

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

AGENDA

6:00 PM, MONDAY, AUGUST 7, 2017

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

1. Call to Order
2. Invocation by County Council Chaplain
3. Approval of Minutes
 - a. July 17, 2017
4. Public Comment for Agenda and Non-Agenda Items (3 minutes)
5. Staff Updates
 - a. Subdivisions
 - b. Plats
 - c. Discussion by Commission
6. HWY 123 Corridor Overlay Ordinance
[To include Vote and/or Action on matters brought up for discussion, if required]
 - a. Discussion by Commission
 - b. Commission Recommendation
7. Staff Presentation: Multi-family/Group development Options
8. Proposed amendment change regarding moving setback requirements for the Control Free District from Chapter 38 to Chapter 32.
[To include Vote and/or Action on matters brought up for discussion, if required]
 - a. Staff Comments
 - b. Discussion & Consideration by Commission
9. Proposed amendment change to remove Small-Area Rezoning requirements.
[To include Vote and/or Action on matters brought up for discussion, if required]
 - a. Staff Comments
 - b. Discussion & Consideration by Commission
10. Old Business *[to include Vote and/or Action on matters brought up for discussion, if required]*
11. New Business *[to include Vote and/or Action on matters brought up for discussion, if required]*
12. Adjourn

Anyone wishing to submit written comments to the Planning Commission can send their comments to the Planning Department by mail or by emailing them to the email address below. Please Note: If you would like to receive a copy of the agenda via email please contact our office, or email us at: achapman@oconeesc.com.

OCONEE COUNTY PLANNING COMMISSION

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Item 3 : Minutes from July 17,2017



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.

OCONEE COUNTY PLANNING COMMISSION

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Item 6 : HWY 123 Corridor Overlay Ordinance

Draft ordinance for Oconee County Highway 123 Growth Corridor Overlay

August 7th, 2017

Highway 123 Corridor Overlay

The Highway 123 Corridor Overlay is hereby established and is subject to the following general provisions:

A. Purpose & Intent

The Highway 123 Corridor Overlay is established to preserve and enhance corridors that serve as major gateways leading to, from, and within Oconee County. As both commercial and residential land uses exist along such corridors, there is a desire of the residents of Oconee County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The land use recommendations and design requirements contained in the Highway 123 Corridor Overlay are the result of an effort by elected, appointed and Oconee County staff members. As such, the intent of this Overlay is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development.

B Highway 123 Corridor Overlay

The Highway 123 Corridor Overlay applies to the following:

1. The County Council shall designate the property that is subject to the provisions of the Highway 123 Corridor Overlay by amending the Future Land-Use map in accordance

with the procedures and requirements applicable to map amendments. In general, the district designation shall apply to all parcels with frontage on US Highway 123 between the Oconee County line with Pickens County on Highway 123 and the City Limits of Seneca. The Highway 123 Corridor Overlay will extend up to 500' from the property line that has frontage on Highway 123. Any part of any development (buildings, signs, lighting, parking etc.), in parcels with frontage on US 123 inside of the Overlay and extending beyond the stated limit, that touches the 500' will be considered inside the Overlay.

2. The Overlay development regulations, as set forth in the Highway Corridor Overlay, apply to all uses on the properties inside the Overlay except for single family housing developments. The development regulations applicable to single family housing are the development regulations of the underlying zoning district.
3. This Overlay shall also apply to all shared access easements and/or cross-access easements located within the Overlay, including, but not limited to, those that may be used to access any parcel or parcels beyond the boundaries of this district.

C. Permitted Uses

As an overlay, the Overlay supplements standards established elsewhere in the existing Code of Ordinances. Any use permitted in the underlying zoning district, shall also be permitted in the Overlay provided it complies with the provisions of the Highway Corridor Overlay.

D. Exceptions & Non-conforming situations

Any property zoned and used for a single family residential use, including the single family residential portion of a property zoned Planned Development District (PDD), shall be

exempt from the development standards of the Overlay. When a parcel has a vested right in effect, that parcel may be exempt from certain provisions of the Overlay. The development standards of this overlay district shall apply to all other properties within the Overlay boundaries as outlined in Section B1 above.

E. Design Review

All new development and any existing development, which is attempting any form of change on the exterior portion of any and all buildings as well as on any portion of a parcel inside of the Highway 123 Corridor Overlay that requires permitting through state or local agencies will submit plans that should conform with the following:

1. Blank Walls: No more than 75 percent of any wall may be blank or devoid of architectural, vegetative, design or sign treatments. All exterior walls on a building must have at least one of the following must have windows, doors, façade treatments, vegetative screening, signage and/or awnings.

F. General Requirements & Development Standards

1. Building Placement: All buildings shall front onto a public or private street, or share a frontage line with a square or other similar common open space. The front facade of buildings shall be generally parallel to US 123 property lines. When placed along the property line that fronts Hwy 123 Corridor, the following shall also apply:

2. Setbacks: For all parcels on the Highway 123 Corridor Overlay no setback minimum from the property line that fronts Hwy 123. Setback maximum will be the underlying zoning districts minimum setback unless zoned Industrial District, then the Industrial District setbacks and buffer rules will be the rule.

3. *Refuse Screening*: All refuse collection facilities must be 100% screened in by fences, walls and/or mature vegetation so as not be visible unless being utilized. Placement of these facilities shall not be along the frontage with Hwy 123 unless good cause is shown that there is no other site for the facility and approved by the Zoning Administrator.

4. The development of retail commercial centers or villages is favorable over commercial "strip development" in the Highway Corridor Overlay.

5. *Building Height*: Maximum building height shall not exceed that permitted in the underlying zoning district.

6. *Fences*: Fencing shall be of durable construction using quality material (i.e., brick, stone, other masonry, wood, metal, decorative vinyl, or any combination thereof). The finished side of the fence shall face the corridor right-of-way or other adjacent property. The height of the fence on any frontage of highway 123 shall be no more than 3' high. Chain link, welded or woven wire, and other similar fencing are not permitted in the Highway Corridor Overlay.

7. *Sidewalks*: All sidewalks must meet Federal ADA standards. Sidewalks shall be located on the property to be developed to allow pedestrians to safely move from their vehicles to the building. Sidewalks shall connect to existing pedestrian circulation of adjacent parcels where not restricted by topography or other existing site features. Interconnectivity between adjacent parcels is required when there is not a conflict in use. When adjacent to a residential use district with frontage on Hwy 123, sidewalks shall be provided to allow pedestrian access to and from a commercial retail development. When adjacent to residential uses with no frontage on Highway 123, sidewalks are encouraged to connect the developments. Sidewalks shall be required on both sides of public or private streets within a commercial retail development.

