



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, Thursday, September 5, 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 August 19, 2024
5. Public Comment for *Non-Agenda Items* (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Discussion regarding lot setbacks, with particular reference to flag lots and irregularly shaped lots
 - a. Public comment
 - b. Discussion/ vote
9. Discussion and potential recommendation to County Council regarding amending Oconee County Code of Ordinances Chapter 32-222 "Preliminary plan and supporting data" so that applicants shall be required to submit all appropriate fees at the time of application; that the review period shall not begin until such fees are paid; and other related matters.
 - a. Public Comment
 - b. Discussion/ vote
10. Discussion and potential recommendation to County Council regarding amending Oconee County Code of Ordinances Chapter 32-222 by adding a provision where major subdivision applications would be voided after 6 months if the developer does not update their plans
 - a. Public Comment
 - b. Discussion/ vote
11. Adjourn



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Mickey Haney, At-Large

David Nix, Vice Chair, District 2
Brit Adams, District 3
Via Phone - Gary Gaulin, District 5

STAFF

James Coley
Elise Dunaway

MEDIA

Lauren Pierce

MINUTES

6:00 pm, Monday, August 19, 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. Root.
3. Pledge of Allegiance was led by Mr. Haney.
4. Approval of minutes from July 15, 2024 – Mr. Owens made a motion to approve the minutes; Seconded by Mr. Nix. Approved unanimously.
5. Public Comment for Non-Agenda Items (4 minutes per person): N/A
6. Commission Member Comments
Mr. Nix and Mr. Johnson thanked the public for attending the meeting.
7. Staff Comments
Mr. Coley shares two proposed subdivisions - Phase 2 of Shadowood and Falls Park at McKinney Creek.
8. Discussion regarding lot setbacks, with particular reference to flag lots and irregularly shaped lots
 - a. Public comment: N/A
 - b. Discussion/ vote
Mr. Nix made a motion to allow Mr. Markovich to speak. ; Seconded by Mr. Johnson. Unanimously approved.

Mr. Nix made a motion to strike minimum length of the pole of the flag lot;
Seconded by Mr. Johnson. Unanimously approved.

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Mr. Haney made a motion to strike the first sentence in item 1b; Seconded by Mr. Johnson. Unanimously approved.

Mr. Nix made a motion to select the first “e” example; Seconded by Mr. Adams. Unanimously approved.

Mr. Nix made a motion that the minimum flag pole width be 22’ based on a 12’ right-of-way plus 5’ on either side and a maximum of 40’ based on Chapter 26 items and number of dwellings limited on the flag lot; Seconded by Mr. Adams. Motion Passes 6/1 Mrs. Spicer opposed.

Mr. Johnson made a motion that Mr. Root take the document from red letter to something that can be reviewed and sent to County Council; Seconded by Mr. Nix. Unanimously approved.

9. Keep Oconee Beautiful- Scenic Highway Proposal, HWY 130.

a. Public Comment

Mark Torres spoke in support of HWY 130 becoming a scenic highway.
Tommy Pittman spoke against HWY 130 becoming a scenic highway.
Kent Wigington spoke against HWY 130 becoming a scenic highway.
Watson Johnson spoke in support of HWY 130 becoming a scenic highway.
Martha Steele spoke in support of HWY 130 becoming a scenic highway.
Karl Steiner spoke in support of HWY 130 becoming a scenic highway.
Sharon Hamilton spoke in support of HWY 130 becoming a scenic highway.

Mr. Coley read 8 emails in support of HWY 130 becoming a scenic highway.

b. Discussion/ vote

Open discussion among Mr. Phil Soper and the members.

Mrs. Spicer made a motion to send the application to County Council with a recommendation for approval; Seconded by Mr. Gaulin. Motion failed 3-4 (Mr. Johnson, Mr. Adams, Mr. Nix, and Mr. Haney opposed).

