

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

AGENDA

6:00 pm, Monday, April 16th, 2018

Council Chambers - Oconee County administrative complex

1. Call to Order
2. Invocation by County Council Chaplain
3. Pledge of Allegiance
4. Approval of Minutes – March 19th, 2018
5. Public Comment for Agenda and Non-Agenda Items (3 minutes)
6. Staff Update
7. Discussion on 2020 Comprehensive Plan
8. Discussion on clarification of certain code sections bearing on land use and development, as contained in Chapters 26, 32, and 38 of the Oconee County Code of ordinances.
9. Discussion on the BZA ad hoc committee's recommendation on notice changes
10. Old Business
11. New Business
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

415 South Pine Street - Walhalla, SC



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

MINUTES

6:00 PM, Monday, April 2, 2018

Oconee County Council Chambers

Members Present

Mr. Kisker District 1
Mr. Gramling District 2
Mr. Pearson District 4
Mrs. Lyles District 5
Mr. Johnson At-Large
Mrs. McPhail At-Large

Staff Present

David Root, County Attorney
Adam Chapman, Zoning Administrator
Media Present: None

1. Call to Order

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

2. Invocation by County Council Chaplain

Mr. Root gave the invocation.

3. Pledge of Allegiance

4. Approval of Minutes

a. March 19, 2018

Mr. Kisker— Motion

Mrs. Lyles— Second

The motion carried 6-0

5. Public Comment for Agenda and Non-Agenda Items

Mr. Gilster chairman of the Board of Zoning Appeals spoke about item 11 on the agenda regarding the recommendations from the Ad Hoc Committee on notification to the public should be in the code. Mr. Codner, speaking on behalf of AQD, spoke on the notification to the public and the recommended balloon test for cellular towers and wants the balloon test put in the code as being required with the submittal.

6. Staff Updates

Mr. Chapman stated that the Oconee School District does have a waiver form for allowing school buses on private roads with approval from the road owner and all resident owners on the property.

7. Discussion on 2020 Comprehensive Plan

Mr. Chapman stated that the money required for the Comprehensive plan will be put in the proposed budget for FY2018/2019. Mr. Root stated that the Council will discuss the allotment for the budget when it comes before them. Mr. Kisker made a motion to send a letter to the Council requesting the \$89,000.00 for Alta to do the 2020 Comprehensive Plan and Mrs. McPhail seconded the motion the motion passed 6-0. Mrs. Lyles made a motion that the Planning Commission unanimously wants Alta to do the Comprehensive Plan and was seconded by Mrs. McPhail the motion passed 6-0.

8. Discussion on Lake Residential Development District

Mr. Kisker made a motion to bring the tabled item up for discussion and Mrs. McPhail seconded the motion. Mr. Chapman stated that the CFD has a sliding scale, similar to the proposed LRD sliding scale. This change would not affect density; just increase the buildability of smaller lots zoned LRD. The motion passed 6-0.

9. Discussion on Neighborhood Development District

Mr. Chapman stated that these, below, were some options for the TND. Mr. Chapman also stated he would meet with developers and other planners to create usable language regarding the TND.

Staff Recommendation 1:

Rename from Traditional Neighborhood Development (TND) to Neighborhood Development (ND). The TND moniker sows confusion when talking about residential-only neighborhoods.

Staff Recommendation 2:

Eliminate timely public process for developers by allowing staff to approve ND administratively. Strive to create a process that allows a developer to gain all necessary County approvals within 30 business days.

Staff Recommendation 3:

Do not create a new zoning district for ND. Create performance standards that would allow a developer, meeting all applicable performance standards, to create their development as-of-right, without seeking approvals from Planning Commission or County Council.

Staff Recommendation 4:

Nuts & Bolts:

1. Create an "Exemption" in Chapter 26, Roads & Bridges, that notes that road standards in the code are flexible if performance standards for Neighborhood Development, in Chapter 32-###, are met. Final approval of plans is contingent upon road plans being approved by Emergency Services and the County Engineer.
2. Create performance standards in Chapter 32 for Neighborhood Development that may be administratively approved.

Mr. Chapman stated that he will do more research and bring the information back to the Planning Commission for approval.

