

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

## AGENDA

6:00 pm, Monday, April 2nd, 2018

Council Chambers - Oconee County administrative complex

1. Call to Order
2. Invocation by County Council Chaplain
3. Pledge of Allegiance
4. Approval of Minutes – March 19th, 2018
5. Public Comment for Agenda and Non-Agenda Items (3 minutes)
6. Staff Update
7. Discussion on 2020 Comprehensive Plan
8. Discussion on Lake Residential Development District
9. Discussion on Neighborhood Development District
10. Discussion on clarification of certain code sections bearing on land use and development, as contained in Chapters 26, 32, and 38 of the Oconee County Code of ordinances.
11. Discussion on the BZA ad hoc committee's recommendation on notice changes
12. Old Business
13. New Business
14. 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](mailto:achapman@oconeesc.com).

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

## MINUTES

6:00 PM, Monday, March 19, 2018

Oconee County Council Chambers

### Members Present

Mr. Kisker District 1

Mr. Gramling District 2

Mr. Pearson District 4

Mrs. Lyles District 5

Mr. Johnson At-Large

### Staff Present

David Root, County Attorney

Adam Chapman, Zoning Administrator

Media Present: None

### 1. Call to Order

Mr. Pearson called the meeting to order at 6:00 PM.

### 2. Invocation by County Council Chaplain

Mr. Root gave the invocation.

### 3. Pledge of Allegiance

### 4. Approval of Minutes

a. February 22, 2018

Mr. Kisker – Motion

Mr. Johnson– Second

The motion carried 5-0

### 5. Public Comment for Agenda and Non-Agenda Items

Mr. Smith stated that the Comprehensive Plan document is too long and should be downsized to a more user-friendly document.

## 6. Staff Updates

Mr. Chapman stated that Mrs. McPhail relayed the information to the Agriculture Advisory Board about the Agriculture Element that is going to be implemented into the Comprehensive Plan and they are willing to help with establishing that element.

## 7. Discussion on 2020 Comprehensive Plan

Staff asked the question to the Commission: *Who, a consultant or the County planning staff, is responsible for managing the 2020 Comprehensive Plan update process?* After an in-depth conversation a motion was made by Ms. Lyles, seconded by Mr. Johnson, and unanimously voted upon, that the Planning Commission will defer on answering the question by staff until after the County Council / Planning Commission workshop.

## 8. Discussion on clarification of certain code sections bearing on land use and development as contained in Chapters 26, 32, and 38 of the Oconee County Code of Ordinances.

Mr. Chapman stated that he has brought three items for the Planning Commission to consider for amending.

**A.** The section for the Zoning Matrix, that puts the permitted, not permitted, conditional and special exception uses in tabular form, the table doesn't have a heading on it so you can't go to the Code of Ordinance and see "Zoning Matrix". This would allow a user to go straight to the Zoning Matrix inside of the Code of Ordinances. The new heading would be "38-10.16", Mr. Kisker made a motion to approve the change and Mr. Johnson seconded. The vote was unanimous 5-0.

**B.** Currently, the Planning Commission has the final approval on naming subdivisions which have not been done in the past. Staff recommended that the subdivision naming process should be linked with the road naming process and the developer should follow the guidelines that E-911 addressing has, for subdivision naming. Mr. Gramling made a motion to accept staff's recommendation and Mrs. Lyles seconded the motion. The vote was unanimous 5-0.

**C.** The sign code, while recently updated, has some organizational and clarity issues. Staff went through the proposed changes to the sign code line-by-line.

32-517: Currently the ordinance reads that the sheriff's office is responsible for enforcement, staff would like to add the County Building Official or their designee is responsible for the enforcement of the sign regulations.

32-518: Staff recommended reinforcing the grandfathering language however members of the Planning Commission were concerned the language went too far and recommended not including the language. Mrs. Lyles made a motion to delete the recommended language and Mr. Pearson seconded the motion. The vote was unanimous 5-0.

32-519: Mr. Chapman stated that currently a clear definition of a "Building-mounted sign" is not in the definitions. Staff presented Commission with a definition for Building Mounted sign. Mr. Gramling made a motion to approve and Mr. Johnson seconded the motion. The vote was unanimous 5-0.