8. *Other Pedestrian Amenities*: All retail commercial development or use with a gross indoor floor area in excess of 40,000 square feet shall provide improved common open space for use by patrons. Such common open space shall be a minimum of 500 square feet in area and may include squares, plazas, greens, or other similar spaces. The following shall also apply:

i. "Improved" shall mean cleared of underbrush and debris, accessible to pedestrians, and shall include one or more of the following: landscaping, walls, fences, walks or similar paved surfaces, fountains, statues, common lawns or greens, tables and chairs, benches or other seating, water fountains, litter and recycling receptacles, playground equipment, or other similar furnishings and amenities;

ii. Such spaces shall include canopy trees to provide shade. At installation, a canopy tree shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 10 feet; Such spaces shall be accessible from sidewalks and other pedestrian circulation within the development.

iv. The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance and upkeep of all such common open space. All such areas shall be kept free of litter and debris and shall generally be maintained with a neat and orderly appearance.

G. Parking & Vehicular Access

1. *Off-Street Parking*: For buildings fronting on the corridor, off-street surface parking shall be located primarily to the rear of the building it serves. Side yard parking is permissible and

shall occupy no more than 45 percent of the principle corridor frontage line. The following shall also apply:

a. Where dimensions or topographical constraints of existing parcels restrict the location of off-street parking to the rear of the building it serves, the restrictions on side yard parking may be modified, on a case-by-case basis, by the Zoning Administrator;

b. Uninterrupted surface parking areas shall be limited in size. Parking areas with more than 20 space[s] shall be broken by buildings or following the standards for Perimeter Parking Area Planting located in 6a & 6b of this ordinance.

c. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.

2. *On-Street Parking*: On-street parking is not permitted on the corridor or other street. On-street parking is permitted on private streets within a retail commercial development where adequate space for parking and maneuvering is provided outside of travel lanes. On-street parking shall comply with the requirements set forth in the latest edition of the South Carolina Department of Transportation (SCDOT) Access and Roadside Management Standards (ARMS) Manual.

3. *Driveway and Internal Street Standards*: Interconnectivity between adjacent parcels is required when there is not a conflict in use and is subject to the provisions set forth in Chapter 26 of the Oconee County Code of Ordinances. All other road standards, except sidewalks are subject to the provisions set forth in Chapter 26 of the Oconee County Code of Ordinances.

6. Parking Area Landscaping and Screening

a. Perimeter Parking Area Planting: A perimeter landscape strip with a minimum width of 3 feet shall be required on all sides of parking areas except parking that is up to the building footprint, building adjacent sidewalk. This perimeter area strip may be curbed or at-grade.

b. A continuous native evergreen shrub or native grass screen is required within the perimeter landscape strip. Native trees are permitted.

H. Commercial Retail Developments and Centers:

All retail commercial development or use with two or more businesses shall be allowed no more than one ground monument sign. Signage for individual businesses shall be consolidated onto one such ground monument. The following shall also apply:

a. Where such a development fronts two or more streets with more than 500 feet of frontage on each, additional ground monument signs may be permitted provided no more than one is located on each street.

b. Directional and wayfinding signs within a retail commercial development or center shall be grouped and shall be consistent in size, color, ornamentation, and materials, and shall complement the surrounding buildings; and

c. For such developments, a ground monument sign shall not exceed a height of 10 feet. Where such a development has a gross indoor floor area in excess of 40,000 square feet, the maximum height may be increased to no more than 15 feet for a ground monument sign.

I. Signage:

Unless specifically mentioned in this section the sign code for Oconee County is the rule.

Size and Height of Signs: The maximum size of any sign shall be as established in Oconee County Code of Ordinances Chapter 32 Article 8. A sign for any individual nonresidential use shall not exceed a height of 10 feet along the corridor. A sign for a single family development shall not exceed a height of 10 feet. For a multifamily residential or attached single family development, a sign shall not exceed 6 feet in height along the corridor. The height of all signs shall be measured from the lowest adjacent grade at the base of the sign.

4. *Prohibited Signs*: The following signs, in addition to those prohibited Oconee County Code of Ordinances Chapter 32 Article 8, are prohibited in the Highway Corridor Overlay:

- a. Pylon signs;
- b. Flashing and pulsating signs;
- c. Signs imitating warning signals;
- d. Painted or handwritten signs;
- e. Off-premise signs;
- f. Animated signs
- g. Beacons;
- h. Neon gas tubing or similar signs;
- i. Inflatable signs and tethered balloons;
- j. Banners in non-residential districts;
- k. Illuminated tubing or string of lights typically used for outlining property lines, open sales areas, rooflines, doors, windows, or wall edges of any building, except for "holiday season" lights.

l. Signs that move or give the appearance of moving, including but not limited to feather signs, pennants, inflatable figures, streamers, and other signs which flutter, undulate, swing, rotate, oscillate, or otherwise move by natural or artificial means;

m. Reader boards, digital message boards (including LED screens), or other similar commercial electronic variable message signs whose static message or copy change more than once every 20 seconds, and the change sequence must be accomplished within an interval of two seconds or less. Such signs shall not include animated, continuous, moving, rolling, or scrolling messages. Fluttering, blinking, or flashing elements including video is prohibited. In general, signs displaying continuous moving copy or image, whether digital or analog, shall not be permitted. In addition, such signs shall not be used for paid advertising. Note: Signs using Light-Emitting Diode (LED) illumination and/or displays are permissible provided they are not attached to a building and the copy or image being displayed remains static or changes no more than once every 20 seconds. This section only applies to the use of reader boards and LED displays on permitted signs. The regulations for outdoor advertising signs (billboards) are outlined Oconee County Code of Ordinances Chapter 32 Article 8.

n. Any sign placed within any public/private rights-of-way or easement;

o. Any sign that obstructs or impedes traffic safety or obscures traffic signals, signs, or other similar traffic safety devices. Signs shall not obstruct the view of motorists using any street, driveway, parking aisles, or the approach to any street intersection so as to cause a traffic safety hazard. Any sight obstruction determined by the County or SCDOT shall be corrected immediately;

p. Any sign which exhibits statements, words, or pictures that are obscene in nature;

5. Sign Illumination:

Illuminated signs, including those with internal illumination, are permitted and shall be placed and shielded so that glare from the sign does not adversely affect any adjacent property, residential use district, cause glare hazardous to pedestrians, or interfere with the operation of a vehicle on any street right-of-way. Signs shall not have light-reflecting backgrounds or letters. The intensity of light shall not exceed 20 foot candles at any point on the sign face.

6. Sign Landscaping: All ground monument signs shall have native species landscaping and shall be integral with other landscaped areas as required by this Overlay. However, landscaping shall not obstruct the view of a sign.

