

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

AGENDA

6:00 PM, MONDAY, JULY 17, 2017
 COUNCIL CHAMBERS
 OCONEE COUNTY ADMINISTRATIVE COMPLEX

1. **Call to Order**
2. **Invocation by County Council Chaplain**
3. **Approval of Minutes**
 - a. June 19, 2017
 - b. July 3, 2017
4. **Public Comment for Agenda and Non-Agenda Items (3 minutes)**
5. **Staff Updates**
 - a. Subdivisions
 - b. Plats
 - c. Discussion by Commission
6. **Staff Presentation: US HWY 123 Corridor Planning**
 - a. Presentation
 - b. Discussion by Commission
7. **Proposed amendment change regarding moving setback requirements for the Control Free District from Chapter 38 to Chapter 32.**
[To include Vote and/or Action on matters brought up for discussion, if required]
 - a. Staff Comments
 - b. Discussion & Consideration by Commission
8. **Proposed amendment change to remove Small-Area Rezoning requirements.**
[To include Vote and/or Action on matters brought up for discussion, if required]
 - a. Staff Comments
 - b. Discussion & Consideration by Commission
9. **Proposed amendment to the Scenic Highway Ordinance to establish Planning Commission as the review authority.**
[To include Vote and/or Action on matters brought up for discussion, if required]
 - a. Staff Comments
 - b. Discussion & Consideration by Commission
10. **Old Business** *[to include Vote and/or Action on matters brought up for discussion, if required]*
11. **New Business** *[to include Vote and/or Action on matters brought up for discussion, if required]*
12. **Adjourn**

Anyone wishing to submit written comments to the Planning Commission can send their comments to the Planning Department by mail or by emailing them to the email address below. Please Note: If you would like to receive a copy of the agenda via email please contact our office, or email us at: achapman@oconeesc.com.



MINUTES

6:01 PM, MONDAY, JUNE 19, 2017

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

Members Present: Mr. Ownbey
 Mr. Gramling
 Mr. Johnson
 Mr. Kisker
 Ms. Lyles
 Mr. Pearson
 Ms. McPhail

Staff Present: Gregory Gordos, Senior Planner – Community Development
 David Root, County Attorney

Media Present: None.

1. Call to Order

Mr. Ownbey called the meeting to order at 6:01 PM.

2. Invocation by County Council Chaplain

Mr. Root gave the invocation.

3. Approval of Minutes

Mr. Kisker motioned to approve the minutes from June 5, 2017. Mr. Pearson seconded the motion. The motion passed 7-0.

4. Public Comment for Agenda and Non-Agenda Items (3 minutes)

None presented.

5. Discussion on Chapter 38 Article 8. – Amendments and Rezoning

Mr. Gordos stated the matter before the board; Mr. Tom Markovich has given a presentation at the last Planning Commission meeting on June 5th with recommendations

to amend Chapter 38, Article 8 and Article 10, with the Commission requesting that these recommendations be addressed at the June 19th meeting as an agenda item. Mr. Gordos recommended keeping the status quo and as staff against removing text from Sec. 38-8.5. - Methods of initial rezoning, specifically under Method 2—Small area rezoning. However, he acknowledged that Control Free District zoning has additional requirements under the current zoning ordinance that other zoning districts do not, such as the 200 acre requirement found in this section. He stated that if text amendments are recommended to Council, that zoning districts be treated fairly and uniformly.

Mr. Ownbey invited Mr. Markovich to speak before the Commission. Mr. Markovich agreed that zoning district regulations should be applied uniformly but disagreed with the recommendation to keep the status quo. He stated Chapter 38, Article 9 (Sec. 38-9.3. - Dimensional requirements: General provisions and exceptions.) as an example of where the Control Free District is referenced. Mr. Markovich questioned whether Method 1 (zoning by planning district) and Method 3 (zoning by Council) were feasible.

Discussion from the Commission followed, including on the topic of equal protections under the 14th Amendment, government regulation, rural versus urban land conditions and the ability to rezoning from several different zoning districts. Mr. Root stated that their decision should be considered a policy, rather than a legal, recommendation.

(1:46) requirement under Method 2—Small area rezoning and for staff to present this text amendment in the form of a draft ordinance at a future date. Voted on and unanimously voted for 7-0.