10. Adjourn – meeting was adjourned at 7:41 PM.

NOTES:

BUILDING SETBACKS:

- FRONT: 25'
- REAR: 10'
- SIDE: 5'

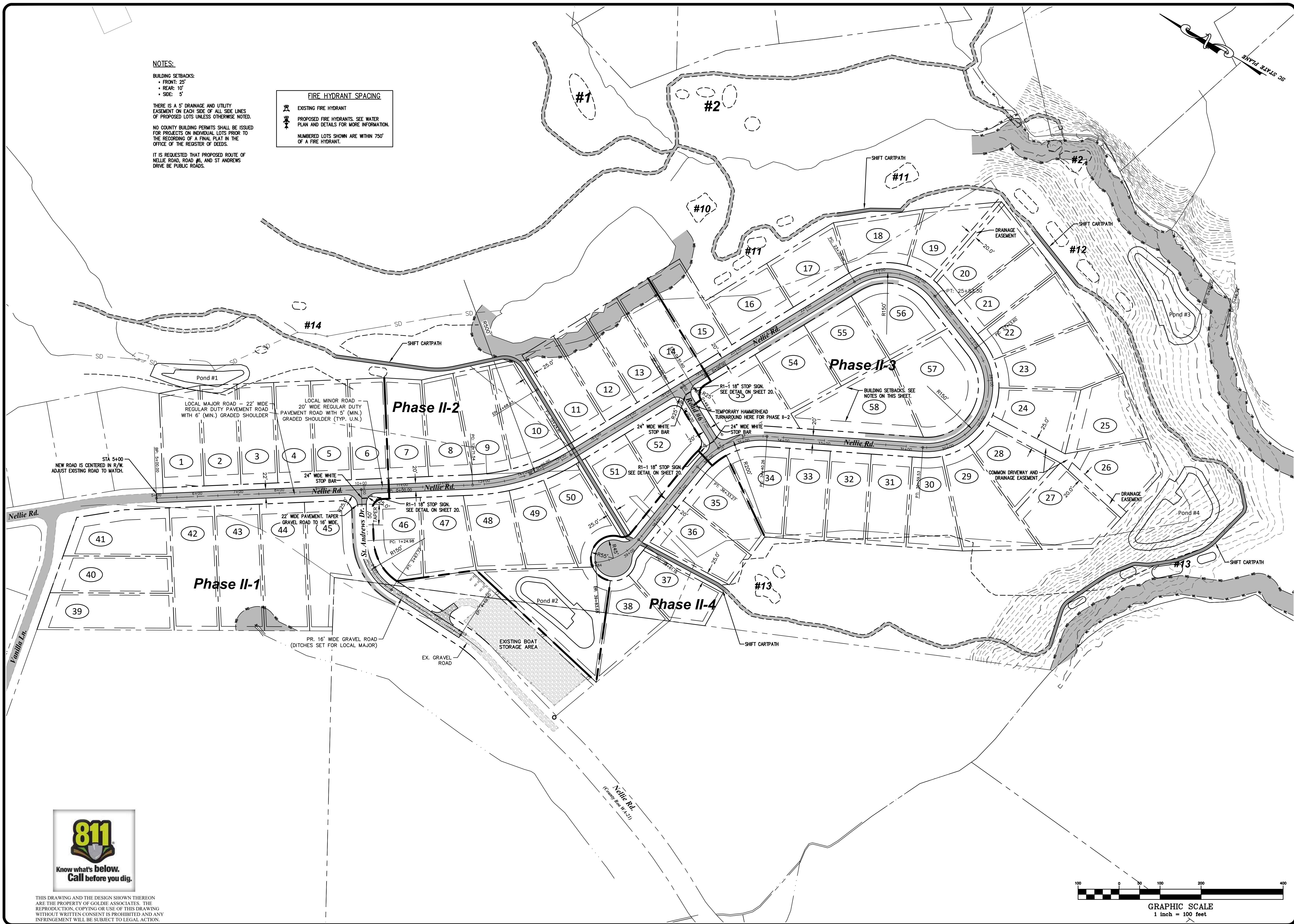
THERE IS A 5' DRAINAGE AND UTILITY EASEMENT ON EACH SIDE OF ALL SIDE LINES OF PROPOSED LOTS UNLESS OTHERWISE NOTED.

NO COUNTY BUILDING PERMITS SHALL BE ISSUED FOR PROJECTS ON INDIVIDUAL LOTS PRIOR TO THE RECORDING OF A FINAL PLAT IN THE OFFICE OF THE REGISTER OF DEEDS.

IT IS REQUESTED THAT PROPOSED ROUTE OF NELLIE ROAD, ROAD #6, AND ST ANDREWS DRIVE BE PUBLIC ROADS.

