

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

AGENDA

6:00 pm, Monday, May 21st, 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 – May 7th, 2018
5. Public Comment for Non-Agenda Items (3 minutes per person)
6. Staff Update
7. Discussion on the BZA ad hoc committee's recommendation on notice changes and fee change for BZA hearings.
 - a. Public Comment for Agenda Item (2 minutes per person)
 - b. Discussion
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.
 - a. Public Comment for Agenda Item (2 minutes per person)
 - b. Discussion
9. Old Business
10. New Business
11. 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.

OCONEE COUNTY PLANNING COMMISSION

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

MINUTES

6:00 PM, Monday, April 16, 2018

Oconee County Council Chambers

Members Present

Mr. Kisker District 1
Mr. Vasseu District 3
Mr. Pearson District 4
Mrs. Lyles District 5
Mr. Johnson At-Large
Mrs. McPhail At-Large

Staff Present

David Root, County Attorney
Adam Chapman, Zoning Administrator
Media Present: Upstate Today

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. April 16, 2018
Mr. Kisker – Motion
Mr. Pearson – Second
The motion carried 6-0

5. Public Comment for Agenda and Non-Agenda Items

Mr. Smith gave a presentation on communication procedure. Mr. Smith spoke on the Oconee County BZA notification procedures, the State BZA notification procedures, and the ad-hoc committee recommendations. Mr. Markovich had comments on the proposed minimum lot size and recommended utilizing the zoning districts lot sizes. Mr. Codner stated that the ad-hoc

committee recommendations are above state minimums and that the minimum lots should be a half acre.

Staff Updates

Mr. Chapman stated that Oconee County has launched a new website. Alta Planning is going to provide training for the upcoming Comprehensive Plan to Planning staff. Mr. Pearson asked for a motion to remove item 7 from the agenda, Condo-Hotel language, Mrs. McPhail made the motion. Mrs. Lyles asked why the agenda should be amended. Mr. Pearson stated that the developer that was going to speak on the issue was not available to attend the meeting and will bring it back when he is available to attend. Mr. Kisker seconded the motion. The motion passed unanimously 6-0.

7. Discussion on Condominium-Hotel Definition
Removed from agenda

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 submitted a chart addressing the subdivision of property addressing Minor A, Minor B, Major Subdivision, Multi-Family, and Mobile Homes. This would address growth management in the County for the upcoming years. Mr. Johnson stated he would like more time to look over the information.

In Chapter 32-212 there is a minimum lot size for subdivisions at 0.57 acres. At the time of writing the Code of Ordinances, this size was thought to be SCDHEC's standard. Currently, SCDHEC has no minimum lot size. This current minimum lot size contradicts recent legislation related to multi-family housing.

(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 setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.

Staff recommendation:

Minimum lot size shall be determined by underlying zoning district located in Chapter 38. Lots within the Lake Overlay District shall have a minimum lot size of no minimum OR 0.25 acres OR ___ acres. All required setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way. Creation of lots that primary uses cannot be built upon due to dimensional setbacks, buffers, easements and/or lot size must be accompanied by the following language on the plat(s) to be recorded with the Register of Deeds: Lot(s) ___, depicted on this plat is/are not eligible for connection to a sanitary sewer or septic system tank approval nor shall building permits, certificates of occupancy or any other development permit be issued, nor shall any person contract, install upon this tract any building or structure until it has been combined with another tract in a manner that creates a conforming tract in accordance with Oconee County Code of Ordinances.

A discussion was had. Mr. Kisker made a motion to approve as indicated minus the language indicated red. Mrs. Lyles seconded the motion. The motion passed unanimously 6-0.

Mr. Chapman stated:

Parking in the setback. There have been multiple occasions where developers assume they can place constructed parking lots/spaces within the setbacks. The definition of structure in the code of ordinances is "anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land."

Creating language to be placed in the code of ordinances allowing or not allowing parking within the setbacks would clarify things for builders in the county.

Staff recommendation:

Option A – Constructed parking spaces shall not be permitted within the setbacks regardless of property use.

Option B - Constructed parking spaces shall be permitted within property setbacks regardless of property use.

