

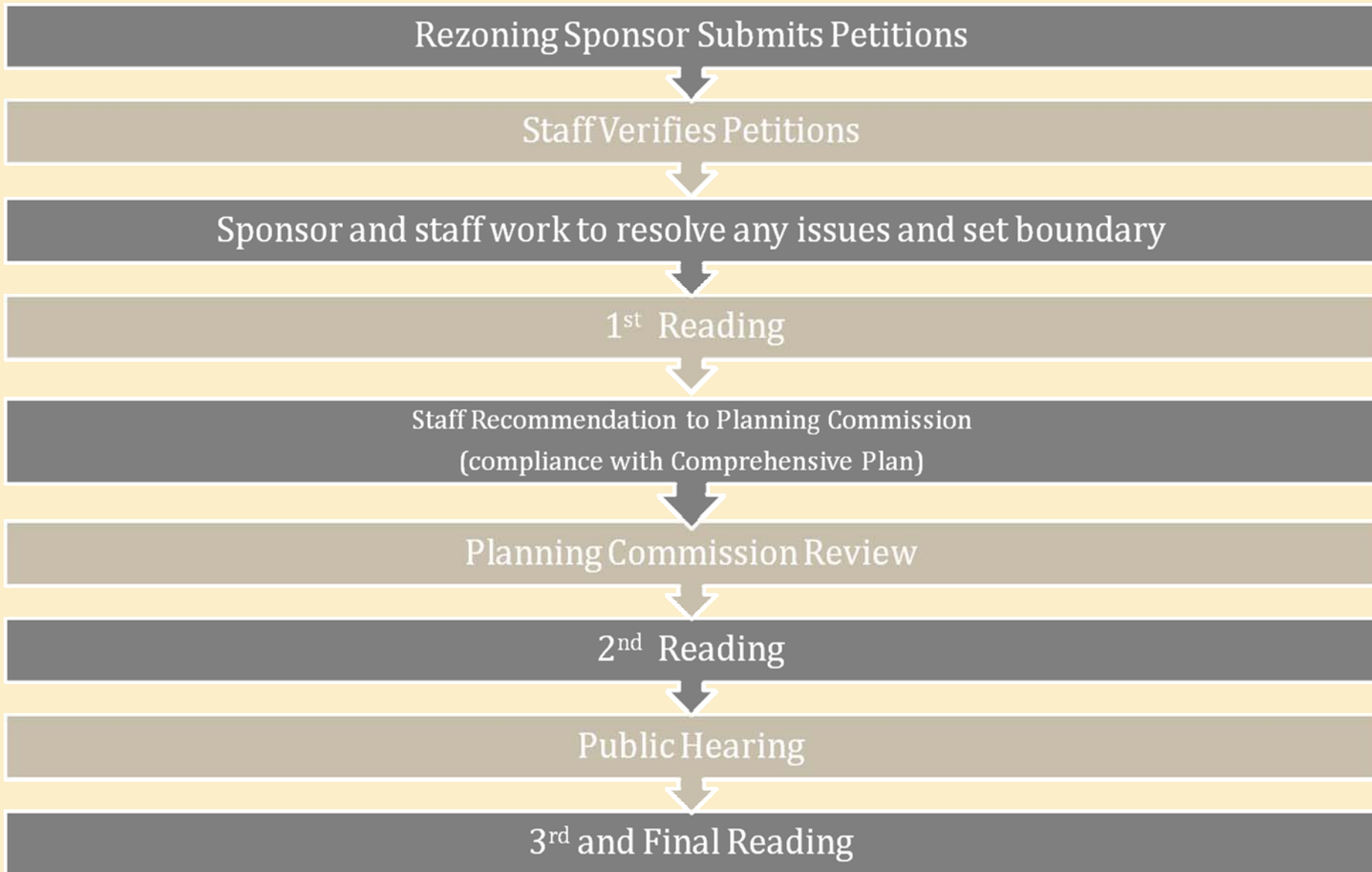


Zoning Workshop

February 8, 2011

Oconee County Council
Oconee County Planning Commission

Overview of Small Area Rezoning Process





Zoning Appeals Process

All appeals go to the Board of Zoning Appeals



- Hears evidence and issues findings of fact
- BZA findings of fact that are treated the same as jury findings
- May subpoena witnesses and certify contempt to Circuit Court
- All appeals of BZA decisions go to Circuit Court

