

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

AGENDA

6:00 pm, Monday, July 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 – July 2nd, 2018
5. Public Comment for Non-Agenda Items (3 minutes per person)
6. Staff Update
7. Memorial Day Planning Commission Meeting rescheduling
8. 2020 Comprehensive Plan and Corridor Plan
 - a. Public Comment for Agenda Item (3 minutes per person)
 - b. Discussion / Vote
9. 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.
 - a. Public Comment for Agenda Item (3 minutes per person)
 - b. Discussion / Vote
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

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

MINUTES

6:00 PM, Monday, July 2nd, 2018
Oconee County Council Chambers

Members Present

Mr. Kisker District 1
Mr. Gramling District 2
Mr. Vassey District 3
Mr. Pearson District 4
Mr. Johnson At-Large
Mrs. McPhail At-Large

Staff Present

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

1. Call to Order

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

2. Invocation by Mr. Root

3. Pledge of Allegiance

4. Approval of Minutes

- a. June 18, 2018
Mrs. McPhail – Motion
Mr. Johnson – Second
The motion carried 5-0

5. Public Comment for Non-Agenda Items

None

Staff Updates

Mr. Chapman stated that he has been staffing the Planning Commission for one-year now and the Planning Commission thanked him .

7. 2020 Comprehensive Plan and Corridor Plan

Public Comment: Jim Codner noted that the Future Land Use Map is an important part of the Comprehensive Plan and should be updated, along with the 2020 Comprehensive Plan. He also noted that creation of a Current Land-Use Map would be helpful for the County as well.

Discussion: Mr.Chapman noted that his conversation on the previous Friday, with Alta, had begun to lay some groundwork for the Comprehensive Plan. Alta recommended a joint “Kick-off Party” between County Council, Planning Commission, the Public and Alta, to help chart the process for everyone involved.

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.

a. Public Comment for Agenda Item

Mr. Markovich stated he sees their being some sections of the draft Mobile Home Park Ordinance that treat Mobile Homes differently than other housing types and that this could be problematic for the County down the road

b. Discussion

Mr. Chapman presented the draft Mobile Home Park ordinance he was asked to prepare at the last meeting. There was a discussion about the definition of “Mobile Home” and Mr.Chapman was asked to look into a better definition. Mr.Kisker asked that all references to Recreational Vehicles be removed. Mr.Kisker and Mr.Johnson both agreed that the definition of Recreational Vehicle, although it exists in our code, is inaccurate and dated. Mr.Johnson questioned why the septic fileds shouldn’t be used for passive recreation and requested that that portion be removed. Mr.Kisker noted that stating what taxes had to be paid on mobile homes was redundant and didn’t belong in this portion of the Code. Mr.Pearson and Mr.kisker had a discussion about “grandfathering” language and that existing mobile home parks should be grandfathered in, until the next unit is added. Mr.Johnson asked staff to make sure that this draft ordinance did not differ or run afoul of the State of South Carolina’s Mobile Home Tenancy Act.

9. Old Business

None

10. New Business

None

11. Adjourn

Mr. Gramling made a motion to adjourn seconded by Mr. Pearson. The vote was unanimous 6-0. Planning Commission adjourned at 6:38PM.

REVISIED Draft Mobile Home / Manufactured Home Park Ordinance

Chapter 32 - Article 10

Purpose and Intent.

It is the purpose of this article to manage the growth of a necessary component of housing types, to promote the health, safety, and general welfare of the Citizens of Oconee County, and to promote reasonable and uniform regulations to encourage healthy and safe environments within these facilities.

It is the intent of this article to establish standards for mobile and manufactured home park facilities that will insure that these businesses are operated in a manner that is in full compliance with all applicable laws of the United States of America, the State of South Carolina, and Oconee County; and to provide Oconee County with a reasonable and legitimate mechanism for enforcing applicable laws.

In General

Usable Open Space shall be kept usable for all tenants. Individual and Community garbage and refuse must be managed in accordance with all applicable laws and not become a hazard, nuisance or litter.

Appeal of decision.

Any person aggrieved by the Zoning Administrator's decision to approve or deny an application for Park approval may appeal the decision to the Planning Commission in writing within ten working days of said decision as outlined in [section 32-223((d)].

