

**MINUTES  
COMMITTEE ON PLANNING AND DEVELOPMENT  
DECEMBER 2, 2013  
CONFERENCE ROOM D – COUNTY SQUARE  
5:00 PM**

Pursuant to the Freedom of Information Act, notice of the meeting, date, time and place of the agenda was posted on the bulletin board at the entrance of the Council Office and mailed to the newspapers, radio stations, television stations and concerned citizens.

**COMMITTEE MEMBERS PRESENT:**

Joe Dill, Chairman  
Dan Rawls, Vice Chairman  
Fred Payne  
Sid Cates

**COMMITTEE MEMBERS ABSENT:**

Lottie Gibson

**STAFF PRESENT:**

Teresa Barber  
Dean Campbell  
Lance Estep  
Paula Gucker  
Helen Hahn  
Eric Johnson  
John Owings

**CALL TO ORDER:**

Chairman Dill called the meeting to order at 4:07 p.m.

**INVOCATION:**

Councilor Payne gave the invocation

**Approval of the minutes of the November 4, 2013 meeting**

**MOTION:** By Councilor Rawls to approve the minutes of the November 4, 2013 meeting. The motion carried unanimously by voice vote with one absent (Gibson).

**Zoning Dockets**

Mr. Johnson presented the following

**DOCKET NUMBER:** CZ-2013-47

**APPLICANT:** Michael F. Barnes

**PROPERTY LOCATION:** Alexander Road and Picket Road

**PIN/TMS#(s):** T035000101513 (portion)

**EXISTING ZONING:** R-15, Single-Family Residential

**REQUESTED ZONING:** R-S, Residential Suburban

**ACREAGE:** 6.04 acres

**COUNCIL DISTRICT:** 18 - Baldwin

**ZONING HISTORY:** The parcel was originally zoned C-1 in June 1970 (Area 1)

**EXISTING LAND USE:** Vacant lots/undeveloped

**AREA CHARACTERISTICS:**

Lot "A"		
	Zoning	Land Use
North	R-S	Agricultural/undeveloped land
East	R-15	Single-family dwelling unit and undeveloped land
South	R-15	Undeveloped land
West	R-15	Enoree River, then farther west is Corey Burns Park
Lot "B"		
North	R-S R-15	Agricultural/undeveloped land; and Undeveloped land
East	R-15	Right-of-way for Alexander Road; then farther east is undeveloped land
South	R-15	Single-family dwelling unit and undeveloped land
West	R-S R-15	Agricultural/undeveloped land Undeveloped land
Lot "C"		
North	R-S	Agricultural/undeveloped land
East	R-15	Right-of-way for Alexander Road; then farther east is undeveloped land
South	R-15	Right-of-way for Picket Road; then farther south is undeveloped land
West	R-15	Undeveloped land

**WATER AVAILABILITY:** Greer Commission of Public Works

**SEWER AVAILABILITY:** Taylors Sewer District

**IMAGINE GREENVILLE PLAN:** Residential Land Use 2

**ROADS:** Alexander Road: 2-lane State-maintained collector  
Picket Road: 2-lane, County-maintained local road

**TRAFFIC IMPACT:** Traffic generated from the site should remain the same. No traffic count station was found in the immediate area. The closest and most relevant traffic count was conducted on Brushy Creek Road in 2012, approximately 3280 feet south of the subject site. The station counted 19,400 average daily traffic trips, which represented a 4.3% change (increase) from the previous year.

### **SUMMARY**

The subject property is an undeveloped parcel of land that is comprised of three (3) separate lots – none of which abut each other (see accompanying location map). Each lot however, surrounds a large (16.8-acre) undeveloped tract of land that is zoned Residential Suburban (R-S) and currently being used for a cow pasture. Staff understands it is the applicant’s intent to combine the three (3) lots with the larger tract of land and expand the boundaries of the cow pasture.