J. Lighting:

The purpose of this section is to provide aesthetic regulations and to assure that exterior lights are shielded and do not cast direct light beyond a property line. Streets, driveways, parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of a property and to facilitate the safe passage of persons using such streets, driveways, sidewalks, and parking areas after dark. However, measures shall be provided to limit the amount of ambient light perceptible from adjacent properties and glare that may impair the vision of motorists. The following shall also apply:

- 1. Light intensity shall not exceed 30 foot candles at any point in the Highway Corridor Overlay. Light intensity shall not exceed 2 foot candles at a property line adjacent to a street right-of-way or non-residential use and shall not exceed 0.5 foot candle at a property line adjacent to a residential use district. A greater light intensity may be permitted for competitive sports fields

during competitive play provided the light intensity does not exceed that set forth by the regulating athletic agency;

2. The following light intensities measured in foot candles (fc) shall also apply:

a. Parking Lots: 0.6fc Minimum/2.4fc Average/10fc Maximum;

b. Walkways and Driveways: 0.2fc Minimum/1.0fc Average/10fc Maximum;

c. Landscape and Decorative: 0fc Minimum/0.5fc Average/5.0fc Maximum; and

d. Outdoor Display of Merchandise: 0.5fc Minimum/1.0fc Average/15fc Maximum

Street lighting, shall comply with SCDOT requirements where applicable. All street lights shall be consistent along the corridor and throughout a site. Such fixtures shall be shielded and down-directional except that unshielded decorative street lamps featuring globes or glass panes are permissible if designed to diffuse light and shall have caps to direct light downward. The color of all such light sources shall be limited to white or as required by SCDOT.

6. All wiring and service connections for all lighting must be underground. Likewise, the back of all signs shall have a finished appearance unless it is screened with an opaque screen and is not visible from any residential use or street right-of-way.

7. Holiday lighting displays, lighting for approved temporary events, and directional lighting during construction are exempt from these requirements provided they do not exceed the maximum foot candles and do not negatively impact safety.

8. Fixture heights shall not exceed 18 feet except in areas where the total number of parking spaces exceed 100 spaces. In such cases, fixtures shall not exceed 25 feet provided they are limited to the central areas of the parking area. A luminary located within 50 feet of a

residential use district shall not exceed a height of 12 feet. Fixtures along the primary vehicular/pedestrian streets shall not exceed a height of 18 feet.

9. Outdoor lighting installed on canopies or drive-thru facilities are permitted with a maximum foot candle reading of 20 foot candles under any illuminated area. Fixtures located under a building canopy shall be flush-mount with a flat lens, shall use diffusers, and be shielded.

10. Buildings shall be safely illuminated at entry/exit locations and shall be illuminated using shielded lighting or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from an adjacent property. Building walls may be illuminated and may include up-lighting, provided such fixtures comply with J8 above.

11. Landscape lighting may include up-lighting for accent, provided such fixtures comply with section J8 above. Fixtures shall be located, aimed, or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way.

12. Security lighting shall be provided, particularly at pedestrian walkways. Motion detector security lights shall be exempt from the foot candle requirements of this item provided such lights are normally "off," and are limited to being "on" for four minutes or less when motion is detected.

13. Flood lights shall be permissible for security, loading areas, and other such applications provided they are focused toward the primary building or space intended to be illuminated. Likewise, they may be aimed at no higher than a 45 degree angle, and shall be generally aimed

or shielded as to limit the amount of ambient light perceptible from adjacent properties and street right-of-way.

14. The following lighting fixtures are prohibited: non-directional lighting fixtures, searchlights, laser source lights, flashing lights, or any similar high-intensity light used to attract attention, except for use during emergencies by authorized emergency, police, and fire personnel.

15. Any damaged, broken, or malfunctioning light fixture or pole shall be repaired or replaced immediately.

K. Open Space & Tree Preservation Standards

The purpose of the Impervious Surface standards is to allow rain time and opportunity to be absorbed in to onsite soil, prevent erosion and runoff. This standard does not apply to parcels equal to or less than 0.5 acres.

1.Open Space. A minimum of 10 percent of the site must be devoted to usable open space which may include greens & unaltered natural features. Required setbacks and buffer yards may be included in calculating this requirement. Parking lot buffers, if self-contained and not part of an open space may not be included in the Open Space Requirement. The Administrator may reduce this requirement for parcels 5 acres or less on a case-by-case basis. All open space shall be clearly labeled as such on any plans submitted for County review.

2.Tree Preservation: All required setbacks and buffer yards shall be used as tree preservation areas. Retention and protection of large trees shall be required for all development within the Highway Corridor Overlay District. In addition, all canopy trees with a caliper at 4' height

greater than 12' inches shall be incorporated into the site plan unless there is no suitable alternative due to unavoidable grading or because of required configuration of a street, driveway, sidewalk, permitted sign, essential utility, or buildings. The following shall also apply:

a. Such trees may only be removed under one or more of the following conditions:

i. The tree is unhealthy, diseased, or dead;

ii. The tree causes a safety hazard to nearby buildings or pedestrian or vehicular circulation;

iii. The tree is of a species that may drop debris or sap that can significantly affect property;

iv. The tree is interfering with an existing underground utility line;

vi. The tree is causing significant structural damage to a building or other similar structure;

and/or

vii. It is necessary to allow construction of a street or driveway essential for access to a parcel.

3. The mitigation requirements. Any canopy trees with a caliper at 4' height greater than 12' inches that are removed shall also be replaced with another similar tree elsewhere on the parcel. Any replacement tree within the Highway Corridor Overlay shall have a minimum caliper of 2.5 inches when measured 6 inches above ground with a minimum height of 10' when planted.

M. Industrial District

Any parcels zoned Industrial will meet all setback and buffer yard requirements of the Industrial District Zoning in the Oconee County Code of Ordinances. Design standards in the Highway Overlay District do not apply. All other standards apply.

N. Access & Curb-cuts

The intent of this section is to limit traffic and increase vehicular safety. Curb-cut is defined as any vehicular access point onto or off of HWY 123. Staff will have a presentation regarding this section.

PLEASE SEE ATTACHED DOCUMENT REGARDING FRONTAGE ROADS

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

Issues to Consider in Developing a Frontage Road Program

Frontage roads as a design technique to reduce traffic, congestion and accident rates along major corridors has long been recognized as a viable approach to address public health and safety issues and to provide a more desirable driver experience in high traffic areas.

In reviewing this issue, we would like to acknowledge a few of the options and issues facing any effort to establish a frontage program along the highway corridor that are under discussion in Oconee County.

Proposed Option to Implement

- Set aside easements for future road development during the initial development process
 - 1) Set a minimum lot size that would require an easement set aside as part of any new development review and approval.
 - 2) Would apply to undeveloped property without an internal connection already established.
 - 3) Apply to any lot above a certain size that develops commercial/office/multi-family, etc., but could also apply to a large scale group development featuring a strip center with outparcels.
 - 4) For project approval a property owner would need to establish an easement across the property that would be dedicated for future development of a frontage road across the site. That easement could initially function as part of a parking lot or driveway.
 - 5) Subsequent undeveloped property adjoining the initial site would likewise be required to establish an easement and to tie in to the adjoining driveway established by the initial developer. **Each subsequent site plan and plat would need to establish a “stub out” allowing for the later tie-in by an adjoining owner.**
 - 6) If the County requires the property owners to provide easements, it is unlikely they could be asked to actually build the frontage road, particularly to County standards.
 - 7) The likely situation would be that the County would need to decide at some point that enough easement had been acquired to justify construction of a true frontage road serving the connected developments.

