



# Oconee County Planning Department

415 S. Pine Street, Walhalla, SC 29691

Telephone: 864-638-4218  
Fax: 864-638-4168

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## MINUTES PLANNING COMMISSION MEETING June 11, 2007

The Oconee County Planning Commission held their regularly scheduled monthly meeting at 7:00 p.m. on June 11, 2007 in the Council Chambers of the Oconee County Administrative Complex at 415 S. Pine St., Walhalla, SC 29691.

Members Present: Tommy Abbott, (Chairman)  
Randy Abbott  
Ryan Honea  
Howard Moore  
Rex Ramsay  
Bill Evatt

Art Holbrooks (Planning Director)  
Mr. Brad Norton (County Attorney)  
Aaron Gadsby (Planner)

**Item 1: Call to Order-** Chairman Abbott called the meeting to order.

**Item 2: Approval of Minutes-** Mr. Honea made a motion to approve the minutes from the May 14, 2007 meeting; Mr. Ramsay seconded the motion. The motion passed unanimously.

**Item 3: Consideration of Draft Vested Rights Ordinance-** Mr. Holbrooks informed the Commission that the vested rights ordinance was an important ordinance as the county moves closer to zoning. Mr. Norton explained to the Commission the Legislature passed the Vested Rights Act in 2005 and that this ordinance mirrors that legislation. Mr. Norton also explained that a vested right gives a project the right to move forward regardless of changes to the law, except those laws that are health and safety based. Multi-phased projects would have to acquire approval for each phase before that phase becomes vested. Further, if a variance is required for a project to become compliant with a specific ordinance that variance would have to be approved before a project would be considered vested. Mr. Evatt asked how close the legislation was to state law and if the next draft could highlight the differences between the state law and our ordinance. Mr. Holbrooks stated that would not be a problem and the next draft will reflect the differences. The Commission tabled the draft until further study could be done and the public had a chance to comment.

**Item 4: Consideration of Draft Sign Control Ordinance:** Mr. Holbrooks briefed the Commission on the status of the sign ordinance to date, noting that Council had taken first reading on the draft and that the Planning and Building Code Departments were instructed to hold any new permits that could not meet the standards in the draft. Chairman Abbott and Mr. Honea raised concerns about signs advertising businesses on private land and hindering the business owner from advertising his/her business. Mr. Norton explained to the Commission that the County was looking at safety on two lane roads as the reason behind limiting billboards to four lane roads and that the Commission could consider regulating the amount of words allowed on a sign to minimize distractions. Mr. Honea stressed that the County should not pass laws that hinder someone from starting a business, but that signs with lights often become a safety hazard. Mr. Evatt raised concerns about the enforcement of this ordinance and how the county was planning to carry that out. Mr. Holbrooks informed the Commission that currently the Building Codes Department is responsible for enforcement at the time the building permit is applied for. Mr. Moore questioned the difference between a commercial sign and a billboard, and how the county was going to distinguish between the two. Mr. Holbrooks informed the Commission that the definitions and draft language would be clarified, specifically addressing the Commission's concerns in the next draft. The Draft was tabled until the above changes could be made.

**Item 5: Consideration of the Subdivision Regulation Chapter of the Performance Standards**

**Ordinance** – Mr. Holbrooks presented the Commission with draft changes to the subdivision regulations and asked that the Commission review them for the next meeting. He also requested that the public submit any comments prior to the next Commission meeting. Mr. Norton introduced the concept of requiring a mutually exclusive easement for private drives as a way to ensure that, in the future, a fifty foot (50') right of way would be available should the County be asked to take over the road.

**Item 6: Briefing on Proposed Planning Overlay Zoning Process-** Mr. Holbrooks presented the Commission with the staff's proposed process for citizens to initiate an overlay amendment of the zoning map adopted as part of the zoning enabling ordinance. A copy is attached. Following the briefing, the Commission scheduled a zoning work session for June 26<sup>th</sup> at 6:00 p.m. in Council Chambers to discuss the proposed citizen-initiated process to zoning.

**Item 7: New Business-** Mr. Norton introduced "An Ordinance Requiring An Attorney Certification Concerning Restrictive Covenants Prior To The Issuance Of A Permit From The Planning Department Or Building Codes." Mr. Norton explained that this ordinance was a result of the amendment of section 6-29-1145 of the South Carolina Code of Laws by the State Legislature requiring local Planning Department to inquire about covenants and restrictions prior to issuing any permits. The effective date of the new regulation is July 1, 2007. Mr. Evatt made a motion to approve the draft. Mr. Honea seconded the motion. The motion passed 5-1.

**Item 8: Old Business-** There was no old business.

Chairman Abbott mentioned that historically the regular July meeting had been cancelled, however the Commission needed to decide if they wanted to cancel the July meeting or reschedule. The Commission chose to cancel the July 9<sup>th</sup> meeting and rescheduled the meeting for July 16<sup>th</sup> at 7:00 p.m.

**Item 9: Public Comment-**

Mr. Tom Markovich raised concerns regarding the draft of the vested rights ordinance, specifically mentioning the definition of real property. Mr. Markovich also raised concerns regarding the restrictiveness of the sign ordinance.

Ms. Linda Lovely raised concerns regarding the conditional approval aspect of the vested rights ordinance and informed the Commission that her group's attorney was currently reviewing the ordinance. Ms. Lovely mentioned that the Advocates were conducting a survey of property owners in subdivision surrounding the lakes and that 60% of the people surveyed so did not have primary residency in Oconee County. Therefore they would not be able to vote on any proposed zoning as it has been proposed. Ms. Lovely also asked the County to consider allowing property owners to bring in a copy of the covenants and restrictions without having to pay an attorney.

Mr. BJ Littleton asked the Commission to remember this patriotic time of year. He also raised concerns about the sign ordinance restricting private property rights and asked the Commission to leave signs alone. Mr. Littleton spoke of concerns with the way floodplains were being handled by the county and also mentioned that he felt those who live in communities with covenants and restrictions should not have a say in zoning at all.

**Item 10: Adjourn**