Violations and penalties.

(a) A violation of this Article is punishable by fine and/or imprisonment in an amount not to exceed the jurisdictional limits granted to a magistrate's court in Oconee County under South Carolina law. Additionally, building and zoning permits may be revoked, stop work orders issued, and civil fines levied as appropriate under the circumstances. Further, the provisions, including prescriptions, proscriptions, and penalties contained within the International Property Maintenance Code may apply.

(b) Unapproved Parks and subsequent renting, leasing or sale of units. Any such agreement, negotiated before such Park has been approved by the county planning commission's designee shall be considered a violation of this article and punishable as provided herein. The description of metes and bounds in the instrument of transfer or other documents used in the process of renting, leasing, selling or transfer shall not exempt the transaction from these penalties. Oconee County may enjoin such transfer or sale or agreement by appropriate action.

Exemptions

The following uses are exempt from the regulations in this Chapter:

- a. Mobile or manufactured homes sales lots;
- b. Family Housing: Where the occupant of the mobile/manufactured home is related by blood or marriage to the owner of the land or home and the owner of the home or land upon which the home is situated receives no rent or other income from the occupant of the home AND an affidavit is signed stating as such, by the property owner(s) AND owner(s) of the mobile/manufactured homes AND recorded with the register of deeds and the Community Development Department of Oconee County ,then the regulations set forth in this chapter do not apply.
- c. Migrant and Seasonal Worker Housing: If four or more mobile homes are placed on one tract of land for use as temporary Migrant and Seasonal Worker’s Housing where the property owner(s) receive no rent or other income from the occupant(s) of the home occurs AND an affidavit is signed by the property owner(s) AND recorded with the register of deeds and the Community Development Department of Oconee County, then the regulations set forth in this chapter do not apply. All housing must meet federal and state standards in regards to migrant and seasonal worker housing, when being utilized as such.

Definitions

- a. *Mobile home (manufactured housing unit)* A manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis. Removal of wheels and placement of a foundation does not change the manufactured home classification. A travel trailer or Recreational Vehicle is not a mobile home.
- b. *Mobile Home and Manufactured Home Park (Park)* means a group of four or more mobile and/or manufactured homes on one tract of land for rent, lease or sale and which may include buildings, structures, vehicles or enclosures used or intended for use as part of such Park. Land subdivided and subsequently sold for the purpose of siting mobile homes is not considered a mobile home park under this article and falls under the subdivision regulations located in Chapter 32.
- c. Usable Open Space shall be construed to mean parks, open space, and recreation amenities such as clubhouse, swimming pool, or similar improvements

Park Development Standards

- a. *Density* is the regulated by the underlying zoning district, located in Chapter 38.

- b. *Licensure*: All Parks and Park property managers must maintain all necessary county, state and federal licenses including business licenses, property manager licenses and any and all other state or federal licensure required.
- c. *Park manager*. Parks shall have a park manager responsible for maintenance of the Park and its homes, including ensuring compliance with the requirements of this article and the International Property Maintenance Code as adopted by Oconee County. Up to date contact information for the Park Manager, including email and phone numbers shall be provided to the Community Development Department.
- d. *Park name*. The proposed name of the Park shall not duplicate, or too closely approximate phonetically, the name of any other Park or subdivision in the area covered by these regulations. The planning commission's designee shall have final approval authority for the name of the Park.
- e. *Parking*: A minimum of two off-street parking spaces of at least 10'x20' shall be provided per unit.
- f. *Refuse Collection*: Parks with onsite refuse collection shall have the collection point screened from view unless the refuse collection point is being utilized.
- g. *Road way standards*: Road plans and supporting documentation needed to comply with all adopted county road standards, found in Chapter 26, shall be included with the submission of Park plans. Approval of the Park shall not be granted unless all applicable road standards are met.
- h. *Setbacks*: Setback requirements are regulated by the underlying zoning direct located in chapter 38.
- i. *Usable Open Space* shall be provided in amount of at least 400 contiguous square feet per unit and accessible to all residents of the park. Designed play areas for children are permissible and encouraged as part of the usable open space requirement.
- j. *Utilities*: All Mobile Homes shall have access to electricity, sewer/septic and water service/well.

