



Spartanburg County

Planning and Development Department

MINUTES

Planning and Development Commission

COUNTY COUNCIL CHAMBERS

Special Meeting

October 04, 2022

**Members
Present:**

Whit Kennedy, Chairman
Toby McCall, Vice Chairman
Les Green
Allen Newman
Donna Turner Williams
Stewart Winslow
Bill Hamilton

**Members
Absent:**

Doug Brackett, Secretary
Jerry Gaines

Staff Present:

Joan Holliday, Planning Director
John Harris, County Attorney
Ben Thomas, Planner IV Team Lead
Jason Frady, Planner III
Rachel Dill, Planner II
Brystal Mosley, Development Coordinator II
Richie Smith, Development Coordinator

NOTICE: Pursuant to Section 30-4-80 of the S.C. Code of Laws, the annual notice of meetings for this Commission was provided on or before January 1, 2021 via the County website. In addition, the Agenda for this Meeting was posted on the bulletin board at the entrance to the Administration Building as well as on the County's website and was emailed to all persons, organizations, and news media requesting notice.

1. Call to Order

Chairman Whit Kennedy called the meeting to order.

2. Proposed Amendments and Action Items

Planning Director, Joan Holliday, began her presentation by stating the need for clarification within the Subdivision Regulations and Performance Zoning Ordinance to aid staff and the public with a clearer understanding of the ordinance requirements. Ms. Holliday stated that these proposed changes, if adopted, would be made before the PZO was rolled out to other areas in Spartanburg County. She began with the proposed housekeeping amendments to the Subdivision Regulations followed by the Performance Zoning Ordinance and requested that the Commission advise of any concerns.

a. Discussion and Recommendation of Housekeeping Amendments to the Subdivision Regulations

Ms. Holliday stated that the goal Section 1 of the proposed amendments to the Subdivision Regulations was to better define or newly define terms needed in the administration of the Ordinance.

In Section 2 there was language added to include the process for Counter Plats and Subdivision Plats. She stated that Section 3.30 included the comment: Variance from the Requirements of these Regulations shall be amended to remove the option for a Variance on Road Frontage. There was concern among the other Planning Commissioners. Chairman Whit Kennedy made a motion to remove the proposed amendment. Donna Turner Williams seconded the motion. All members voted to remove the language added to the original sentence. The motion carried with a vote of 7 to 0.

Ms. Holliday reviewed the proposed addition of language in Section 4.10 (Section 4 of the proposed amendments) dealing with the definition of subdivisions. There was discussion among the members of the Commission about the division of land into parcels of five acres or more and whether they should have road frontage. Ms. Holliday said that the statute language includes that they are exempt “where no new street is involved.”

Language in Section 5 proposes that Private Road Subdivision would require privately maintained roads to be platted as a separate parcel with ownership of the road parcel conveyed to a Homeowners’/Property Owners’ Association. Ms. Holliday stated that Section 6 included new language and/or revision to existing language to provide consistency among the requirements for the creation of new lots. She said that Section 7 clarified the required frontage for a primary access to a project and that additional entrances may be reduced to 60 feet.

Ms. Holliday told the Commissioners that, in conversations with the Public Works Engineering Division, the goal of the change in language in the second/emergency access requirement was to make it clear that the second access point, and not all roads in the subdivision, must be at least 20 feet wide, could be unpaved and accessible only by emergency vehicles.

Ms. Holliday responded to questions about the length of flag lots and access easements as well as the required frontage for flag lots meeting the requirements listed in Section 7.30 Lots. She went over the remaining proposed amendments that included: Section 7.64 Hydrants, adding the

language of the International Fire Code, Section 8.10 Surety, that listed the acceptable forms of surety, and concluded with Section 10 Final Plats, that stated recordation shall occur within 90 days of approval and that after 90 days approval shall be void and will require a new approval.

Ms. Holliday asked if there were any other questions on the amendments to the Subdivision Regulations.

b. Discussion and Recommendation of Housekeeping Amendments to the Performance Zoning Ordinance

Ms. Holliday stated that the proposed Amendments to the PZO were largely to provide clarification or additions that had been frequently discussed or caused some confusion. She gave an overview of each proposed amendment.

She said Section 1 proposed to add or update some needed definitions. Section 2 involved the addition of Agricultural Building as a Principal Activity and revised Accessory Activities to include accessory apartments and personal use storage buildings. She also referred to the addition of how to measure a setback for swimming pools. Sections 3 and 4 were where Agricultural Buildings were included in the tables.