10. Discussion on clarification of certain code sections bearing on land use and development, as contained in Chapters 26, 32, and 38 of the Oconee County Code of Ordinances.

Mr. Chapman presented the proposed changes to the code sections. Mr. Gramling made a motion to send the approved changes as submitted to County Council and seconded by Mrs. McPhail the motion passed 6-0.

11. Discussion on the BZA ad hoc committee's recommendation on the notice changes

Mr. Root stated that the changes recommended could be put into the existing ordinance or made a policy, enforced by staff. Mr. Pearson stated that the Commission should read over the proposed changes and the item be brought back to the next meeting for a discussion.

12. Old Business

None

13. New Business

None

14. Adjourn

Mr. Kisker made a motion to adjourn and was seconded by Mrs. Lyles the motion passed 6-0.

7:15 pm

DRAFT

In Chapter 32-212 there is a minimum lot size for subdivisions at 0.57 acres. At the time of writing the Code of Ordinances, this size was thought to be SCDHEC's standard. Currently, SCDHEC has no minimum lot size. This current minimum lot size contradicts recent legislation related to multi-family housing.

(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 setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.

Staff recommendation:

Minimum lot size shall be determined by underlying zoning district located in Chapter 38. Lots within the Lake Overlay District shall have a minimum lot size of no minimum **OR** 0.25 acres **OR** ____ acres. (Staff note: Minimum lot size for LRD and RD is 0.25 acres, CFD has no minimum lot size) All required setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way. Creation of lots that primary uses cannot be built upon due to dimensional setbacks, buffers, easements and/or lot size must be accompanied by the following language on the plat(s) to be recorded with the Register of Deeds: *Lot(s)____, depicted on this plat is/are not eligible for connection to a sanitary sewer or septic system tank approval nor shall building permits, certificates of occupancy or any other development permit be issued, nor shall any person contract, install upon this tract any building or structure until it has been combined with another tract in a manner that creates a conforming tract in accordance with Oconee County Code of Ordinances.*

Parking in the setback. There have been multiple occasions where developers assume they can place constructed parking lots/spaces within the setbacks. The definition of structure in the code of ordinances is “anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.” Creating language to be placed in the code of ordinances allowing or not allowing parking within the setbacks would clarify things for builders in the county.

Staff recommendation:

Option A – Parking shall not be permitted within the setbacks regardless of property use.

Option B - Parking shall not be allowed within the side or rear setbacks regardless of property use. Parking within the front setback shall be permitted up to 10’ of the required setback however buffering the front parking shall follow the standards within Appendix A. The plan for buffering shall be submitted to the Planning and Zoning department for approval before construction.

Option C - Parking within the setback is not permitted on properties used for any commercial enterprise, even if the property is also used for residential purposes (such as mixed-use or condominium/ apartment buildings). Parking within the setback is permitted on residential lots. Prepared, engineered or constructed parking surfaces or devices are not permitted within the setbacks.

Option D - _____

DRAFT

Current Practice

Proposed Code

amendments

Signage

- Post in front of property at least 15 days in advance. If property is not visible from primary road, post signs on primary road. Example: Clemson Academic Village
 - No sign size prescribed
- Post in front of property at least 21 days in advance.
 - Sign at least 9 square feet. With four inch letters.
 - Special Exception: Add additional signage each frontage road abutting subject property.

Mailings

15 days

21 days

All properties within 250' radius

Variance - All adjacent properties

Special Exceptions - Properties two deep from site.

Legal Ad

15 days

15 days

Balloon Test (communication towers)

Not required

require

Visual digital rendering of proposed communication towers

Not required

require

	Current Practice	Proposed Code amendments
Site locations	<p>Section 32-133 (a) (3)</p> <ul style="list-style-type: none"> • Administrative approval of towers on pre-approved sites (County-wide tower site study) 	Remove this section from Code. Original plan has not been located. Also impractical to implement.
Public Outreach	None indicated	Recommend that applicants for Variances and Special Exceptions informally meet with property owners prior to hearing.