- 8) It would of course be necessary to have a connection to an existing right-of-way established before constructing the road, which would be done to County standards and presumably maintained by the County.
- 9) To make the design approach effective, it would be necessary to require owners subsequent to the initial developer (who would have to receive at least one curb cut onto the State right-of-way) to use an internal connection. The Code would need to prohibit individual curb cuts for properties developing after the initial connection is established.
- 10) If only one curb cut is involved initially, what design standards should be applied? After all, it may serve significantly more traffic in the future, at least until the frontage road is actually constructed with its own outlet.
- 11) Would be important to work closely with SCDOT to discuss and fashion the program and to insure that the County and DOT do not provide contradictory information to owners.
- 12) Without a bottom up planning approach that involves public meetings and workshops with effected property owners on the corridors in question, the concept is unlikely to succeed. A significant amount of explanation, follow-up, and conceptual design work could be necessary to make the idea come to life and gain traction among owners.

Complicating Issues

- 1) In order to provide enough easement to establish a County public road right-of-way, would that reduce the buildable area of the site so significantly that the idea could only work if all parcels involved are larger tracts featuring group development?
- 2) If a property owner wishes to apply for their own curb cut after the system is established, and they submit site and building plans indicating that curb cut as their driveway access, the plan would have to be denied until such time as the appropriate connection is shown on the plan and approved.
- 3) Storm water and parking issues would need to be taken into account. Providing an easement near the front of the property could make it difficult to require parking in the rear or the sides for development within the overlay.
- 4) An appeal process would have to be used to allow an owner to appeal to the Board of Zoning Appeals (presumably) on the basis that the requirement creates a hardship running with the property not related to financial considerations.

LANDSCAPING

4E-1 General

The South Carolina Department of Transportation desires to cooperate as much as possible with organizations desiring to undertake projects to beautify certain sections of various highway rights-of-way. An encroachment permit is required for any landscaping work performed on the highway right-of-way. A sketch plan of the proposed project must be attached to the Encroachment Permit Application. This plan should show the planting arrangement and the type of plants to be used. Photographs may also be helpful.

All proposed beautification permits should clearly state the following information:

- a) Speed limits (mph).
- b) Cut or fill slope (Check with local Resident Maintenance Engineer).
- c) Traffic volume – less or greater than 1,500 ADT (Check with local Resident Maintenance Engineer).
- d) Label guardrail; barrier curb; sidewalks; edge of pavement and right-of-way line on sketch. Indicate traffic lights at road intersections (a label stating "TL" in a box is fine).
- e) State distance plant material is from curb or edge of pavement (offset).

The following guidelines establish a framework for preparing design work for projects of this nature.

Applicant must assume responsibility for damage to sidewalks and streets from tree roots as a result of this installation. Applicants shall furnish, install and maintain all plantings. (Trimming limbs and taking care of root damage) They shall be responsible for maintaining all vegetation within the right-of-way that is contiguous with the landscaping. If the applicant is a city, this may include mowing the grass around the plantings. See Engineering Directive Memorandum M-26 in appendix for guidelines. The Department shall not be responsible for providing water, fertilizer, labor, materials or maintenance within the landscaping limits of the right-of-way.

The Department will exercise care in maintenance, construction or reconstruction to avoid unnecessary damage. It cannot however, accept responsibility to protect plants or irrigation systems against damage or theft. If subsequent changes in the highway require removal of plants, this must be done by applicant.

All landscaping work within the SCDOT right-of-way must conform to all local ordinances and all state environmental regulations.

The applicant will make this installation under the supervision of the SCDOT, and shall not block traffic at any time. All traffic control devices will be the responsibility of the applicant and shall conform to section V of the South Carolina Manual on Uniform Traffic Control.

Planting work that may block billboards will have to be approved on-site by the local District Outdoor Advertising Coordinator (see appendix) prior to the start of planting. The use of plant materials to block the visibility of billboards is not desired.

No tree, shrub, etc., shall be permitted in any location where it may interfere with highway safety or traffic visibility.

Minimum offsets for trees and shrubs shall be as described in Table 4-2 of the Access Management Standards. This offset would not apply if the location would not leave at least 5 feet (1.5 meter) of a grassed area suitable for pedestrian traffic along roads without sidewalks. This area is to be seeded or sodded as needed to prevent erosion and provide stable footing for pedestrian traffic. Cross tie timbers may be allowed 5 feet from any roadway structure if buried flush with the existing grade.

No trees will be allowed close enough to the road to allow root systems to undermine or damage any roadway structure, such as curbing, sidewalk or drainage component, at any time during the tree's life. A biological or physical root barrier system may be considered in extenuating circumstances, on a case by case basis, as determined by the Landscape Architect.

Trees, shrubs or earthen mounds (berms) shall not block the line of sight along the roadway. This means that no planting shall occur in the area bounded by the sight area formed as shown in Section 3A-3 of the SCDOT "Access and Roadside Management Standards" book. This information shall be determined on a local level by the Resident Maintenance Engineer or his assistant.

If in the future a plant's growth obstructs the view of signs or interferes with the sight distances of approaching traffic, the Department will require the applicant to remove, relocate or prune the plants to eliminate this obstruction at his expense.

On a case-by-case basis, plantings may be allowed in sight triangle areas, but in these cases the plants must be kept to a maximum height of 2 1/2 feet (0.762 meters).

Applicant must maintain a clear avenue for pedestrian traffic. All trees must be delimbed and kept limbless for the first 6 feet (1.83 meters) in height and up to 7 feet (2.13 meters) in height where trees are near pedestrian walkways.

Trees shall be selected and placed so that, even when they are fully matured, their limbs shall not overhang into the roadway and block vehicles. The applicant agrees that the trees shall be kept trimmed, if this is required to keep limbs from overhanging into the road.

CRAPE MYRTLES-The department recommends the planting of hybrid-type crape myrtles over the older indica-type. Many, but not all hybrid crape myrtles can be identified by Indian-tribe names.

Irrigation Systems

Irrigation systems for landscaping should be designed so that irrigation can be achieved without any system components encroaching on the right-of-way. When encroachment is unavoidable, details of the irrigation system shall be included in the landscaping plan. In any case, the landscaping plan shall detail provisions for the drainage of water used to irrigate the right-of-way. In no case shall water used to irrigate the right-of-way drain or be sprayed onto the roadway. The correction of any problem involving irrigation water draining or spraying onto the roadway will be the responsibility of the permittee, regardless of the Department's approval of the permit and landscaping plan. There shall be no trenching in roadway. Curb and sidewalk disturbed by irrigation installation to be replaced by items in same or better condition.

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

Item 7: Multi-family / Group Development Options

Memo

Date: July 25, 2017

To: Planning Commission

From: Bill Huggins, Planner

RE: Multi-family or Group Development Options

The Commission recently requested that we research some examples of multi-family or group development regulation that might be adapted to address such development in Oconee County.

Part of the concern arose from lot lines questions concerning multi-family and condominium type development and how that would be applied in our Control Free District, given that the setbacks associated with that zone apply simply to setback of structures from lot lines. The current ordinance has few references to how multi-family development should be reviewed. It basically specifies what zoning districts permit multi-family uses and what setbacks are required within each district. It also gives limited definitions of various housing and development types.