32-521 : Mr. Chapman addressed the setback and height requirements in the code, in the fact that there is no clear language about signs and their setback or height requirements. Mr. Kisker stated that the underlying zoning district should be the setback requirements. Mr. Gramling made a motion to make the sign setbacks dependent n the underlying zoning district.Mr. Kisker seconded the motion. The vote was unanimous 5-0.

32-521 : Language addressing signs of less than 50 square feet was withdrawn from the options as it was an inappropriate place for that language.

32-521: Addressing height restrictions, a motion was made by Mr. Kisker to utilize the 65-foot height restrictions used in the underlying zoning districts Mr. Gramling seconded the motion. The vote was unanimous 5-0.

32-522 : Mr. Chapman stated that nothing has changed in the 32-522 Billboard sections just rearranged to put everything in one section. Mr. Kisker made a motion to approve staff's request and Mrs. Lyles seconded to motion. The vote was unanimous 5-0.

32-523: Mr. Chapman stated that clarification on the wording of , Mrs. Lyles made a motion for the code to state "All sign up to 75 square feet are allowed on two-lane roads anything under 50 square feet does not require a permit." Mr. Gramling seconded the motion. The vote was unanimous 5-0.

32-524: Mr. Chapman noted that the language regarding abandoned billboards and signs is already in the code, he had just given it a heading in the chapter. Mr.Kisker made a motion, Mr. Gramling seconded the motion. Unanimous vote 5-0.

32-525: Mr. Chapman stated that further explanation on if a permit is required for a "like-for-like" face replacement only. Mr. Kisker made a motion to approve the request and Mr. Pearson seconded the request. The vote was unanimous 5-0.

32-525: Mr. Chapman addressed wording for power to a sign. Mr. Pearson stated that Mr. Carroll needs to state the Building Code side of the regulations and should be brought back before the Commission.

32-526: Mr. Chapman stated that the Billboard and Sign submittal process isn't changing just rearranging it. Mr. Kisker made a motion to approve staff's request Mrs. Lyles seconded the request. The vote passed unanimous 5-0.

32-528: Mr. Chapman stated that in Section 32-528 changing the wording from land use to zoning and flood review as needed. Mr. Kisker made a motion to approve the request and was seconded by Mr. Pearson. The vote was unanimous 5-0. Mr.

32-529: Planning Commission asked Mr. Root to research the appropriate language for the penalties section in regards to placement of signs in the right-of-way language.

## **9. Discussion on Lake Residential Development District**

Mr. Chapman stated that staff was asked to provide a sliding scale for the Lake Residential District (LRD) the same way the Control Free District (CFD) for lot sizes. Mr. Kisker made a motion to table the request and Mrs. Lyles seconded the request. The vote was unanimous 5-0.

## **10. Old Business**

None

## **11. New Business**

Mr. Kisker stated that Mr. Fields passed away and asked to keep the family in your prayers.

## **12. Adjourn**

Mr. Kisker made a motion to adjourn. The vote was unanimous 5-0

7:50pm

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

Which entity, Alta Planning or Oconee County Staff, will be responsible for managing the 2020 Comprehensive Plan update?

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
	Min. Lot Size	Lot size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
Residential Uses	¼ acre (10,890 sf) Utilities Available	Greater than or equal to ½ acre	4 dwellings per acre	80	25	5	10	65
	¼ acre (10,890 sf) Utilities Available	¼-less than ½ acre	4 dwellings per acre	80	15	5	5	65
	½ acre Utilities not available	½ acre	2 dwellings per acre	80	25	5	10	65
Nonresidential Uses	Minimum Lot Size				Minimum Yard 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			80	35	10	30	65

		availability of utilities					
--	--	------------------------------	--	--	--	--	--

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

(Ord. No. 2012-14, § 1, 5-15-2012)

**Traditional**

# **Neighborhood Development**

**District**

**Staff Recommendation 1:**

Rename from Traditional Neighborhood Development (TND) to Neighborhood Development (ND) . The TND moniker sows confusion when talking about residential-only neighborhoods.

**Staff Recommendation 2:**

Eliminate timely public process for developers by allowing staff to approve ND administratively. Strive to create a process that allows a developer to gain all necessary County approvals within 30 business days.

**Staff Recommendation 3:**

Do not create a new zoning district for ND. Create performance standards that would allow a developer, meeting all applicable performance standards, to create their development as-of-right, without seeking approvals from Planning Commission or County Council.