6. Discussion on Chapter 38 Article 10. – Zoning Districts

Mr. Gordos stated the matter before the board; Mr. Tom Markovich has given a presentation at the last Planning Commission meeting on June 5th with recommendations to amend Chapter 38, Article 8 and Article 10, with the Commission requesting that these recommendations be addressed at the June 19th meeting as an agenda item. Mr. Gordos recommended keeping the status quo and as staff against removing all setback requirements from Sec. 38-10.2. - Control free district (CFD). He stated that there are several controls in the Control Free District, such as land uses found in Chapter 32 of the Code of Ordinance that would still be in place even if setbacks are removed. Mr. Gordos recommended as staff amending the name of the Control Free District to General Use and to add this zoning district and the land uses specified in Chapter 32 to the Zoning Use Matrix.

Mr. Ownbey invited Mr. Markovich to speak before the Commission. Mr. Markovich stated one purpose for removing setbacks in the Control Free District would be to allow multi-family development such as condominium and townhome units (i.e. units with shared walls but separate ownership) to be built by-right rather than subject to board approval. He stated that previous staff had implemented setback requirements in the Control Free District in 2015 and that language regarding setbacks was previously found in Chapter 32 Article VI. Land Development and Subdivision Regulations, rather than Chapter 38 – Zoning. Mr. Markovich advocated moving setbacks back to Chapter 32.

Discussion from the Commission followed, including on the topic of renaming the Control Free District, affordable housing, high-density apartments, building codes (IBC), density requirements, and the concept of setting business-friendly policy for the county.

Ms. Lyles made a motion, seconded by Mr. Gramling, to remove setback requirements from Sec. 38-10.2. - Control free district (CFD).

Discussion followed regarding the intent behind establishing setbacks in the CFD district in 2015, with Mr. Markovich invited to participate in this discussion.

Ms. Lyles motioned to amend the original motion to move language regarding setback requirements in the Control Free District to Chapter 32 of the Oconee County, South Carolina – Code of Ordinances and for staff to present this text amendment in the form of a draft ordinance at a future date. Mr. Gramling seconded the motion to amend. The motion passed 6-1, with Mrs. McPhail abstaining as no “nay” vote was called for.

Ms. Lyles motioned to approve the motion as amended. Mr. Gramling seconded the motion. The motion passed 6-1 ,with Mrs. McPhail abstaining as no “nay” vote was called for.

7. Staff Presentation on Case Studies for a Corridor Overlay District

Mr. Gordos presented a PowerPoint presentation on the communities of Fulton County, Georgia and Lancaster County, South Carolina. The presentation went through each county’s zoning overlay districts and the applicable material that could be implemented in Oconee County. Quotations from each ordinance were marked with a “check-mark” if staff felt it fit with Oconee County’s goals for their corridors.

Mr. Johnson stated that he felt staff had done a good job indicating what would work in the county. The Commission directed staff to create a draft ordinance using Lancaster County as a template and that removes text not applicable to Oconee County. Mr. Kisker requested maps be included in this draft ordinance. Ms. McPhail added that pedestrian safety should be emphasized, given the recent pedestrian fatalities in Greenville County. Motion by Mr.Kisker for staff to create a corridor plan, utilize checkmarks and create maps. Mrs. McPhail would like to include native trees species and including a bicycle lane and pedestrian safety protocols. .Motion made by affirmation.

8. Old Business

Mr. Gordos reminded the Commission of the 2nd Reading of Ordinance 2017-09 regarding amendments to Sign Control, to be considered at the next evenings Oconee County Council meeting.

9. New Business

Mr. Pearson asked if there would be a meeting in the first week in July. Mr. Gordos stated that it may be cancelled due to the Independence Day holiday, but that he would check [Mr. Gordos later emailed the board stating that the meeting on July 3rd was still scheduled].

10. Adjourn

Mr. Ownbey motioned to adjourn. The motion passed 7-0 and the meeting adjourned at 7:50 PM.



MINUTES

6:01 PM, MONDAY, JULY 3, 2017

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

Members Present: Mr. Ownbey
Mr. Gramling
Mr. Johnson
Mr. Kisker
Ms. Lyles
Mr. Pearson
Ms. McPhail

Staff Present: Bill Huggins, Planner – Community Development
Adam Chapman, Planner I – Community Development
David Root, County Attorney

Media Present: None.

1. Call to Order

Mr. Ownbey called the meeting to order at 6:01 PM.

2. Invocation by County Council Chaplain

Mr. Root gave the invocation.

