



OCONEE COUNTY PLANNING COMMISSION

415 S. Pine St. Room 212 | Walhalla, SC 29691
864.638.4218
OconeeSC.com

COMMISSION MEMBERS

Mike Johnson, Chairman, At-Large	David Nix, Vice Chair, District 2
Teresa Spicer, District 1	Brit Adams, District 3
Joshua Owens, District 4	Gary Gaulin, District 5
Mickey Haney, At-Large	

AGENDA

6:00 pm, Monday, May 6, 2024

Council Chambers - Oconee County 415 S Pine St, Walhalla SC 29691

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes from April 15, 2024
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Discussion regarding standards and specifications of the Control Free District (CFD) County Code of Ordinances 38-10.2
 - a. Public Comment
 - b. Discussion/ vote
9. Discussion regarding **FRONT** setback requirements within zoning districts with minimum lot widths.
 - a. Public Comment
 - b. Discussion/ vote
10. Adjourn



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STAFF

James Coley, Planning Director

MEDIA

Lauren Pierce, The Journal

MINUTES

6:00 pm, Monday, April 15, 2024

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1. Call to Order – Mr. Johnson called the meeting to order at 6:01 PM.
2. Invocation was led by Mr. Gaulin
3. Pledge of Allegiance was led by Mr. Adams
4. Approval of minutes from April 1, 2024 – Mr. Coley made an amendment to the minutes on item 9b to include the vote passed 7/0. Mr. Gaulin made a motion to approve the minutes with the amendment; Seconded by Mr. Adams. Approved unanimously.
5. Public Comment for Non-Agenda Items (4 minutes per person):

Phil Soper – Representing Keep Oconee Beautiful Association (KOBA) spoke on a proposed project KOBA has been working on to designate the section of Hwy 130 from the traffic light at Old Clemson Hwy to the traffic light at Doug Hallow Rd as a scenic hwy.

Linda Lovely spoke regarding her concerns for the minimal development standards within the county.

Robert Moore requested the Planning Commission to ask County Council for a one year moratorium on housing subdivisions.
6. Commission Member Comments

Mr. Gaulin serves on the KOBA Board and supports the proposed project KOBA has been working on to designate the section of Hwy 130 from the traffic light at Old Clemson Hwy to the traffic light at Doug Hallow Rd as a scenic highway.

Mr. Gaulin made a motion that KOBA be allowed to present the proposed Hwy 130 scenic highway project at a future planning commission meeting. Seconded by Mr. Johnson. Approved Unanimously.

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7. Staff Comments

Mr. Coley presented the sketch plan for Tomahawk Lodge & Villas.

8. Discussion regarding standards and specifications of the Control Free District (CFD) County Code of Ordinances 38-10.2

a. Public Comment:

Frankie Pearson stated that a control free zoning should have lots with minimum size of .3 an acre with sewer and .5 acre without sewer.

Dave Emmanuel from District 1 agreed with Mr. Johnson's proposal of a minimum lot size of .5 acre parcels.

b. Discussion / Vote:

Mike Johnson proposed the following items:

1) Change the "density element" of the "Residential Use" of the Control Free District to one (1) home per half (1/2) acre without utilities. Consistent with Residential and Lake Residential Zoning Districts.

2) Change the "Density Element" of "Residential Use" of the Control Free District to one (1) home per quarter (1/4) acre with utilities. Consistent with Residential and Lake Residential Zoning Districts

3) Request Mr. Root to review the wording of "Utilities Available and "Utilities Not Available" and define or adjust the name to specifically identify sewer availability or septic requirement.

4) Include wording that in the event an ancillary structure (detached garage apartment, motorhome parking/cleanout, barn with restroom, etc.) is built and the property has the same owner name, then the density requirements are not applicable unless the intent of the parcel is separated as its own parcel number to be subdivided for future sale.

5) Request wording be put in place so that any existing lots currently zoned Control Free, which are subdivided to be less than half (1/2) acre, will be exempt/grandfathered in as they will already have to figure it out with DHEC.