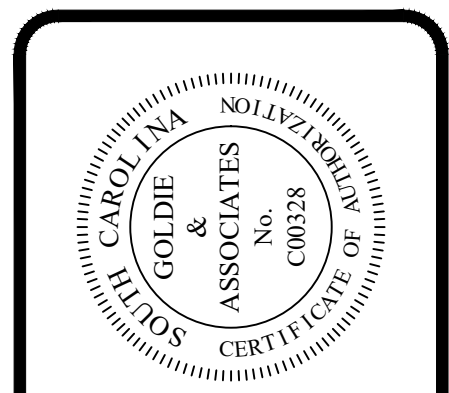
FIRE HYDRANT SPACING

- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANTS. SEE WATER PLAN AND DETAILS FOR MORE INFORMATION.
- NUMBERED LOTS SHOWN ARE WITHIN 750' OF A FIRE HYDRANT.



THIS DRAWING AND THE DESIGN SHOWN THEREON ARE THE PROPERTY OF GOLDIE ASSOCIATES. THE REPRODUCTION, COPYING OR USE OF THIS DRAWING WITHOUT WRITTEN CONSENT IS PROHIBITED AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION.

NOT FOR CONSTRUCTION	
NO. 1694.2.3	DATE 7/31/24
INITIAL	DESCRIPTION



210 W. North Second Street
 Seneca, SC 29678
 Phone: (864) 882-8194
 Civil and Environmental Engineering
 Environmental Consulting
 Utility Operations
 Environmental Laboratory



CLIENT: Upstate Utilities
 PROJECT: Windsor at Walhalla Phase II
 SHEET TITLE: Layout Plan

SHEET NO. 4	OF 21
FILE NO. 1694.2.3	

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

AN ORDINANCE AMENDING PORTIONS OF CHAPTERS 32 AND 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN LIMITED REGARDS AND PARTICULARS ONLY, IN ORDER TO REVISE CERTAIN SETBACK-RELATED PROVISIONS, INCLUDING DEFINITIONS AND THE APPLICATION THEREOF; 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, Chapters 32 and 38 of the Code of Ordinances in order to revise certain setback-related provisions, including definitions and the application thereof; and

WHEREAS, County Council has therefore determined to modify Chapters 32 and 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. Certain provisions related to lot setbacks, as contained in Chapters 32 and 38 of the Code of Ordinances, are hereby revised, rewritten, and amended to read as set forth in Exhibit A, which is attached hereto incorporated herein by reference. Attached hereto as Exhibit B is a version

of Exhibit A which reflects the changes to the prior provisions; Exhibit B is for illustrative purposes only and shall not be codified.

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 Chapters 32 and 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.

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:
Public Hearing:
Second Reading:
Public Hearing:
Third Reading:

EXHIBIT A

Chapter 32:

Sec. 32-212. Definitions.

When used in this article, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular.

...

Building line (also referred to as Building setback line) means a line beyond which no part of the structure of any building shall project, unless specifically permitted in this Code of Ordinances, with the exception of subsurface projection of footings, measured perpendicular to the property line. This includes, but is not limited to, the building, eaves, porches, decks, chimneys, bay windows, and fire escapes.

...

Flag lot means a lot shaped like a flag on a pole. The "flag" shaped area is situated behind another lot and is the portion of a flag lot where structures may be located. The "pole" shaped area is the portion of the lot by which vehicular access to the flag area from its adjoining road is located. (See Chapter 38 for specific provisions addressing flag lots.)

...

Lot means a single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.

(1) Corner lot means a lot with frontage on at least two intersecting roads located at the point of intersection.

(2) Lot depth means the mean horizontal distance between the front and rear lot lines.

(3) Double frontage lot means a parcel having frontage on two or more roads which is not located at any intersection of such roads.

(4) Lot width, **unless indicated otherwise by context**, means the straight-line distance between the points where the **front** building line intersects the two side lot lines.

...

Setback means the required minimum distance between every structure and the lot lines of the lot on which it is located (measured from the road right-of-way at the front of the lot if the road right-of-way projects over the property line, and measured from the property lines on the remaining portions of the property).

...

Setback line means the line indicating the minimum distance permitted between the property line or road right-of-way line, as applicable, and the building line.

...

Yard means a space that lies between the principal building or buildings and the nearest lot line or road right-of-way, as applicable. The minimum required yard shall be unoccupied and unobstructed from the ground upward, except as may be expressly permitted.

(1) Front *yard* means a *yard* situated between the front building line and the front lot line or road right-of-way, as applicable, extending the full width of the lot.

(2) Rear *yard* means a *yard* situated between the rear building line and the rear lot line extending the full width of the lot.

(3) Side *yard* means a *yard* between the side building line and a side lot line that extends from the front *yard* to the rear *yard*.