Current Board Members



- Gary Winters District 1
- Sam Lee (Chairman) District 2
- Gary Littlefield District 3
- Vacant District 4
- Richard Hughes District 5
- Barry Nichols At Large
- Paul Reckert (Vice-Chair) At Large



Powers of the Board

- Administrative
 - Hear appeals of staff decisions
 - May direct the issuance of a permit
 - Authority to approve uses not specifically mentioned, if an applicant feels the proposed use falls under the definition and intent of a particular district
- Variances
 - May grant a variance when the strict application of a standard would impose an unnecessary hardship
 - Must be based on proof a property is unique, and strict application of standard would prohibit or unreasonably restrict the utilization of property
- Special Exceptions
 - Permit of uses based on terms and conditions outlined in the zoning ordinance or the unified performance standards



Adopted Zoning Districts

- **Control Free District: CFD**
- **Traditional Rural District: TRD**
- **Rural Residential District: RRD**
- **Conservation District: CD**
- **Agricultural District: AD**
- **Residential District: RD**
- **Lake Residential District: LRD**
- **Community Commercial District: CCD**
- **Highway Commercial District: HCD**
- **Industrial District: ID**
- **Agricultural Residential District: ARD**
- **Public and Recreation Lands District: PRLD**



Control Free District

The usage of parcels within areas designated as “control free” shall not be regulated by this ordinance; however, said usage shall comply with all adopted performance standards, overlay districts, or any other applicable ordinance of Oconee County. The Control Free District is intended to be the initial zoning district for all parcels within the jurisdiction at the time of adoption only; any parcel subsequently rezoned to any other district shall not be as part of the Control Free District at any future date.



Traditional Rural District

- **Definition:** Parcels located in areas with little or no commercial, industrial, or other significant development; residential development is primarily limited to single-family dwellings. Public infrastructure is limited.
- **Intent:** This district is meant to provide for a continuation of traditional lifestyles in sparsely populated areas with low intensity development; and to preserve the character of more remote rural areas. Additionally, residents of Traditional Rural areas typically have access to fewer public conveniences than more urban areas, but retain greater freedom in the manner in which they use their land.



Rural Residential

- **Definition:** Those areas wanting to protect the rural nature of their community but allow for limited residential growth.
- **Intent:** The intent of this district is to allow for residential development in rural areas that wish to minimize the impact of dense residential development.



Conservation District

- **Definition:** Those areas designated for preservation and protection.
- **Intent:** This district is intended to protect and promote the continuation of Oconee's natural resources.



Agriculture District

- **Definition:** Those areas in which rural lifestyles have traditionally been and continue to be intertwined with agricultural activity and production which has a significant economic impact to the area and Oconee County.
- **Intent** – Agricultural districts are intended for the protection of farm land in Oconee County while ensuring sufficient residential and commercial development opportunities exist to serve the needs of citizens living in those areas.



Residential District

- **Definition:** Those areas where the primary land use is single family residential.
- **Intent:** This district is intended to provide for residential single family development in the county and for those related uses that are normally associated with residential communities. Those uses that may generate negative secondary effects impacting life shall be discouraged.



Lake Residential District

- **Definition:** Those areas around the Lakes where the primary land is single family residential with limited multi-family residential use.
- **Intent:** This district is intended to provide for residential single family development around the Lakes and for those related uses that are normally associated with lake residential communities. Those uses that may generate negative secondary effects impacting the quality of life shall be discouraged.



Community Commercial District

- **Definition:** Those areas well suited to supporting low intensity commercial activity centered around providing service to the adjacent community.
- **Intent:** This district is intended to protect rural areas, while allowing for the development of commercial and business establishments that are low intensity and provide basic goods and services to the surrounding community.



