



Oconee County Planning Department

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MINUTES PLANNING COMMISSION MEETING May 14, 2007

The Oconee County Planning Commission held their regularly scheduled monthly meeting at 7:00 p.m. on May 14, 2007 in the Council Chambers of the Oconee County Administrative Complex at 415 S. Pine St., Walhalla, SC 29691.

Members Present: Tommy Abbott, (Chairman)
Randy Abbott
Ryan Honea
Howard Moore
Rex Ramsay
Bill Nelson
Bill Evatt

Art Holbrooks (Planning Director)
Aaron Gadsby (Planner)

Item 1: Call to Order- Chairman Abbott called the meeting to order.

Item 2: Approval of Minutes- Mr. Evatt made a motion to approve the minutes from the April 9, 2007 meeting; Mr. Moore seconded the motion. The motion passed unanimously.

Item 3: Consideration of Draft Oconee County Planning Commission Rules of Procedure- Mr. Holbrooks informed the Commission that the changes to the draft Rules of Procedure requested by the Planning Commission at the April 9, 2007 meeting had been made, and that the draft had been available for public comment online for a month; no comments had been received. Mr. Nelson made a motion to adopt the Rules of Procedure as stated in the final draft; Mr. Honea seconded the motion. The motion passed unanimously.

Item 4: Consideration of Draft Oconee County Road Naming and Addressing Ordinance, and Draft Road Naming and Addressing Policy- Mr. Holbrooks presented the Commission with a final draft of the Road Naming and Addressing Ordinance, and informed the Commission that the County Attorney had reviewed the idea of adopting the draft document as a separate ordinance, leaving the existing ordinance in place, appropriately amended, to cover only the funding aspects of the E-911 Ordinance. When the new ordinance is adopted, the draft Road Naming and Addressing policies will be presented to the Commission for approval, as provided for in the draft ordinance. Mr. Randy Abbott made a motion to forward the draft ordinance to County Council for consideration; Mr. Ramsay seconded the motion. The motion passed unanimously.

Item 5: Consideration of Draft Sign Ordinance- Mr. Holbrooks presented the Commission with a proposed sign ordinance to send forward to Oconee County Council. Mr. Honea raised concerns about small business owners on two lane roads being prevented from advertising and that the proposed ordinance was too restrictive. Mr. Moore asked Mr. Holbrooks about a radio story that indicated that the County had already stopped issuing building permits for billboards. Mr. Holbrooks explained that no instructions to stop permitting billboards had been received. Mr. Holbrooks also informed the Commission that the County Attorney had requested the Commission forward the draft to Council with a recommendation to take first reading on it; then refer the issue of a sign ordinance back to the Commission for further study. This would allow the County to use legislative intent in the event a building permit application for a sign not in compliance with the proposed standards was submitted. Also, Mr. Holbrooks noted that any billboard ordinance would have to be submitted to the state for review. Mr. Evatt stated that he felt that the Commission did not have enough information to refer the draft to Council, and made a motion to table the

ordinance until more information was available; Mr. Moore seconded the motion. The motion passed unanimously.

Item 6: Briefing on Proposed Planning District Zoning Process- Mr. Holbrooks presented the Commission with the staff's proposed process for citizens initiating an amendment of the zoning map adopted as part of the zoning enabling ordinance. A copy is attached. Following the briefing, the Commission requested that a work session be held so questions could be presented and issues discussed in-depth. Mr. Holbrooks suggested that the work session be scheduled after a briefing on overlay districts set for the June meeting, in order to allow for a better understanding of the overall proposed process. The Commission members agreed to discuss a date at the next meeting.

Item 7: Old Business- Mr. Holbrooks informed the Commission that the Planning Department was finishing the amendments to the Subdivision Ordinance, and that the Commission should expect a draft of a Vesting Ordinance at the next meeting.

Item 8: New Business- None.

Item 9: Public Comment-

Mr. B.J. Littleton spoke concerning the sign ordinance and suggested that 'billboards' be left alone. Mr. Littleton also comment about the zoning ordinance and stated that ordinance needed to protect everyone and contain a grandfather clause.

Item 10: Adjourn

Initiating a Referendum to Amend a Zoning District Map

The zoning program that the Planning Commission has been considering allows the districts to initiate an appeal to County Council to proceed with the zoning process independently. While this is different from most zoning programs, is well within the bounds of state law. There are, however, some initial steps mandated by the state that all zoning programs must comply with, and because the community-based concept is not the typical model, it is meeting these standards that we must be careful to avoid creating confusion on some issues. One of the easiest sources of confusion is in what is meant by saying an area 'is zoned'.

Like all zoning enabling ordinances in South Carolina, the enabling ordinance that County Council has directed the Planning Commission to create must contain two parts: the text, which will set the rules and contain all of the definitions to be used in implementing the program, and a zoning map showing the districts and parcel classifications created by the ordinance. It is in the map that one will find one of the big differences from many zoning programs, for the Commission's concept is that the initial zoning map will in fact contain only boundaries. **NO PARCEL WILL BE ASSIGNED A ZONING CLASSIFICATION AT THE TIME THE ENABLING ORDINANCE IS ADOPTED.** Therefore, when the enabling ordinance goes into effect, Oconee County will have the official zoning map required by the state, with the official zoning districts defined, but with no zoning restrictions imposed on individual parcels.

