IndependentMail.com
ANDERSON, SOUTH CAROLINA

Printer-friendly story
Read more at independentmail.com

Oconee could see major changes in zoning laws

By Ray Chandler

Originally published 01:20 p.m., April 17, 2012
Updated 01:20 p.m., April 17, 2012

WALHALLA — The way zoning is done in Oconee County could see major changes if proposed amendments to the code are approved.

Zoning petitions would still require approval of 51 percent of the involved landowners to be considered, but they would also require the landowners to represent at least 75 percent of the involved acreage.

The intent, say county officials, is to make it harder for petitioners to include in their petitions the property of owners who do not want to be included.

County administrator Scott Moulder proposed the change Monday at a joint workshop of the Oconee County Council and the County Planning Commission.

The change, Moulder said, would make the zoning requirements analogous to laws regarding annexation.

"This is already a precedent in state law and has been tested in the courts, as it applies to annexation," he said.

Past proposals for requiring high percentages of property ownership by the approving petitioners had been rejected in 2010 talks by planning commissioners and council members.

The proposal arose out of talks on another proposal by Planning Commission chairman Ryan Honea that would have altered one principal zoning method to allow any property owner or owners to petition for rezoning if the parcels are contiguous and include no less than 200 acres, with at least 65 percent of the parcels 1.5 acres or more.

Honea has long voiced reservations about provisions in the zoning ordinance that allow petitioners to reach far afield from their own property to include the property of others in their petitions.

Council member Paul Corbeil called the proposal "an important point to avoid future conflict."

Another proposed change in the zoning code would require all nonresidential developments in the 750-foot overlay around Lake Keowee to go before the Board of Zoning Appeals as a special exception.

Two new zoning classifications – planned development and mixed use – will be created if the changes are approved.

County planner Aaron Gadsby pointed out that other jurisdictions have these classifications, which he called "a useful tool for development." Planned development will require a developer to submit a plan to county officials, which if approved would define the specific requirements and allowances of that area's zoning.

Under proposed changes, grand-fathered nonconforming uses in zoned areas could be continued despite a 12-month gap in the activity if the activity is ceased due to economic hardship, such as a recession or such personal economic reversals as bankruptcy.

Under current code, the property owner loses the right to the grand-fathered use if the use, such as a business, is inactive for as long as 12 months.

Under the proposal, the landowner could seek up to three year-long extensions upon presenting proof of economic hardship.

The County Council will consider the amendments to the code at a future meeting.



© 2012 Scripps Newspaper Group — Online