. Setback from remaining property lines shall be 15 feet.

(3) Buildings more than 20 feet in height shall have a setback of 30 feet plus an additional distance equal to one foot in horizontal distance for each one foot in additional vertical distance (building height over 20 feet) along the primary road. Setbacks from remaining property lines shall be 25 feet.

(4) Exterior building materials visible from the traffic lanes shall not consist of unadorned concrete masonry units (concrete blocks), corrugated metal, and/or sheet metal. Pre-cast panels and pre-engineered metal wall units, and 'split-faced' and other rusticated masonry wall are permitted.

(5) Suitable materials for treating building facades may include, but are not limited to: stone, brick, glass, wood siding, split block, or stucco. Alternative materials may be approved by the planning director.

(6) Blank, uninterrupted building facades shall not face residential areas or public or private street right-of-ways. Design techniques using architectural elements or repetitive features should be utilized to visually break up the facade. Examples include, but are not limited to: windows, doors, columns, canopies, lighting fixtures, building offsets/projections, decorative tile work, artwork, or other elements approved by the planning director. The following standards apply:

a. Industrial uses shall not have blank walls greater than 50 feet in length.

b. All other uses shall not have blank walls greater than 30 feet in length.

(7) The appearance of strip development resulting from flat, unvaried roof lines is discouraged. Roofline variation may be achieved using one or more of the following methods: vertical or horizontal offsets in ridge lines, variation in roof pitch, gables, or dormers.

(8) Roof mounted mechanical equipment shall be enclosed or screened to ensure such features are not visible to the extent possible. Enclosures and screens shall be compatible with the architectural style of the building.

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

(b) *Signage standards.* The sign standards are created to maintain and enhance the aesthetic environment of transportation and economic gateways into Oconee County. The location and design of all signs shall be consistent with the objective of high-quality development and safe and efficient vehicular and pedestrian circulation.

(1) *General standards.* All signs, including their supports, braces, guys, anchors, electrical parts and lighting fixtures, and all painted and display areas shall be constructed and maintained in accordance with the building and electrical codes adopted by Oconee County.

a. It shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign (with the exception of signage requiring no permit) without first obtaining a sign permit from the planning department, except as relates to routine maintenance and repair or the changing of tenant name panels.

b. A preliminary sign permit application along with applicable fees and sign plan shall be submitted to Oconee County. The detailed sign plan shall include the following information, stamped by a South Carolina licensed surveyor, landscape architect, or engineer:

1. Parcel number.
2. Scale of site plan and north arrow.
3. Drawing of entire property with all existing and proposed structures shown.
4. Length of street frontage.
5. Dimensioned setbacks from street and side property line.
6. Plan drawing with actual dimensions of sign (as seen from above).
7. Location of all existing signs.
8. Location of all proposed signs.
9. Elevation drawing of the proposed sign or sign revision including size, height, copy, colors, illumination, materials.
10. Verification that the proposed sign(s) meet all requirements set forth in this chapter.

c. All on-premises nonconforming signs shall come into compliance with these standards when abandoned or the cost of repairs or replacement of such signs is beyond 50 percent of their replacement costs. Nonconforming signs are subject to all requirements of this code regarding safety, maintenance, and repair.

d. Signage shall be set back a minimum of ten feet from right-of-way, side, or rear property lines.

e. No sign shall produce a traffic hazard, such as visual obstruction at intersections or glare from lighting. Signs shall not obstruct the view of or resemble traffic directional/safety signs.

f. Rooftop signs are prohibited.

g. Flashing or animated signs are prohibited.

h. No sign shall be attached to a utility pole or street sign, or attached to or painted on tree trunks, rocks, or other natural objects.

i. No sign shall be placed within the public rights-of-way.

j. Signs shall not rotate or revolve.

