



OCONEE COUNTY PLANNING COMMISSION

415 S. Pine St. Room 212 | Walhalla, SC 29691
864.638.4218
OconeeSC.com

COMMISSION MEMBERS

Mike Johnson, Chairman, At-Large	David Nix, Vice Chair, District 2
Teresa Spicer, District 1	Brit Adams, District 3
Joshua Owens, District 4	Gary Gaulin, District 5
Mickey Haney, At-Large	

AGENDA

6:00 pm, Monday, June 17, 2024

Council Chambers - Oconee County 415 S Pine St, Walhalla SC 29691

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes from May 20, 2024
5. Public Comment for *Non-Agenda Items* (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Presentation Keep Oconee Beautiful- Scenic Highway Proposal, HWY 130.
 - a. Public Comment
 - b. Discussion/ vote
9. Discussion and recommendation to Council regarding Ordinance 2024-18, AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ESTABLISHMENT OF MINIMUM LOT SIZE AND MAXIMUM LOT DENSITY PROVISIONS IN THE CONTROL FREE DISTRICT; AND OTHER MATTERS RELATED THERETO.
 - a. Public Comment
 - b. Discussion/ vote
10. Discussion regarding topics for future discussion
 - a. Public Comment
 - b. Discussion/ vote
11. Adjourn



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COMMISSION MEMBERS

Mike Johnson, Chairman, At-Large	David Nix, Vice Chair, District 2
Teresa Spicer, District 1 - Absent	Brit Adams, District 3
Joshua Owens, District 4	Gary Gaulin, District 5
Mickey Haney, At-Large	

STAFF

James Coley
Elise Dunaway

MINUTES

6:00 pm, Monday, May 20, 2024
Council Chambers - Oconee County 415 S. Pine St, Walhalla SC
29691

1. Call to Order – Mr. Johnson called the meeting to order at 6:01 PM.
2. Invocation was led by Mr. Nix.
3. Pledge of Allegiance was led by Mr. Haney.
4. Approval of minutes from May 6, 2024 – Mr. Adams made a motion to approve the minutes; Seconded by Mr. Haney. Approved unanimously.
5. Public Comment for Non-Agenda Items (4 minutes per person):
Barb Leonard from Keowee Key expressed her concerns regarding the proposed development on Hwy 130.
6. Commission Member Comments
Mr. Haney requested the commission schedule a discussion on Chapter 26 of the Oconee County Code of Ordinances, specifically Section 2 regarding road standards and regulation, including right-of-way

Mr. Gaulin asked about revisiting the public comment list that was compiled.
7. Staff Comments
Mr. Coley notified the members of the ACOG Training on Thursday, July 18, 2024, with time to be determined.

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8. Discussion regarding the chairman's request to discuss Chapter 38 ordinance changes with County Council at their next meeting.
 - a. Public Comment: None
 - b. Discussion/ vote:
Mr. Gaulin made a motion for Mr. Johnson to speak to Council at their next meeting to explain what is being proposed; Seconded by Mr. Adams. Approved Unanimously.

9. Discussion regarding state and county required traffic study for "major road" developments.
 - a. Public Comment:
Tom Markovich expressed his concerns regarding traffic studies by third parties working for the County

Will Hall voiced his concerns regarding the proposed development on Hwy 130.

Jan Barnett expressed her concerns regarding the proposed development on Hwy 130.

Mark Torres shared his concerns regarding the proposed development on Hwy 130.

A letter from Gary Owens was read by Mr. Johnson supporting additional traffic study requirements
 - b. Discussion/ vote:
Mr. Nix made a motion to allow each individual in the audience that raised their hand one minute each to express their concern at the podium; Seconded by Mr. Johnson. Approved Unanimously.

Tom Markovich expressed his knowledge regarding county and state roads.

Barb Leonard asked if there is a way to widen Hwy 130.