3. Approval of Minutes

The Chairman requested that Mr. Root discuss the status of minutes from the previous meeting. Mr. Root explained that some possible defects had been pointed out to him prior to the meeting by Commission members; and as a result he would ask that the staff go back through those meeting and make necessary changes and corrections in order to present the minutes to Council at the next regular meeting in July.

4. Public Comment for Agenda and Non-Agenda Items (3 minutes)

Mr. Markovich addressed the Commission concerning an item on the agenda addressing designation of plat approval authority. He was unclear why this was on the agenda, and

he went on to discuss the history of land development regulation creation for the County. He cautioned against significant revisions to that document. He mentioned that there is a sixty day approval period for subdivision development by State statute. He had heard there may be some interest in giving the Planning Commission authority to review plats for new subdivisions and he expressed his opinion that the current arrangement works well by allowing projects that meet County standards to be approved at the administrative level without involvement by the Planning Commission.

5. Discussion regarding Plat Approval

[to include Vote and/or Action on matters brought up for discussion, if required]

The Chairman asked Mr. Root to respond. Mr. Root explained that the plat request on the agenda is not related to a policy or material change in the code that would require Planning Commission approval of all plats. It is simply a function of Mr. Gordos leaving County employment, necessitating that someone else be designated with the same authority to approve certain plats at the staff level. The Community Development director would retain the authority for final approval signoff on major subdivisions.

Mr. Pearson made a motion to confer plat and other related authority and responsibilities held by Mr. Gordos to Mr. Huggins and Mr. Chapman. Ms. McPhail seconded the motion. The Commission voted 5-0 to approve the request.

6. Discussion by County Attorney regarding Scenic Highway Ordinance.

Mr. Root updated the Commission on the status of the Scenic Highway Ordinance. He stated that Highway 11 is a State scenic highway. The County, he said, only has a portion of Highway 28 designated under County Ordinance. Mr. Root stated that because the Council had difficulty filling seats on the Scenic Highway Committee, the Economic Development Committee of Council had asked that the Planning Commission consider taking over the authority to act on petitions by applicants to include new segments in the program. These could be submitted through the Planning staff and the Commission could either create an ad hoc committee to review them or simply review them directly.

After some discussion, Mr. Pearson made a motion to turn the responsibilities of the Scenic Highway Commission over to the Planning commission for review and approval of scenic highway petitions following evaluation by the Planning staff. Mr. Owenbey seconded the motion. The Planning Commission voted 5-0 to approve the motion.

7. Continued Discussion on Chapter 38 Article 8. – Amendments and Rezoning

Mr. Root explained that he and staff are not ready to submit the formal amendment requested by the Commission at its previous meeting. This is due to the recent staff turnover and associated time constraints, in addition to insuring that the draft minutes are corrected, since several questions had been raised about statements in the minutes by at least one Commission member. These are related to the formal request that the Commission is making relative to Ordinance amendments.

Mr. Gramling felt that the Commission had been in favor of both changes but he understood that there would be a presentation about the issues by staff. Mr. Root explained the need to table the items to allow staff to address the cited issues.

A motion was made by Mr. Pearson to table Item 7, discussion and possible action on Chapter 38, Article 8. Ms. McPhail seconded the motion. The Commission voted 5-0 to approve the motion.

8. Continued Discussion on Chapter 38 Article 10. – Zoning Districts

[to include Vote and/or Action on matters brought up for discussion, if required]

Mr. Pearson made a motion to table item 8, concerning Chapter 38, Article 10. Ms. McPhail seconded the motion. The Commission voted 5-0 to approval the motion.

9. Old Business

Mr. Root reminded the Commission about the process for adding items to the agenda and about the tabling process.

10. New Business

Mr. Ownbey stated that he would like to have Staff give updates on projects that have become public knowledge. He suggested adding an item to each agenda for that purpose. This would insure that the Commission members are aware of active projects early in the process. There was general agreement to do this in the future.

11. Adjourn

Mr. Pearson motioned to adjourn. The motion was seconded by Ms. McPhail. The motion passed 5-0 and the meeting adjourned at 6:32 p.m.