The Code does not provide specific guidance for things like parking, site location of structures, density issues, permeable surface area, common or green space and landscaping. The Commission may not wish to regulate each of these elements, but with respect to setbacks, using a “group” development approach has some advantages. The term is usually applied not only to multi-family development but also to large office or commercial projects.

Some ordinances have sections that include all zoning related requirements for various types of group development, including townhouses, duplexes, patio and zero lot line housing, and condominiums.

Since the focus here is on residential multi-family, we have included some examples from various Counties of standards that group or multi-family residential development projects in those jurisdictions are required to meet:

Anderson County

<u>Exterior Setbacks</u>	25 feet (any exterior line, but 35' from road)
<u>Open Space</u>	20% of site
<u>Exterior Lighting</u>	exterior lighting confined to the site
Lot Area (for three or more units)	2 acres
Buffers:	Required adjoining incompatible uses.
Recreation area:	200 sq. ft. per unit.

Greenwood County

<u>Exterior Setback</u>	20 feet (front), 50 feet (rear)
<u>Density</u>	16 per gross acre
<u>Minimum Lot Area</u>	½ acre
<u>Open Space</u>	25%
<u>Front Setback</u>	20 feet
<u>Buffer</u>	

Sumter County

Setback	50 feet from all streets
Density	2 acre minimum for development
Max. impervious surface:	65%
Common open space:	25%
Maximum unit density:	16 per gross acre

Orangeburg County

Setback:	None indicated
Density:	Standards apply to five or more multi-family units
Open Space:	20% of site usable open space
Trash receptacles: uses	Oriented away and screen from adjacent residential

Colleton County

<u>Size:</u>	one acre minimum
Sidewalks:	Along front property line of each project and building
Open Space:	At least 10% of site area for common open space

Trash Containers: completely screened from view of street and adjacent properties

Buffer: 15 feet in depth along side and rear lines. Solid fence or vegetative screen

Many jurisdictions use a set of standards for group development in any zoning district where such uses are permitted and simply adjust dimensional, parking and other standards to fit the district in question.

A number of ordinances that establish a set of guidelines for group or multi-family development establish minimum setbacks between buildings on the site. The number usually runs in the 20 to 30 foot range. Some of the codes also establish maximum building lengths.

Another approach to the issue of separation is to rely on the Fire Code standards, which will take precedent anyway if they are more restrictive than any standard that might be applied in the Zoning Ordinance or Unified Code. Likewise, the County could establish standards for parking lots and internal driveways, as well as access standards. The alternative is to rely on existing road and bridge standards, which do not address parking standards in such developments.

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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Item 8: Proposed amendment change regarding moving setback requirements for the Control Free District from Chapter 38 to Chapter 32

OPTION 1

REMOVING SETBACKS FROM CONTROL FREE DISTRICT

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	Lot Size	Max. Density	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	N/A	N/A 25	N/A 5	N/A 10	65	
	N/A	Less than ½ acre to greater than or equal to ¼ acre	N/A	N/A	N/A 15	N/A 5	N/A 5	65	
	N/A	Less than ¼ acre	N/A	N/A	N/A 10	N/A 5	N/A 5	65	
Nonresidential Uses		Minimum Lot Size			Minimum Yard Requirements			Max. Height	
	Min. Lot Size	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		N/A 25	N/A 5	N/A 10	65
		N/A	Less than ½ acre to greater than or equal to ¼ acre	N/A		N/A 15	N/A 5	N/A 5	65
		N/A	Less than ¼ acre	N/A		N/A 10	N/A 5	N/A 5	65

~~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.~~

OPTION 2

**MOVE SETBACK REQUIREMENTS FOR CONTROL FREE DISTRICT TO CHAPTER 32
AND ADD LANGUAGE EXEMPTING MULTI-FAMILY HOUSING.**

Sec. 32-214. - 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 .57 acres (approximately 25,000 square feet) with traditional onsite septic tanks served by public water, unless DHEC requires greater area or dimensions. All required set backs 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.) All building setback lines shall be: Front Yard twenty five (25) feet from the closest edge of the right-of-way on lots abutting local roads and forty (40) feet from the right of way on lots abutting collector roads. Side Yard setback of ten (10) feet from each property line or right-of-way and Rear Yards setback of twenty five (25) feet from the rear property line or right-of-way except for those abutting collector roads, which shall have a setback of forty (40) feet.~~

Or,

Setback requirements applicable to new development in the Control Free District of the County shall be as follows:

Residential Uses	Density and Lot Size				Minimum Yard Requirements			Max. Height
	Min. Lot Size	Lot Size	Max. Density	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	N/A	25	5	10	65
	N/A	Less than ½ acre to greater than or equal to ¼ acre	N/A	N/A	15	5	5	65
	N/A	Less than ¼ acre	N/A	N/A	10	5	5	65
Nonresidential Uses	Minimum Lot Size				Minimum Yard Requirements			Max. Height
	Min. Lot Size	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

Setback requirements do not apply to property lines separating individually owned dwelling units situated in a multi-family housing structure (e.g., condominiums and townhouses).

- (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 adjacent property. Drainage systems used to control water on one property shall not increase the water flow on adjacent properties without legal easements.
- (i) *Lakes and streams.* If a tract being subdivided contains a water body, or portion thereof, the ownership of and the responsibility for safe and environmentally compliant maintenance of the water body is to be placed so that it will not become a local government responsibility. The minimum area of a lot required under this article may not be satisfied by land that is under water. Where a watercourse other than storm drainage separates the lot's buildable area from the road providing access, an engineer's certified structure shall be provided linking the buildable area to the road. All watercourses shall remain free of obstructions and degradations.
- (j) *Easements.* Easements having a minimum width of ten feet and located along the side or rear lot lines shall be provided as required for utilities and drainage.
- (k) *Entrances.* One entrance is required for every 100 lots in a proposed subdivision, or a maximum of 100 lots on a dead end road with a cul-de-sac. This requirement may be waived by the planning director due to topography and feasibility. Every effort shall be made to not have an entrance directly onto an arterial road.
- (l) *(Reserved.)*

~~(Ord. No. 2008-20, Art. 4(4.1-4.12), 12-16-2008; Ord. No. 2015-15, § 1(Att. A), 6-2-2015)~~

OPTION 3

**MAINTAIN SETBACKS FOR THE CONTROL FREE DISTRICT IN CHAPTER 38
AND ADD LANGUAGE APPLICABLE TO MULTI-FAMILY HOUSING.**

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	Lot Size	Max. Density	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	N/A	25	5	10	65
	N/A	Less than ½ acre to greater than or equal to ¼ acre	N/A	N/A	15	5	5	65
	N/A	Less than ¼ acre	N/A	N/A	10	5	5	65
Nonresidential Uses		Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	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

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.

These setback requirements do not apply to property lines separating individually owned dwelling units situated in a multi-family housing structure (e.g., condominiums and townhouses).

Option 4

Add requirements along the lines of the following, which could be incorporated as a Multi-Family Residential District or as applicable to multi-family housing in the Control Free District.