Karen Whitmire expressed her concern regarding the growth in the county. She mentions being from York County and seeing how the growth has impacted the roads.

*Mr. Johnson made a motion to determine areas of weakness within our public roads system in regard to traffic studies and are their other counties doing things that would be implemented in Oconee County; Seconded by Mr. Gaulin. Approved unanimously.

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Mr. Nix made a motion that staff obtain a copy of York County's ordinance standards for subdivisions and road standards; Seconded by Mr. Haney. Motion passed. 5/1. Mr. Gaulin opposed.

10. Adjourn – The meeting was unanimously adjourned at 6:58 PM.

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2024-18**

AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ESTABLISHMENT OF MINIMUM LOT SIZE AND MAXIMUM LOT DENSITY PROVISIONS IN THE CONTROL FREE DISTRICT; AND OTHER MATTERS RELATED THERETO.

WHEREAS, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County (“County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (“County Council”), has the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein;

WHEREAS, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (“Code of Ordinances”), as amended;

WHEREAS, the County is authorized by Section 4-9-30(9) and Chapter 29 of Title 6 of the South Carolina Code of Laws, among other sources, to impose land use standards in the unincorporated areas of the County;

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, Chapter 38 of the Code of Ordinances by adding a minimum lot size and maximum lot density provisions for the Control Free District; and

WHEREAS, County Council has therefore determined to modify Chapter 38 of the Code of Ordinances and to affirm and preserve all other provisions of the Code of Ordinances not specifically, or by implication, amended hereby.

NOW THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Section 38-10.2 of Chapter 38 of the Code of Ordinances, entitled *Control Free District (CFD)*, is hereby revised, rewritten, and amended to read as set forth in Exhibit A, which is attached hereto incorporated herein by reference. The Control Free District shall remain

excluded from land use regulations reflected on the Zoning Use Matrix. (See Code of Ordinances § 38-10.16.)

2. County Council hereby approves and adopts Exhibit A and directs that it be codified in the Oconee County Code of Ordinances.

3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

4. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded. Nothing contained herein, however, or in the attachment hereto, shall cancel, void, or revoke, or shall be interpreted as cancelling, voiding, or revoking, *ex post facto*, in any regard any prior land use provision, or decision of the County or County Council based thereon, which were valid and legal at the time in effect and undertaken pursuant thereto, in any regard.

5. All other terms, provisions, and parts of the Code of Ordinances, and specifically, but without exception, the remainder of Chapter 38, not amended hereby, directly or by implication, shall remain in full force.

6. This Ordinance shall take effect and be in full force from and after third reading and enactment by County Council and will apply to all land use and zoning processes initiated after second (2nd) reading hereof. All processes actually initiated by submitting a properly and legally completed petition to the County, at a minimum, prior to second (2nd) reading of this Ordinance and the establishment of the pending ordinance doctrine thereby, shall be completed under the zoning and performance standard rules and regulations of Chapter 38 of the Code of Ordinances, as in effect prior to final adoption of this Ordinance.

ORDAINED in meeting, duly assembled, this _____ day of _____, 2024.

ATTEST:

Jennifer C. Adams
Clerk to Oconee County Council

Matthew Durham
Chair, Oconee County Council

First Reading: May 21, 2024
Public Hearing: June 18, 2024
Second Reading: June 18, 2024
Public Hearing: July 16, 2024
Third Reading: July 16, 2024

Exhibit A

[See attached]

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	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
¼ acre - if wastewater treatment not on site	4 dwellings per acre	N/A	15	5	5	65	
½ acre - if wastewater treatment on site	2 dwellings per acre	N/A	25	5	10	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	

- A. 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.
- B. Setback requirements do not apply to lot lines separating dwelling units which are part of a multi-family housing structure (e.g., townhouses).
- C. As to multi-family housing structures located on one lot (e.g., duplexes or apartments), setback requirements apply only to the exterior perimeter wall of the entire structure.