**Staff Recommendation 4:**

Nuts & Bolts:

1. Create an “Exemption” in Chapter 26, Roads & Bridges, that notes that road standards in the code are flexible if performance standards for Neighborhood Development, in Chapter 32-#### , are met. Final approval of plans is contingent upon road plans being approved by Emergency Services and the County Engineer.
2. Create performance standards in Chapter 32 for Neighborhood Development that may be administratively approved.



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 ( $ISR = \text{Area of Impervious Surface} / \text{Total Project Area}$ ).
- (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 (ADT's). 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.

**Sec. 38-10.16. - Zoning Use Matrix**

Uses	TRD	AD	ARD	CD	RRD	PRLD	RD	LRD	CCD	HCD	ID	MUD
	Zoning Use Matrix											
Agricultural production, crops, livestock, and poultry	P	P	X	P	P	X	X	X	X	X	X	X
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	P	P	P	P	P	X	P	X	P	P	P	X

Agricultural support services- veterinarians, kennels, feed/seeds, supply stores, implements, etc.	P	P	P	X	P	X	X	X	P	P	P	X
Air strips	S	S	X	X	S	X	X	X	X	S	S	X
Auction houses	P	P	S	X	P	X	X	X	C	C	X	C
Auditorium/Indoor Public Assembly	P	S	X	X	X	X	X	X	P	P	X	X
Bed and Breakfast Inns	P	C	P	S	P	X	S	S	C	P	X	X
Building and Trade Contractors, including materials and supply uses	P	P	S	X	X	X	X	X	P	P	P	P
Cemeteries and accessory uses	P	P	P	P	P	X	P	X	C	P	P	P
Civic, fraternal, professional, and political organizations	P	P	P	X	P	X	S	X	P	P	X	P
Commercial Fishing, Hunting and Trapping	P	P	S	S	S	S	X	X	X	X	X	X
Communications towers	S	S	S	S	S	S	X	X	S	S	S	S
Conservation subdivisions	C	C	C	S	C	X	C	C	X	C	X	C
Convenience stores (excluding motor vehicle services)	P	S	S	X	S	X	X	X	P	P	P	P
Correctional facilities and half-way houses	X	X	X	X	X	X	X	X	X	X	S	X
Day Care Facilities (all ages)	P	P	S	X	S	X	S	S	P	P	X	S
Distribution and other Warehouses	P	P	X	X	X	X	X	X	S	P	P	S
Educational buildings, and Research Facilities (all types)	S	S	X	S	S	P	S	X	P	P	P	S
Emergency services	P	P	P	X	P	X	P	P	P	P	P	P



Lumber and saw mills (portable)	P	P	P	P	P	P	P	P	P	P	P	P
Manufactured Home Dealer	X	X	X	X	X	X	X	X	X	P	P	X
Heavy Manufacturing	X	X	X	X	X	X	X	X	X	S	P	X
Marinas	S	S	S	X	S	S	S	S	P	P	P	X
Mini storage or mini warehouses	X	X	X	X	X	X	X	X	P	P	P	X
Mining	S	S	X	X	X	X	X	X	X	X	X	X
Mixed Use Buildings and parcels	P	P	X	X	P	X	S	X	P	P	X	P
Motor vehicle parking and garages (as a principal business use)	X	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle sales and rental	S	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle services and repair	P	P	P	X	X	X	X	X	C	P	P	C
Motor vehicle services and gas stations (excluding truck stops)	P	P	X	X	P	X	X	X	P	P	P	P
Movie theater	P	X	X	X	X	X	X	X	S	P	X	X
Multi-family residential development (structures containing 5 or more residential units)	P	X	S	X	X	X	S	S	S	P	X	S
Multi-family residential development (structures containing no more than 4 residential units)	P	X	S	X	X	X	P	S	S	S	X	P
Museums, cultural centers, historical sites, sightseeing, and similar institutions	P	P	P	S	P	P	P	X	P	P	X	P
Office uses, general	P	X	X	X	X	X	S	X	P	P	X	P
Outdoor Retail	P	P	P	X	P	X	X	X	P	P	X	C



Taxidermy, slaughter houses and wild game processing	P	P	S	S	P	X	X	X	S	S	X	X
Waste management services (excluding hazardous waste)	S	S	X	X	X	X	X	X	X	X	P	X

X—Not permitted

P—Permitted

C—Conditional use - permitted if conditions are met

S—Special exception - approved by Board of Zoning Appeals

(Ord. No. 2012-14, § 1, 5-15-2012)

DRAFT

Sec. 32-213. - Requirements and standards.

