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Meeting agenda  
Monday November 15, 2021 5:00pm

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1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes November 1, 2021
5. Public comment for non-agenda items (4 minutes per person)
6. Commission member comment
7. Staff comment
6. PUBLIC HEARING –  
Ordinance 2021-19 “AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ESTABLISHMENT OF DEVELOPMENT STANDARDS IN RELATION TO LIGHTING, SCREENING, AND BUFFERING; AND OTHER MATTERS RELATED THERETO.”
  
12. Adjourn

**Oconee County  
Planning  
Commission**

Council Chambers  
415 South Pine Street  
Walhalla, S.C. 29691

[www.oconeesc.com](http://www.oconeesc.com)

YouTube: “YourOconee”

**Staff contact**

846-638-4218

*planninginfo@oconeesc.com*  
*If you are not able to attend in person and you have a comment, you may submit it by contacting the Planning Department at [planninginfo@oconeesc.com](mailto:planninginfo@oconeesc.com) or 864-638-4218, so that we may receive your comment and read it into the record.*

**BOARD MEMBERS**

Mike Smith, Chairman, District I  
David Nix, District II  
Pat Williams, At-Large

Frankie Pearson, Vice-Chairman, District IV  
Alex Vassey, District III  
Gary Gaulin, District V  
Mike Johnson, At-Large

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

## Minutes

5:00 pm- Monday, November 1, 2021

Council Chambers - Oconee County Administrative Complex

### Members Present

Alex Vassey  
Mike Smith  
Pat Williams

Gary Gaulin  
Frankie Pearson  
David Nix

### Staff Present

Vivian Kompier

### Media Present

Lauren Pierce – The Journal

1. Call to order – Mr. Smith called meeting to order at 5:00 PM.
2. Invocation was led by Mr. Gaulin.
3. Pledge of Allegiance was led by Mr. Smith.
4. Approval of minutes for October 18, 2021 - Mr. Pearson made a motion to approve the minutes for October 4<sup>th</sup>; seconded by Mr. Williams. Mr. Smith called for a vote; motion was approved unanimously 6/0.
5. Public comment (non-agenda items) – None
6. Commission member comment
  - Mr. Smith provided details on the number and types of addresses assigned in the last 10 months. Mr. Smith will work on getting a comparison of these numbers to those of the most recent years past. Mr. Smith reminded all that the County is a member of the Lake Keowee Source Water Protection Team who have funds available to help people repair their septic tanks.
7. Staff comments – None
8. Development Standards: Lighting, Screening and Buffering
  - Mr. Smith gave a quick review of the Commission's progress on the proposed standards
  - Public comment
    - i. Tom Markovich – expressed his objection to the proposed ordinance stating that the proposed ordinance will create conflict though spot zoning.
  - Commission members discussed each section of the proposed Version B.

