

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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## MINUTES

6:00 PM, Monday, April 16, 2018  
Oconee County Council Chambers

### MINUTES

#### Members Present

Mr. Kisker District 1  
Mr. Vassey District 3  
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: Upstate Today

#### 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. April 16, 2018  
Mr. Kisker – Motion  
Mr. Pearson – Second  
The motion carried 6-0

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

Mr. Smith gave a presentation on communication procedure. Mr. Smith stated on the Oconee County BZA notification procedures, the state BZA notification procedures and the ad-hoc committee recommendations. Mr. Marcovich had comments on the proposed minimum lot size and to follow the existing zoning districts lot sizes. He also stated the ordinance needs to

differentia between a parking area and parking in a driveway. Mr. Cogner stated that the ad-hoc committee recommendations are above state minimums. He also stated that the minimum lots should be half acre.

#### Staff Updates

Mr. Chapman stated that Oconee County has installed a new website. Alta is going to provide training for the upcoming Comprehensive Plan. Mr. Pearson asked for a motion to remove item 7 from the agenda, Mrs. McPhail made the motion. Mrs. Lyles asked why the agenda should be amended. Mr. Pearson stated that the developer that was going to speak on the issue was not available to attend the meeting and will bring it back when he is available to attend. Mr. Kisker seconded the motion. The motion passed unanimously 6-0.

#### 7. Discussion on Condominium-Hotel Definition

In the staff updates a motion was made and seconded to remove from the agenda.

#### 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 submitted a chart addressing the subdivision of property without getting subdivision approval. Addressing Minor A, Minor B, Major Subdivision, Multi-Family, and Mobile Homes. This would address growth management. Mr. Johnson stated he would like more time to look over the information.

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. Kisker made a motion to approve as indicated minus the red. Mrs. Lyles seconded the motion. The motion passed unanimously 6-0.

Mr. Chapman stated:

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. Parking shall OR shall not be permitted on properties used for industrial, commercial enterprise, multi-family housing, or mixed-use development. All commercial uses must provide adequate area for parking of their use for owners, employees, customers, deliveries and others, through ownership or agreement.

Mrs. Lyles made a motion to approve Option B it was seconded by Mr. Vassey. The motion passed unanimously 6-0.

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

### **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.

Mr. Pearson and Mrs. Lyles stated that the 15 day notice should stay the same because it meets State requirements. Mrs. McPhail stated that the fees should be raised to accommodate the cost for a variance or special exceptions. Mr. Johnson stated that he is in favor of the radius aspect for the notifications. Mr. Smith stated the committees choose two deep because of the future growth. Mrs. Lyles asked if the radius would accomplish the same thing as radius. Mr. Johnson made a motion to coordinate with staff to bring back there input or recommendations, at the next meeting, from what the committee has requested as being reasonable Mr. Vassey seconded the motion. Mrs. McPhail stated the history on section 32-133 (a) (3) was implemented for a company wanting to implement broadband cable and that wouldn’t need to go for a special exception. Mr. Root stated that staff being Mr. Chapman and Mr. Huggins to put this in a table format out these items and put what they do presently in a column and in another column to put what they think about the items of practicing and implementation. Mrs. Styles stated that what is being done needs to be put in the code and the recommendation for the applicant to coordinate a meeting with the public be put on the application. The motion was unanimous 6-0.

#### 10. Old Business

None

#### 11. New Business

Mrs. McPhail made a motion to send the letter to Mr. Moulder and was seconded by Mr. Vassey. The letter is to Mr. Moulder in appreciation for all his years of service from the Planning Commission members. The vote was 5-1.

#### 12. Adjourn

Mrs. McPhail made a motion to adjourn seconded by Mr. Johnson. The motion passed unanimously 6-0.

8:04 pm