OCONEE COUNTY PLANNING COMMISSION

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TEL (864) 638-4218 FAX (864) 638-4168

Agenda Item 5 & 6:

5) Staff updates on Subdivisions, Projects & Plats

6) Staff presentation : US HWY 123 Corridor Planning

Memorandum

Date: July 12, 2017

To: Members, Oconee County Planning Commission

From: Bill Huggins, Planner; Adam Chapman, Planner I

Staff will be prepared to present updates on two primary issues at your upcoming meeting on July 17. We will not have backup information prior to the meeting, so we wanted to include in your agenda packet a brief summary of the nature and status of those items:

1) Update on project status

The Commission had requested at the previous meeting that staff provide updates on new and significant projects in order to make sure that members are informed early in the process as new items come through for review. We plan to indicate the number of new plats, new building permit information, and status of new projects that may involve significant investment in Oconee County. The report will indicate the review stage of new projects and approvals over time.

2) Corridor Study/Overlay

We do not have a corridor overlay map or possible corridor plan document for your agenda packet, but we will do a brief presentation at the meeting involving some graphical material as well as a status report on our progress in following up on the directive the Commission received from Council back in April. We plan to provide some ideas and recommendations about how best to move this process forward and hope to field your questions as well. We are also developing a draft corridor document for the Commission to that uses Lancaster County's program as a model with revisions to make it more relevant to the Oconee County development and physical environment. This may be a good starting point for discussion. Based on input already received from Council and the Commission, we plan to focus initially on the Hwy 123 corridor.

If you have any questions about these items prior to the upcoming meeting, do not hesitate to contact either of us.

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Agenda Item 7: Proposed amendment change regarding moving setback requirements from chapter 38 to Chapter 32.

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 .57 acres (approximately 25,000 square feet) with traditional onsite septic tanks served by public water, unless DHEC requires greater area or dimensions. All required set backs shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.~~
- (d) ~~*Building lines.* (See section 38-10.2 for all setback requirements in the control free district of the county.) All building setback lines shall be: Front Yard twenty five (25) feet from the closest edge of the right-of-way on lots abutting local roads and forty (40) feet from the right of way on lots abutting collector roads. Side Yard setback of ten (10) feet from each property line or right-of-way and Rear Yards setback of twenty five (25) feet from the rear property line or right-of-way except for those abutting collector roads, which shall have a setback of forty (40) feet.~~

Or,

Setback requirements applicable development in the control free district of the County shall be as follows:

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

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

Setback requirements do not apply to property lines separating individually owned dwelling units situated in a multi-family housing structure (e.g., condominiums and townhouses).

- (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).
 - (2) The applicant shall provide the planning director a copy of all South Carolina Department of Health and Environmental Control (DHEC) permit drawings and an approved DHEC permit application for the proposed septic systems utilized within the development.
 - (3) The developer must demonstrate to the planning director that the proposed development will not adversely affect the present water table and the existing water supplies; and also demonstrate that the proposed water supply system will not be adversely affected by existing septic systems.
- (h) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to prevent concentration of stormwater from each lot to any adjacent property. Drainage systems used to control water on one property shall not increase the water flow on adjacent properties without legal easements.
- (i) *Lakes and streams.* If a tract being subdivided contains a water body, or portion thereof, the ownership of and the responsibility for safe and environmentally compliant maintenance of the water body is to be placed so that it will not become a local government responsibility. The minimum area of a lot required under this article may not be satisfied by land that is under water. Where a watercourse other than storm drainage separates the lot's buildable area from the road providing access, an engineer's certified structure shall be provided

linking the buildable area to the road. All watercourses shall remain free of obstructions and degradations.

- (j) *Easements.* Easements having a minimum width of ten feet and located along the side or rear lot lines shall be provided as required for utilities and drainage.
- (k) *Entrances.* One entrance is required for every 100 lots in a proposed subdivision, or a maximum of 100 lots on a dead end road with a cul-de-sac. This requirement may be waived by the planning director due to topography and feasibility. Every effort shall be made to not have an entrance directly onto an arterial road.
- (l) *(Reserved.)*

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

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 76 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.

CFD	Control Free 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. - Control free district (CFD).

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

*Dimensional requirements:**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	N/A	N/A	N/A	<u>N/A 25</u>	<u>5</u>	<u>N/A 10</u>	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.)	
	N/A	N/A	<u>N/A 25</u>	<u>N/A 5</u>	<u>N/A 10</u>	65	

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2015-15, § 2(Att. B), 6-2-2015)

OCONEE COUNTY PLANNING COMMISSION

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Agenda Item 8: Proposed amendment change to remove Small-Area Zoning requirements

Sec. 38-8.1. - Consideration by planning commission and county council.