- i. Purpose statement – Mr. Williams asked for clarification of the addition of the word “new” before development. No Commission members suggested any changes.
  - ii. Applicability – first paragraph did not change from original version. For the second paragraph, Mr. Root, Oconee County Attorney, offered a language suggestion for agreements between adjacent property owners. Discussion included additional language being added and the finality of the agreement if the property changes ownership.
  - iii. Definitions – Mr. Smith asked for input on the definition of “objectionable direct glare source.” Discussion was centered around the confusion of the definition. Mr. Smith made a motion that the Commission accept the first section with the corrections as discussed regarding the term objectionable; seconded by Mr. Gaulin. There was no discussion and Mr. Smith called for a vote. The motion was passed 5/1, with Mr. Pearson opposing.
  - iv. Lighting – Mr. Smith read the lighting portion of an email submitted by Debbie Sewell, Chair of the Agricultural Advisory Board into the record (attached). Discussion on where the proposed ordinance should be located in the Code of Ordinances, Chapter 32 or 38. Commission to pose the questions of concern to Mr. Root at the public hearing on November 15<sup>th</sup>. Mr. Smith asked for comments on the additions to the lighting section in Version B. Comments included using the RV Park Ordinance as a guide, the need to have lighting plans to scale, and the Fair Play overlay’s lighting standards being applied to the entire county. Commission decided unanimously to remove reference to Appendix A of Chapter 38 from the lighting section of Version B. Mr. Smith made a motion that the lighting section of the Version B be accepted with the discussed changes. Mr. Gaulin seconded the motion. Mr. Smith called for a vote and the motion passed 6/0.
  - v. Screening and buffering – Mr. Smith read the screening and buffering portion of an email submitted by Debbie Sewell into the record. Mr. Smith called for discussion on the current Version B. Discussion included confusion in the multiple uses of the word buffer throughout the Code of Ordinances, a time schedule to get screening in place, enforceability of the proposed ordinance, penalty for not abiding by ordinance if passed, size of buffer and conflicts with established setbacks, and impact of new development next to agricultural or forestry lands. Commission decided to leave buffer requirements in Version B will remain as is. There was additional discussion on whether screening can be inside the buffer and confusion on the difference between screening and buffering. Commission added term “screening methods” to clarify items permitted in the buffer and deleted the word “paved” from sidewalks. Mr. Smith made a motion to accept Section 3 of Version B with agreed upon changes. Mr. Gaulin seconded the motion. Mr. Smith called for a vote. The motion passed 4/2, with Mr. Pearson and Mr. Nix opposing.
  - vi. Mr. Smith called for comments on the Exemptions section. Discussion included confusion on exemptions of public or private rights of ways/easements with regards to screening and buffering. Mr. Smith made a motion to accept the Exemptions section as written. Mr. Williams seconded the motion. The motion passed 5/1, with Mr. Pearson opposing.
  - vii. Commission reviewed of questions for Mr. Root at the Public Hearing scheduled for November 15<sup>th</sup>.
9. Adjourn – Mr. Smith made a motion to adjourn; seconded by Mr. Pearson. Mr. Smith called for a vote. The motion passed unanimously at 6:40 PM.

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2021-19**

AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ESTABLISHMENT OF DEVELOPMENT STANDARDS IN RELATION TO LIGHTING, SCREENING, AND BUFFERING; AND OTHER MATTERS RELATED THERETO.

**WHEREAS**, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County (“County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (“County Council”), has the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein;

**WHEREAS**, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (“Code of Ordinances”), as amended;

**WHEREAS**, the County is authorized by Section 4-9-30(9) and Chapter 29 of Title 6 of the South Carolina Code of Laws, among other sources, to impose land use restrictions and development standards in the unincorporated areas of the County;

**WHEREAS**, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, Chapter 32 of the Code of Ordinances by adding a new section to be entitled “Development Standards: Lighting, Screening, and Buffering”;

**WHEREAS**, County Council has therefore determined to modify Chapter 32 of the Code of Ordinances and to affirm and preserve all other provisions of the Code of Ordinances not specifically, or by implication, amended hereby.

**NOW THEREFORE**, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Chapter 32 of the Code of Ordinances is hereby revised, rewritten, and amended by adding a section to be entitled “Development Standards: Lighting, Screening, and Buffering” as stated on Attachment A, which is attached hereto and incorporated herein by reference.

2. County Council hereby approves and adopts Attachment A, and directs that it be codified in Chapter 32, Article VI of the Oconee County Code of Ordinances.

3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

4. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded. Nothing contained herein, however, or in the attachment hereto, shall cancel, void, or revoke, or shall be interpreted as cancelling, voiding, or revoking, *ex post facto*, in any regard any prior performance standard or land use provision, or decision of the County or County Council based thereon, which were valid and legal at the time in effect and undertaken pursuant thereto, in any regard.

5. All other terms, provisions, and parts of the Code of Ordinances, and specifically, but without exception, the remainder of Chapter 32, not amended hereby, directly or by implication, shall remain in full force.

6. This Ordinance shall take effect and be in full force from and after third reading, public hearing, and enactment by County Council.