Anderson County

Exterior Setbacks (road)	25 feet (any exterior line, but 35' from road)
Open Space	20% of site
Exterior Lighting	exterior lighting confined to the site
Lot Area (for three or more units)	2 acres
Buffers:	Required adjoining incompatible uses.
Recreation area:	200 sq. ft. per unit.

Greenwood County

Exterior Setback	20 feet (front), 50 feet (rear)
Density	16 per gross acre
Minimum Lot Area	½ acre
Open Space	25%
Front Setback	20 feet

Sumter County

Setback	50 feet from all streets
Density	2 acre minimum for development
Max. impervious surface:	65%
Common open space:	25%
Maximum unit density:	16 per gross acre

Orangeburg County

Setback: None indicated

Density: Standards apply to five or more multi-family units

Open Space: 20% of site usable open space

Trash receptacles: Oriented away and screen from adjacent residential uses

Colleton County

Size: one acre minimum

Sidewalks: Along front property line of each project and building

Open Space: At least 10% of site area for common open space

Trash Containers: completely screened from view of street and adjacent properties

Buffer: 15 feet in depth along side and rear lines. Solid fence or vegetative screen

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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**Item 9: Proposed amendment change to remove Small-Area
Rezoning requirements.**

SMALL AREA REZONING OPTION 1

Sec. 38-8.1. - Consideration by planning commission and county council.

All proposed amendments to these regulations, official zoning map, or any other part of this document shall be reviewed by the Oconee County Planning Commission, who shall issue a recommendation to county council. Upon receipt of the planning commission report, county council shall act on the proposed amendment within 60 days.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.2. - Public notice requirements.

- (a) *Public hearings.* County council shall conduct all required public hearings for amendments and rezoning. No amendment to these regulations or official zoning map shall be considered for third and final reading until after the public notice and hearing requirements set forth in the South Carolina Code of Laws and this chapter have been met.
- (b) *Notice of hearing.* Notice of public hearing shall be published in a newspaper of general circulation at least 15 days prior to hearing. The notice shall carry an appropriate descriptive title and shall state the time, date, and place of the hearing. All interested parties shall be heard at the public hearing.
- (c) *Posting.* Pursuant to the provisions of the South Carolina Code of Laws, signs noting a rezoning for the small area method shall be posted on or adjacent to affected parcels along public thoroughfares. In the event less than ten effected parcels are so situated as to share frontage along the same public thoroughfare, a sign shall be located on each parcel, provided no two signs are closer than 100 feet of each other. In the event ten or more affected parcels are so situated as to share frontage along the same public thoroughfare, or any number of parcels are located off of the public thoroughfare, signs shall be posted as close as is practical in a manner sufficient to insure due public notice. At a minimum, signs shall be posted at the beginning and end of any continuous shared public frontage, with no more than one mile between signs; at least one sign shall be visible from all directions in each intersection adjacent to a parcel for which rezoning is proposed. The rezoning of lands owned by the United States, the State of South Carolina, Public Universities, or Oconee County shall be posted at any major identifying signs stating the identification of the property; in the event that no signs are present, state posting guidelines shall be followed. For all other rezoning, state posting guidelines shall be followed.
- (d) *Notification of property owners.* A written notice containing all pertinent information related to any public hearing shall be sent by first class mail to the registered owner of each affected parcel at least 15 days prior to the event. For the purposes of this section, the name and address of the owner of the parcel shall be that listed on tax records maintained by the Oconee County Tax Assessor.
- (e) *Action by council.* After conducting a duly advertised public hearing, county council shall consider all information presented at the hearing, staff review, and the recommendation received from the Oconee County Planning Commission, prior to making their decision.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.3. - Reconsideration of request for amendment.

When county council shall have denied a request for an amendment to this chapter, it shall not consider the same or a less restrictive reclassification for an amendment affecting the same property until one year from the date of said denial. A more restrictive classification is not subject to the one-year period.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.4. - Effective date of change.

Any ordinance effecting a change in the text of the zoning chapter or zoning maps shall become effective upon final adoption by council.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.5. - Methods of initial rezoning.

Upon adoption of this chapter, rezoning of a parcel or group of parcels shall be initiated by one of the following methods:

(1) *Method 1—Planning district request initiated by citizens.*

a. Any group of citizens living within any planning district described within this section may petition for initial rezoning for the entirety of their district. The planning districts, which are based on the approximate boundaries traditionally used by local fire stations as service areas, are as follows:

1. Oakway District
2. Salem District
3. Corinth-Shiloh District
4. Mountain Rest District
5. Walhalla District
6. Westminster District
7. Seneca District
8. Fair Play District
9. Long Creek District
10. Cleveland District
11. Keowee Ebenezer District
12. Friendship District
13. Cross Roads District

- 14. Picket Post-Camp Oak District
- 15. South Union District
- 16. West Union District
- 17. Keowee District

The boundaries of each planning district shall conform to the exterior property line of all parcels lying within; in no instance shall a single parcel lie in more than one planning district. Parcels shall be assigned to a planning district based on the location of its centroid, which shall be determined by the Oconee County Geographic Information System (GIS). The boundaries of the various planning districts are shown on the map of planning districts, which shall be adopted as part of these standards.

- b. Petitions by citizens to county council to initiate a rezoning of an entire planning district shall be made in the following manner:
 - 1. Citizen petition. Citizens wishing council to amend the map of their planning district shall acquire the signatures of a minimum of 15 percent of the owners of parcels lying within the boundaries of the said planning district. The petition shall contain the following statement of support:
 - 2. "I hereby certify that I own a parcel lying within the _____ Planning District, and I support the consideration by Oconee County Council of amending the zoning map."
 - 3. Presentation to county council. If county council finds the petition is within the parameters of this chapter, they may direct the planning commission and Community Development Department ~~planning department~~ to proceed with amending the zoning chapter and map. Council may take first reading, in title only, on the zoning amendments at this time.
 - 4. Review of land use map. The planning commission shall undertake a review of the district's portion of the future land use map.
 - 5. Initial zoning meeting in district. Following the review of the future land use map, the Community Development Department ~~planning department~~ will schedule a public meeting to begin working with citizens to develop a proposed zoning map. Nominations for the district planning advisory committee will be called for at this time.
 - 6. Appointment of district planning advisory committee. County council will review the nominations for the district planning advisory committee and appoint individuals to the committee. The committee shall consist of seven owners of parcels lying within the district. The committee shall elect a chair who shall conduct committee meetings, call subsequent meetings as necessary, and set forth the agenda for subsequent meetings.
 - 7. Creation of proposed district zoning map. With assistance from planning staff, the district planning advisory committee will use the future land use map as a guide in creating proposed changes to the district's portion of the official

zoning map. All proposed amendments shall be chosen from the zoning districts and their corresponding regulations established in this chapter.