CURRENT LAST DAY FOR
BZA SUBMISSIONS. 11
AM

April 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Sign &
Mailing



PROPOSED LAST DAY
FOR BZA SUBMISSIONS.
11 AM

2018 MAY						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
					Sign & Mailing	
6	7	8	9	10	11	12
Legal ad in the paper						
13	14	15	16	17	18	19
20	21	22	23	24	25	26
	BZA MEETING					
27	28	29	30	31		

www.free-printable-calendar.com

Summary of Ad Hoc BZA Committee Recommendations

3/19/18

- Continue the minimum 15 day newspaper notice for Variances and Special Exception requests.
- Post property 21 days prior to Board hearing. Also send letters to property owners including in notification area at least 21 days prior to the hearing.
- For communication tower applications (Special Exception request), require balloon testing and computer generated view shed analysis to provide a visual representation of the proposed structure on the site under review
- For Variance requests, require the posting of one sign on each road frontage that abuts the subject property
- For Variance requests, send a notification letter to all property owners with land abutting the site under review.
- For Special Exception requests, require the posting of one sign along each road frontage that abuts the property and at least one more sign as needed at staff's discretion to provide adequate notification for area property owners and residents.
- For Special Exception requests, send a notification letter to owners of all parcels extending two deep from the request site.
- BZA signs should include 4 inch high lettering that states the type of request, e.g., "VARIANCE", "SPECIAL EXCEPTION", or "CELL TOWER".
- Signs should be no less than 9 square feet in size, and should contain the Planning phone number, web site, and address of the request.
- Remove Section 32-133 (a) (3) from the Zoning Ordinance. This is one of four situations in which the Community Development Director can approve a tower placement administratively. It states: "As a tower in a site preselected by the board as a recommended location based upon the county's county-wide communication tower site study. Although a site study was done, that document has been lost or discarded, and has not, to our knowledge, actually been used to approve a request. It could also prove impractical, since it is unclear how the board could preselect a site or whether, in fact, the board would have the authority to do so.
- Recommend that Variance and Special Exception applicants informally meet with property owners potentially impacted by the request to explain the request and answer any questions. This would not be a mandatory step and so could be addressed at the application stage.



Memorandum

To: Members, Oconee County Planning Commission

From: Bill Huggins, AICP
Senior Planner

Re: Ad Hoc Committee Recommendations

The Ad Hoc Committee formed to consider strengthening the public notification requirements for Board of Zoning Appeals cases recently completed its work. The Committee developed several proposed changes to the Zoning Ordinance to address those concerns. I have attached a bullet point list of the changes that are recommended.

The Committee was formed after some citizens at a Board hearing concerning a communications tower Special Exception review stated that they did not have enough time after receiving mailed notification of the hearing to fully research the case and provide a complete response that the hearing. Some said that the signs posted for that case were insufficient. Mr. Jim Codner later stated that similar concerns had occurred in past cases. The Committee formed to review the issue consisted of two sitting BZA members, two Planning Commission members, and two Oconee County residents not currently serving on a Board or Commission.

The primary recommendations of the Committee involve the following:

1. Increase the property posting and letter notification period for Variance and Special Exception cases. Presumably this would also apply to cases involving an appeal to the Board of a ruling by the Zoning Administrator, but that was not discussed specifically. The time period is proposed to increase from 15 days to 21 days for posting and for mailing notification letters.
2. Require balloon testing and computer generated view analysis as one of the submittal requirements for review of communication tower cases.
3. For variance requests, send a letter of notification to all property owners with land abutting the site under review. The ordinance does not presently require any mail notification to area property owners, although staff has been sending notices to owners within 250 feet of the subject property based on informal policy that was never codified.

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4. For Special Exception requests, send notification letters to all parcels/owners extending two deep from the subject property. Again, the Ordinance presently contains no mail notification requirement.
 5. For Special Exception cases, add an additional sign to the current requirement of one sign along each road frontage abutting the subject property. This sign would be placed by staff to increase exposure potential for the traveling public. Posted notification signs should be no more than 9 square feet in size, and should include 4 inch high lettering which states the type of request.
 6. Remove Section 32-133 (a) (3) from the Zoning Ordinance. (See attached bullet points for an explanation of this recommendation).
 7. Recommend that applicants meet informally with property owners in the area of the request to discuss the application and answer any questions. This would not be mandatory.