Submittal

1. Parks with 4-10 units a site plan following the standards laid out in 38-2.4 part 5 is required. The planning department may ask for feedback from any and other department
2. Parks with 11 or more units the submittal plan shall follow the standards for subdivisions found chapter 32 , Article 6, Land development Regulations. The planning department may ask for feedback from any and other department

Setup permits for additional units, after the Park has been established, shall be submitted on the approved master site plan for the Park along with approval from the Park Manager.

Unoccupied and Derelict Structures

Unoccupied mobile homes within a Park shall not become a nuisance and must be maintained to the standards set forth in this chapter as well as the International Property Maintenance Code as adopted by Oconee County.

Grandfathering

Parks existing prior to this chapter being accepted to the Code of Ordinances shall be exempt from the standards set forth within this Chapter until new homes and home sites are placed with in these parks. The new homes/sites, within Parks existing before the establishment of this Chapter, must meet the standards set forth within this Chapter.

DRAFT

REVISED Draft Mobile Home / Manufactured Home Park Ordinance

Chapter 32 - Article 10

Purpose and Intent. (This language was pulled from other parts of the Oconee County Code and modified to fit) It is the purpose of this article to manage the growth of a necessary component of housing types, to promote the health, safety, and general welfare of the Citizens of Oconee County, and to promote reasonable and uniform regulations to encourage healthy and safe environments within these facilities.

It is the intent of this article to establish standards for mobile and manufactured home park facilities that will insure that these businesses are operated in a manner that is in full compliance with all applicable laws of the United States of America, the State of South Carolina, and Oconee County; and to provide Oconee County with a reasonable and legitimate mechanism for enforcing applicable laws.

In General

~~All Mobile Homes in the Park must have all necessary moving and setup permits and with appropriate documentation as well as have all appropriate taxes paid up to date. The Park's private and common areas must be kept neat and free of debris as defined by the International Property Maintenance Code as adopted by Oconee County. Vegetation shall not be permitted to grow on homes within the Park, unless managed to do so. Usable Open Space shall be kept usable for all tenants. Individual and Community garbage and refuse must be managed in accordance with all applicable laws and not become a hazard, nuisance or litter.~~

Appeal of decision. (In code)

Any person aggrieved by the Zoning Administrator's decision to approve or deny an application for Park approval may appeal the decision to the Planning Commission in writing within ten working days of said decision as outlined in [section 32-223((d))].

Violations and penalties. (In code)

(a) A violation of this Article is punishable by fine and/or imprisonment in an amount not to exceed the jurisdictional limits granted to a magistrate's court in Oconee County under South Carolina law. Additionally, building and zoning permits may be revoked, stop work orders issued, and civil fines levied as appropriate under the circumstances. Further, the provisions, including prescriptions, proscriptions, and penalties contained within the International Property Maintenance Code may apply. (This is the same Penalties language from the Lake Overlay District)

(b) Unapproved Parks and subsequent renting, leasing or sale of units. Any such agreement, negotiated before such Park has been approved by the county planning commission's designee

shall be considered a violation of this article and punishable as provided herein. The description of metes and bounds in the instrument of transfer or other documents used in the process of renting, leasing, selling or transfer shall not exempt the transaction from these penalties. Oconee County may enjoin such transfer or sale or agreement by appropriate action.

Exemptions

The following uses are exempt from the regulations in this Chapter:

- d. Mobile or manufactured homes sales lots;
- e. Family Housing: Where the occupant of the mobile/manufactured home is related by blood or marriage to the owner of the land or home and the owner of the home or land upon which the home is situated receives no rent or other income from the occupant of the home AND an affidavit is signed stating as such, by the property owner(s) AND owner(s) of the mobile/manufactured homes AND recorded with the register of deeds and the Community Development Department of Oconee County ,then the regulations set forth in this chapter do not apply.
- f. Migrant and Seasonal Worker Housing: If four or more mobile homes are placed on one tract of land for use as temporary Migrant and Seasonal Worker’s Housing where the property owner(s) receive no rent or other income from the occupant(s) of the home occurs AND an affidavit is signed by the property owner(s) AND recorded with the register of deeds and the Community Development Department of Oconee County, then the regulations set forth in this chapter do not apply. All housing must meet federal and state standards in regards to migrant and seasonal worker housing, when being utilized as such.