**ORDAINED** in meeting, duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

\_\_\_\_\_  
Clerk to Oconee County Council

\_\_\_\_\_  
John Elliott  
Chair, Oconee County Council

First Reading:           September 7, 2021  
Second Reading:       \_\_\_\_\_  
Third Reading:         \_\_\_\_\_  
Public Hearing:         \_\_\_\_\_

## Attachment A

### **Development Standards: Lighting, Screening, and Buffering.**

In order to encourage and maintain a harmonious living and business environment, the following standards shall be applicable to all developments indicated herein.

#### **1. Applicability**

The owner, or their lawfully designated agent, **of new**, non-residential, multifamily, and mixed use developments being developed adjacent to existing residential, multifamily, agricultural, or forestry uses shall be responsible for the installation and maintenance of the lighting, buffering, and screening standards set forth below.

The buffer and screening requirements may be waived or modified between adjacent property owners by agreement and pursuant to a special exemption granted by the Oconee County Board of Zoning Appeals.

Development means any manmade change to improved or unimproved real estate including, but not limited to: new homes, building structures, dredging, filling, grading, paving, or excavation operations.

#### **2. Lighting**

Lighting devices for lighting of horizontal development such as roadways, sidewalks, entrances and parking areas, and all other outdoor fixtures installed for the permanent illumination of signs, landscaping, and buildings shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property or onto a public roadway. Flashing lights are prohibited.

#### **3. Screening and buffering**

Screening and a physical separation (buffer) must be provided at least the entire length of the proposed development plus twenty-five percent (25%), or up to the entire length of the shared property line, as determined by the planning director or their designee, for the purpose of screening and buffering adjacent activities from view of proposed projects including but not limited to: buildings, solid-waste, parking and drive lanes, outdoor storage, signage, or lighting.

##### **a. Screening requirements**

The purpose of screening is providing a visual screen between dissimilar uses. Visual screen shall mean a static barrier which shields the neighboring uses from view at normal ground levels. The visual screen shall extend from the ground to a height of at least six feet (6'). Not more than twenty-five percent (25%) of the vertical surface shall be open to allow the passage of air, and any such openings shall be designed to obscure visibility.

Unless otherwise required, the following minimum landscaping and screening provisions will apply.

1. A minimum 6-foot-tall wall, fence, berm, evergreen screening plant material, existing vegetation or a combination of wall, fence, berm or evergreen screening plant material, existing vegetation, with a combined minimum height of six feet (6') above grade shall be used for the purposes of screening.
2. If evergreen plant material is used, it must be at least four (4) feet in height at the time of planting and capable of forming a continuous opaque screen at least six (6) feet in height, with individual plantings spaced not more than five (5) feet apart.
3. Existing vegetation may be utilized provided it provides the screening required as determined by the Planning Director or their designee.
4. Fences or walls installed for the purposes of screening shall have a "finished" side toward the adjacent or neighboring properties.

b. Buffer requirements

A buffer is a physical separation by distance between the new development and the adjacent property lines. This is not in addition to any underlying zoning district setbacks.

Buffer width

| Acreage of proposed use | Minimum size of buffer |
|-------------------------|------------------------|
| Less than 0.5 acres     | 5 feet                 |
| 0.5-2 acres             | 15 feet                |
| More than 2 acres       | 25 feet                |

c. Uses permitted in the buffer:

- Vegetation and landscaping
- Storm water drainage easements and any necessary drains, culverts, riprap, etc.
- SC DHEC approved storm water retention/detention areas
- SC DHEC approved septic systems
- Permitted signage
- Sidewalks
- Shared-use driveways/lanes between adjacent property
- Parking lot stub outs (not parking lots) for the purposes of connectivity

**4. Exemptions**

- a. Agricultural and Forestry uses as defined by S.C. Code § 46-45-10, et seq., sometimes referred to as the South Carolina Right to Farm Act, and S.C. Code § 48-23-205, et seq., sometimes referred to as the South Carolina Right to Practice Forestry Act.
- b. The screening and buffering requirements are not required in the following circumstances:
  - Property lines within/adjacent to public or private rights of ways/easements.
  - Property lines within/adjacent to permanent waterbodies.
  - Multi-tenant malls/town centers/ developments or Planned Development Districts for internal property lines. Property lines adjacent to properties outside of the development are required to adhere to the standards of this ordinance.