Highway Commercial District

- **Definition:** Those areas well suited for higher intensity more regional scale commercial activity typically found adjacent to major highways and intersections.
- **Intent:** This district is intended to provide commercial goods and services to a larger service area at a more regional scale. The uses are much more intense than what would be expected in a community commercial district.

Industrial District



- **Definition:** Those areas suited for light and/or heavy industries.
- **Intent:** The intent of this district is to provide for the industrial and commercial needs of Oconee County while protecting other uses from potential negative impacts associated with such activities.

Agriculture Residential District



- **Definition:** Those areas for which it is desirable to protect the residential nature of their agricultural community, but also allow for the continuation of certain uses compatible with country living.
- **Intent:** The intent of this district is to protect existing residential areas in rural communities by limiting high-density development, and high impact agricultural, commercial and industrial uses not compatible with the character of the community. In general, many residents in these areas still participate in farming- related activities, but do so primarily on a part time basis, for either personal enjoyment or supplementing their primary income through gardening, keeping a small number of livestock or poultry, or other agricultural pursuits.

Public and Recreation Lands



- **Definition:** Those areas set aside for the promotion, use, and protection of natural resources in the form of (but not limited to) parks, forests, and educational or research facilities; or federal, state, and county owned lands typically maintained for the benefit of the public.
- **Intent:** This district is meant to provide for a continuation and identification of public lands and to allow for those uses typically associated with accomplishing the mission of the agency charged with the care and promotion of the land.



Lake Overlay District

- **Definition:** The Lake Overlay is not intended to be a separate zoning district, but shall be assigned to the shoreline areas of Oconee County lakes that are considered by County Council to be vital to the economic prosperity and general well being of all county citizens.
- **Intent:** This overlay is intended to protect water quality, maintain natural beauty, and limit secondary impacts of new development that may negatively affect the lifestyles of those living near the lakeshore.
- **Boundary:** The boundaries of the Lake Overlay District are shown on the Official Oconee County Zoning Map, and are divided into the following sub-districts:



I-85 Overlay District

- **Definition:** The I-85 Overlay District is not intended to be a separate zoning district, but shall be assigned to those areas County Council has determined to be essential to the future economic prosperity and general well being of all Oconee citizens.
- **Intent:** The Overlay is intended to promote development that reflects the best building and site design practices in a manner that will maintain the greatest marketability of the area over time, while limiting any negative effects that may impact the existing lifestyle of the area's citizens.
- **Boundary:** The boundaries of the I-85 Overlay District shall be shown on the Official Oconee County Zoning Map:

Do we need any other zoning districts?



- Two Districts have been suggested:
 - Planned Development District
 - Mixed Use District