Chairman Whit Kennedy asked for clarification about Personal Use Storage Buildings. He said that the need was to provide a more concise definition of the type of use allowed when applying for a Personal Use Storage Building so that it does not become commercial. He gave examples of boat storage, personal recreational vehicles, and tractors as acceptable types of use for the activity. He said that commercial use in a personal use storage building would require a different type of review that would protect adjacent residential properties from the more intensive use.

Donna Turner Williams, Bill Hamilton, and Whit Kennedy asked for a more concise explanation of the term non-residential. John Harris read off the definition of non-residential use. There was discussion among the members about the term. Ms. Holliday suggested adding language to read: "Personal Use Storage Buildings shall not be used for Commercial, Institutional, or other non-residential purposes." She asked if this would satisfy the concerns. Ms. Williams, along with other Commissioners agreed that it read better and made more sense.

Bill Hamilton asked if it would be a requirement for a business to present their business license to obtain a permit for a storage building and Mr. Harris responded that Spartanburg County does not require business licenses like municipalities.

Referencing the remainder of Section 2, Ms. Holliday referenced Section 2.1.10, If the parcel is vacant, the building shall be considered the Principal Activity and must obtain a Zoning Permit. She recommended adding the language "and/or a building permit" since a zoning permit may not always be applicable. Toby McCall asked what would be done if a business was using a Personal Use Storage Building for commercial purposes. Ms. Holliday stated that efforts would be made to contact those in question and work with them to satisfy the conditions of the ordinance. She stated that many violations are due to not knowing the requirements of the County.

John Harris suggested the statement to read, "If the parcel is vacant the proposed building shall be considered the Principal Activity and must obtain a zoning permit and/or a building permit for a

Principal Activity” listed within. All members agreed and moved on to the next section.

Ms. Holliday stated that since variances were not allowed on density that the goal for the highlighted portion in Section 5 was to provide those individuals with alternative options when they do not have adequate road frontage. She said Section 6 was to provide further clarification in understanding the General and Special Rules and that nothing had been removed from the section.

Bill Hamilton went back to the language in Section 5: “Density cannot be varied but may be adjusted as an incentive as allowed under this Ordinance.” Whit Kennedy stated that the purpose of a variance was to allow for someone to apply for a variance when they are unable to meet the requirements of the Ordinance. Ms. Holliday explained that only certain densities were allowed on certain road classifications. If the density was exceeded by the granting of a variance, it would be considered a use variance. Mr. Harris clarified that even if a variance was allowed on density, then it would go to the Board of Zoning Appeals since this pertained to the Performance Zoning Ordinance. Mr. Harris further explained that the density was based on road classifications and to change the allowable density, a road would have to be reclassified.

Ms. Holliday continued to Section 7 and said that Agricultural Building had been added to the list of Activities and Vehicle Servicing (Limited) was also included in the chart. She said that in Section 8 for Activities requiring Conditional Use Approval, shall be amended to prohibit variances on the requirements that make them a Conditional Use. Ms. Holliday said that Section 9 included some additional language about what would be allowed in the Open Space.

John Harris stated that sub-section d, of the Landscape and Open Space, was the only portion that was being proposed for amendment. The Commissioners discussed adding language stating that Open Space should be contiguous to the subdivision. Ms. Holliday suggested adding that Open Space is required to be inside the subdivision. The members agreed.

Ms. Holliday said that Section 10 proposed to increase the administrative variances. She said that she would like to include the statement that such an administrative variance shall not apply to the Conditional Uses. Whit Kennedy asked where this should be added and Ms. Holliday read off the sentence, “this remedy, when applicable, will only be applied to the required linear measurement for buffers and/or setbacks.”

Toby McCall asked that in Section 1, 9.3.10 there be a revision to the language in the first sentence that corrects the proposal process for Map Amendments to read the following: Map or Text Amendments may be presented to the Spartanburg County Planning Commission for a recommendation and then forwarded to the County Council for approval. The Commissioners agreed.

Ms. Holliday concluded the discussion on the Performance Zoning Ordinance and said that the recommendations and votes would take place during the regular meeting.

3. Adjourn

There being no other discussion, Chairman Whit Kennedy adjourned the special meeting.

By: Douglas C. Brackett
Doug Brackett, Planning Commission Secretary
Prepared by: Planning and Development Department Staff

* These items require no action other than being read into the minutes.