All proposed amendments to these regulations, official zoning map, or any other part of this document shall be reviewed by the Oconee County Planning Commission, who shall issue a recommendation to county council. Upon receipt of the planning commission report, county council shall act on the proposed amendment within 60 days.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

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.
- (b) *Notice of hearing.* Notice of public hearing shall be published in a newspaper of general circulation at least 15 days prior to hearing. The notice shall carry an appropriate descriptive title and shall state the time, date, and place of the hearing. All interested parties shall be heard at the public hearing.
- (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 insure 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 Oconee County shall be posted at any major identifying signs stating the identification of the property; in the event that no signs are present, state posting guidelines shall be followed. For all other rezoning, state posting guidelines shall be followed.
- (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 Oconee County Tax Assessor.
- (e) *Action by council.* After conducting a duly advertised public hearing, county council shall consider all information presented at the hearing, staff review, and the recommendation received from the Oconee County Planning Commission, prior to making their decision.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.3. - Reconsideration of request for amendment.

When county council shall have denied a request for an amendment to this chapter, it shall not consider the same or a less restrictive reclassification for an amendment affecting the same property until one year from the date of said denial. A more restrictive classification is not subject to the one-year period.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.4. - Effective date of change.

Any ordinance effecting a change in the text of the zoning chapter or zoning maps shall become effective upon final adoption by council.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.5. - Methods of initial rezoning.

Upon adoption of this chapter, rezoning of a parcel or group of parcels shall be initiated by one of the following methods:

(1) *Method 1—Planning district request initiated by citizens.*

- a. Any group of citizens living within any planning district described within this section may petition for initial rezoning for the entirety of their district. The planning districts, which are based on the approximate boundaries traditionally used by local fire stations as service areas, are as follows:
 1. Oakway District
 2. Salem District
 3. Corinth-Shiloh District
 4. Mountain Rest District
 5. Walhalla District
 6. Westminster District
 7. Seneca District
 8. Fair Play District
 9. Long Creek District
 10. Cleveland District
 11. Keowee Ebenezer District
 12. Friendship District
 13. Cross Roads District
 14. Picket Post-Camp Oak District

- 15. South Union District
- 16. West Union District
- 17. Keowee District

The boundaries of each planning district shall conform to the exterior property line of all parcels lying within; in no instance shall a single parcel lie in more than one planning district. Parcels shall be assigned to a planning district based on the location of its centroid, which shall be determined by the Oconee County Geographic Information System (GIS). The boundaries of the various planning districts are shown on the map of planning districts, which shall be adopted as part of these standards.

- b. Petitions by citizens to county council to initiate a rezoning of an entire planning district shall be made in the following manner:
 - 1. Citizen petition. Citizens wishing council to amend the map of their planning district shall acquire the signatures of a minimum of 15 percent of the owners of parcels lying within the boundaries of the said planning district. The petition shall contain the following statement of support:
 - 2. "I hereby certify that I own a parcel lying within the _____ Planning District, and I support the consideration by Oconee County Council of amending the zoning map."
 - 3. Presentation to county council. If county council finds the petition is within the parameters of this chapter, they may direct the planning commission and ~~Community Development Department~~ ~~planning department~~ to proceed with amending the zoning chapter and map. Council may take first reading, in title only, on the zoning amendments at this time.
 - 4. Review of land use map. The planning commission shall undertake a review of the district's portion of the future land use map.
 - 5. Initial zoning meeting in district. Following the review of the future land use map, the ~~Community Development Department~~ ~~planning department~~ will schedule a public meeting to begin working with citizens to develop a proposed zoning map. Nominations for the district planning advisory committee will be called for at this time.
 - 6. Appointment of district planning advisory committee. County council will review the nominations for the district planning advisory committee and appoint individuals to the committee. The committee shall consist of seven owners of parcels lying within the district. The committee shall elect a chair who shall conduct committee meetings, call subsequent meetings as necessary, and set forth the agenda for subsequent meetings.
 - 7. Creation of proposed district zoning map. With assistance from planning staff, the district planning advisory committee will use the future land use map as a guide in creating proposed changes to the district's portion of the official

zoning map. All proposed amendments shall be chosen from the zoning districts and their corresponding regulations established in this chapter.

