

DATE: 8/25/23 FILE NO: DATE585  
TO: Cherokee County Council  
SUBJECT: Minutes of Zoning Workshop, 8/24/23

There was a Zoning Workshop of County Council on Thursday, 8/24/23, 5 PM in Council Chambers. Chairman Spencer presided and lead in prayer. All council members were present except Lyman Dawkins, who was absent. Interim Admin. Merv Bishop and Master Clerk Doris Pearson were present. The news media was informed by agenda and it was posted in accordance with the SCFOIA. There were 3 visitors present; no news media were present.

Chairman Spencer turned the Zoning Workshop of Thursday, 8/24/23, 5 PM, over to Interim Admin. Merv Bishop. He introduced the speakers from Benchmark Planning, Jason M. Epley, AICP; Vagn Hansen, AICP and Bridget Callea, AICP; and Sean Scoopmire, AICP, JD from White & Smith.

Jason Epley stated we were asked about 6 months ago to look at your Comprehensive Plan and to meet with council regarding zoning & planning for Cherokee County. We are presenting 3 major tasks: **Phase 1)** develop a new Comprehensive Plan to guide land use & development decisions throughout unincorporated Cherokee Co. in compliance with state law, **2)** draft Zoning Regulations & prepare updates to the Land Development Regulations; and **3)** prepare Zoning Implementation Plan. The purpose of the plan is to develop a community-based vision for the future; a guide for land use, redevelopment & growth; a guide for capital investments & community initiatives; and be in compliance with the State's Planning Enabling Act. Things to look at during this planning are population, natural resources, community facilities, land use, priority investment, economic development, cultural resources, housing, transportation & resiliency. This will involve a few stages: 1) community assessment (this is 80% completed) we met with about 50 people throughout the county for one entire day, listening sessions (completed in March '23), public kickoff/presentation & community survey (Oct. '23/Nov. '23), meet with the planning commission (Dec. '23/Jan. '24), community input meeting (Jan. '24/Feb. '24) and develop vision & goals. **Phase 2: Develop Comprehensive Plan** – prepare the draft plan and this will happen by meeting with the Planning Commission (Feb. '24/March '24), community input meeting hopefully in April '24; and adoption process (May '24/June '24). We will then assess the current development regulations, have a workshop with you to review our recommendations, prepare a draft ordinance, give you updates on the regulations, have community input meetings, finalize the ordinance, adopt the process, and set meeting date which will be determined later. Some of this may overlap with the Comprehensive Plan.

Sean Scoopmire, AICP with White & Smith, I'm here to help you write your zoning regulations. Home Rule has the powers: Local Government Comprehensive Planning & Zoning Enabling Act of 1994 (SC Code Ann. 6-29-310 et seq.) It has regulations for the creation of Planning Commission, the Comprehensive Planning Process, zoning & land development regulations. The players in this of course are you (county council) to make legislative decisions, including the adoption of zoning regulations & amendments to the ordinance; then you appoint the Planning Commission who is a volunteer board which oversees the development of the comprehensive plan & recommends adoption &