8. Planning commission review of proposed zoning map. When completed, the committee shall present their draft map to the planning commission for review. The planning commission shall review the changes to ensure that they are compatible with the comprehensive plan. During this time, the Community Development Department ~~planning department~~ shall mail a survey to all district property owners soliciting their opinion of the proposed changes, with a deadline to respond of 30 days. At the end of the survey period, the commission shall forward a recommendation regarding the proposed changes to county council. A positive recommendation of the commission shall require both a finding of compliance with the comprehensive plan, and a minimum of 51 percent of the returned responses to the survey favoring the proposed changes.
9. Consideration of recommendation. County council shall consider the proposed zoning map amendments and may take second reading on the chapter at this time.
10. Comment period. A comment period of no less than 30 days shall be held at this time.
11. Consideration of survey results by county council. Upon the completion of the comment period, county council may hold a public hearing on the proposed amendments. Once the public hearing has been completed, county council may take third and final reading of an ordinance to amend the planning districts portions of the official zoning map.
12. Failed attempts to amend the zoning chapter. In the event county council formally rejects a citizen-initiated petition to amend a planning district's portion of the official zoning map for any reason, a new attempt to amend the map through citizen petition shall not be considered sooner than two years from the date of council's decision.

(2) *Method 2—Small area rezoning.*

- a. Any individual property owner may petition county council for rezoning of a parcel(s).
- b. Additionally, groups of property owners owning contiguous parcels may petition collectively under this method.
- c. All persons owning a legal interest in the subject parcel(s) must sign the petition for rezoning under this method.
- d. Proposed rezonings pursuant to this method shall be subject to review by the planning commission, as set forth in section 38-8.1, the public notice requirements contained in section 38-8.2, and all standards set forth in these regulations, including compliance with the goals established in the Oconee County Comprehensive Plan, as well as all other applicable local, state, and federal laws.

- a. ~~This method of rezoning shall be initiated by a signed petition containing signatures of one or more of the listed property owners of a minimum of 51 percent of the affected properties in the area in question established by one of the following two methods, chosen by the petitioner.~~
 - 1. ~~Any property owner, or group of property owners of parcels, with a combined minimum ownership of at least 200 acres may petition county council for initial rezoning, provided the petition[s] include at least 51 percent of the property owners of the properties in question signed by one or more of the property owners of each [as stated above] representing a minimum of 75 percent of the acreage within the established boundary for the rezoning request.~~
 - 2. ~~Any property owner, or group of property owners, may petition county council for initial rezoning, provided the platted subdivision(s) proposed for rezoning is recorded in the office of the Oconee County Register of Deeds and/or is an area with all parcels 1.5 acres or less, and provided the proposal for rezoning is contiguous with a total area of at least 25 acres, or contains a minimum of 20 parcels.~~
- b. ~~Upon obtaining 51 percent of the required signatures for a method chosen above, petitioners may add any parcel that is contiguous to such active rezoning request as long as there is a favorable petition (as described herein) for such parcel(s).~~
- c. ~~Parcels totally encompassed by a small area rezoning request, which in their own rights are now unable to meet the minimum requirements of the two methods described above, shall be included by staff in such small area request, as part of the request, prior to first reading, if their inclusion would not defeat the 51 percent requirement of this section.~~
- d. ~~In addition, any property owner owning a parcel, currently in the control free district, which is contiguous to parcels that have already been rezoned from the control free district, may petition (as described herein) to rezone their parcel(s) provided the requested rezoning is similar in nature to that which has been previously adopted for the contiguous area.~~
- e. ~~For the purposes of this chapter, in addition to standard definitions, parcels separated by a perennial stream or a cove within a body of water shall be considered contiguous.~~
- f. ~~Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in section 38-8.1 (above), and public notice requirements contained in section 38-8.2 (above), as well as other applicable standards established by the South Carolina Code of Laws, 1976, as amended. Citizens who cannot meet the standards established under this method may utilize method 1 or method 3 as an alternative option.~~

(3) *Method 3—County initiated.* The governing body of the county may at any time after adoption of these standards rezone any parcel or parcels owned or maintained by Oconee County. Additionally, notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone any parcel or group of parcels to bring

them into compliance with the goals established in the Oconee County Comprehensive Plan. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in section 38-8.1 (above), and public notice requirements contained in section 38-8.2 (above), as well as other as well as all other applicable local, state, and federal laws. ~~applicable standards established by the South Carolina Code of Laws, 1976, as amended.~~

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

~~Sec. 38-8.6. Subsequent rezoning.~~

- ~~(a) Subsequent to the initial change of zoning of any parcel or group of parcels following adoption of these regulations, any individual property owner may make application for rezoning of a parcel(s). All such rezonings shall be subject to the standards set forth in these regulations and South Carolina Code of Laws, 1976, as amended.~~
- ~~(b) Notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone a parcel or group of parcels pursuant to the goals established in the Oconee County Comprehensive Plan.~~

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

SMALL AREA REZONING OPTION 2

Sec. 38-8.1. - Consideration by planning commission and county council.

All proposed amendments to these regulations, official zoning map, or any other part of this document shall be reviewed by the Oconee County Planning Commission, who shall issue a recommendation to county council. Upon receipt of the planning commission report, county council shall act on the proposed amendment within 60 days.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.2. - Public notice requirements.

- (a) *Public hearings.* County council shall conduct all required public hearings for amendments and rezoning. No amendment to these regulations or official zoning map shall be considered for third and final reading until after the public notice and hearing requirements set forth in the South Carolina Code of Laws and this chapter have been met.
- (b) *Notice of hearing.* Notice of public hearing shall be published in a newspaper of general circulation at least 15 days prior to hearing. The notice shall carry an appropriate descriptive title and shall state the time, date, and place of the hearing. All interested parties shall be heard at the public hearing.
- (c) *Posting.* Pursuant to the provisions of the South Carolina Code of Laws, signs noting a rezoning for the small area method shall be posted on or adjacent to affected parcels along public thoroughfares. In the event less than ten effected parcels are so situated as to share frontage along the same public thoroughfare, a sign shall be located on each parcel, provided no two signs are closer than 100 feet of each other. In the event ten or more affected parcels are so situated as to share frontage along the same public thoroughfare, or any number of parcels are located off of the public thoroughfare, signs shall be posted as close as is practical in a manner sufficient to insure due public notice. At a minimum, signs shall be posted at the beginning and end of any continuous shared public frontage, with no more than one mile between signs; at least one sign shall be visible from all directions in each intersection adjacent to a parcel for which rezoning is proposed. The rezoning of lands owned by the United States, the State of South Carolina, Public Universities, or Oconee County shall be posted at any major identifying signs stating the identification of the property; in the event that no signs are present, state posting guidelines shall be followed. For all other rezoning, state posting guidelines shall be followed.
- (d) *Notification of property owners.* A written notice containing all pertinent information related to any public hearing shall be sent by first class mail to the registered owner of each affected parcel at least 15 days prior to the event. For the purposes of this section, the name and address of the owner of the parcel shall be that listed on tax records maintained by the Oconee County Tax Assessor.
- (e) *Action by council.* After conducting a duly advertised public hearing, county council shall consider all information presented at the hearing, staff review, and the recommendation received from the Oconee County Planning Commission, prior to making their decision.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.3. - Reconsideration of request for amendment.

