

415 South Pine Street - Walhalla, SC



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MINUTES

6:01 PM, MONDAY, JULY 17, 2017

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

Members Present: Mr. Ownbey
Mr. Kisker
Mr. Lyles
Mr. Gramling
Mr. Johnson
Mr. Pearson
Ms. McPhail

Staff Present: David Root, County Attorney
Bill Huggins, Zoning Administrator – Community Development
Adam Chapman, Planner I – Community Development

Media Present: Dick Mangrum, WGOG

1. Call to Order

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

2. Invocation by County Council Chaplain

Mr. Root gave the invocation.

4. Public Comment for Agenda and Non-Agenda Items (3 minutes)

Three individuals chose to speak.

Mike Smith welcomed new staff and spoke against removal of the 200 acre Small-Area Rezoning. Mr. Smith also spoke against moving the setbacks for CFD from their current location to elsewhere in the code.

Jim Codner, representing the Advocates for Quality Development, spoke against the proposal to eliminate Small-Area rezoning.

Debbie Sewell, member of the Agricultural Advisory Board, speaking as a private citizen, spoke against moving the setbacks for CFD from their current location to elsewhere in the code. Mrs. Sewell spoke against the proposal to eliminate Small-Area Rezoning from the code.

4. Approval of Minutes

The minutes from both June 19 and July 3 were approved with some grammatical changes. Motion made by Mr.Owenby, seconded by Mr. Kisker. Vote 7 for and 0 against.

5. Staff Updates

County Zoning Administrator updated the Commission on various developments in the county including 36 zoning and flood review permits, one sign permit for the Dollar General on Ebenezer Road and an update on the Harbor Pointe, Phase 2, subdivision.

6. Staff Presentation: U HWY 123 Corridor Planning

Staff Planner Adam Chapman presented a brief presentation on the 123 Corridor including current conditions, strengths & weaknesses, Lancaster County and Next Steps. The Commission noted that while 123 is an important corridor the other corridors in the County warrant attention as well. The Commission gave several suggestions and starting points for Staff to work from. Commission instructed staff to create a Corridor Ordinance as soon as possible.

7. Proposed amendment change regarding moving setback requirements for the Control Free District from Chapter 38 to Chapter 32.

Mr.Root explained the process he utilized in moving setbacks from Chapter 38 to Chapter 32. Lot size minimum was an issue that runs contrary to the issue at hand because of DHEC's mandates. Chapter 32-21.4(d) language was from the 2008 ordinances, Mr. Root thoughts on the language is that it is restrictive, when should it apply? Current subdivision regulations apply to everything and make development more involved. The new language should make development of multi-family less involved. Addition of language that setbacks , in this section, do not pertain to condos, townhomes, etc. The main question Mr. Root brought to the meeting was – what are the goals of moving the setback requirements?

Mr. Owenby liked the added language. Mr. Pearson questioned the necessity of a multi-family section. If it would be helpful and increase the ease of development then perhaps creation of a new multi-family chapter would be helpful. Mr.Root stated that land-use, density, open-space and setbacks are what could be accomplished through creating a multi-family standards chapter, not building codes, which may include additional setbacks. Mrs.McPhail posed the question that if setbacks for CFD are in Chapter 38 and moved to Chapter 32, where will the rest of the zoning setbacks be located?

Mrs.McPhail stated that setbacks should not be spread throughout the code but placed in the same area to make it easier to utilize the code in development.

Mrs. Lyles asked if under the current code cottage style or zero-lot line homes were possible. Mr. Root responded that as of current interpretations, no, they would not be. Bill Huggins, staff, talked about various group development standards from other counties and addressed specific criteria therein.

Mrs. McPhail asked Mr. Huggins if by changing the definitions in the code that would allow multi-family development? Mr. Huggins responded that by changing the definitions then certain developments could be easier to create.