(2) *Signs allowed without a permit.* The following signs require no permit. These signs are subject to all requirements of this code regarding safety, maintenance, and repair.

a. *Temporary/portable signs:*

1. Shall be displayed only for the duration of time that they remain relevant to a specific event.

2. Temporary signs shall be removed within seven days following the conclusion of the specific event being promoted.

3. No temporary sign exceeding six square feet may be erected on a residential parcel.

4. The maximum allowable size of any non-residential temporary sign is 32 square feet.

b. Traffic, directional, warning, official notice or informational signs authorized by any public agency.

c. Building nameplates with related inscriptions.

d. Window signs.

e. Flags and flagpoles.

f. On-site directional signs, where each sign does not exceed nine square feet in area or four feet in height.

g. Signs that display name, trademark, logo, brand, or prices, provided the display is an integral part of a vending machine, automatic teller machine, or gas pump. Such signage shall not exceed 32 square feet in area per side.

(3) *Signs allowed that require a permit.*

a. Allowable signs shall be the following:

1. Monument.

2. Wall.

3. Hanging/projecting.

4. Canopy/awning.

b. Monument signs:

1. Shall be architecturally designed to reflect the character of the structure/development for which they are advertising.

2. No monument sign shall exceed ten feet in height.

3. One double faced or single faced sign shall be allowed per parcel.

4. Developments with 400 feet of road frontage serving more than one building shall be permitted one additional sign, which shall not exceed 100 square feet in area. Minimum separation for all monument signs shall be at least 200 linear feet. However, if a building is located on a corner lot with two street facing sides, one sign may be located on each side served by an entryway.

c. Wall signs:

1. Wall signage shall not exceed 15 percent of the wall area, per wall face.

2. Wall signs shall display only one surface and shall not be mounted more than six inches from any wall.

d. Hanging/projecting signs:

1. Only one projecting/hanging sign is allowed per building frontage, except for shopping centers, which may have one projecting/hanging sign for each business use.
2. Signs shall project at a right (90 degree) angle to the building frontage.
3. Signs shall not extend more than four feet beyond the line of the building or structure to which it is attached.
4. Signs shall maintain a vertical clearance of eight feet above the sidewalk or ground level accessible to pedestrians.

e. Canopy/awning signs:

1. Shall not exceed 15 percent of the surface area of the face or the canopy or awning to which the sign is attached.
2. Sign shall not extend more than three inches horizontally from the surface of the awning or canopy.
3. Sign shall not project vertically outside the area of the canopy or awning.

f. Illumination:

1. No internal lighting shall include exposed incandescent or fluorescent bulbs.
2. Externally illuminated signs must have indirect light sources shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized.
3. Signs shall not have light reflecting backgrounds but may use light reflecting lettering.
4. No sign shall have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.

g. Maintenance: All signs shall be maintained in good condition and working order, and be free of graffiti, peeling paint or paper, faded colors, weeds, vines, and/or broken and damaged materials. No internally or externally illuminated sign shall have only partial illumination for a period of more than 30 days.

(c) *Lighting standards.* The purpose of these standards is to assure that adequate exterior lighting is provided to facilitate crime prevention, security, and safe passage, and that exterior lights be shielded to reduce the impact of lighting on neighboring uses, potential safety hazards to the traveling public, and the effect on viewsheds and nightscapes.

(1) Lighting plans shall be submitted with the zoning permit application on projects that include the installation of outdoor lighting fixtures. Prior to obtaining a zoning permit, an applicant must receive approval of a lighting plan. The lighting plan shall be prepared by an appropriately licensed design professional in the State of South Carolina. The plan shall include the following information:

a. The location, type, and height of luminaries including both building and ground-mounted fixtures.

b. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer.

c. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission.

d. Additional information as may be required to determine compliance with this chapter.

(2) Exterior lighting shall be shielded and directed to avoid illuminating the night sky.

(3) Lighting shall not illuminate neighboring properties or distract/harm the traveling public on road rights-of-way. Any necessary screening of lighting shall be shown on site plans. Lighting will be inspected before a certificate of occupancy is granted.

(4) On-site lighting may be used to accent architectural elements and provide safety and security on pedestrian walkways, at building entrances, and public areas between buildings, but shall not be used to illuminate entire portions of buildings.

(5) In order to promote safety and security in developments, lighting should be used at intersections, entrances, and in parking areas.

(6) The overall height of lighting fixtures shall not exceed 20 feet.

(7) Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g. beacons on towers). Searchlight and laser light operation for advertising/commercial purposes is prohibited.