6) Wording would be added such that this "Minimum Lot Size" is only applicable for subdivisions of more than 10 units (the break point for our road construction in Chapter 26)

Mr. Nix proposes that .25 acre and .5 acre minimum lot sizes are acceptable.

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Discussion Followed.

Mr. Nix made a motion to adopt Mr. Johnson's proposal to change Section 38 of the zoning ordinance and have Mr. Root draft the proposed changes and bring them back to PC for discussion and vote. Seconded by Mr. Johnson. Approved unanimously.

9. Adjourn – The meeting was unanimously adjourned at 7:45PM.

DRAFT

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2024-18**

AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ESTABLISHMENT OF MINIMUM LOT SIZE AND MAXIMUM LOT DENSITY PROVISIONS IN THE CONTROL FREE DISTRICT; 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 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 38 of the Code of Ordinances by adding a minimum lot size and maximum lot density provisions for the Control Free District; and

WHEREAS, County Council has therefore determined to modify Chapter 38 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. Section 38-10.2 of Chapter 38 of the Code of Ordinances, entitled *Control Free District (CFD)*, is hereby revised, rewritten, and amended to read as set forth in Exhibit A, which is attached hereto incorporated herein by reference. The Control Free District shall remain

excluded from land use regulations reflected on the Zoning Use Matrix. (See Code of Ordinances § 38-10.16.)

2. County Council hereby approves and adopts Exhibit A and directs that it be codified in 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 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 38, 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 and enactment by County Council and will apply to all land use and zoning processes initiated after first (1st) reading hereof. All processes actually initiated by submitting a properly and legally completed petition to the County, at a minimum, prior to first (1st) reading of this ordinance and the establishment of the pending ordinance doctrine thereby, shall be completed under the zoning and performance standard rules and regulations of Chapter 38 of the Code of Ordinances, as in effect prior to final adoption of this Ordinance.

ORDAINED in meeting, duly assembled, this _____ day of _____, 2024.

ATTEST:

Jennifer C. Adams
Clerk to Oconee County Council

Matthew Durham
Chair, Oconee County Council

First Reading: _____
Second Reading: _____
Third Reading: _____
Public Hearing: _____

Exhibit A

[See attached]

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Sec. 38-10.2. Control free district (CFD).

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

Dimensional requirements:

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
¼ acre - with sewer access	4 dwellings per acre	N/A	15	5	5	65	
½ acre - if septic tank required	2 dwellings per acre	N/A	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.)
N/A	Greater than or equal to ½ acre	N/A	25	5	10	65
N/A	Less than ½ acre to greater than or equal to ¼ acre	N/A	15	5	5	65
N/A	Less than ¼ acre	N/A	10	5	5	65

- A. These setback requirements shall not apply to subdivision plats that were recorded in the Office of the Oconee County Register of Deeds prior to May 7, 2002.
- B. Setback requirements do not apply to lot lines separating dwelling units which are part of a multi-family housing structure (e.g., townhouses).
- C. As to multi-family housing structures located on one lot (e.g., duplexes or apartments), setback requirements apply only to the exterior perimeter wall of the entire structure.

- D. Setback requirements do not apply to lot lines separating commercial units which are part of a multi-unit commercial structure (e.g., a strip mall).
- E. As to multi-unit commercial developments located on one lot (e.g., traditional malls, town centers, or mixed-use developments) setback requirements apply only to the exterior perimeter wall of an entire structure.
- F. The minimum lot size and maximum lot density provisions do not apply to lots that were lawfully created prior to _____, 2024.
- G. The minimum lot size and maximum lot density provisions do not apply to parcels created by subdivision developments totaling ten (10) or less new parcels. A larger subdivision project may not be broken into smaller subdivision projects for the purposes of circumventing the provisions of this section.
- H. For purposes of this section, “Dwellings” may include separate units as accessory uses to be occupied only by employees or relatives of the primary dwelling.

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¹⁰
Easement means a grant of one or more specific property rights by the property owner permitting a specific use or uses to the public, a corporation, or another person or entity.