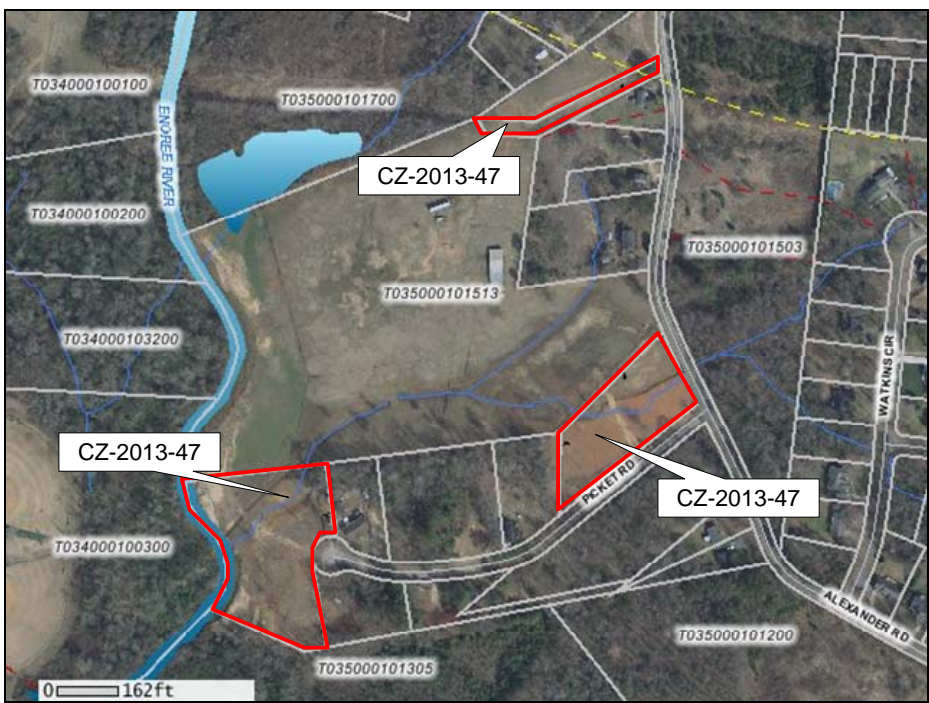
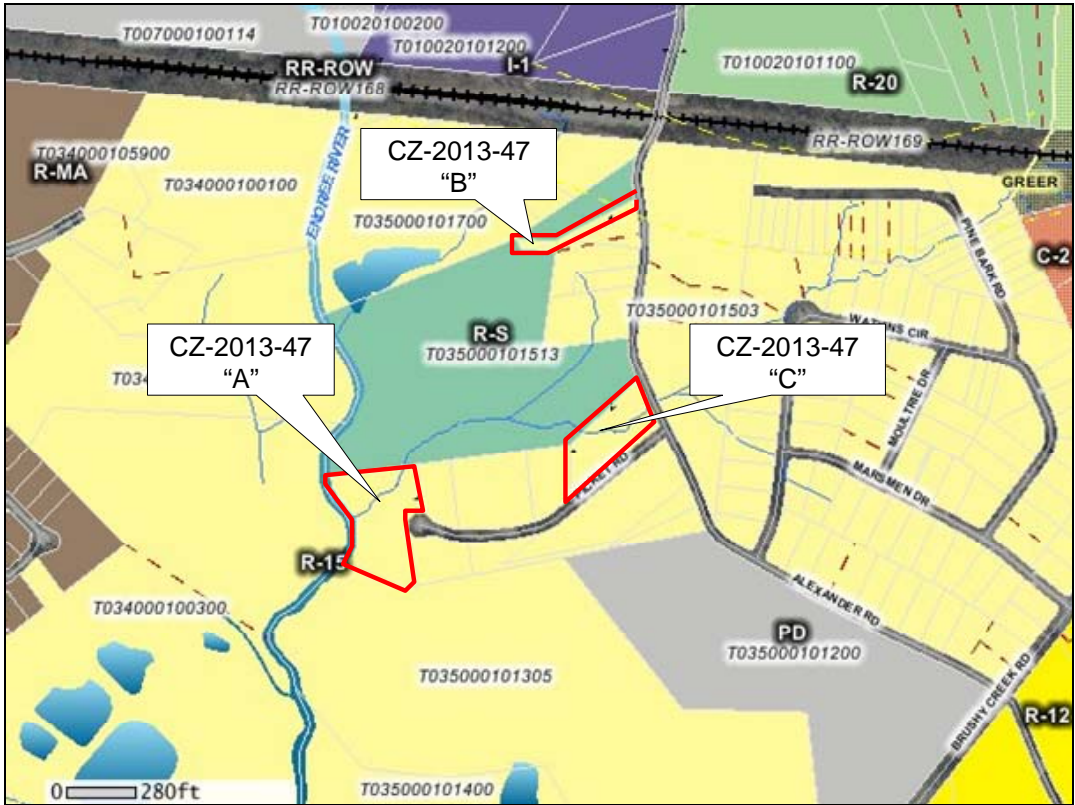
This application is to rezone the three (3) lots from R-15, Single-Family Residential to R-S, which would be consistent with the zoning of the large, undeveloped parcel. If this request for rezoning is approved, the entire unified parcel would be zoned R-S. The R-S district was established to provide reasonable safeguards for areas that are in the process of development with single-family dwellings but are generally still rural in character.