[Chapter 38 revisions on the following page]

Chapter 38:

Sec. 38-9.3. Dimensional requirements: General provisions and exceptions.

In addition to the dimensional requirements listed below and district dimensional requirements, further dimensional requirements may be set forth in Article 5 for those uses listed as conditional. The control free district shall be exempt from the provisions of this section except provisions listed under item (2), setbacks.

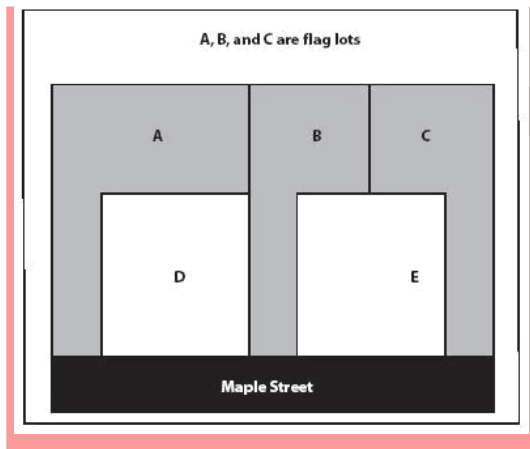
(1) Lot size and configuration.

a. **Public utilities and government.** Public utilities and government uses shall not be subject to the minimum lot size requirements, but shall meet the setback requirements.

b. **Flag lots.** Flag lots may be permitted under the following conditions:

1. The maximum length of the pole of a flag lot shall be 300 feet.
2. The minimum width of the pole of a flag lot shall be 22 feet, and the maximum width of the pole of a flag lot shall be 40 feet.
3. The front setback shall be measured from where the flag portion of the flag lot meets the district minimum width requirements.
4. The pole portion of a flag lot shall not be used to calculate area, width, or setbacks of the lot or to provide off-street parking.
5. There shall be no more than one flag lot per each four lots, per subdivision or development.

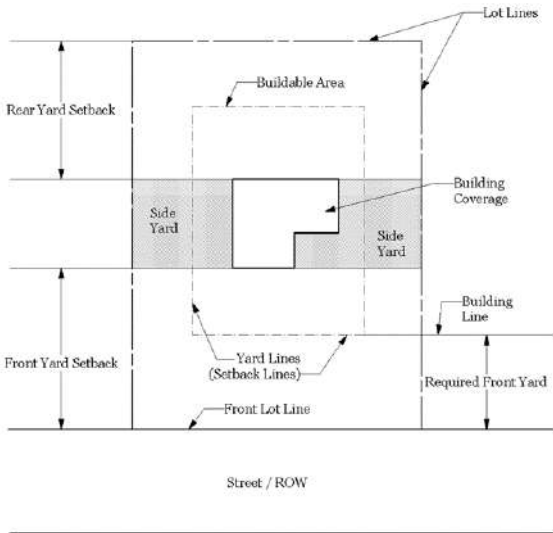
Flag lot illustration:



(2) Setbacks.

a. The required front, side, and rear yards for individual lots shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot, or from the road right-of-way if applicable. Once the yard areas of a given lot have been

established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable" area within which the approved structure(s) shall be placed.



- b. Where a road right-of-way projects over a property line, the setback shall be measured from the road right-of-way line.
- c. Corner lots shall be considered to have two fronts and shall meet the front setback for the district.
- d. Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.
- e. For lots not meeting the required minimum lot width for the respective district at the front property line or road right-of-way, as applicable, the setback shall be measured such that the distance from the front property line or road right-of-way, as applicable, shall nonetheless be included in the measurement for the required setback. The buildable area shall not, however, include any area where the minimum lot width is not met. **This provision is meant to apply to irregularly shaped lots, as generally determined by their existing lot width and configuration in relation to the district minimum lot width. This provision does not apply to flag lots. See Section 38-9.3(1)(b) for flag lot provisions.**
- f. Road design and encroachment criteria is governed by the standards in Chapter 26, of the Oconee County Code of Ordinances, as amended.
- g. Any garage door shall be set back a minimum of 20 feet from the property line that it faces so that vehicles may be parked in the driveway without encroaching into the right-of-way. If the district setback is greater than 20 feet, then the more restrictive setback shall prevail.
- h. The side and rear setbacks in the CCD and HCD shall not apply to the shared property line of attached buildings.

i. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

k. Steps and heating and cooling units may project into a required yard a distance not to exceed five feet but no closer than five feet of a property line. Fences, freestanding walls, hedges, and septic lines may be located in any setback, so long as they remain on the property.