- D. Setback requirements do not apply to lot lines separating commercial units which are part of a multi-unit commercial structure (e.g., a strip mall).
- E. As to multi-unit commercial developments located on one lot (e.g., traditional malls, town centers, or mixed-use developments) setback requirements apply only to the exterior perimeter wall of an entire structure.
- F. The minimum lot size and maximum lot density provisions do not apply to lots that were lawfully created prior to _____, 2024.
- G. The minimum lot size and maximum lot density provisions do not apply to parcels created by subdivision developments totaling ten (10) or less new parcels. A larger subdivision project may not be broken into smaller subdivision projects for the purposes of circumventing the provisions of this section.
- H. For purposes of this section, “Dwellings” may include separate units as accessory uses to be occupied only by employees or relatives of the primary dwelling.

DRAFT

3.4.24		
Issues/ Topic	Number of Times mentioned	Location
Reducing the intensity of development and Increasing active open spaces for the county; including baseball fields, soccer etc, HW 130	4	District 1
Individual shooting, yard from back yard	3	District 1
Provision of a statute for administering and controlling open firearms	2	District 1
Impacts of development on community infrastructure; education, road	6	
Commercial development that encourage public engagement, restaurants	2	
Promote healthy, proper and active growth	3	
Advancing the intent of lake overlay	2	
Reviewing the functions of preservation organisations;Keowee River Preservation Group	2	
Cost of new development on community spending; shortage of staff in agencies proding basic services	8	District 1
Rising development and community tax burden	4	
Workforce and Recruitment of Development contractor	4	District 1
An assessment of the existing condition "Now" address and think about the future	3	
Development of specific development standards: Landscape buffers development standards,	2	District 1
Preserving the character of the county	3	District 1
Updating development standards to prevent impacts of new development on oconee (lights, parking etc)	2	District 1
Consider Increased density near nuclear plants and impacts afteran events	1	District 1
Attention to single evaucation Routes for nuclear disaster	1	District 1
Implement contents of the comprehensive plan	1	Mountain Rest
Focus of development standards: improving existing condition and future condition	1	Mountain Rest
The requirement of TIA	1	Mountain Rest
Clearing cutting of subdivision, outsidng, obnoxious land use, park plan requirements	1	Mountain Rest
Call for development standards for the entire county	1	District 1
Controlling density and character of county	1	District 1
The use of consultants to increase the pace of planning for development	1	District 1
Inefficient use of external support, appeal for use of internal potentials and expertise	1	District 1
Introduction of impact fees	1	District 1
Adopting an NRA standards for gun ranging	1	District 1
Quality of life	1	
Increased traffic and commuting times on HW130 and communities	1	
Putting a monatorium on the development on HW130	3	
Including Affordable Housing in development at HW130	1	District 2
Emergency planning	1	

3.18.24		
Issues/ Topic	Number of Times mentioned	Location
Updating the development Standards	2	Salem
Recruiting a professional planning consultants under the supervision of planning director	2	Salem
High density of proposed development along Koewee development	3	Salem
Projecting the necessary infrastructure current development direction, countywide	1	Salem
Conducting professional assessment on emergency infrastructure	1	District 1
Allocating different densities in different areas	1	
Preserving the character of oconee county	4	Salem
Including presrvation in the name of development standards	1	Salem
Needs of young adults and farmers	1	Salem
Protection of tree cover	1	Preservation Group non-profit
Monatarium	1	
multiple agricultural district	2	
Study of Lee county, florida development standards	1	
Increased Traffic	2	Salem
Phasing development based on infrastructure capacity	1	Salem
Impact of development on infrastructure capacity	3	
Risk assessment and mitigation	1	
Specific Development standard suggestion: farmlands preservation, signature, assessment of safety of every development, Speed limit, sidewalks, Gated and non Gated policies, noise policies, heights of buildings	1	
enhancing Quality of life	2	
Infrastructure study	1	District 1
impacts and development fees		District 1