Option C - Constructed parking spaces shall be permitted on properties used for single-family residential purposes. Parking shall OR shall not be permitted on properties used for industrial, commercial enterprise, multi-family housing, or mixed-use development. All commercial uses must provide adequate area for parking of their use for owners, employees, customers, deliveries, and others, through ownership or agreement.

Mrs. Lyles made a motion to approve Option B it was seconded by Mr. Vassey. The motion passed unanimously 6-0.

9. Discussion on the BZA ad hoc committee's recommendation on notice changes

Mr. Pearson and Mrs. Lyles stated that the 15-day notice should stay the same because it meets State requirements. Mrs. McPhail stated that the fees should be raised to accommodate the cost of a variance or special exceptions. Mr. Johnson stated that he is in favor of the radius aspect for the notifications. Mr. Smith stated the committees choose two deep because of the future growth. Mrs. Lyles asked if the radius would accomplish the same thing as adjacent property language. Mr. Johnson made a motion to coordinate with staff to bring back their input or recommendations, at the next meeting, from what the committee has requested as being reasonable. Mr. Vassey seconded the motion. Mrs. McPhail stated the history on section 32-133 (a) (3) was implemented for a company wanting to implement broadband cable and that wouldn't need to go for a special exception. Mr. Root stated that staff being Mr. Chapman and Mr. Huggins to put this in a table format out these items and put what they do presently in a column and in another column to put what they think about the items of practicing and implementation. Mrs. Lyles stated that what is being done needs to be put in the code and the recommendation for the applicant to coordinate a meeting with the public be put on the application. The motion was unanimous 6-0.

10. Old Business

None

11. New Business

Mr. Pearson discussed sending a letter to Mr. Moulder, from the Planning Commission, thanking him for his service to the County. Mrs. McPhail made a motion to send the letter to Mr. Moulder and was seconded by Mr. Vassey. The vote was 5-1, with Mrs. Lyles being the vote against.

12. Adjourn

Mrs. McPhail made a motion to adjourn seconded by Mr. Johnson. The motion passed unanimously 6-0.

8:04 pm

DRAFT

Board of Zoning Appeals Notification Process
(For Variances and Special Exceptions)

ACTION	LEGAL BASIS
Legal notice: 15 days in advance of public hearing Local newspaper	Oconee County Codes/Zoning Ordinance Section 38-6.2 SC Local Government Comprehensive Planning Enabling Act Section 6-29-790 and 800
Property Posting: one sign per street frontage (on or adjacent to property affected)	SC Local Government Comprehensive Planning Enabling Act Section 6-29-790
Letter notification to property owners within 250' radius of subject property	Oconee County unofficial policy. This requirement does not appear in County code. State law does not require notice to individual property owners.
Written notice of regular meetings at beginning of each calendar year	SC Freedom of Information Act (S.C. Code 30-4- 10)
Agenda is posted at least 24 hours prior to a BZA meeting at County office	SC Freedom of Information Act (S.C. Code 30-4- 10)
Notify persons, organizations and news media that request meeting notifications	SC Freedom of Information Act (S.C. Code 30-4- 80)

38-6.3 Board of Zoning Appeals notification process- AD-HOC RECCOMENDATIONS

Public Notification

Planning and Zoning staff shall, at least 15 calendar days before the scheduled meeting:

1. Legal Advertisement - Place a legal advertisement in a local-newspaper that:
 - a. Identifies the time, date and location of the board of zoning appeals meeting.
 - b. Identifies the project location requesting the meeting by parcel-I.D. number and physical address, if available.
 - c. Identifies the reason for the meeting.
 - d. Provides County Planning staff contact information

Planning and Zoning staff shall, at least 21 calendar days before the scheduled meeting:

2. Public Signage - Produce a sign, at least nine-square feet in size that identifies the party asking for the BZA meeting, what the BZA meeting is for (variance, special exception), the project location (address and parcel -I.D.), time and location of the BZA meeting, and a contact phone number of County Planning Staff. The signs should include 4-inch high lettering that states the type of request, VARIANCE, SPECIAL EXCEPTION, or CELL TOWER.