- Private recreation facilities within a residential subdivision and not adjacent to properties outside of the subdivision.

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## **Development Standards: Lighting, Screening, and Buffering.**

The purpose of these standards is to encourage and maintain a harmonious living and business environment between the new development and existing residential, multifamily, agricultural, or forestry uses, the following standards shall be applicable to all new developments indicated herein.

### **1. Applicability**

The owner or their lawfully designated agent of new non-residential, multifamily, and mixed-use developments being developed adjacent to existing residential, multifamily, agricultural, or forestry uses shall be responsible for the installation and maintenance of the lighting, buffering, and screening standards set forth below.

The buffer and screening requirements may be waived or modified between adjacent property owners through a written agreement, properly signed by both parties and witnessed, which specifically details the nature of the terms agreed upon. The agreement must be recorded in the Office of the Register of Deeds for Oconee County, and a copy must be filed with the Oconee County Planning Department.

### **Definitions**

**Buffer:** A portion of property designated to mitigate impacts between land uses or transportation routes or to protect water features from pollutants.

**Development:** Any manmade change to improved or unimproved real estate including, but not limited to: new homes, building structures, dredging, filling, grading, paving, or excavation operations.

**Lighting:** Equipment made for illumination.

**Screening:** The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

### **2. Lighting**

Lighting devices for lighting of horizontal development such as roadways, sidewalks, entrances and parking areas, and all other outdoor fixtures installed for the permanent illumination of signs, landscaping, and buildings shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property or onto a public roadway. Flashing lights are prohibited.

### **3. Screening and buffering**

Screening and a physical separation (buffer) must be provided at least the entire length of the proposed improved area plus twenty-five percent (25%), or up to the entire length of the shared property line, as determined by the Planning Director or their designee, for the purpose of

screening and buffering adjacent activities from view of proposed projects including but not limited to: buildings, solid-waste, parking and drive lanes, outdoor storage, signage, or lighting.

a. Screening requirements

The purpose of screening is to provide a visual screen between dissimilar uses. The visual screen shall extend from the ground to a height of at least six feet (6'). Not more than twenty-five percent (25%) of the vertical surface shall be open to allow the passage of air, and any such openings shall be designed to obscure visibility. **Required screening should be in place within 180 days when a certificate of completion (CC), or certificate of occupancy (CO) – if required - is issued, For other business activities, the screening shall be by mutual agreement with the Planning Director or their designated representative.**

Unless otherwise required, the following minimum landscaping and screening provisions will apply.

1. A minimum 6-foot-tall wall, fence, berm, evergreen screening plant material, existing vegetation or a combination of wall, fence, berm or evergreen screening plant material, existing vegetation, with a combined minimum height of six feet (6') above grade shall be used for the purposes of screening.
2. If evergreen plant material is used, it must be at least four (4) feet in height at the time of planting and capable of forming a continuous opaque screen at least six (6) feet in height within one year of planting.
3. Existing vegetation may be utilized provided it provides the screening required as determined by the Planning Director or their designee.
4. Fences or walls installed for the purposes of screening shall have a "finished" side toward the adjacent or neighboring properties.

b. Buffer requirements

A buffer is a physical separation by distance between the new development and the adjacent property lines. This is not in addition to any underlying zoning district setbacks.

Buffer width

| Acreage of proposed use | Minimum size of buffer |
|-------------------------|------------------------|
| Less than 0.5 acres     | 5 feet                 |
| 0.5-2 acres             | 15 feet                |
| More than 2 acres       | 25 feet                |

c. Uses permitted in the buffer:

- Vegetation and landscaping
- **Screening methods**
- Storm water drainage easements and any necessary drains, culverts, riprap, etc.
- Permitted signage
- Sidewalks
- Shared-use driveways/lanes between adjacent property
- Parking lot stub outs (not parking lots) for the purposes of connectivity

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  - Multi-tenant malls/town centers/ developments or Planned Development Districts for internal property lines. Property lines adjacent to properties outside of the development are required to adhere to the standards of this ordinance.
  - Private recreation facilities within a residential subdivision and not adjacent to properties outside of the subdivision.