Sample of Use Comparison

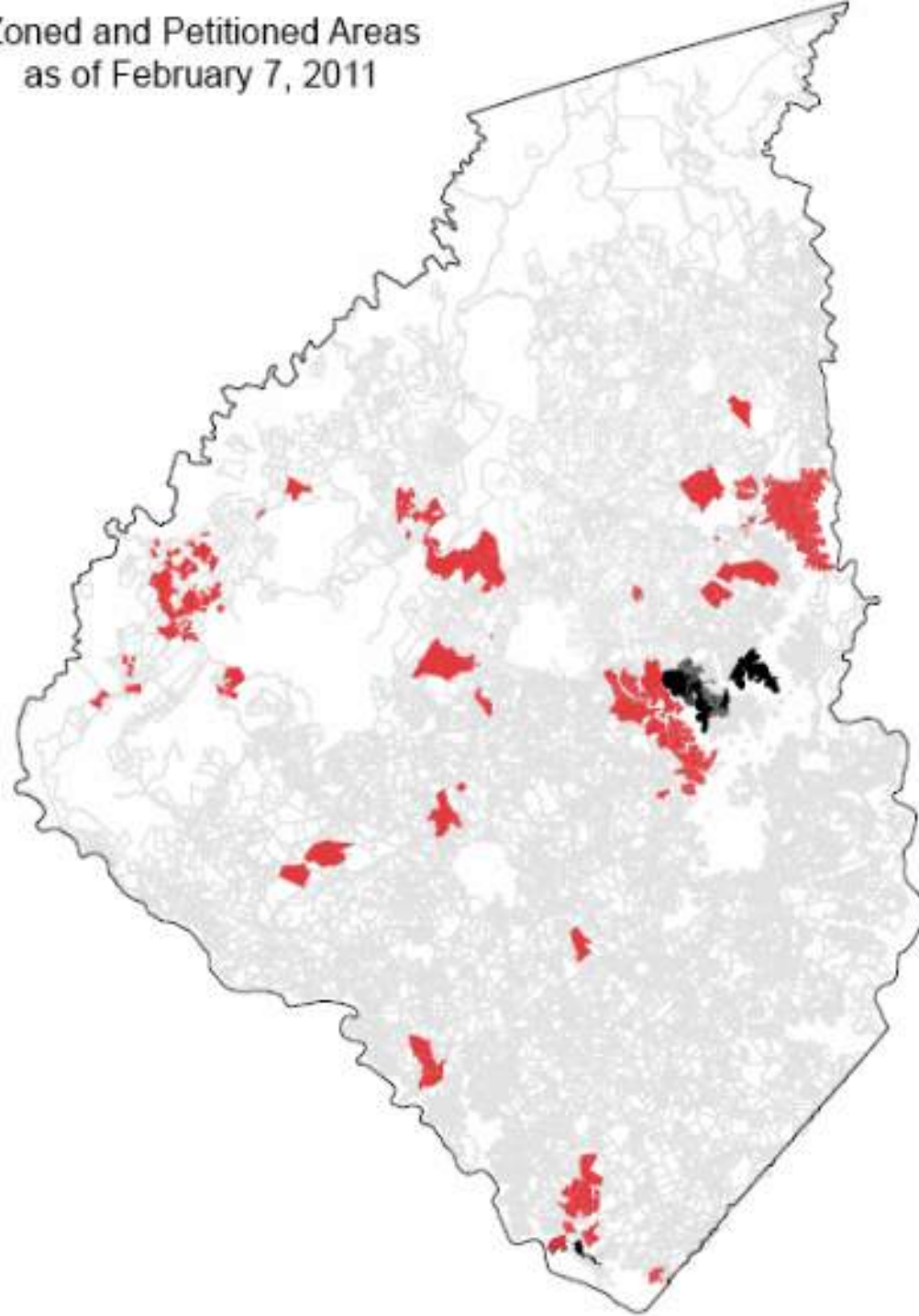
	TRD	AD	RRD	ARD	RD	LRD	CCD	HCD	ID	CD	PRLD	
Agriculture	x	x	x	x	x	x	x	x	x	x	p	
Agricultural production, crops and livestock	p	p	p	x	x	x	x	x	x	p	x	
Agricultural production, crops and horses (excluding all other livestock)	x	x	x	x	p	x	p	p	p	x	x	
Agricultural support services	p	p	c	x	x	x	c	p	p	x	x	
Air strips (private use)	p	s	s	x	x	x	x	s	s	x	x	
Air strips & Airports	x	x	x	x	x	x	x	s	s	x	x	
Animal services	p	p	x	x	x	x	p	p	p	x	x	
Auction houses	p	c	c	c	x	x	c	c	x	x	x	
Auditorium / Indoor Public Assembly	p	p	x	x	x	x	p	p	x	x	x	
Automotive parking & garages (as a principal use)	x	x	x	x	x	x	x	p	p	x	x	
Automotive sales and rental	p	p	x	x	x	x	c	p	x	x	x	
Automobile services and repair	p	p	x	x	x	x	c	p	p	x	x	
Automotive services and gas stations (excluding truck stops)	p	x	p	x	x	x	p	p	p	x	x	

Additional Discussion Items



- Public Information Sessions
- Planning Commission Review of Commercial Projects
- Next Steps