8. Planning commission review of proposed zoning map. When completed, the committee shall present their draft map to the planning commission for review. The planning commission shall review the changes to ensure that they are compatible with the comprehensive plan. During this time, the Community Development Department ~~planning department~~ shall mail a survey to all district property owners soliciting their opinion of the proposed changes, with a deadline to respond of 30 days. At the end of the survey period, the commission shall forward a recommendation regarding the proposed changes to county council. A positive recommendation of the commission shall require both a finding of compliance with the comprehensive plan, and a minimum of 51 percent of the returned responses to the survey favoring the proposed changes.
9. Consideration of recommendation. County council shall consider the proposed zoning map amendments and may take second reading on the chapter at this time.
10. Comment period. A comment period of no less than 30 days shall be held at this time.
11. Consideration of survey results by county council. Upon the completion of the comment period, county council may hold a public hearing on the proposed amendments. Once the public hearing has been completed, county council may take third and final reading of an ordinance to amend the planning districts portions of the official zoning map.
12. Failed attempts to amend the zoning chapter. In the event county council formally rejects a citizen-initiated petition to amend a planning district's portion of the official zoning map for any reason, a new attempt to amend the map through citizen petition shall not be considered sooner than two years from the date of council's decision.

(2) *Method 2—Small area rezoning.*

- a. Any individual property owner may petition county council for rezoning of a parcel(s).
- b. Additionally, groups of property owners owning contiguous parcels may petition collectively under this method.
- c. All persons owning a legal interest in the subject parcel(s) must sign the petition for rezoning under this method.
- d. Proposed rezonings pursuant to this method shall be subject to review by the planning commission, as set forth in section 38-8.1, the public notice requirements contained in section 38-8.2, and all standards set forth in these regulations, including compliance with the goals established in the Oconee County Comprehensive Plan, as well as all other applicable local, state, and federal laws.

- a. ~~This method of rezoning shall be initiated by a signed petition containing signatures of one or more of the listed property owners of a minimum of 51 percent of the affected properties in the area in question established by one of the following two methods, chosen by the petitioner.~~
 - 1. ~~Any property owner, or group of property owners of parcels, with a combined minimum ownership of at least 200 acres may petition county council for initial rezoning, provided the petition[s] include at least 51 percent of the property owners of the properties in question signed by one or more of the property owners of each [as stated above] representing a minimum of 75 percent of the acreage within the established boundary for the rezoning request.~~
 - 2. ~~Any property owner, or group of property owners, may petition county council for initial rezoning, provided the platted subdivision(s) proposed for rezoning is recorded in the office of the Oconee County Register of Deeds and/or is an area with all parcels 1.5 acres or less, and provided the proposal for rezoning is contiguous with a total area of at least 25 acres, or contains a minimum of 20 parcels.~~
- b. ~~Upon obtaining 51 percent of the required signatures for a method chosen above, petitioners may add any parcel that is contiguous to such active rezoning request as long as there is a favorable petition (as described herein) for such parcel(s).~~
- c. ~~Parcels totally encompassed by a small area rezoning request, which in their own rights are now unable to meet the minimum requirements of the two methods described above, shall be included by staff in such small area request, as part of the request, prior to first reading, if their inclusion would not defeat the 51 percent requirement of this section.~~
- d. ~~In addition, any property owner owning a parcel, currently in the control free district, which is contiguous to parcels that have already been rezoned from the control free district, may petition (as described herein) to rezone their parcel(s) provided the requested rezoning is similar in nature to that which has been previously adopted for the contiguous area.~~
- e. ~~For the purposes of this chapter, in addition to standard definitions, parcels separated by a perennial stream or a cove within a body of water shall be considered contiguous.~~
- f. ~~Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in section 38-8.1 (above), and public notice requirements contained in section 38-8.2 (above), as well as other applicable standards established by the South Carolina Code of Laws, 1976, as amended. Citizens who cannot meet the standards established under this method may utilize method 1 or method 3 as an alternative option.~~

(3) *Method 3—County initiated.* The governing body of the county may at any time after adoption of these standards rezone any parcel or parcels owned or maintained by Oconee County. Additionally, notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone any parcel or group of parcels to bring them into compliance with the goals established in the Oconee County Comprehensive

Plan. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in section 38-8.1 (above), and public notice requirements contained in section 38-8.2 (above), as well as other as well as all other applicable local, state, and federal laws. ~~applicable standards established by the South Carolina Code of Laws, 1976, as amended.~~

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

~~Sec. 38-8.6. Subsequent rezoning.~~

- ~~(a) Subsequent to the initial change of zoning of any parcel or group of parcels following adoption of these regulations, any individual property owner may make application for rezoning of a parcel(s). All such rezonings shall be subject to the standards set forth in these regulations and South Carolina Code of Laws, 1976, as amended.~~
- ~~(b) Notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone a parcel or group of parcels pursuant to the goals established in the Oconee County Comprehensive Plan.~~