Easement, private roadway means an easement that grants access for all utility and roadway construction and maintenance.

Flood means a temporary overflowing of water onto land that is usually devoid of surface water.

Floodplain means land areas adjoining a river, stream or watercourse which are subject to a one percent or greater chance of flooding in any given year. These areas are specifically established by the Federal Emergency Management Agency, according to the Flood Insurance Study for the county.

Full pond level means full pond level is 660 feet above mean sea level on Lake Hartwell, 800 feet above mean sea level on Lake Keowee, and 1,110 feet above mean sea level on Lake Jocassee.

Half road means a road located so that a cross meanssection of its width lies on more than one parcel.

Lake means a considerable inland body of standing water.

Land development means the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

***Lot* means a single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.**

- (1) *Corner lot* means a lot with frontage on at least two intersecting roads located at the point of intersection.
- (2) *Lot depth* means the mean horizontal distance between the front and rear lot lines.
- (3) *Double frontage lot* means a parcel having frontage on two or more roads which is not located at any intersection of such roads.
- (4) ***Lot width* means the horizontal distance between the side lot lines at the building setback line measured parallel with the front lot line or in the case of a curvilinear road measured parallel to the chord of the arc between the intersection of the side lot lines and the road right-of-way line.**

Minor subdivision means a minor subdivision is any subdivision of a parcel that is reviewed by the county that:

- (1) Results in a total of no more than ten lots; and
- (2) May or may not involve the construction of a private drive, private road, or public road.

*Utilities*¹¹ means utilities shall consist of any and all utility services to a subdivision, including water, sewer, storm sewer, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual, private company, authority, or a governmental entity.

View lane means the portion of a natural buffer utilized and maintained by the property owner to enhance observation of the lake and surrounding landscapes. Typically, the vegetation in the view lane is lower in height and/or smaller in diameter than that found in the rest of the buffer.

Watercourse means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Yard means a space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

- (1) *Front yard* means a yard situated between the front building line and the front lot line extending the full width of the lot.
- (2) *Rear yard* means a yard situated between the rear building line and the rear lot line extending the full width of the lot.
- (3) *Side yard* means a yard between the side building line and a side lot line that extends from the front yard to the rear yard.

(Ord. No. 2008-20, Art. 2, 12-16-2008)

Cross reference— Definitions generally, § 1-2.

Sec. 32-2~~1~~²4. - Lot improvements.

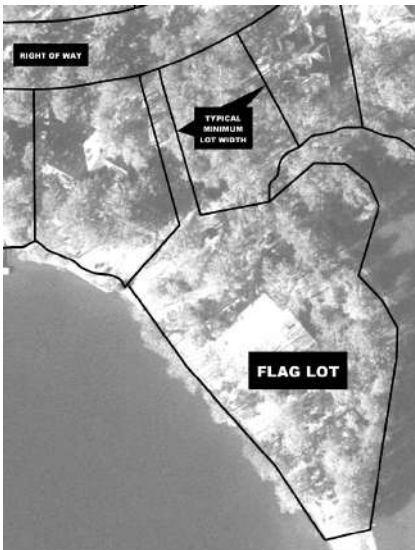
- (a) *Lot arrangements.* All lots shall be arranged such that there will be no apparent difficulties in securing driveway encroachment permits or building permits for reasons of topography or other conditions and must have driveway access from an approved road. The developer shall be liable for all lots within a proposed subdivision.
- (b) *Lot dimensions.* Except where circumstances such as topography, watercourses, road alignment or existing site boundary configurations dictate otherwise, the following requirements shall apply:
- (1) Dimensions of corner lots shall be large enough to allow for the erection of buildings observing the minimum yard setbacks from both streets, without encroaching into side and rear yard setbacks, established in the building line section of this chapter.
 - (2) Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for that type of development, without encroaching into yard setbacks.
- (c) *Lot size.* Minimum lot size shall be determined by the underlying zoning district located in chapter 38. 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.
- (d) *Building lines.* (See section 38-10.2 for all setback requirements in the control free district of the county.)
- (e) *Reserved.*
- (f) *Usable area.* All lots adjacent to floodplains, creeks, and wetlands should use these natural features as lot boundaries when possible. Lots containing areas unsuitable for usage shall not use these areas in calculating minimum lot area.
- (g) *Septic system setback.*
- (1) Traditional septic systems shall be constructed so that they comply with all regulations of the South Carolina Department of Health and Environmental Control (DHEC).
 - (2) The applicant shall provide the planning director a copy of all South Carolina Department of Health and Environmental Control (DHEC) permit drawings and an approved DHEC permit application for the proposed septic systems utilized within the development.
 - (3) The developer must demonstrate to the planning director that the proposed development will not adversely affect the present water table and the existing water supplies; and also demonstrate that the proposed water supply system will not be adversely affected by existing septic systems.
- (h) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to prevent concentration of stormwater from each lot to any