- (a) *Unapproved plat prohibition.* No plat of the subdivision of any land within the unincorporated areas of the county as now or hereafter established, and any incorporated municipality which contracts with the county for these regulations to be administered within such municipality, shall be filed with or recorded by the county Register of Deeds until such plat shall have been submitted to and approved by the county planning commission, planning director, or designee according to the procedures set forth in this article. No road or other way shall be accepted or maintained, nor shall any water line, sewerage, road lighting or similar improvements extended or connected, nor shall any permit be issued by any department of the county for any or other improvements in any subdivision established hereafter which has not been approved by the county planning department and met such requirements as prescribed by the county council.
- (b) *Survey standards.* Plats shall be prepared and survey data entered thereon in accordance with the most recent adopted version of the "Minimum Standards Manual of the Practice of Surveying in South Carolina" established by the South Carolina Board of Registration for Professional Engineers and Land Surveyors provided that all elevations information shall refer to Mean Sea Level Datum or other establish datum (a minimum of [Z] assumed elevation with two benchmarks). Accuracy of plats and attendant data shall be no less that that required in said manual for Class B Suburban Land Surveys.
- (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.
- (f) *Family transfers.* When no consideration, other than a nominal monetary amount and love and affection, is paid to the grantor of subdivisions resulting from family transfers as defined by this section of this article, the following shall apply:



- (1) Subdivision of parcels that results from the conveyance of parcels deeded by parents to children, children to parent, sibling to sibling, grandparents to grandchildren or grandchild to grandparent, and does not involve the construction or extension of any road, bridge, or drainage structure to provide access to interior lots, and does not involve the creation of any new drainage easement, shall be received as information only and approved administratively by the planning director.
- (g) *Minor subdivision.* (Reserved).
- (h) *Compliance with road standards.* Road plans and supporting documentation needed to comply with all adopted the county road standards shall be included with the submission of subdivision plans. Approval of the subdivision shall not be granted unless all applicable road standards are met.

(Ord. No. 2008-20, Art. 3(3.1[a.], 3.1[b.], 3.2—3.7), 12-16-2008)

DRAFT

### 3. ARTICLE VIII. - SIGN CONTROL<sup>81</sup>

Footnotes:

--- (8) ---

**Editor's note**— Ord. No. 2017-09, § 1(Att. A), adopted July 18, 2017, amended Art. VIII in its entirety to read as herein set out. Former Art. VIII, §§ 32-515—32-524, pertained to similar subject matter, and derived from Ord. No. 2007-09, §§ 1, 2(1), 2(2), 3—9, adopted Aug. 21, 2007.

#### Sec. 32-515. - Title.

This article shall be known as the "Sign Control Ordinance of Oconee County, South Carolina."

(Ord. No. 2017-09, § 1(Att. A), 7-18-2017)

#### Sec. 32-516. - Purpose.

It is the purpose of this article to establish regulations for the safe and orderly placement, for all signage to which this article applies in the unincorporated areas of the county; also, this article shall establish penalties such as are necessary to discourage the violations of these standards, and to establish appropriate fees to offset costs associated with implementation.

(Ord. No. 2017-09, § 1(Att. A), 7-18-2017)

#### Sec. 32-517. - Authority.

This article is adopted pursuant to the provisions of S.C. Code 1976 § 4-9-30. Personnel employed by the county administrator as **Zoning Administrator or their designee**, code enforcement officers and personnel employed by the sheriff of the county shall be vested with the authority to enforce and administer signage control within the county.

(Ord. No. 2017-09, § 1(Att. A), 7-18-2017)

#### 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 to which this article applies which are constructed in the unincorporated areas of the county after the date of adoption of these standards shall be permitted under these regulations. Billboards and signs existing at the time of adoption of these standards shall be considered exempt, with the exception of any structure considered abandoned, disassembled, or otherwise removed from a site. **Any change in billboard or sign structure, sign area, design, construction or use of electricity will require the billboard or sign to meet any and all of the standards within this article.**

(Ord. No. 2017-09, § 1(Att. A), 7-18-2017)

Sec. 32-519. - Terms and definitions.

Except where specifically defined herein, all words used in this article shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word "shall" is mandatory.