When county council shall have denied a request for an amendment to this chapter, it shall not consider the same or a less restrictive reclassification for an amendment affecting the same property until one year from the date of said denial. A more restrictive classification is not subject to the one-year period.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.4. - Effective date of change.

Any ordinance effecting a change in the text of the zoning chapter or zoning maps shall become effective upon final adoption by council.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.5. - Methods of initial rezoning.

Upon adoption of this chapter, rezoning of a parcel or group of parcels shall be initiated by one of the following methods:

(1) *Method 1—Planning district request initiated by citizens.*

a. Any group of citizens living within any planning district described within this section may petition for initial rezoning for the entirety of their district. The planning districts, which are based on the approximate boundaries traditionally used by local fire stations as service areas, are as follows:

1. Oakway District
2. Salem District
3. Corinth-Shiloh District
4. Mountain Rest District
5. Walhalla District
6. Westminster District
7. Seneca District
8. Fair Play District
9. Long Creek District
10. Cleveland District
11. Keowee Ebenezer District
12. Friendship District
13. Cross Roads District

- 14. Picket Post-Camp Oak District
- 15. South Union District
- 16. West Union District
- 17. Keowee District

The boundaries of each planning district shall conform to the exterior property line of all parcels lying within; in no instance shall a single parcel lie in more than one planning district. Parcels shall be assigned to a planning district based on the location of its centroid, which shall be determined by the Oconee County Geographic Information System (GIS). The boundaries of the various planning districts are shown on the map of planning districts, which shall be adopted as part of these standards.

- b. Petitions by citizens to county council to initiate a rezoning of an entire planning district shall be made in the following manner:
 - 1. Citizen petition. Citizens wishing council to amend the map of their planning district shall acquire the signatures of a minimum of 15 percent of the owners of parcels lying within the boundaries of the said planning district. The petition shall contain the following statement of support:
 - 2. "I hereby certify that I own a parcel lying within the _____ Planning District, and I support the consideration by Oconee County Council of amending the zoning map."
 - 3. Presentation to county council. If county council finds the petition is within the parameters of this chapter, they may direct the planning commission and Community Development Department ~~planning department~~ to proceed with amending the zoning chapter and map. Council may take first reading, in title only, on the zoning amendments at this time.
 - 4. Review of land use map. The planning commission shall undertake a review of the district's portion of the future land use map.
 - 5. Initial zoning meeting in district. Following the review of the future land use map, the Community Development Department ~~planning department~~ will schedule a public meeting to begin working with citizens to develop a proposed zoning map. Nominations for the district planning advisory committee will be called for at this time.
 - 6. Appointment of district planning advisory committee. County council will review the nominations for the district planning advisory committee and appoint individuals to the committee. The committee shall consist of seven owners of parcels lying within the district. The committee shall elect a chair who shall conduct committee meetings, call subsequent meetings as necessary, and set forth the agenda for subsequent meetings.
 - 7. Creation of proposed district zoning map. With assistance from planning staff, the district planning advisory committee will use the future land use map as a guide in creating proposed changes to the district's portion of the official

- b. No parcel may be included within the rezoning petition under this method which is not contiguous to at least one other parcel that is included in the rezoning petition. Contiguous properties are those properties which are adjacent to one another and share a common border. Contiguity is not established by a road, waterway, right-of-way, easement, railroad track, or utility line which connects one property to another; however, if the connecting road, waterway, easement, railroad track, or utility line intervenes between two properties, which but for the intervening connector would be adjacent and share a continuous border, the intervening connector does not destroy contiguity.
- c. All persons owning a legal interest in the subject parcel(s) must sign the petition for rezoning under this method.
- d. Proposed rezonings pursuant to this method shall be subject to review by the planning commission, as set forth in section 38-8.1, the public notice requirements contained in section 38-8.2, and all standards set forth in these regulations, including compliance with the goals established in the Oconee County Comprehensive Plan, as well as all other applicable local, state, and federal laws.
 - a. ~~This method of rezoning shall be initiated by a signed petition containing signatures of one or more of the listed property owners of a minimum of 51 percent of the affected properties in the area in question established by one of the following two methods, chosen by the petitioner.~~
 - 1. ~~Any property owner, or group of property owners of parcels, with a combined minimum ownership of at least 200 acres may petition county council for initial rezoning, provided the petition[s] include at least 51 percent of the property owners of the properties in question signed by one or more of the property owners of each [as stated above] representing a minimum of 75 percent of the acreage within the established boundary for the rezoning request.~~
 - 2. ~~Any property owner, or group of property owners, may petition county council for initial rezoning, provided the platted subdivision(s) proposed for rezoning is recorded in the office of the Oconee County Register of Deeds and/or is an area with all parcels 1.5 acres or less, and provided the proposal for rezoning is contiguous with a total area of at least 25 acres, or contains a minimum of 20 parcels.~~
 - b. ~~Upon obtaining 51 percent of the required signatures for a method chosen above, petitioners may add any parcel that is contiguous to such active rezoning request as long as there is a favorable petition (as described herein) for such parcel(s).~~
 - c. ~~Parcels totally encompassed by a small area rezoning request, which in their own rights are now unable to meet the minimum requirements of the two methods described above, shall be included by staff in such small area request, as part of the request, prior to first reading, if their inclusion would not defeat the 51 percent requirement of this section.~~
 - d. ~~In addition, any property owner owning a parcel, currently in the control free district, which is contiguous to parcels that have already been rezoned from the~~

~~control free district, may petition (as described herein) to rezone their parcel(s) provided the requested rezoning is similar in nature to that which has been previously adopted for the contiguous area.~~

~~e. For the purposes of this chapter, in addition to standard definitions, parcels separated by a perennial stream or a cove within a body of water shall be considered contiguous.~~

~~f. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in section 38-8.1 (above), and public notice requirements contained in section 38-8.2 (above), as well as other applicable standards established by the South Carolina Code of Laws, 1976, as amended. Citizens who cannot meet the standards established under this method may utilize method 1 or method 3 as an alternative option.~~

(3) *Method 3—County initiated.* The governing body of the county may at any time after adoption of these standards rezone any parcel or parcels owned or maintained by Oconee County. Additionally, notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone any parcel or group of parcels to bring them into compliance with the goals established in the Oconee County Comprehensive Plan. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in section 38-8.1 (above), and public notice requirements contained in section 38-8.2 (above), as well as other as well as all other applicable local, state, and federal laws.~~applicable standards established by the South Carolina Code of Laws, 1976, as amended.~~

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~

Sec. 38-8.6. - Subsequent rezoning.

(a) Subsequent to the initial change of zoning of any parcel or group of parcels following adoption of these regulations, any individual property owner may make application for rezoning of a parcel(s). All such rezonings shall be subject to the standards set forth in these regulations and South Carolina Code of Laws, 1976, as amended.

(b) Notwithstanding any effort to accomplish a prior rezoning, county council may at any time rezone a parcel or group of parcels pursuant to the goals established in the Oconee County Comprehensive Plan.

~~(Ord. No. 2012-14, § 1, 5-15-2012)~~