(d) *Parking standards.* Parking areas should be designed in a manner to provide safe and efficient circulation of traffic and safe access for pedestrians. Appropriate parking design and layout should be used to reduce impacts associated with impervious surfaces.

(1) *Parking layout.* Avoid parking layouts that dominate a development. The layout of parking areas, pedestrian connections, and open space should reduce the visual impact of parking. Parking is strongly encouraged to be located to the side or rear of the building unless prevented by a physical limitation of the site.

(2) *Perimeter parking buffer.* A perimeter parking area buffer of 15 feet shall be required on sides parallel to abutting properties or street rights-of-way. Buffers shall be planted as specified in the landscape standards.

If parking is located in the front of the building, buffer requirements will be increased to 25 feet.

(3) *Parking striping.* Parking areas shall have parking spaces marked by surface paint lines or approved alternative traffic marking material.

(4) *Wheel stops.* Wheel stops or curbs are required where a parked vehicle encroaches on adjacent property, pedestrian access/circulation areas, right-of-way or landscaped areas.

(5) *Planting islands.* Parking areas shall be designed so that a planting island is provided for every ten parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Planting islands shall be surrounded by curbing to prevent vehicular damage to plantings.

Minimum size for required planting islands is nine feet by 15 feet (inside of curb). Islands shall be planted as specified in the Landscape Standards.

(6) *Stormwater.* Parking areas shall be designed to convey and/or preferably infiltrate stormwater on-site. Stormwater shall not contribute to the subsidence, erosion, or sedimentation of the development site or off-site areas.

(7) *Paving.* Parking areas shall be paved unless otherwise approved by the planning commission. Alternative paving materials that increase permeability such as pervious concrete, pervious asphalt, pavers, grid pavers, or any other approved pervious paving materials are encouraged.

(e) *Landscape standards.* Trees and landscaping contribute to the public health, safety, and welfare. Among the benefits of landscaping are: screening of undesirable views; aesthetic enjoyment; climate modification; reduction of glare, noise, odors and dust; reduction of storm water runoff and flooding; buffers between land use; shelter and food for wildlife; and improved air quality. All of these benefits contribute to a higher quality of life and enhance property values within the county.

(1) *Landscape plan.* The landscape plan shall be submitted with the zoning permit application. Prior to obtaining a zoning permit, an applicant must receive approval of a landscape plan. The landscape plan shall be prepared by a landscape architect licensed by the State of South Carolina. The landscape plan must contain all information necessary to show that the planned use, structure, or development complies with the standards set forth. This shall include utility information, irrigation plans, existing trees used for credit, and tree protection plans, if applicable.

(2) *Installation.* No certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection. If the season or weather conditions prohibit planting of trees, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125 percent of the cost of installing the required plantings to guarantee the completion of the required planting within 270 days. The financial surety shall be canceled and/or returned upon completion of the required landscaping. If the required landscaping is not completed within the time allowed, the owner shall forfeit the guarantee and the county shall use such funding to complete the required landscaping.

(3) *Maintenance.* The plantings that constitute a landscape area must be properly maintained in order for the landscape area to fulfill the purposes for which it is established. The owner of the property shall be responsible for the maintenance of all plant material within the landscaped areas. This includes keeping landscaped areas free of litter and debris and keeping plantings healthy and orderly in appearance. Tree staking shall be removed within eight months after installation to prevent permanent damage. All dead or diseased vegetation shall be removed. Additionally, any required vegetation that dies or becomes diseased shall be replaced.

(4) *Minimum material size.* All required trees shall be a minimum size of 2½-inch caliper measured six inches above ground at the time of installation. All required shrubs shall be a minimum size of three gallons at the time of installation. Reference the American Landscape and Nursery Association (ANLA) publication American Standard for Nursery Stock (ANSI Z60, 1-2004) for plant material quality specifications. All plant material shall be mulched with an organic mulch or other approved material.

(5) *Water source.* A permanent water source (hose bib, etc.) shall be provided not more than 100 feet from any required landscaping.

