



County Council Committee Minutes

Land Use Committee September 21, 2020

The Land Use Committee of Spartanburg County Council met on Monday, September 21, 2020, in County Council Chambers of the County Administrative Office Building. In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties. The following were in attendance: Honorable Roger Nutt, Chairman; Honorables Manning Lynch and David Britt, Committee Members; along with Honorables Michael Brown, Jack Mabry, and Bob Walker, Council Members. Also attending were Cole Alverson, County Administrator; Earl Alexander, Deputy County Administrator; John Harris, County Attorney; and Ginny Dupont, County Attorney. Honorable Whitney Farr, Council Member, was absent.

I.

Chairman Nutt called the meeting to order.

II.

- A. Ms. Joan Holliday, Interim Planning Director, presented information in reference to an Ordinance amending the **Spartanburg County Performance Zoning Ordinance (PZO)**, Ordinance No. O-19-29, so as to provide a mechanism for alternative means of protection provided by the compatibility standards in the form of a request for administrative modification for certain activities and to set forth the requirements thereof. This is the first proposed amendment of the Performance Zoning Ordinance. In the past six to eight months, Staff found that there are some uses that got caught between the old Ordinance and the new Ordinance. Staff is proposing to allow an alternative to the setbacks and buffers in the new Ordinance. This will provide an alternative means of protection that would mitigate the light noise and visual for neighboring properties for certain uses. The method for determining the eligibility is included in the Ordinance. All the requirements are outlined for how to do this. Most of it would be based on a noise plan, a lighting plan, if necessary, and a landscaping

plan just to make sure that we mitigate to the extent that is found in the Performance Zoning Ordinance.

Mr. Nutt asked if Staff has any visuals that show some of the different options available. Mr. Alverson stated that Staff did not prepare for this meeting to show visuals. In this case, the mitigation strategies that a developer could bring forward are up to them. As a byproduct of having a before and after study for noise, sightlines, and light, what will be determined is whether or not the proposed mitigation strategies offer at least as good as the protections currently outlined in our PZO. For any given project, the strategies would potentially be different, but suffice it to say that the closer you get to a neighbor the more intensive the strategy would need to be in order to protect the neighbor. It provides an alternative means to get to at least as good a conclusion as Council had previously had as part of the PZO.

Mr. Nutt stated that one of the things they really focused on with the PZO was to make sure it was flexible, but met all the criteria for protection of the existing houses or businesses in an area versus the ability to develop. In the original PZO, they did a situation where there was a certain buffer required between two uses, but those two companies or single family next door could work out an agreement between the two, and they could both agree to some kind of compatibility. The County was out of the loop, but as long as they made the agreement, it was fine. They tried to keep it as fluent as possible but still maintain a certain criteria for design making sure the uses were compatible. What they found out was if you had a 200 foot setback that is written in the law that states this use versus a single family 200 feet is how close you can get to a certain use, it may wipe out that entire property. It may be 500 acres, but the 500 acres is almost useless because of the 200 foot setback. If you could come up with some way that is compatible to that single family that offers the same amount of protection, you can then use the property for its best use, and the single family gets the ability to be protected. So, it is exactly what we are doing. We are consistent with what we have been doing with PZO. Mr. Nutt applauded Staff for coming up with these ideas. He stated that he would like to see some visuals if they have any at the next meeting and to know what the procedure is for a compatible standard.

Mr. Alverson stated that this will be referred to the Planning Commission as part of first reading. Council will hold a public hearing as part of any normal Ordinance adoption process, and the Planning Commission will hold one also. There are a couple of different avenues for people to offer feedback to Council and the Planning Commission.

Mr. Lynch added that part of this whole process was that we would study this one area of the County; then we would give time for implementation; and then see what we were up against. Mr. Lynch does not think it is a surprise to anybody that we found problems. We have been working on fixing them. Mr. Lynch stated that he is proud of the County for being slow to move forward. These are important items. They affect private property rights. We have done a good job of being slow; we have found out where there are glitches; and we are working to fix them. This is the important part of this whole process that we need to keep in mind going forward.

Mr. Britt thanked Mr. Nutt and Mr. Lynch for being the lead on this whole effort, and he thanked Ms. Holliday and her team too. Mr. Britt stated that as we said in the beginning when we undertook this, it is a living document, and just like living things, they change. It has changed, and we have made it better.

Motion made by Mr. Lynch to render first reading to an Ordinance amending the **Spartanburg County Performance Zoning Ordinance (PZO)**, Ordinance No. O-19-29, so as to provide a mechanism for alternative means of protection provided by the compatibility standards in the form of a request for administrative modification for certain activities and to set forth the requirements thereof and to refer the Ordinance to the Planning Commission. Motion seconded by Mr. Britt and carried.

- B. Updated Planning Department Reports on Development Activity were received.

Meeting adjourned.