

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

## AGENDA

6:00 pm, Monday, May 7th, 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 – April 16th, 2018
5. Public Comment for Agenda and Non-Agenda Items (3 minutes)
6. Staff Update
7. Discussion on Condominium-Hotel Definition (Guest Speaker)
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](mailto: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 16, 2018  
Oconee County Council Chambers

### MINUTES

#### Members Present

Mr. Kisker District 1  
Mr. Gramling District 2  
Mr. Pearson District 4  
Mrs. Lyles District 5

#### 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  
Mrs. Lyles – Motion  
Mr. Kisker – Second  
The motion carried 4-0

#### 5. Public Comment for Agenda and Non-Agenda Items

Mr. Smith commented on Item 9 of the agenda, he is a member that served on the ad hoc committee. The ad hoc committee was created because the BZA asked for help in doing a better job in communicating the public when a special exception proposal comes before them. The problem is the communication process is not codified and needs to be for consistency to keep the public better informed as the county grows. Mr. Gilster, BZA Chairman, commented

on item 9 of the agenda. This started when the potentially affected property owners complained that they weren't being notified in a timely matter of hearings of the BZA. The notification process is not listed in the code. The ad hoc committee was formed to give recommendations amending the code of ordinances regarding the notification process

Staff Updates

Mr. Chapman stated that there's a webinar on May 17, 2018, that will count towards continuing education credits, it will be at Council Chambers from 9:00 am until 12:30pm if anyone is interested to let Mr. Chapman know. Mr. Chapman also stated that the Lakeside Lodge project is able to happen because The Planning Commission approved the language change in the CFD (Control Free District) to allow this use in the district.

#### 7. Discussion on 2020 Comprehensive Plan

Mr. Chapman stated he has been in touch with Alta and they are going to educate him on the comprehensive plans and corridor process, while waiting for the budget to pass. The Agricultural Board is beginning to work on the new Agricultural Element. Mrs. Lyles asked if the letter they requested has been sent to the Council. Mr. Chapman stated it has and there answer will be the decision on the budget. Mr. Kisker asked when the budget cycle is. Mr. Root stated the current fiscal year ends June 30th the new budget starts in July. Mr. Kisker asked if the staff was already looking at the comprehensive plan and cleaning up the existing comprehensive plan. Mr. Kisker asked for in the future if an appropriated amount \$10,000.00 be put in escrow fund each year so in ten years from now the money will already be there, for a Comprehensive Plan update. Mr. Root stated that there may be a way to work with the Planning Commission budget to show a buildup of funds, he stated he would talk with the administrator about that.

#### 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.

Mr. Chapman stated:

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.

Mr. Chapman stated there are three options: no minimum lot size, 0.25 acres or a size determined by the commission. Mr. Root stated that the decision should be in two parts, 1) do away with the .57 minimum lot size because in the CFD there isn't a minimum lot size. Were property is in both the CFD and LOD a minimum lots size should be determined. Mrs. Lyles made a motion to do away with the .57 and replace with the first sentence of Minimum lot size shall be determined by underlying zoning district located in Chapter 38. Mr. Gramling seconded the motion. The motion passed unanimously 4-0. Mr. Pearson stated that the second item would be the Lake Overlay District minimum lot size. Mrs. Lyles asked if the same regulations would apply to Hartwell as well. Mr. Chapman stated that it would only apply to Lake Keowee and Jocassee, Lake Hartwell is controlled by Corps of Engineers. Mr. Pearson asked that Mr. Codner speaks on this matter. Mr. Codner, speaking on behalf of AQD, stated that lot size around the lake is a big issue and in the past half acres, lots or .57 has been normal and to get any smaller would not be appropriate for the lake as it's developed now. He also stated he would like to see half acre lot size in the CFD if in the LOD. Mr. Pearson suggested that the second part is brought back and the next meeting so the commission has more time to think about the ups and downs. Mrs. Lyles asked that Mr. Marcovich talks about both sides next meeting. Mr. Pearson asked the same of Mr. Codner about Keowee. Mr. Chapman asked about discussing the parking in the setbacks, we currently don't have any language that regulates about parking in the setback area and asked the commission if it should be allowed or shouldn't be allowed and presented a few options:

7. 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.