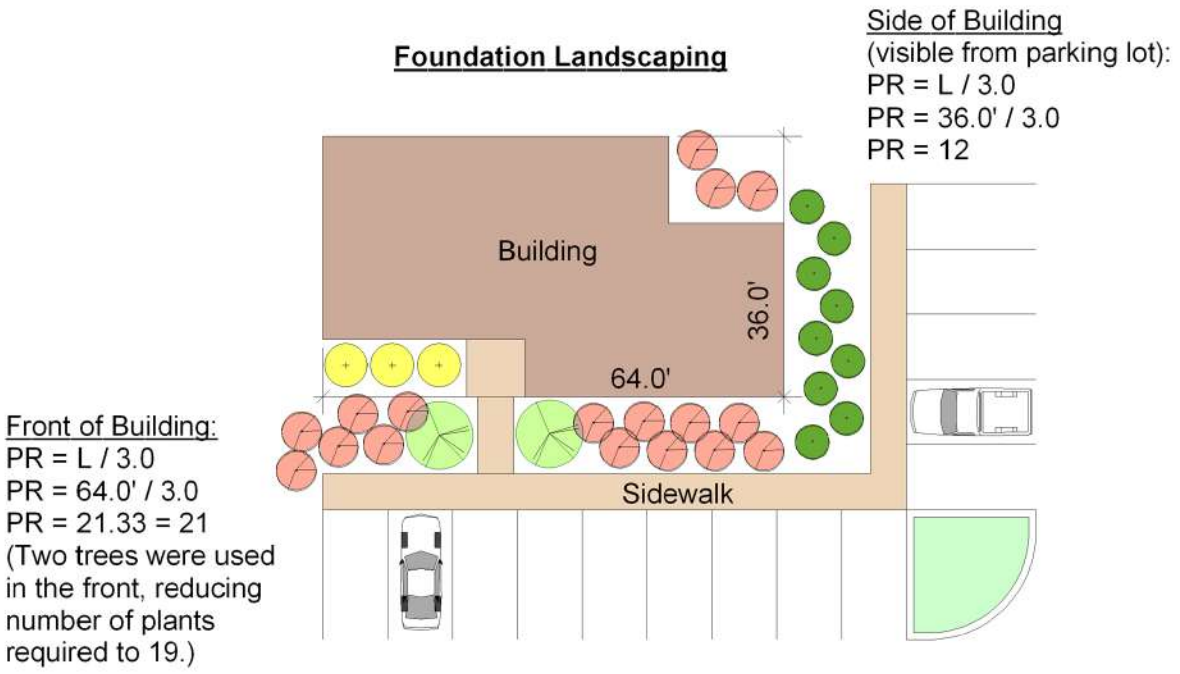
(6) *Foundation landscaping.* Landscaping shall be provided around the foundation of structures visible from any parking area. Plant material, as defined in this chapter, shall be located in a planting area adjacent to the building in the following quantities:

PR = L/3.0 where:

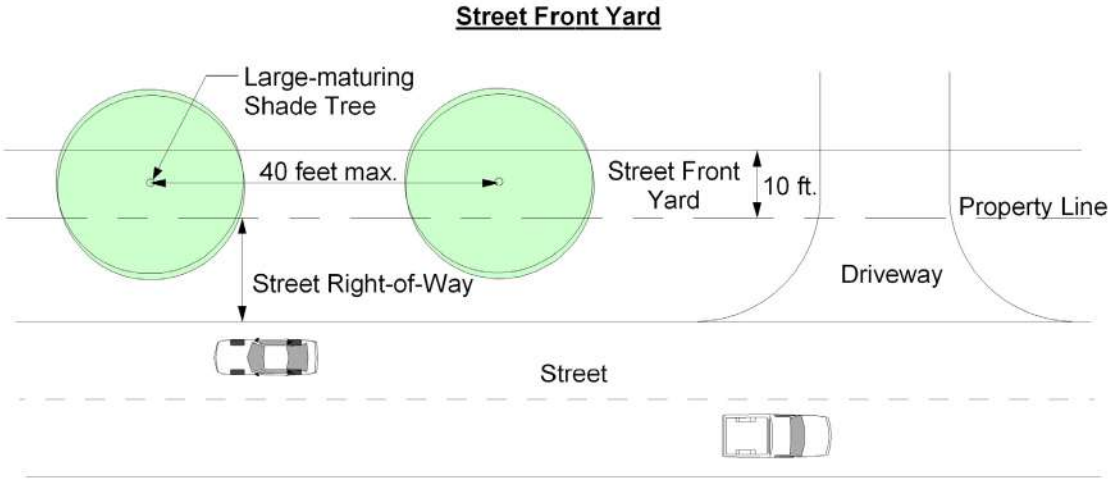
PR = number of plants required

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

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

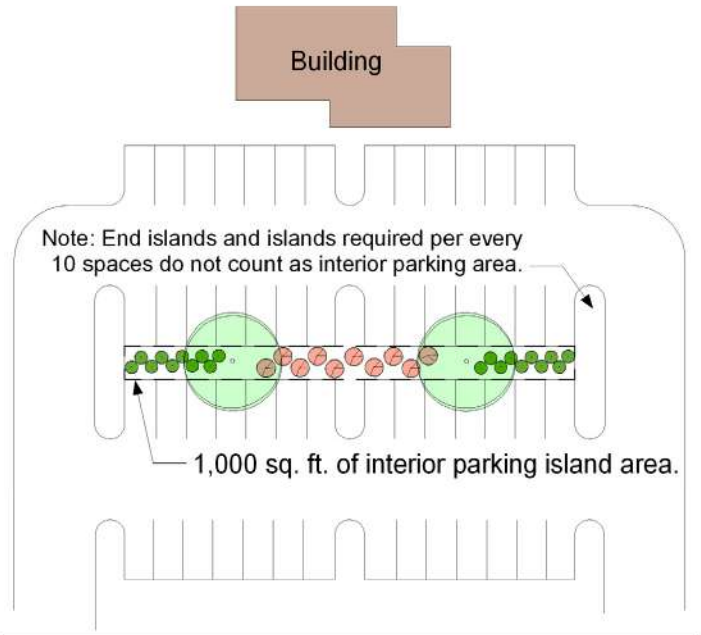


(7) *Street front yard.* Street front yards shall be located along property adjacent to all street rights-of-way. Street front yards must be located on private property and not within the street right-of-way. Portions of the property needed for driveways are exempted from these requirements. Street front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



(8) *Interior parking.* Whenever the impervious parking cover equals or exceeds 10,000 square feet, a planting area equal to ten percent of the total impervious surface must be provided as islands within the interior of the parking area. One large maturing shade tree and 15 shrubs must be planted for each 500 square feet of required interior landscape area. Plantings in landscape islands referenced under the parking islands section may not be used to satisfy this requirement. However, existing trees preserved in appropriately sized islands may be counted as outlined in the existing trees section.

Interior Parking

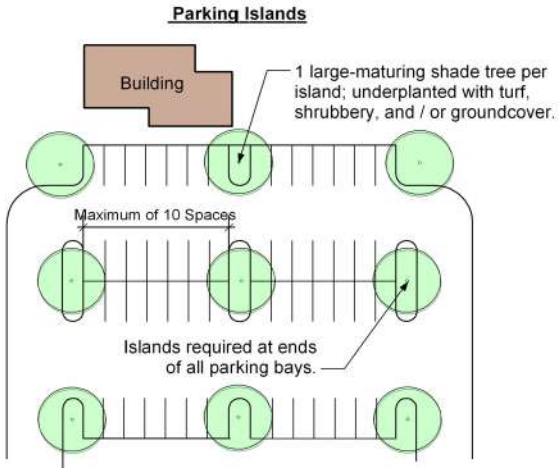


If Parking Lot area equals or exceeds 10,000 sq. ft.:
10,000 sq. ft. x 10% = 1,000 sq. ft. of interior islands
To calculate required plantings within the interior islands:
1,000 sq. ft. / 500 sq. ft. = 2.0
(1) large-maturing shade tree per 500 sq. ft. = 2 trees
(15) shrubs per 500 sq. ft. = 30 shrubs