Mr.Pearson stated that removal of setbacks could cause conflict between neighboring parcels. Building code still, in some instances, require setbacks but may not be enough to mitigate disputes between neighbors. Mr. Pearson stated that moving the setbacks would be a mistake and that the language should be clear in the code that setbacks are in place to protect neighbors. Mr.Pearson stated that setbacks may need to be adjusted so that multi-family is allowed. Mrs. McPhail stated that, historically, setbacks were the largest, most frequent issues in the county. Setbacks were added to mitigate conflict between neighbors. Affordable housing is also an important function to take into account.

Mrs. McPhail stated that keeping the code clear, the setbacks for CFD should stay in 38 while allowing multi-family development possible. Mrs. Lyles stated that the code should not become repetitive or overbearing to citizens or developers.

At this point Mr. Tom Markovich mentioned he would like to speak, and Mr. Owenby invited him to share his expertise. Mr. Markovich stated that building codes come into play regarding the type of wall, fire or otherwise, separating units. Mr. Markovich mentioned that unit maintenance and fire codes, as well as utility easements were issues affecting setbacks and that there would always be some form of setback.

Mrs. McPhail stated that CFD is a misnomer and that upon initial inspection most individuals see the name and believe there are no controls on the land. Mr. Johnson asked of Mr. Root, where would the setbacks go if they were moved to Chapter 32 and how to accomplish this?

Mr. Root mentioned that the best way to move forward was by one of four options which he presented. Mr. Root recommended voting at next meeting on one of four options:

1. Move the setbacks for CFD to Chapter 32 with same language or the new language with scalable language.
2. As a subset of that vote, decide if language should be added to 32, for clarity, about the new placement being only for major subdivisions, more than 10 lots.
3. Keep it where it is, remove setbacks in CFD.
4. Keep it where it is, bring new language about multi-family residential development.

Mr. Root stated that staff could either add multi-family to be its own chapter or added to each zone. Mr. Johnson mentioned that 0.57 acres does not necessarily need to be in that section. Mr. Johnson stated that there have been issues with lot size minimums where citizens have been wronged by subdivisions regarding unbuildable lot sizes.

Mr. Root stated to add minimum lot size would be an option. Mr. Johnson stated that subdivisions should have the responsibility to create buildable lots.

Mr. Owenby moved the meeting along to Agenda Item 8.

8. Proposed amendment change to remove Small-Area Rezoning requirements.

Mr. Root stated his method for creating this amendment. Mr. Root attempted to make it easier to move from one zone to another by striking the 200-acre minimum. Rezoning CFD as an individual property owner was the goal. Mr. Root struck and moved language as long as it was consistent with the Comprehensive Plan. The intent was for ease and consistency in rezoning. A potential failing of this could create a flood of rezoning requests.

Mr. Johnson believed deferring to staff in this was the way to move forward.

Mr. Pearson stated that 200 acres was far too large of land size to require in a rezoning issue. Mr. Pearson stated that having a minimum may be a good idea but 200 acres does not give small-parcel owners the ability to change zones. Requiring no, or a smaller land-area would allow easier rezoning, said Mr. Pearson.

Mr. Johnson stated that a small land owners only relief from this burden would be going to County Council. Mr. Johnson stated that there are no minimums such as these 200 acres elsewhere in the code. All the zones should be equal.

Mr. Root mentioned that the CFD was intended as a placeholder. Mr. Root also informed the Commission that if the floor was to be reopen for public comment then all of the public should be given a chance, if they so chose, to speak.

Bill Huggins, staff, spoke on the small-area rezoning change. Allowing for no minimums may create incompatible uses adjacent to one another.

Mrs. Lyles stated that zoning was not popular when it was first enacted in Oconee County. Property owners shouldn't be forced into a zoning district just because their neighbors do.

Mrs. McPhail stated that the impact of changing zones impacts the neighbors. If Council would continue to refer to the FLU map and base decisions on that, it would make things better, as opposed to changing the zones on demand of growth.