Sec. 38-12.2. Definitions.

Building setbacks: The minimum distance from the property line or road right-of-way line, as applicable, to the closest projection of the exterior face of buildings, walls, or other form of construction (i.e., decks, landings, terraces, porches, and patios on grade).

Building setback line (also referred to as Building line): The line beyond which no part of the structure of any building shall project unless specially permitted in this Code of Ordinances and with the exception of subsurface projection of footings, measured perpendicular to the property line. This includes, but is not limited to, the building, eaves, porches, decks, chimneys, bay windows, and fire escapes.

Front yard setback—Shall be measured from the front property line or, if the road right-of-way projects over the front property line, then from the road right-of-way, all as shown on tax maps.

Side and rear yard setbacks—Shall be measured from the property lines as shown on tax maps.

Corner lot setbacks—Shall be measured from each front property line or if a road right-of-way projects over the front property line(s), then from the road right-of-way(s).

On a flag lot the building setback line runs parallel to the street and is measured from the point in the “flag” portion of the lot where the required minimum lot size is met and which is closest to the street.

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Lot, width: The straight-line distance between the points where the building setback line intersects the two side lot lines, **unless indicated otherwise by context.**

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Setback: The required minimum distance between every structure and the lot lines of the lot on which it is located (measured from the road right-of-way at the front of the lot if the road right-of-way projects over the property line, and measured from the property lines on the remaining portions of the property).

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Yard:

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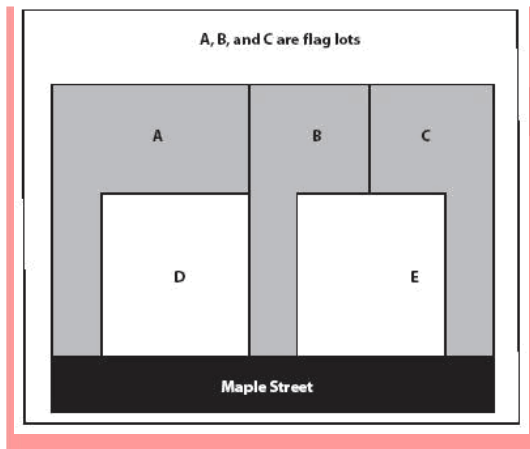
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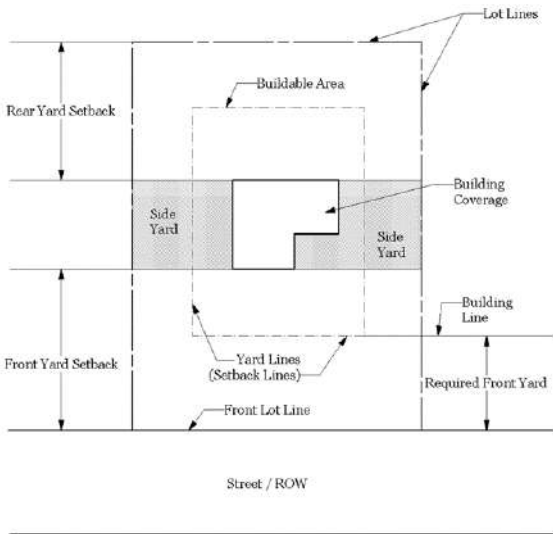
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5. There shall be no more than one flag lot per each four lots, per subdivision or development.

Flag lot illustration:



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e. For lots not meeting the required minimum lot width for the respective district at the front property line or road right-of-way, as applicable, the setback shall be measured such that the distance from the front property line or road right-of-way, as applicable, shall nonetheless be included in the measurement for the required setback. The buildable area shall not, however, include any area where the minimum lot width is not met. **This provision is meant to apply to irregularly shaped lots, as generally determined by their existing lot width and configuration in relation to the district minimum lot width. This provision does not apply to flag lots. See Section 38-9.3(1)(b) for flag lot provisions.**

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g. Any garage door shall be set back a minimum of 20 feet from the property line that it faces so that vehicles may be parked in the driveway without encroaching into the right-of-way. If the district setback is greater than 20 feet, then the more restrictive setback shall prevail.

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Setback: The required minimum distance between every structure and the lot lines of the lot on which it is located (measured from the road right-of-way at the front of the lot if the road right-of-way projects over the property line, and measured from the property lines on the remaining portions of the property).

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