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

REQUESTED RESEARCH : PARCEL SIZE STATISTICS OF THE ZONING DISTRICTS IN OCONEE COUNTY

ZONING CLASSIFICATION	COUNT	TOTAL*		AVERAGE*	
		SQ FT	ACRES	SQ FT	ACRES
AD - Agricultural District	218	308,379,449	7,079.4	1,414,585	32.5
ARD - Agricultural Residential	69	12,886,025	295.8	186,754	4.3
CCD - Community Commercial District	13	2,455,518	56.4	188,886	4.3
CD - Conservation District	3	3,729,345	85.6	1,243,115	28.5
CFD - Control Free District	42,942	10,908,337,985	250,421.0	254,025	5.8
ID - Industrial District	10	33,227,231	762.8	3,322,723	76.3
LRD - Lake Residential District	5,182	200,004,500	4,591.5	38,596	0.9
MUNI - Municipal	8,564	421,960,950	9,686.9	49,271	1.1
PDD - Planned Development District	5	19,294,039	442.9	3,858,808	88.6
PRL - Public & Recreation Lands District	77	4,031,884,908	92,559.3	52,362,142	1,202.1
RD - Residential District	513	103,807,527	2,383.1	202,354	4.6
SPLIT	11	30,705,838	704.9	2,791,440	64.1
TRD - Traditional Rural District	748	658,253,180	15,111.4	880,018	20.2
TOTAL	58,355	16,734,926,494	384,181.0		

*Note: Values based on "as drawn" size (not plat/deed acreage)

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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Agenda Item 9: Proposed amendment change to the Scenic Highway Ordinance to establish Planning Commission as the review authority.

Sec. 26-151. -- ~~Oconee~~ County ~~Scenic H~~highways.

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

~~(Ord. No. 2007-21, § I, 10-21-2008)~~

~~Editor's note— Please see Code Comparative Table for ordinances, not codified, affected by this Code section.~~

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.

~~Committee means the Oconee County Scenic Highway Committee as described in this document.~~

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

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

- (1) *Scenic*: The composition of features that are regionally representative, associative or inspirational. These features are memorable, distinct, visually impressive, and continuous across the view.
- (2) *Historic*: Landscapes and structures that educate and stir an appreciation for the legacy of Oconee County's past.
- (3) *Cultural*: Activities or objects that represent unique and distinctive expressions of community life, customs or traditional ways and identify a place, region or culture.
- (4) *Recreational*: Passive and active leisure activities directly ~~dependant~~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 ~~H~~highway means a ~~H~~highway or segment of a ~~H~~highway receiving a designation as such pursuant to the provisions contained in this article and based on it deserving such of recognition due to scenic vistas, cultural or historical significance, or other criteria specified by county council. All ~~S~~scenic ~~H~~highways shall be divided into two route categories:

- (1) ~~Highways Routes~~ with limited development visible from the ~~Highway roadway~~, yet still retaining special characteristics worthy of preservation, shall be designated a Category I Scenic ~~Highways Route~~.
- (2) ~~Highways Routes~~ with little or no development visible from the ~~Highway roadway~~ lying outside primary growth areas, shall be designated a Category II Scenic ~~Highways Route~~.

~~(Ord. No. 2007-21, § II, 10-21-2008)~~

Sec. 26-153. - Designation process.

- (a) Applications shall be submitted in writing to the ~~Community Development Department planning department~~ by a sponsoring agency. Such agencies shall include, but are not limited to, a civic club, chamber of commerce, convention and visitor bureau, business, industry, municipal government, county governments, or other organization. Submitted materials shall include a "Scenic Highway Corridor Management Plan" (see section 26-156, Appendix A).
- (b) Upon receipt of an application for the designation of a ~~road or h~~Highway as an ~~Oconee County~~ Scenic Highway, the Oconee County ~~Community Development Director or his designee shall forward the application to the staff liaison for the Planning Commission, who shall then place review of the application on next appropriate Planning Commission agenda. Planning Director or his/her designee shall contact the committee, which shall schedule a meeting to review the application. Meetings of the committee shall be public meetings, and shall be advertised at least 14 days in advance in a newspaper of general circulation.~~
- (c) The ~~Planning Commission committee~~ shall review applications for compliance with the criteria for designating a ~~S~~scenic ~~H~~highway established in this article (see section 26-157, Appendix B). Upon completion of the review, the ~~Planning Commission committee~~ shall by vote determine a recommendation regarding the designation of the ~~subject H~~highway. The ~~Planning Commission's~~ recommendation shall be ~~reviewed by the planning commission, which shall forward~~ ed a report to county council. In the event county council determines the proposed highway merits designation as a ~~S~~scenic ~~H~~highway, it shall so indicate its decision by resolution.
- (d) Any highway proposed for designation as a ~~S~~scenic ~~H~~highway ~~that is denied a positive recommendation by the committee, or~~ 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. 2007-21, § III, 10-21-2008)~~