Definitions

- d. *Mobile home (manufactured housing unit)* A manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis (from HUD.gov). Removal of wheels and placement of a foundation does not change the manufactured home classification. A travel trailer or Recreational Vehicle is not a mobile home.
- e. *Mobile Home and Manufactured Home Park (Park)* means a group of four or more mobile and/or manufactured homes on one tract of land for rent, lease or sale and which may include buildings, structures, vehicles or enclosures used or intended for use as part of such Park. Land subdivided and subsequently sold for the purpose of siting mobile homes is not considered a mobile home park under this article and falls under the subdivision regulations located in Chapter 32.

- f. Usable Open Space shall be construed to mean parks, open space, and recreation amenities such as clubhouse, swimming pool, or similar improvements. ~~Utilization of septic fields for passive recreation is discouraged.~~
- g. ~~Recreational Vehicle~~ : ~~Recreational vehicle means a vehicle which is:~~ (Current FEMA definition)
 - (1) ~~built on a single chassis;~~
 - (2) ~~Four hundred square feet or less when measured at the largest horizontal projection;~~
 - (3) ~~Designed to be self-propelled or permanently towable by a car or light duty truck;~~
 - and
 - (4) ~~Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.~~ (definition from our code)

Park Development Standards

- k. ~~Density is the regulated by the underlying zoning district, located in Chapter 38. If the Park is within the Control Free District then (3-5) mobile homes per acre, spaced at least 10' apart (IRBC standard), is the density standard (net density). The distance shall be measured at the widest/longest point of the home which could include any decks, porches, overhangs, hauling equipment, etc.~~
- l. *Licensure*: All Parks and Park property managers must maintain all necessary county, state and federal licenses including business licenses, property manager licenses and any and all other state or federal licensure required. (The State of SC requires a property manager be licensed if managing property other than their own)
- m. *Park manager*. Parks shall have a park manager responsible for maintenance of the Park and its homes, including ensuring compliance with the requirements of this article and the International Property Maintenance Code as adopted by Oconee County. Up to date contact information for the Park Manager, including email and phone numbers shall be provided to the Community Development Department.
- n. *Park name*. The proposed name of the Park shall not duplicate, or too closely approximate phonetically, the name of any other Park or subdivision in the area covered by these regulations. The planning commission's designee shall have final approval authority for the name of the Park.
- o. **Parking**: A minimum of two off-street parking spaces of at least 10'x20' shall be provided per unit.
- p. ~~Recreational Vehicles~~: ~~Use by recreational vehicles limited. Ten percent of the lot spaces may be allocated for temporary use by recreational vehicles. The length of such use is to be limited to 14 days in any 60 day period by the same vehicle.~~

- q. *Refuse Collection*: Parks with onsite refuse collection shall have the collection point screened from view unless the refuse collection point is being utilized.
- r. *Road way standards*: Road plans and supporting documentation needed to comply with all adopted county road standards, found in Chapter 26, shall be included with the submission of Park plans. Approval of the Park shall not be granted unless all applicable road standards are met. (This is already in the Code, just being stated here for clarity)
- s. *Setbacks*: Setback requirements are regulated by the underlying zoning direct located in chapter 38.
- t. *Usable Open Space* shall be provided in amount of at least 400 contiguous square feet per unit and accessible to all residents of the park. Designed play areas for children are permissible and encouraged as part of the usable open space requirement.
- u. *Utilities*: All Mobile Homes shall have access to electricity, sewer/septic and water service/well.

Submittal

1. Parks with 4-10 units a site plan following the standards laid out in 38-2.4 part 5 is required. The planning department may ask for feedback from any and other department

2. Parks with 11 or more units the submittal plan shall follow the standards for subdivisions found chapter 32 , Article 6, Land development Regulations. The planning department may ask for feedback from any and other department

Setup permits for additional units, after the Park has been established, shall be submitted on the approved master site plan for the Park along with approval from the Park Manager.