Zoned and Petitioned Areas
as of February 7, 2011



Rezoning Request Process

Reviewers

Rezoning Steps	Reviewer	Date	Comments
Petitions Verified			
Boundary of Request set			
Property Owner Notified			
1 st Reading by County Council			
Planning Commission Presentation including staff recommendation			
Planning Commission Recommendation			
2 nd Reading County Council			
Property Owner and Adjacent Property Owners notified of Public Hearing			
Public Hearing			
3 rd Reading			

**A PETITION TO REQUEST THAT OCONEE COUNTY CONSIDER
ENACTING ZONING STANDARDS PURSUANT TO SECTION 38.8.5 OF THE
OCONEE COUNTY CODE OF ORDINANCES**

"I hereby certify that I own a parcel lying within __Insert Request Name__, and I support the consideration of amending the zoning map to reflect the following (insert characteristics and/or desired zoning districts)."

I acknowledge that the Oconee County Council, Oconee County Planning Commission, and Oconee County staff must take into consideration all public input and reasonable suggestions regarding the adoption of zoning standards, and that other input received may differ from the description stated above.

I acknowledge that the final zoning standards will be based on prudent application of applicable land use standards, and that all zoning is within the final and exclusive decision making of Oconee County Council, so that no predetermined result of the zoning process can be guaranteed, including even whether such zoning does or does not occur.

TMS NUMBER	PROPERTY OWNER	SIGNATURE

**REZONING REQUEST SPONSOR ACKNOWLEDGEMENT OF
RESPONSIBILITIES TO PRESENT FAIR AND ACCURATE INFORMATION**

As the sponsor of the [insert name] request, I attest to the following:

The undersigned property owners hereby petition the Oconee County Council to consider enacting an ordinance establishing appropriate zoning standards for the area as described in Exhibit A (map), and

The undersigned property owners, consist of at least fifty one (51%) percent of the property owners within the area described in Exhibit A, and

The undersigned property owners have signed this petition of their own free will and that they are hereby requesting Oconee County to create and adopt appropriate amendments to the Oconee County Official Zoning Map that take into consideration the following characteristics or zoning district (s):

(Insert Characteristics or desired zoning districts)

I have informed the undersigned property owners that the Oconee County Planning Commission, the Oconee County Council, and Oconee County staff must take into consideration all public input and reasonable suggestions regarding the adoption of zoning standards, and that other input received may differ from the characteristics of stated above and that the final zoning standards will be based on prudent application of applicable land use standards, and that all zoning is within the final and exclusive decision making of Oconee County Council, so that no predetermined result of the zoning process can be guaranteed, including even whether such zoning does or does not occur.

Sponsor Signature _____ Date: _____

Issues for the Planning and Council Workshop

From: Andy Heller Feb. 8, 2011

Issue 1

Commercial projects entering Oconee County without Planning Commission review

Currently: Oconee County requires submission of a land use plan to the Planning Dept. to receive a permit. PC never sees or reviews the request. Oconee County has no commercial regulations.

This has allowed several surprises with proposed development such as: Pioneer Water, Restaurant on Dough Hollow, Palmetto Point Marina, Keowee Assisted Living on Hwy. 130.

(See Pickens County attachment)

Issue 2

Stronger criteria of the Lake Overlay District to:

Protect Water Quality

Control Impact on the Watersheds

Concerns:

1. Fuel and Hazardous substances
2. Buffering to promote natural areas and manage storm water runoff
3. Ratio of impervious surfaces
4. Tighter restrictions and consequences for clear cutting and silt barriers
5. Control light and sound pollution
6. Criteria for Lake Marinas
 - a. Duke only considers lots with some improvement when judging less than 50% residential around a 1/2 mile radius of a proposed site. Platted lots or subdivisions do not count unless improvements are made.
 - b. Duke only requires 1/2 mile distance between marinas. Greater distance is needed to preserve the natural beauty, control pollution and boat traffic.
 - c. Require marinas locate away from choke points on the lake.