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 ~~county-S~~scenic ~~H~~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 dollars.

- (b) The sponsoring organization or group submitting an application to the County for designation of a ~~road-Highway~~ as an ~~Oconee County~~ Scenic Highway shall be responsible for the removal of trash along the portion of the ~~H~~highway so designated as a ~~S~~scenic ~~H~~highway no fewer than three times each year. Permits and/or required notifications related to any and all activities inside a right-of-way shall be the responsibility of the sponsoring organization or group. Any individual taking part in trash removal duties, or any other activities related to the standards of this article, shall comply with any and all standards and practices utilized by the entity responsible for maintenance of the ~~Highway~~roadway.
- (c) A member of the county staff shall be designated by the county administrator to review the status of all county designated ~~S~~scenic ~~H~~highways every two years. In the event it is determined a route fails to meet the criteria established in this article, a report shall be made to the ~~Planning Commission~~committee, who shall recommend a course of action to county council. Such recommendations include, but are not limited to, re-classification to a lower category, and/or ~~[r]~~e-designation.
- (d) Regulations contained in this section shall apply equally to both Category I and Category II Scenic Highways; however, Category II Scenic Highways shall receive preference in the pursuit of funding to be utilized in maintaining and enhancing the intrinsic values leading to their designation.
- (e) All county rules and regulations concerning ~~S~~scenic ~~H~~highways shall apply immediately to a nominated ~~road or h~~Highway until a determination is made as to whether or not the ~~road or h~~Highway shall be designated a ~~S~~scenic ~~H~~highway. A determination of this issue must be made within six months of the county receiving an application.

~~(Ord. No. 2007-21, § IV, 10-21-2008)~~

~~Sec. 26-155.—Oconee County Scenic Highway Committee.~~

~~The committee shall consist of seven members, each having primary residency in the county. The committee members shall serve at the pleasure of the organization that appoints the member. The following organizations shall appoint one member each to the committee:~~

- ~~(1) Keep Oconee Beautiful Association (KOBAs).~~
- ~~(2) Concerned Citizens for Conservation.~~
- ~~(3) The Oconee County Arts and Historical Commission.~~
- ~~(4) Upstate Forever (Oconee Chapter).~~
- ~~(5) Oconee Alliance.~~

~~In addition, county council shall appoint two members at large from resident property owners in the county.~~

~~In the event that any organization named above fails to provide a representative willing or able to take part in the committee as needed, county council may replace the organization with a similar entity; also, any organization may terminate its position on the committee by sending a letter of resignation to county council, who will appoint a similar replacement.~~

~~(Ord. No. 2007-21, § V, 10-21-2008)~~

Sec. 26-1556. - Appendix A.

A ~~S~~scenic ~~H~~highway ~~C~~eorridor ~~M~~anagement ~~P~~lan shall include the following components:

- (1) A detailed description of the section of the ~~road or h~~Highway to be designated, including two or more of the intrinsic qualities as defined in this article; a specification as to Specify how the Highway road in question fits the criteria; -An identification of identify any problem areas that may impact the Sscenic Highway designation.
- (2) A marked map clearly indicating the section of the ~~road or h~~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 Hhighway if awarded designated.

~~(Ord. No. 2007-21, App. A, 10-21-2008)~~

Sec. 26-1567. - Appendix B.

Criteria for designating a ~~road or h~~Highway as an ~~Oconee County~~ Scenic Highway.

- (a) The Planning Commission committee shall consider the following in determining whether a ~~road or Highway~~ highway should be designated as a Sscenic Hhighway.
 - (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 Sscenic qualities of the Hhighway, (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 Hhighway. ~~roadway.~~

(h) Landfills/other pollutants visible from route.

(4) Feasibility of maintenance plan and responsibilities.

~~(Ord. No. 2007-21, App. B, 10-21-2008)~~