*Abandoned billboard or sign* means a billboard or sign which is not being maintained as required by S.C. Code § 57-25-110, et seq., and the regulations promulgated pursuant thereto, 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.

*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. The sign area of a billboard ranges anywhere from 50 square feet to 672 square feet.

(Staff note: *Building mounted sign* is referenced in the code but not defined. The area of the building mounted signs has not been changed from the current code standards)

*Building-mounted sign* means any sign attached, or artistically rendered upon (such as painting), to a building or canopy/awning attached to a building or structure, placed horizontally, vertically, parallel or perpendicular too. When the building is located, and addressed, from a four-lane road the maximum sign area for a building mounted sign is 672 square feet. When the building is located, and addressed from a two-lane road the maximum sign area for a building mounted sign is 75 square feet.

*Existing billboard* means for the purposes of these regulations any billboard either erected within the boundaries of the county prior to adoption of this article, or duly permitted by an agency of the county subsequent to adoption of this article.

*Four-lane road* means any public road or highway consisting of four or more travel lanes.

*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, nor specific information panels erected, caused to be erected, or approved by the state department of transportation.

*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.

*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 temporary or political sign as defined by this article.

*Stacked signs or billboards* 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.

*Two-lane road* means any public road or highway consisting of two travel lanes allowing traffic to flow in opposite directions. Such roads may or may not also have at various locations turning lanes, medians, islands, or other traffic control features designed to enhance the safe and efficient utilization of the thoroughfare.

(Ord. No. 2017-09, § 1(Att. A), 7-18-2017)

Sec. 32-520. - Requirements for billboards and other commercial signs. Unless exempted hereby, all signs and billboards erected in the unincorporated areas of the county shall be permitted under the provisions of this article.

### 32-521 Setback and Height

- (a) Billboards and signs shall follow all setback requirements of the underlying zoning district.
- (b) Billboards and signs height shall be limited by the underlying zoning district's height requirements.

**32-522 Billboards:** *(Staff note: There has been no new language or edits for anything involving billboards in this section. All the language specifically involving billboards have been placed in one area, under an appropriate heading, for simplicity and ease of use.)*

- (a) No billboard shall be erected within 1,300 feet of an existing 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.
- (b) Maximum sign area for any billboard is 672 square feet.
- (c) No billboards with a sign area greater than 75 square feet shall be permitted on two lane roads.
- (d) No billboard shall be located along any federal, state, or county designated scenic highways or roadways.
- (e) No stacked billboards shall be permitted within the unincorporated areas of the county.

### 32-523 Signs

- (a) Signs with a sign area greater than or equal to 50 square feet, but less than or equal to 75 square feet, shall be permitted on two lane roads. Signs less than or equal to 75 square feet are permitted on two-lane roads. Signs less than or equal to 50 square feet do not require a land-use permit.
- (b) The maximum sign area on four-lane, or larger, roads shall contain no more than 75 feet of sign area per sign face. This excludes building-mounted signs and billboards, as defined by this chapter. *(Staff note : There is currently no definition of building-mounted sign in the chapter. Staff has provided a definition for inclusion)* which may contain up to 672 square feet of sign area.

**32-524 Abandoned Billboards and Signs** *(Staff note: The following language already exists in the code but does not have its own section. The language has not been modified in any way)*

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 an the county building official 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 under this article 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 with a new billboard or sign of the same size and height and for the same location for a period of six months from the date of removal.

### Sec. 32-525. - Exemptions.

- (a) Replacing any billboard or sign face with no change in sign area, structure, or use of electricity does not require a permit.
- (b) Any sign or billboard with a sign or billboard area less than 50 square feet shall be exempted from a land-use permit. (Ord. No. 2017-09, § 1(Att. A), 7-18-2017)

**32-526 Billboard and Sign submittal process** *(Staff note: The following language already exists in the code but does not have its own section. The language has not been modified in any way)*

- (a) 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 community development 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 with 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;
  - (4) Appropriate fees.

(Ord. No. 2017-09, § 1(Att. A), 7-18-2017) **Sec. 32-527. - Fees.**

Fees shall be established for the cost of a sign permit by county council from time to time.

(Ord. No. 2017-09, § 1(Att. A), 7-18-2017)

**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 community development 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 reason for 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 permit, certification or approval, shall be issued for a billboard or sign prior to the issuance of the **land use** permit.