The signs shall be:

- a. Placed, at least one sign, along each road frontage that abuts the property asking for the BZA hearing, and at least one more sign, as needed at staff's discretion, to provide adequate notification for area property owners and residents.
3. Adjacent landowner notification -

For a variance request: County Planning staff shall produce and mail letters to all landowners that are directly adjacent to the proposed project site that:

- a. Identifies the proposed project site
- b. Identifies the need for the BZA hearing
- c. Identifies the time and location of the BZA hearing
- d. Provides County Planning staff contact information

For a special exception: County Planning staff shall produce and mail letters to all landowners that own property two parcels-deep from the proposed project site that:

- a. Identifies the proposed project site
- b. Identifies the need for the BZA hearing
- c. Identifies the time and location of the BZA hearing
- d. Provides County Planning staff contact information

Sec. 32-134. - General requirements.

(n) For communication tower applications, balloon testing and computer generated view shed analysis/ rendering to provide a visual representation of the proposed structure on the proposed site, shall be provided as part of the application package by the applicant.

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

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

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

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

~~(3) As a tower in a site preselected by the board as a recommended location based upon the county's county wide communication tower site study.~~

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

- Place a recommendation on the application for a BZA hearing that “*Variance and Special Exception applicants should informally meet with property owners potentially impacted by the request to explain the request and answer any questions. This is not mandatory*”

38-6.3 Board of Zoning Appeals notification process - STAFF RECCOMENDATIONS

Public Notification

Planning and Zoning staff shall, at least 21 calendar days before the scheduled meeting:

1. Legal Advertisement - Place a legal advertisement in a local-newspaper that:
 - a. Identifies the time, date and location of the board of zoning appeals meeting.
 - b. Identifies the project location requesting the meeting by parcel-I.D. number and physical address, if available.
 - c. Identifies the reason for the meeting.
 - d. Provides County Planning staff contact information
2. Public Signage - Produce a sign, at least nine-square feet in size that identifies the party asking for the BZA meeting, what the BZA meeting is for (variance, special exception), the project location (address and parcel -I.D.), time and location of the BZA meeting, and a contact phone number of County Planning Staff. The signs should include 4-inch high lettering that states the type of request, VARIANCE, SPECIAL EXCEPTION, or CELL TOWER.
The signs shall be:
 - a. Placed, at least one sign, along each road frontage that abuts the property asking for the BZA hearing, and at least one more sign, as needed at staff's discretion, to provide adequate notification for area property owners and residents.
3. Adjacent landowner notification - County Planning staff shall produce and mail letters to all landowners within a 250' radius of the project areas property lines that
 - a. Identifies the proposed project site
 - b. Identifies the need for the BZA hearing
 - c. Identifies the time and location of the BZA hearing
 - d. Provides County Planning staff contact information

Sec. 32-134. - General requirements.

(n) For communication tower applications, balloon testing and computer generated view shed analysis/ rendering to provide a visual representation of the proposed structure on the proposed site, shall be provided as part of the application package by the applicant.

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RE : Proposed increase for the application fee for a Board of Zoning Appeals hearing

May 21st, 2018

Council Members,

After hearing from the Board of Zoning Appeals (BZA) ad hoc committee over the last meetings the Planning Commission is recommending an increase for the application fee for a Board of Zoning Appeals hearing from the current amount, of \$100.00 , to a new amount of \$250.00 . This new amount is more representative of the actual amount a BZA meeting costs to the County in terms of newspaper advertising , adjacent landowner notification, placing signage on the proposed projects sites and staff time with the applicants, citizens and the BZA. Thank you for this consideration.

Regards,

Frankie Pearson

Brad Kisker

32-212 Definitions and 32-213(g) *Requirements and Standards*

Minor Subdivisions

The following minimum requirements have been established for all new Minor subdivisions to ensure that the development of these lots will protect public health and safety and the orderly development of the surrounding area.

Definition:

A Minor Subdivision is the division of property and/or the creation of new dwelling units up to 10 in number. The Minor Subdivision process may not be used a second time within two years within original property boundaries without utilizing the standards and submittal process for Major Subdivision if total number of lots, units or combination thereof would constitute a Major Subdivision.

