

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

MINUTES

6:00 PM, Monday, April 16, 2018
Oconee County Council Chambers

MINUTES

Members Present

Mr. Kisker District 1
Mr. Gramling District 2
Mr. Pearson District 4
Mrs. Lyles District 5

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. March 19, 2018
Mrs. Lyles – Motion
Mr. Kisker – Second
The motion carried 4-0

5. Public Comment for Agenda and Non-Agenda Items

Mr. Smith commented on Item 9 of the agenda, he is a member that served on the ad hoc committee. The ad hoc committee was created because the BZA asked for help in doing a better job in communicating the public when a special exception proposal comes before them. The problem is the communication process is not codified and needs to be for consistency to keep the public better informed as the county grows. Mr. Gilster, BZA Chairman, commented

on item 9 of the agenda. This started when the potentially affected property owners complained that they weren't being notified in a timely matter of hearings of the BZA. The notification process is not listed in the code. The ad hoc committee was formed to give recommendations amending the code of ordinances regarding the notification process

Staff Updates

Mr. Chapman stated that there's a webinar on May 17, 2018, that will count towards continuing education credits, it will be at Council Chambers from 9:00 am until 12:30pm if anyone is interested to let Mr. Chapman know. Mr. Chapman also stated that the Lakeside Lodge project is able to happen because The Planning Commission approved the language change in the CFD (Control Free District) to allow this use in the district.

7. Discussion on 2020 Comprehensive Plan

Mr. Chapman stated he has been in touch with Alta and they are going to educate him on the comprehensive plans and corridor process, while waiting for the budget to pass. The Agricultural Board is beginning to work on the new Agricultural Element. Mrs. Lyles asked if the letter they requested has been sent to the Council. Mr. Chapman stated it has and there answer will be the decision on the budget. Mr. Kisker asked when the budget cycle is. Mr. Root stated the current fiscal year ends June 30th the new budget starts in July. Mr. Kisker asked if the staff was already looking at the comprehensive plan and cleaning up the existing comprehensive plan. Mr. Kisker asked for in the future if an appropriated amount \$10,000.00 be put in escrow fund each year so in ten years from now the money will already be there, for a Comprehensive Plan update. Mr. Root stated that there may be a way to work with the Planning Commission budget to show a buildup of funds, he stated he would talk with the administrator about that.

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:

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. (Staff note: Minimum lot size for LRD and RD is 0.25 acres, CFD has no minimum lot size) 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.

Mr. Chapman stated there are three options: no minimum lot size, 0.25 acres or a size determined by the commission. Mr. Root stated that the decision should be in two parts, 1) do away with the .57 minimum lot size because in the CFD there isn't a minimum lot size. Were property is in both the CFD and LOD a minimum lots size should be determined. Mrs. Lyles made a motion to do away with the .57 and replace with the first sentence of Minimum lot size shall be determined by underlying zoning district located in Chapter 38. Mr. Gramling seconded the motion. The motion passed unanimously 4-0. Mr. Pearson stated that the second item would be the Lake Overlay District minimum lot size. Mrs. Lyles asked if the same regulations would apply to Hartwell as well. Mr. Chapman stated that it would only apply to Lake Keowee and Jocassee, Lake Hartwell is controlled by Corps of Engineers. Mr. Pearson asked that Mr. Codner speaks on this matter. Mr. Codner, speaking on behalf of AQD, stated that lot size around the lake is a big issue and in the past half acres, lots or .57 has been normal and to get any smaller would not be appropriate for the lake as it's developed now. He also stated he would like to see half acre lot size in the CFD if in the LOD. Mr. Pearson suggested that the second part is brought back and the next meeting so the commission has more time to think about the ups and downs. Mrs. Lyles asked that Mr. Marcovich talks about both sides next meeting. Mr. Pearson asked the same of Mr. Codner about Keowee. Mr. Chapman asked about discussing the parking in the setbacks, we currently don't have any language that regulates about parking in the setback area and asked the commission if it should be allowed or shouldn't be allowed and presented a few options:

7. 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 – Parking shall not be permitted within the setbacks regardless of property use.

Option B - Parking shall not be allowed within the side or rear setbacks regardless of property use. Parking within the front setback shall be permitted up to 10' of the required setback, however, buffering the front parking shall follow the standards within Appendix A. The plan for buffering shall be submitted to the Planning and Zoning Department for approval before construction.

Option C - Parking within the setback is not permitted on properties used for any commercial enterprise, even if the property is also used for residential purposes (such as mixed-use or condominium/ apartment buildings). Parking within the setback is permitted on residential lots.

Prepared, engineered or constructed parking surfaces or devices are not permitted within the setbacks.

Mr. Pearson is in favor of Option B. Mr. Kisker asked on a residential aspect does parking constitute a driveway. Mr. Chapman stated that a driveway must be in the setback area but does parking have to meet the setbacks as well. Mr. Pearson stated that there should be different rules for residential and commercial. Mrs. Lyles had to step out for a second. Mr. Pearson made a motion to reconvene and it passed unanimously. Mr. Pearson asked if the other zoning classifications have restrictions and parking anything. Mr. Chapman stated the only language regarding parking in our code is in Appendix A and that's for a PDD (Planned Development District) or if the BZA would approve a variance to allow it, the code has no language and it needs to be in writing what is or isn't allowed. Mr. Kisker asked if this could be divided into residential and commercial would that simplify or complicate the issue. Mr. Chapman stated if separating them would make sense because commercial generates more traffic and more noise effects from vehicles. Mrs. Lyles stated that the residents in all zoning district should be excluded. Mr. Pearson agreed and said if any regulations are implemented it should be on commercial. Mrs. Lyles asked that this come back on the next agenda.

9. Discussion on the BZA ad hoc committee's recommendation on notice changes
Mr. Lyles made a motion that this be tabled until there is a full commission, Mr. Pearson seconded the motion. The motion passed 3-1 with Mr. Kisker in opposition.

10. Old Business
None

11. New Business
None

12. Adjourn
Mr. Kisker made a motion to adjourn seconded by Mr. Gramling. The motion passed unanimously 4-0.
6:57 pm