It is crucial to understand that the process under consideration- whatever the final version looks like- will be nothing more than the approved method that a district may appeal for an amendment on their part of the zoning map. Because the laws of the State of South Carolina only allow County Council to impose zoning regulations, nothing that a local government adopts can change that. Therefore, citizens cannot directly vote to zone themselves; they can, however, through an organized referendum process such as what the Planning Commission is proposing, indicate that the majority of citizens of a particular district are ready to move ahead with zoning regulations. As a result, even if a district has voted to support zoning overwhelmingly, it is still up to County Council to take positive action to implement the necessary changes. As a result, in the context of the concept presented tonight, this last step would be, in effect, a final check to allow County Council to insure that the referendum process itself was conducted true to the standards and intent of the enabling ordinance.

Although the staff is still considering a number of options to present to the Planning Commission, a series of basic steps have been identified as being crucial to the process of insuring that proposed changes to the map are not only compliant with state law, but also equitable to all involved. These steps are outlined below, and *may* outline how the program would allow an individual district to pursue 'zoning'. It must be stressed that any or all of these proposed steps are subject to change as the overall program begins to become more concrete.

PROPOSED PROCESS FOR DISTRICTS

- 1) **Citizen's Petition**
- 2) **Signatures Verified**
- 3) **Presentation to Council**
- 4) **Review of Maps**
- 5) **Initial Zoning Meeting in District**
- 6) **Appointment of District Planning Advisory Committee**
- 7) **Creation of Proposed District Zoning Map**
- 8) **Planning Commission Review of Map**
- 9) **Report to Council**
- 10) **Referendum**
- 11) **Consideration of Referendum Results**

- 1) **Citizen's Petition-** A citizen's group interested in amending their district's map starts the process by circulating petitions approved by the Oconee County Registration and Elections Office. It is important to note that, although this is only advisory, and not specifically dealt with under state law, Section 4-9-1210 of the state code requires a minimum of 15% of the **registered voters** to initiate a referendum for the entire county. Therefore, to be consistent with the statute, the same standard should be adopted to initiate district-wide referenda. It is worth noting that, anyone signing the petition to initiate the process is in no way committing to vote in favor of the resulting proposed map during the referendum; they are only indicating their support for the process of putting together a map to consider.
- 2) **Signatures Verified-** Petitions must be submitted to the Registration and Elections Office, and all signatures must be verified.
- 3) **Presentation to Council-** Upon verification of signatures and certification by the Director of Registration and Elections that a minimum of 15% of the registered voters within the district have signed the petition, citizens may present the petition to County Council in the form of an appeal to amend the map. If Council deems the appeal to be within the parameters of the Comprehensive Plan and the Enabling Ordinance, they will instruct the Planning Commission and staff to begin the referendum process, which may include a review of the future land use map for the district. Council may take First Reading on the Map Amendment Ordinance at this time.
- 4) **Review of Maps-** In the event that the existing future land use map has not been reviewed during the previous 3 years, the Planning Commission will conduct a formal review the map, and make recommendations to Council regarding any needed amendments; as state law requires review of the Comprehensive Plan every 5 years, few future land use maps should need major changes. Any necessary amendments will have to be adopted by County Council before moving ahead.
- 5) **Initial Zoning Meeting in District-** When the future land use map is ready, staff will conduct an organizational meeting in the district. At this time, the future land

use map, as well as a sample zoning map prepared by the staff (for review purposes only) will be presented for consideration. Also, nominations for the District Planning Advisory Committee will be called for.

- 6) Appointment of District Planning Advisory Committee-** County Council will appoint a District Planning Advisory Committee consisting of a group of property owners and voters from the district (the specific makeup to be determined). This committee will be the group that creates the proposed zoning map to be voted on in the referendum.
- 7) Creation of Proposed District Zoning Map-** The Advisory Committee will create a proposed zoning map for the district showing recommended amendments based on the future land use map.
- 8) Planning Commission Review of Map-** When the map is complete, the Advisory Committee will present the proposed zoning map to the Planning Commission for their review.
- 9) Report to County Council-** Upon completion of the review of the proposed map, the Planning Commission will issue a report to County Council outlining the map's compatibility with the Comprehensive Plan, noting any recommended changes.
- 10) Final Review by Council-** County Council will review the Commission's report, and, if satisfied that the proposed map meets the goals of the Comprehensive Plan, set a date for the referendum. Council may take Second Reading on the Amendment Ordinance at this time.
- 11) Referendum-** A referendum will be held in the district on the proposed zoning map amendments. It should be noted that state election law requires all voters must vote at their regular polling places; therefore, if the referendum does not coincide with another election, it may be necessary to open several polling places to accommodate the voters from the various precincts lying in a single district.
- 12) Consideration of Referendum Results-** Upon completion of the advisory referendum vote, Council will review the amendment appeal; if the results indicate that the specified majority of voters approve of the changes to the map, and that the proceedings were in accordance with the standards contained in the Enabling Ordinance, Council may schedule a public hearing and take Third Reading on the Amendment Ordinance at this time.

In the event that the referendum results show voters of a district do not approve of the proposed changes to the map, the current attempt is ended, and a new effort must be initiated. Due to the costs associated with any effort, a new citizen – initiated process in any single district may not begin sooner than 24 months after the previous referendum. This does not, however, in any way impose any limit on the powers granted County Council by state law.