Mr. Pearson stated the average CFD lot was 5.36 acres. Then Mr. Pearson offered cutting down the size of the minimum as to open up the zoning changes to the small land owners. 200 acres does not seem to be a realistic number for individuals to meet.

Mr. Root thought that the benefits should be kept, of the small-area rezoning, but perhaps change the size of the acreage. Another issue Mr. Root mentioned was the 51% of landowners could change 49% of the landowners land. The "donut hole" clause also is a source of concern and that the language could be cleaned up.

Mr. Kisker stated that the 200 acres seemed large and zero acres seemed too small and that "CFD" is a misnomer. The language in the amendment seems complicate and Mr. Kisker did not feel he was prepared to make a decision on the matter.

Mrs. McPhail stated if the average CFD lot or other lot is a certain size then , for example, get a number of adjacent neighbors to sign a petition for rezoning. This would allow people to have a chance to rezone while protecting the neighbors from being rezoned. The most important sentence would be allowing neighbors to stay out of rezoning if they so choose and making it a unanimous decision required.

Mrs. Lyles asked how moving out of CFD, as an individual land owner, how does that add or remove protections.

Mr. Johnson gave an example of rezoning protection in relation to agriculture. Mr. Johnson stated the various ways to keep land agriculture. A farmer's neighbor sells to a subdivision and next to a cattle farm there are now 200 homes next to this cattle farm. While there are state regulations protecting the farm, County Council could step in and provide certain protections to the residents next to the farm. Zoning agriculture provides protection for farm. Mrs. Lyles stated that South Carolina is a right to farm state and state law supersedes local rules. Mr. Johnson replied that County Councils can make additional rules that may negatively impact farms neighboring homes, even if the farm was there first. The issue, as Mr. Johnson sees it, is that if the farm is under 200 acres, that farm cannot rezone to agriculture. Mr. Johnson asked if corridor plans would affect zoning. Would these overlays, becoming more restrictive over time, become less friendly for agriculture.

Mr. Root stated that the outcomes more specific and more recent the ordinances would be looked at as more enforceable than general and older ordinances. Crafting the ordinances correctly is important.

Mr. Johnson stated that overlays or corridors may negatively impact agriculture and that protections for agriculture should be put in place in any overlay or corridor plan.

Mr. Gramling mentioned Mr. Markovich stated that Oconee County is the only county in South Carolina that has acreage requirements.

Mr.Root stated that he can work with the language to clean it up, remove defects in language and that all owners to sign off on property change and that staff will come up with a variety of sizes of rezoning minimums.

Mr.Pearson motioned for County Attorney and staff to draft ordinance with multiple options as to rezoning , clarifying language in the small-area rezoning, removing defects and giving options for minimum acreage. Seconded by Mrs.McPhail. In favor vote 7, against 0.

9. **Proposed amendment to the Scenic Highway Ordinance to establish Planning Commission as the review authority**

Mr.Root gave the background on the amendment. Due to difficulty in staffing the Scenic Highway Committee that the applicant should instead come to staff, then to the Planning Commission and then to an Ad Hoc committee or the Commission as whole for a decision. This amendment would remove the Scenic Highway Committee as a middle-man

Mr.Johnson asked what the Scenic Highway Committee (SHC) does. Mr. Root explained that the SHC assists applicants in designating portions of highways in Oconee County as Scenic Highways which offers protection of the intrinsic beauty of the highway. The applicant is also responsible for litter management on that given section of highway.

Motion made to forward the amended ordinance to County Council by Mrs.McPhail , seconded by Mr.Kisker. In favor vote 7. Against vote 0.

9. **Old Business**

None

10. **New Business**

Mr.Gramling would like to look at Airport improvements. Mr. Root stated that these issues would be more appropriate for the Airport Commission.

11. **Adjourn**

Mr. Owenby motioned to adjourn. The motion was seconded by Mr.Pearson. The motion passed 7-0 and the meeting adjourned at 8:05 p.m.