Mr. Pearson is in favor of Option B. Mr. Kisker asked on a residential aspect does parking constitute a driveway. Mr. Chapman stated that a driveway must be in the setback area but does parking have to meet the setbacks as well. Mr. Pearson stated that there should be different rules for residential and commercial. Mrs. Lyles had to step out for a second. Mr. Pearson made a motion to reconvene and it passed unanimously. Mr. Pearson asked if the other zoning classifications have restrictions and parking anything. Mr. Chapman stated the only language regarding parking in our code is in Appendix A and that's for a PDD (Planned Development District) or if the BZA would approve a variance to allow it, the code has no language and it needs to be in writing what is or isn't allowed. Mr. Kisker asked if this could be divided into residential and commercial would that simplify or complicate the issue. Mr. Chapman stated if separating them would make sense because commercial generates more traffic and more noise effects from vehicles. Mrs. Lyles stated that the residents in all zoning district should be excluded. Mr. Pearson agreed and said if any regulations are implemented it should be on commercial. Mrs. Lyles asked that this come back on the next agenda.

9. Discussion on the BZA ad hoc committee's recommendation on notice changes  
Mr. Lyles made a motion that this be tabled until there is a full commission, Mr. Pearson seconded the motion. The motion passed 3-1 with Mr. Kisker in opposition.

10. Old Business  
None

11. New Business  
None

12. Adjourn  
Mr. Kisker made a motion to adjourn seconded by Mr. Gramling. The motion passed unanimously 4-0.  
6:57 pm

The following language is being presented at the request of a developer of such projects. If Planning Commission votes to approve this language it would be added to the 32-212 *Definitions* of Chapter 32, Unified Development Standards.

*Condominium Hotel means a building or a complex of buildings containing residential units that are separately owned and used exclusively as part of a rental program operated by a professionally licensed management company that is located onsite and has exclusive control of the central telephone system for the units. In addition to the rental program, a unit may also be used for personal occupancy by a unit owner or such owner's immediate family members. For purposes of clarity, each unit may only be occupied by (i) guests of the rental program described above or (ii) a unit owner and the immediate family of such unit owner. The above definition shall not prohibit an owner or developer of a Condominium Hotel from imposing additional use restrictions through a master deed or other applicable declaration binding upon the Condominium Hotel property.*

## Residential Subdivision Types

Subdivision name	Number of lots/units	Factors	Reccomendations
<b>Minor "A"</b>	1-3	No new road or upgrading of a road	Minor subdivision process may not be used a second time within 2 years within original property boundaries if total number of lots and/or units would constitute a major / minor "B" subdivision.
<b>Minor "B"</b>	4-10 (unless a new road/upgrade is occurring in Minor "A")		<p>New/upgraded roadways meet private/County standards. Reviewed by EMS, Roads,JRSA, Engineer, DHEC, SCDOT, E911 and others as applicable.</p> <p>Minor subdivision process may not be used a second time within 2 years within original property boundaries if total number of lots and/or units would constitute a major subdivision.</p> <p>Final Plat and as-built submittals after site work completion. Engineer/Roads approves infrastructure as-builts. Zoning Admin. Stamps final plan . Final plans needsto be recorded before plats sold.</p> <p>Limit number of curb-cuts / require frontage roads for every X number of units/lots. Greenspace/Open space, buffers, other.</p>
<b>Major</b>	11+	Follow the current process	Limit number of curb-cuts / require frontage roads for every X number of units/lots. Greenspace/Open space, buffers, other.
<b>Multi-Family</b>	2+	Condos, Apartments, Duplexs, etc.	<p>Review as major/minor subdivison.</p> <p>Limit number of curb-cuts / require frontage roads for every X number of units/lots. Greenspace/Open space, buffers, other.</p>
<b>Mobile Home Parks / "Tiny Home"</b>	Minor A/B or Major as applicable		Limit number of curb-cuts / require frontage roads for every X number of units/lots. Greenspace/Open space, buffers, other.

**Commercial Subdivisions**

<b>Condo-Hotels</b>	Minor A/B or Major as applicable	Limit number of curb-cuts / require frontage roads for every X number of units/Appendix A
<b>Recreational Vehicle Parks</b>	Minor A/B or Major as applicable	Limit number of curb-cuts / require frontage roads for every X number of units/Appendix A. Note about temporary structure
<b>Commercial Subdivisions</b>		Limit number of curb-cuts / require frontage roads for every X number of units/Appendix A

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** – Constructed parking spaces shall not be permitted within the setbacks regardless of property use.

**Option B** - Constructed parking spaces shall be permitted within property setbacks regardless of property use.

**Option C** - Constructed parking spaces shall be permitted on properties used for single-family residential purposes. Constructed parking shall OR shall not be permitted on properties used for commercial enterprise, multi-family housing, or mixed-use development.



## 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.

- 
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.

## 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

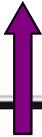
require

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

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.