Submittal:

Preliminary Plans may be required for any minor subdivisions that involve the creation of new private or public roadways. Preliminary Plans may be required for any minor subdivision that involves the upgrading of an existing driveway to drive or drive to road, whether public or private. Final plans shall be submitted for all Minor Subdivisions. All roadway construction or upgrades must be made prior to final approval of the development or utilize section 32-219 *Security in lieu of completion of improvement*. Planning and Zoning staff will receive input and approvals from any additional departments or agencies, as needed. As well:

- A. Each lot must conform to all applicable zoning regulations and Land Development regulations.
- B. The development does not violate the intent of the Subdivision or Zoning Ordinances.

Access:

Individual lot/dwelling access is limited to one driveway per three lots and/or dwelling units onto County or State arterial and Collector roadways. Internal roadway systems are encouraged when adjacent to an arterial or collector roadway.

(Arterial road means a major road that serves as an avenue for circulation into, out of, or around the county; typical number of average daily traffic (ADT) exceeds 5,000.)EXAMPLE - HWY 123

(Collector road means a road that has the primary purpose of gathering traffic from intersecting local roads and handling movements to the nearest arterial road; a secondary function is to provide direct access to abutting properties. Typical number of average daily traffic (ADT) exceeds 800.)EXAMPLE - KEOWEE SCHOOL ROAD

Sec. 38-9.3. - Dimensional requirements: General provisions and exceptions.

In addition to the dimensional requirements listed below and district dimensional requirements, further dimensional requirements may be set forth in Article 5 for those uses listed as conditional. **The control free district shall be exempt from the provisions of this section.**

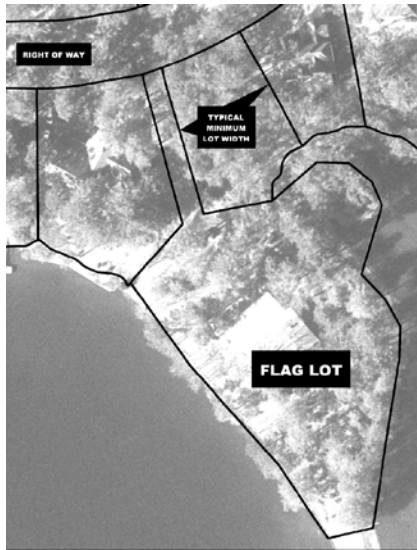
Staff Recommendation:

A) Strike highlighted language **OR**

B) Add “The control free district shall be exempt from the provisions of this section except provisions listed under item (2) *Setbacks*.”

(1) *Lot size and configuration.*

- a. Public utilities and government uses shall not be subject to the minimum lot size requirements, but shall meet the setback requirements.