changes to zoning & land development regulations to council; they also hear appeals of staff decisions under the LDRs; then you have your Board of Zoning Appeal which is a separate board appointed by council, this volunteer board hears requests for special exceptions, variances and appeals from staff. Then you have your staff who oversee the implementation of the regulations. Your first step is you must have a Comprehensive Plan then you can go forward with zoning. You will need to advertise 30 days in advance for a public hearing. The Planning Act provides for about 8 purposes of zoning. You have two choices: comprehensive zoning vs partial zoning. Comprehensive zoning means that the ordinance applies to all land in the jurisdiction & provides for all land uses. Partial zoning is when you choose an area which can refer to jurisdictions not to include all land in the zones area and uses can refer to jurisdictions that only regulate certain land uses or development standards. Types of zoning regulations: districts – agricultural/rural, residential, commercial & industrial; uses – height, bulk & density. Components of a Zoning Ordinance. Topics addressed by zoning such as the uses of buildings, structures & land; the size, location, etc. number of stories of buildings; the density of development; open space; off-street parking; tree preservation, landscaping, lighting, etc.; and other issues as determined by the governing body. Common zoning terms & tools: base zoning districts, overlay zoning districts, planned development districts, cluster development. Use regulations – conditional uses & special exception uses. Nonconformities with initial zoning: a nonconformity is an established structure or use of land that does not comply with the new zoning ordinance; establishing zoning for the first time may result in nonconformities; a zoning ordinance should address the effect of a pre-existing nonconformity such as grandfathering, variable compliance & amortization. We did 3 case studies with 3 counties surrounding your county that have similar situations: interstate close by providing huge access to economic development, growth impacts from Charlotte; large rural areas. York Co. is like Cherokee in that they have interstate access, developed areas around interstate, growth impacts from Charlotte and large rural areas. They have comprehensive zoning of the county (all areas & uses); land use regulations include zoning code, land development code, stormwater management & sediment control ordinance, and flood damage prevention ordinance. Greenville County has interstate access, developed area around interstate, growth impacts from I-85 and City of Greenville, the mountains in the north and agriculture in the south. They use partial zoning of the county (by area). Land use regulations include zoning ordinance, land development regulations, stormwater management, floods/flood control, separate ordinances regulating adult uses, signs & tree standards & practices; and currently developing unified development ordinance. Greenville County initially adopted zoning in June of 1970. Since then, they have enacted initial zoning of additional areas 19 times. They also have a voluntary initial zoning process. Oconee County has interstate access; limited development around the interstate; Lake Hartwell residential development; mountains in the north and agriculture in the south. They adopted the Hybrid Zoning for the county with partial by area with “Control Free District”. Land use regulations include zoning, unified performance standards and flood damage prevention. Zoning - initially, some parcels were zoned around the lake & interstate; all other parcels in the county were zoned as “Control Free Districts”; special design, density and land use restrictions apply in areas around the interstate; countywide “unified Performance Standards” regulate specific uses, including sexually oriented businesses, airport height, communications towers, group residential developments, tattoo parlors and

Signs. They have a voluntary initial zoning process. Subdivision is also controlled by the Unified performance standards. Councilman Blanton asked does Greenville or Spartanburg Counties control their sexually oriented businesses by ordinance & zoning? Sean replied yes. We have an ordinance regarding this but is there a better way to control it? Is one better than the other? They are basically the same. Jared replied zoning regulates types of businesses and through that you can predetermine whether you thought it might be appropriate or inappropriate as to where it could be in your county. Quay Little asked about the ordinances we already have in place; will they remain in place or will they become part of the zoning ordinance? Jared replied it would be more efficient to be part of the zoning ordinance. Chairman Spencer asked if we go with the partial county zoning and some places want zoning and some don't want zoning, would we have to vote on those each individual projects as they come to our county? Jared replied it would depend on how the plan was for that area you adopted; if other areas come along after the fact, saying we would like to also be zoned then you would have to start that process for zoning for that area. If you have the control fee zoning method in place it would make it easier. Jason stated you have two county zoning approaches: 1) full countywide zoning - that have districts with full regulation; or combination of regulated and less/unregulated districts. 2) partial county zoning – single zoning ordinance; and separate ordinances for different geographic areas.

Jason Epley stated we prefer to begin with a public kickoff/presentation & community survey hopefully (Oct. '23/Nov. '23) maybe here at the Admin. Building; we can do online survey and send it out through news media, email and social media; and project a website [www.PlanCherokeeSC.com](http://www.PlanCherokeeSC.com) which is not live yet. Then we would like to begin assessment of the development regulations. Would like to meet with the Planning Commission at meetings in Dec.'23 and Jan. '24. Have community input meetings hopefully in Jan. '24 and Feb. '24.

Councilman McDaniel stated down the I-85 corridor we have a lot of commercial & industrial developments as well as down Hwy. 5, how do we handle zoning there. We are expanding sewer there which will bring in residential & industrial and a lot of new houses are being built there now. Shawn replied you can address that through your zoning ordinance. You can designate which areas you want residential and which you want industrial. Look at your map and do the best use of the land. It can be all types but you need to define it in your ordinance as to what goes where.

Quay Little said I feel the zoning will follow the sewer that we are getting out there now. The sewer is going in the incorporated area and those areas will need zoning. The rural area land in our county is very valuable and we need to protect it.