Unoccupied and Derelict Structures

Unoccupied mobile homes within a Park shall not become a nuisance and must be maintained to the standards set forth in this chapter as well as the International Property Maintenance Code as adopted by Oconee County.

Grandfathering

Parks existing prior to this chapter being accepted to the Code of Ordinances shall be exempt from the standards set forth within this Chapter until new homes and home sites are placed with in these parks. The new homes/sites, within Parks existing before the establishment of this Chapter, must meet the standards set forth within this Chapter.

Draft Recreational Vehicle Park Standards

Intent

The recreational vehicle park site development standards are established to encourage high quality recreational vehicle parks within Oconee County that are safe for its occupants and sensitive to the environment.

Definitions

Recreational Vehicle (RV) - A vehicular unit, which is designed as a temporary dwelling for travel, recreational, and vacation use, and which is self-propelled, mounted on, or pulled by another vehicle. Examples include but are not limited to a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, or van. (Greenville definition. The current Oconee County definition is the current FEMA definition)

Recreational Vehicle Park (RV Park) - Any lot of land upon which four (OR) or more recreational vehicle sites are located, established, or maintained for occupancy as temporary living quarters for purposes of recreation or vacation.

Exclusions

This term does not include any premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

Duke language: Waiting on some information from Duke Energy.

Site Plan Approval

Prior to construction of a new recreational vehicle park or enlargement of an existing recreational vehicle park at the time of adoption of this Ordinance, a development plan must be submitted and approved by the Zoning Administrator in accordance with the regulations set forth in this Chapter. Any recreational vehicle, service building, or recreation area located in any recreational vehicle park shall be placed in accordance with an approved development plan.

Site Plan Requirements

The plan shall be designed by a registered engineer/surveyor/landscape architect of the state of South Carolina to scale of not less than 100 feet to 1 inch and shall contain the following information:

- A. The location of the proposed park.
- B. The location and dimensions of streets, rights of way, drives and parking spaces.
- C. The location and size of recreational vehicle sites.
- D. The location and size of service buildings and recreation areas.
- E. The location and type of screening, fences, or hedges.
- F. The names and addresses of developers.
- G. Existing and finished contours at intervals not more than 2 feet.
- H. The location of fire hydrants, if applicable.
- I. Storage areas.

J. Dumpsters if applicable.

K. Delineation of 1% area of Special Flood Hazard, if applicable

L. Utilities (sewer, water, electric, etc.) and a note on how they are procured/offered to visitors

M. Buildable area of the lot in regards to setbacks from property lines of the underlying zoning district, found in Chapter 38.

Design Standards

Amenities

Uses permitted within a recreational vehicle park shall include: recreational vehicle sites, recreation facilities, common buildings and facilities (laundry, dining, parking, etc.), and management offices (which may include living quarters for the operator or manager of the park). Uses may also include facilities to utilize the adjacent environment such as, but not limited to boat facilities and hiking trails.

Minimum Space Size

A minimum net space of seven hundred fifty square feet (750) OR _____ is required for each RV space. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures or attachments shall, for the purpose of this requirement, be considered a part of the trailer or recreational vehicle. No part of any space for a RV may encroach within the setbacks of the underlying zoning district found in Chapter 38.

Utility and Security Connection

Each travel trailer or recreational vehicle area shall be attached to the site only by quick disconnect type utilities and security devices, which are NEC complaint, and has no permanently attached additions. These trailers or vehicles shall be connected to an approved water supply system that provides an accessible, adequate, safe, and potable supply of water. An adequate and safe sewer system, approved by SCDHEC, shall be provided in all travel trailer/recreational vehicle parking areas.

Operating Requirements

The operator of each recreational vehicle park shall comply with all DHEC rules and regulations governing the sanitation and operation of recreational vehicle parks and amenities.

Hazards

Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. No portion of the site that is subject to flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards;

Maintenance

Recreational vehicles must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or a jacking system.

Parking/Maneuverability

Adequate off-street parking and maneuvering space shall be provided on site. The use of any public road, sidewalk, or right-of-way for the purpose of parking or maneuvering vehicles is prohibited. Roads servicing recreational vehicle sites should be one-way streets.

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