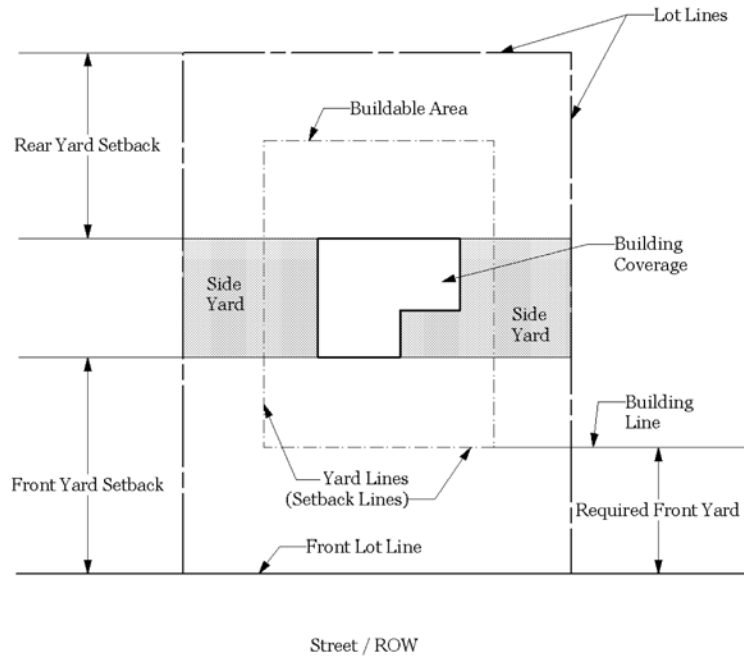


- b. A flag lot shall contain no more than two single-family dwellings and uninhabited accessory structures. Flag lots may be permitted under the following conditions:
1. The maximum flagpole length shall be 300 feet.
 2. The minimum flagpole width shall be 30 feet;
 3. The front setback shall be measured from where the lot meets the district minimum width requirements.
 4. The flagpole portion of the lot shall not be used to calculate area, width, or setbacks of the lot or to provide off-street parking.
 5. There shall be no more than one flag lot per each four lots, per subdivision or development.

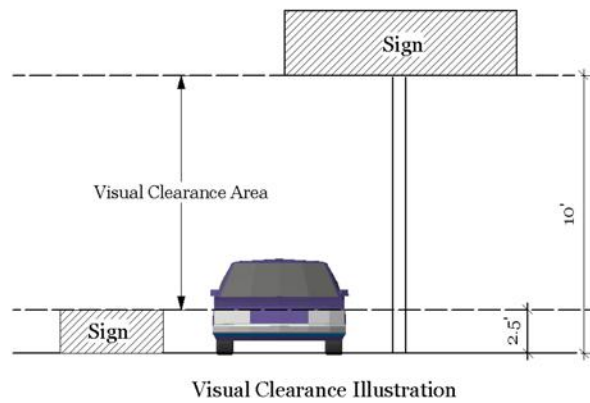
(2) *Setbacks.*

- a. The required front, side, and rear yards for individual lots shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of

the lot which is not included in any required front, side, or rear lot shall be known as the "buildable" area within which the approved structure(s) shall be placed.

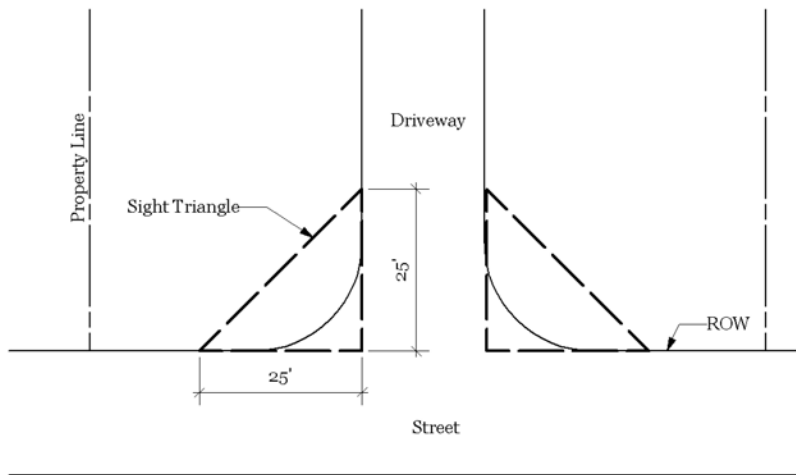


- b. Where a property abuts a street right-of-way, the setback shall be measured from the right-of-way line.
- c. Corner lots shall be considered to have two fronts and shall meet the front setback for the district.
- d. Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.
- e. Road design and encroachment criteria is governed by the standards in Chapter 26, of the Oconee County Code of Ordinances, as amended.



Visual Clearance Illustration

Sight Triangle Illustration



- f. Any garage door shall be set back a minimum of 20 feet from the property line that it faces so that vehicles may be parked in the driveway without encroaching into the right-of-way. If the district setback is greater than 20 feet, then the more restrictive setback shall prevail.
- g. The side and rear setbacks in the CCD and HCD shall not apply to the shared property line of attached buildings.
- h. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.
- i. Steps and heating and cooling units may project into a required yard a distance not to exceed five feet but no closer than five feet of a property line. Fences, freestanding walls, hedges, and septic lines may be located in any setback, so long as they remain on the property.

(Ord. No. 2012-14, § 1, 5-15-2012)