(Ord. No. 2017-09, § 1(Att. A), 7-18-2017) **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. ~~Signs placed within County right-of-ways, may be removed and disposed of by Personnel employed by the county administrator as County building official or their designee, code enforcement officers and personnel employed by the sheriff of the county with no notice given.~~

(Ord. No. 2017-09, § 1(Att. A), 7-18-2017)

## Summary of Ad Hoc BZA Committee Recommendations

3/19/18

- Continue the minimum 15 day newspaper notice for Variances and Special Exception requests.
- Post property 21 days prior to Board hearing. Also send letters to property owners including in notification area at least 21 days prior to the hearing.
- For communication tower applications (Special Exception request), require balloon testing and computer generated view shed analysis to provide a visual representation of the proposed structure on the site under review
- For Variance requests, require the posting of one sign on each road frontage that abuts the subject property
- For Variance requests, send a notification letter to all property owners with land abutting the site under review.
- For Special Exception requests, require the posting of one sign along each road frontage that abuts the property and at least one more sign as needed at staff's discretion to provide adequate notification for area property owners and residents.
- For Special Exception requests, send a notification letter to owners of all parcels extending two deep from the request site.
- BZA signs should include 4 inch high lettering that states the type of request, e.g., "VARIANCE", "SPECIAL EXCEPTION", or "CELL TOWER".
- Signs should be no less than 9 square feet in size, and should contain the Planning phone number, web site, and address of the request.
- Remove Section 32-133 (a) (3) from the Zoning Ordinance. This is one of four situations in which the Community Development Director can approve a tower placement administratively. It states: "As a tower in a site preselected by the board as a recommended location based upon the county's county-wide communication tower site study. Although a site study was done, that document has been lost or discarded, and has not, to our knowledge, actually been used to approve a request. It could also prove impractical, since it is unclear how the board could preselect a site or whether, in fact, the board would have the authority to do so.
- Recommend that Variance and Special Exception applicants informally meet with property owners potentially impacted by the request to explain the request and answer any questions. This would not be a mandatory step and so could be addressed at the application stage.



OCONEE COUNTY COMMUNITY DEVELOPMENT  
Planning & Zoning | Permitting | Codes | Addressing

# Memorandum

To: Members, Oconee County Planning Commission

From: Bill Huggins, AICP  
Senior Planner

Re: Ad Hoc Committee Recommendations

The Ad Hoc Committee formed to consider strengthening the public notification requirements for Board of Zoning Appeals cases recently completed its work. The Committee developed several proposed changes to the Zoning Ordinance to address those concerns. I have attached a bullet point list of the changes that are recommended.

The Committee was formed after some citizens at a Board hearing concerning a communications tower Special Exception review stated that they did not have enough time after receiving mailed notification of the hearing to fully research the case and provide a complete response that the hearing. Some said that the signs posted for that case were insufficient. Mr. Jim Codner later stated that similar concerns had occurred in past cases. The Committee formed to review the issue consisted of two sitting BZA members, two Planning Commission members, and two Oconee County residents not currently serving on a Board or Commission.

The primary recommendations of the Committee involve the following:

1. Increase the property posting and letter notification period for Variance and Special Exception cases. Presumably this would also apply to cases involving an appeal to the Board of a ruling by the Zoning Administrator, but that was not discussed specifically. The time period is proposed to increase from 15 days to 21 days for posting and for mailing notification letters.
2. Require balloon testing and computer generated view analysis as one of the submittal requirements for review of communication tower cases.
3. For variance requests, send a letter of notification to all property owners with land abutting the site under review. The ordinance does not presently require any mail notification to area property owners, although staff has been sending notices to owners within 250 feet of the subject property based on informal policy that was never codified.

- 
4. For Special Exception requests, send notification letters to all parcels/owners extending two deep from the subject property. Again, the Ordinance presently contains no mail notification requirement.
  5. For Special Exception cases, add an additional sign to the current requirement of one sign along each road frontage abutting the subject property. This sign would be placed by staff to increase exposure potential for the traveling public. Posted notification signs should be no more than 9 square feet in size, and should include 4 inch high lettering which states the type of request.
  6. Remove Section 32-133 (a) (3) from the Zoning Ordinance. (See attached bullet points for an explanation of this recommendation).
  7. Recommend that applicants meet informally with property owners in the area of the request to discuss the application and answer any questions. This would not be mandatory.