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. 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.*

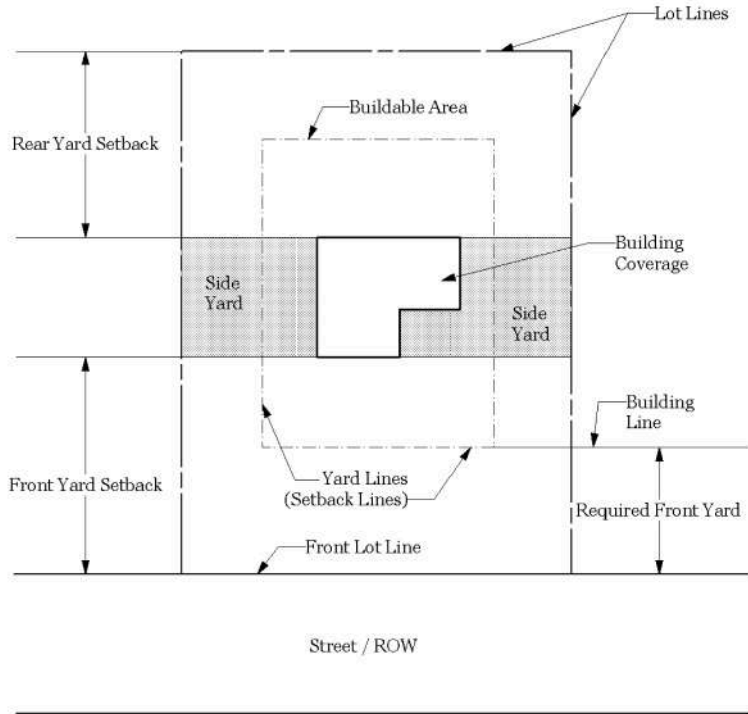
- a. Public utilities and government uses shall not be subject to the minimum lot size requirements, but shall meet the setback requirements.



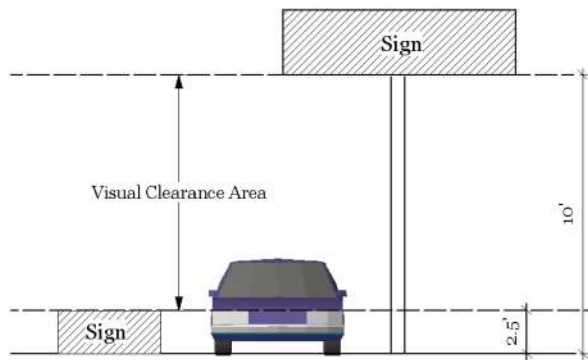
- b. A flag lot shall contain no more than two single-family dwellings and uninhabited accessory structures. Flag lots may be permitted under the following conditions:
1. The maximum flagpole length shall be 300 feet.
 2. The minimum flagpole width shall be 30 feet.
 3. The front setback shall be measured 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

The issue is determining the initial point or line for measuring the Front Setback for lots.

Currently (in the residential district where the lot width is 80' as an example) if a lot is less than 80' wide at the roadside (Front-side) of a lot, a "flag lot" type rule is being applied. Meaning the front setback begins that the point at which the lot becomes 80' wide.

Example of current application of ordinance