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

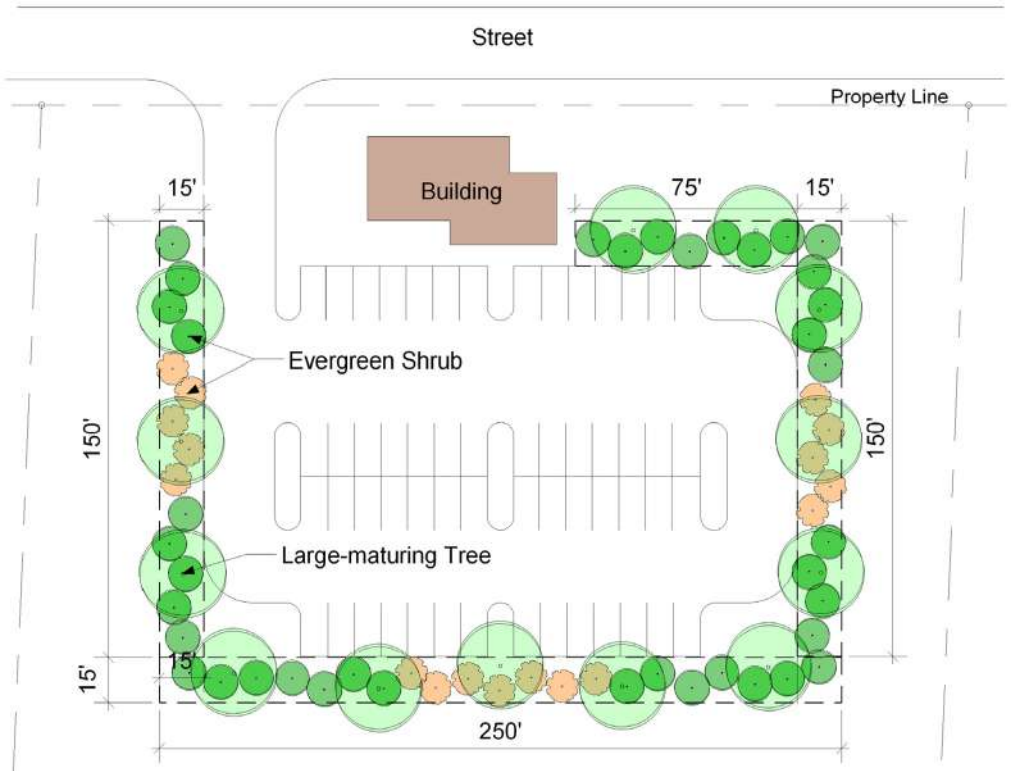
(10) *Parking islands.* A planted parking island shall be provided for every ten parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Refer to the parking standards section for parking island design standards. Planter islands shall contain at least one large

maturing shade tree, having a minimum clean trunk of six feet. Shrubbery, groundcover, and/or turf shall be used in the remainder of the island.



(11) *Perimeter parking buffer.* All parking lots and vehicular use areas shall be screened from all abutting properties or rights-of-way. The landscaped area shall be directly adjacent to the parking lot edge, and shall be a minimum width of 15 feet. The perimeter shall contain at a minimum, one large maturing tree for every 50 linear feet, and evergreen shrubs in sufficient quantity to provide screening with a minimum mature height of four feet. If parking is located in the front of the building, buffer requirements will be increased by 30 percent in terms of width and planting quantities.

Parking Perimeter Buffer



* Buffer must be 15' in width.
* 1 large-maturing tree required for every 50 linear feet of buffer.
* Evergreen shrubs as required to create a screen with a min. mature height of 4'.
  150' buffer / 50' = 3 large-maturing trees
  250' buffer / 50' = 5 large-maturing trees
  75' buffer / 50' = 1.5 = 2 large-maturing trees

(12) *Buffering adjacent uses.* In the event that non-residential development borders residential areas or industrial development bordering non-industrial development, a 25 feet wide landscape buffer shall be required along the common property boundary. The following mixture of plants per 100 feet of property boundary shall be required:

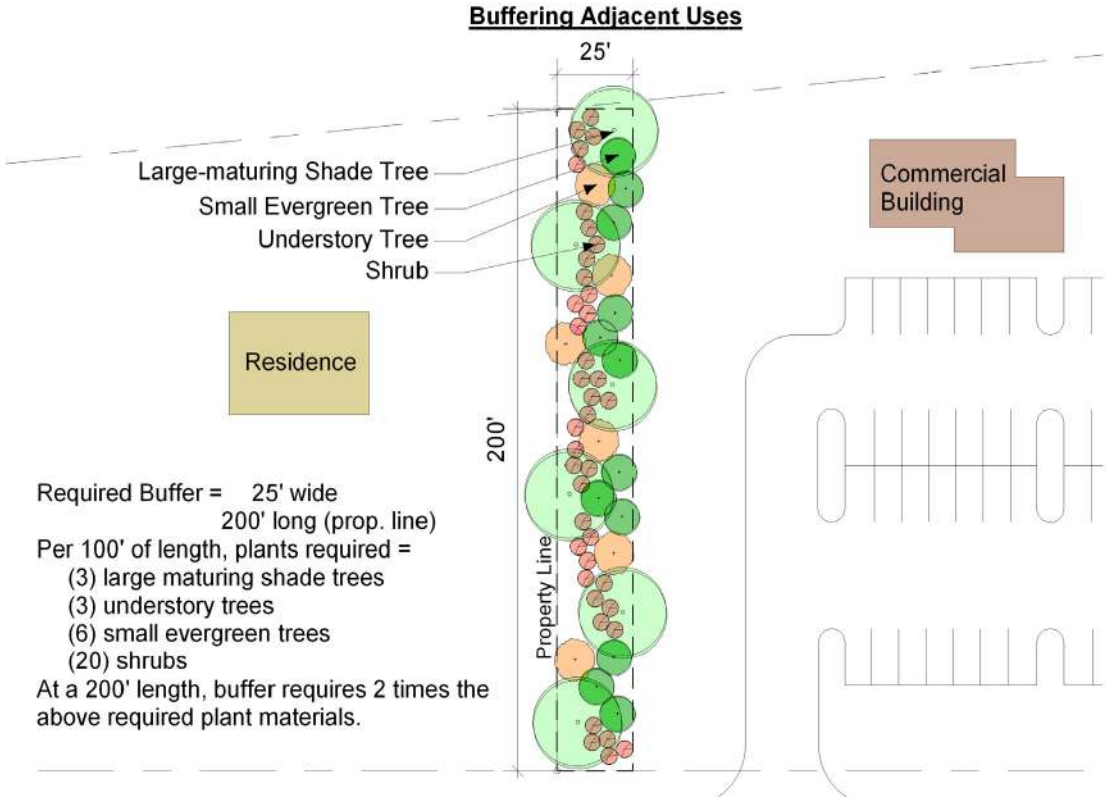
Three large maturing shade trees, equally spaced