Bill Blanton asked what if an industry comes in and purchases land and plans to build industries there, how hard is it to add restrictions or zoning on that property? Sean replied it would be too late. The property we're talking about is within the city limits, does this affect them? Sean replied no, only the unincorporated areas. Bill replied this area will be a traffic headache; it is a busy road now and only ¼ mile from interstate. They plan to build 700 new houses. Tracy replied we have no say so since the city annexed that property in. Quay asked Sean if they had looked at the City Zoning Plan? We will look.

Chair Spencer asked do we need to hold a public hearing on this? Sean replied yes but we need to get feedback from you first before you move forward on zoning as well as the public's feedback.

Tracy McDaniel asked can we zone landfills, dirty industries, etc. I don't want them in our county. Bill asked what about a hog farm, can we say you can't put it in a certain area? Sean replied you don't have to get into the level of detail. DHEC has regulations on a lot of these. Tracy replied, "We have a lot of cattle farmers and we support them. We don't want to hurt those people. Merv replied, the money we are spending on sewer has my concern because we have people wanting to put up RV Parks along our sewer lines. Can we prevent this? Sean replied put in zoning. Dale Gibert replied the new regulations that council just passed regarding the Campgrounds & Recreational Vehicle Park will help stop that.

Quay Little asked what are you going to do to receive public input? Jason replied as we outlined in the Comprehensive Plan, we plan to have community assessment; listening sessions and public kickoff/presentation & community survey around 10/23-11/23; meet with the planning commission 12/23-1/24; have community input meetings 1/24-2/24 and then develop the vision & goals. We plan to have community wide meetings and then we will have workshops.

Sean asked, do you know in which direction you want us to go? Quay replied, I'm confused but I think Performance type. David Smith replied full county wide zoning sounds scary so I'm looking at partial zoning. Tracy McDaniel asked if we go full county wide zoning, how would it affect residents 6 or 8 miles out of the city limits of Blacksburg & Gaffney? Sean replied, you can have no use regulations but you might have a regulation on how their property is developed. Rural can cause conflicts as well. For instance, they could put on special events that may cause parking problems, loud music, etc. They will still be able to do it, but they would have to comply with your regulations. With partial zoning, you can still adopt land use regulations.

Quay Little asked, so we could do general land use for the whole county and have certain specific things that we don't want in the county. Then we could taper off and have another one for sewer line land use; and another one for interstate. So, we can multi-layer this to what we wanted that would involve everyone's land. Could we start out in general by being very vague on certain things we don't want and start moving in the right way. That's probably the way we need to go to sell this to the people in our county. You still have some people that don't want us telling them what they can do with their property. Tracy McDaniel stated, I don't know how we can sell that unless we can prove to them that it is a benefit to them; there is some protection to be had by county wide zoning. Jason, I'm hearing that you want us to focus on the areas that potentially be zoned. Quay replied we need to move fast on what is happening in our county right now regarding these houses going up everywhere. Tracy, you need to expedite this faster and leave the rural areas alone. I think we need to look at partial county zoning. Tracy McDaniel stated that Hwy. 11 is a Scenic Highway and we have discussed how to preserve what's left there. Houses & RV Parks are going up all along that highway. We have two Revolutionary War battlegrounds in our county and we need to protect them. Mike replied we have four RV Parks up Hwy.

11 now. Jason replied I think you want us to focus our efforts on areas in the county, not county wide. Quay replied take county-wide zoning out of the equation and we will be okay. Dick Lavendar asked can we develop recreational land along the Broad River? Tracy replied it has been designated as a scenic river. Tracy asked Mike his concerns along Hwy. 5 & I-85? Mike replied with putting sewer lines down will bring in more industries. Sean replied that our plan will help direct that. Your Comprehensive Plan will choose what is there today and what can be there tomorrow.

Jason asked for the public kick-off meeting, where is a local place that we can hold it? Council replied you can hold it here at the Administration Building in Council Chambers. We will also kick-off an on-line survey for people to make comments about the future of Cherokee County, what they would like to see; all of this will be on a Project Website at [www.PlanCherokeeSC.com](http://www.PlanCherokeeSC.com) but it is not live yet. Sean will begin looking at your development regulations in more detail and at some point, come back to you with our findings. Sometime in Dec. '23 we would like to have another meeting with the Planning Commission. What are good times to hold community input meetings? Council agreed 6 PM is a good time but do not meet on Wednesdays.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:56 PM.

APPROVED: **9/11/23**

BY ITS CHAIR: **Tim Spencer**

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council