Three understory trees, equally spaced

Six small evergreen trees

Twenty shrubs

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



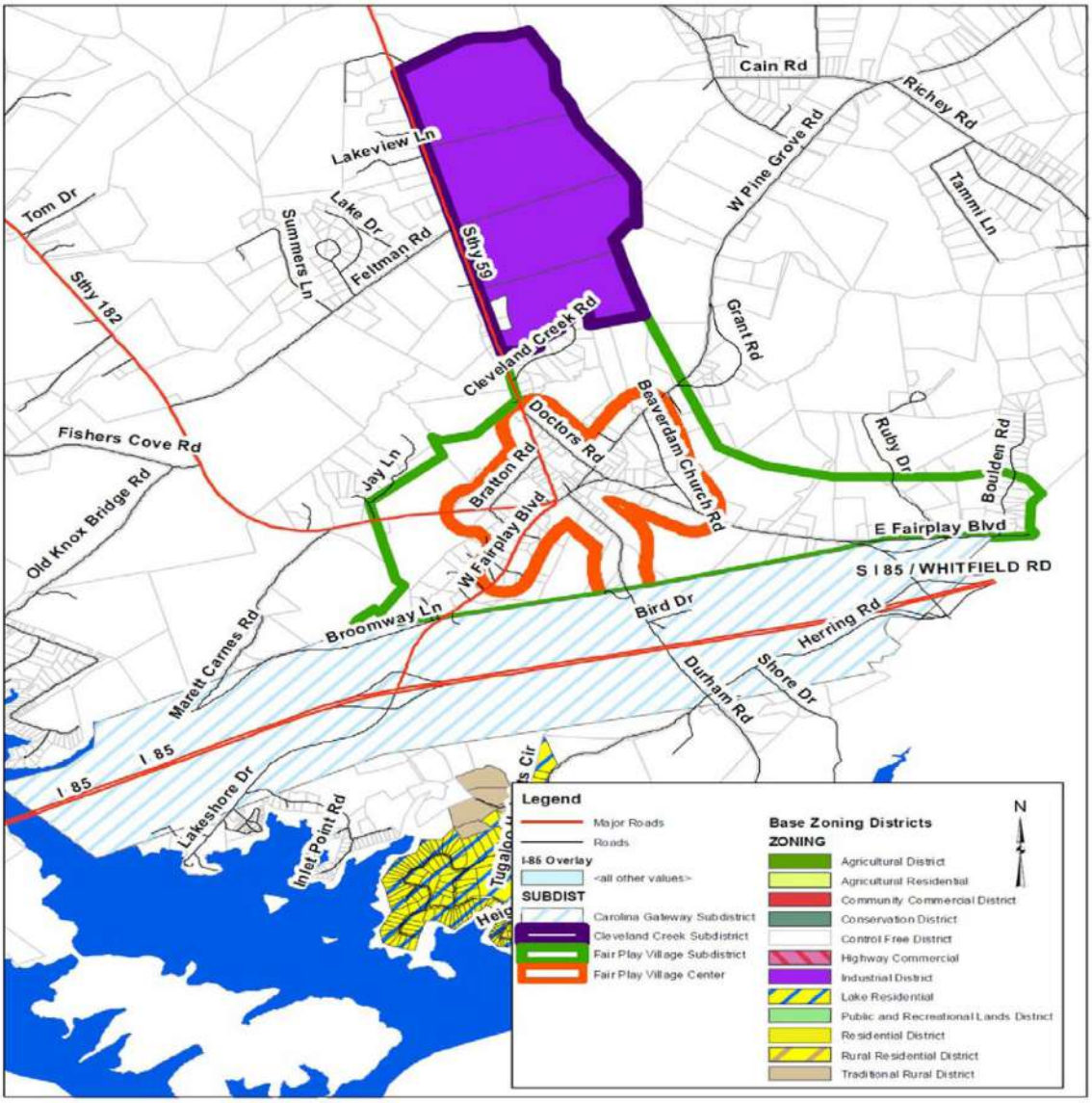
(13) *Existing natural buffers.* When a natural, undisturbed buffer is retained along a property boundary where a buffer is required, a waiver (in whole or part) of the required landscaping may be granted. The existing buffer must achieve the same screening effects as the required buffer materials and adhere to the requirements for protection and size outlined in the buffering adjacent uses section.

(14) *Screening of collection areas.* Screening of loading and trash collection areas must be accomplished with an opaque wall of masonry, rot-resistant wood, or evergreen shrubs that are one foot taller than the object to be screened. If evergreen shrubs are used, they must achieve the required screening at the time of planting.

(15) *Sight triangles.* The placement of any material shall not obstruct the view between access drives and streets, or the intersecting streets of a corner lot. No fence, building, wall or other structure, (excepting single

trunk trees less than 12 inches in diameter, pruned to a height of eight feet, and poles and support structures less than 12 inches in diameter), shall exist between a height of 2½ feet and eight feet above the upper face of the nearest curb (or street centerline if no curb exists) and the sight triangle. For a corner lot, the sight triangle area is the area bounded on two sides by the street right-of-way lines, each having a length of 25 feet, and a third side connecting the two right-of-way sides. For an intersecting street and driveway, the sight triangle is formed by measuring from the point of intersection of the right-of-way and the edge of drive the distance of 25 feet and connecting the points so established to form a triangle on the area of the lot adjacent to the street. Note that road design criteria concerning sight distances is governed by the standards in Chapter 32, Unified Performance Standards of the Oconee County Code of Ordinances.

(Ord. No. 2012-14, § 1, 5-15-2012)



(Ord. No. 2012-14, 5-15-2012; Ord. No. 2012-34, § 3(Exh. B), 1-22-2013)