### **CONCLUSION**

The subject parcel is comprised of three (3) individual lots, but none abut each other. However, all three (3) lots surround (and abut) a large (16.8-acre) undeveloped parcel. The large abutting parcel is zoned Residential Suburban District (R-S) and is currently being used as a cow pasture. The applicant’s intent is to combine the three (3) individual lots of the subject parcel with this 16.8-acre undeveloped parcel, to create one (1) unified parcel and expand the physical boundaries of the cow pasture. A cow pasture (Farm Animals, Livestock, Barns, and Stables) is a permitted use in the R-S district. It is not allowed in the R-15 district. At this time, it is unclear if it is the applicant’s intent is to expand the boundaries of the cow pasture in order to increase the number of livestock or to just merely expand the physical boundaries of the pasture.

With respect to the subject parcel and the Imagine Greenville Comprehensive Plan, rezoning to the R-S zoning district would be inconsistent with the assigned Residential Land Use 2 future land use classification. However, it should be noted that the westernmost lot of the subject parcel, as well as the western property line of the undeveloped 16.8-acre parcel abuts Corey Burns Park, which is classified Rural Land Use 1. As such, the requested R-S zoning for the subject parcel would be consistent with the future land use classification of the abutting property. As previously mentioned, the applicant’s intent is to unify the subject parcel with the 16.8-acre parcel, and to match its zoning. This would be an appropriate and logical application of zoning/land use planning.

As with any rezoning application, staff evaluates the potential for negative impacts to abutting properties as well as with those within the immediate area. As of the today, there are no residential subdivisions within close proximity to the subject parcel or existing cow pasture, and except for one parcel, an overwhelming majority of the abutting properties are undeveloped. Therefore, based on the aforementioned reasons, staff recommends approval of the application to rezone from the R-15 district to the R-S district. The Planning Commission recommended approval of the request.



**MOTION:** By Councilor Rawls to approve CZ-2013-47. The motion carried unanimously by voice vote with one absent (Gibson).

Mr. Johnson presented the following:

**DOCKET NUMBER:** CZ-2013-48  
**APPLICANT:** David Sarkela  
**PROPERTY LOCATION:** East Coleman Road, Roberts Circle, and River Road  
**PIN/TMS#(s):** 0534010100800 (portion)  
**EXISTING ZONING:** R-S, Residential Suburban  
**REQUESTED ZONING:** R-15, Single-Family Residential  
**ACREAGE:** 3.78 acres  
**COUNCIL DISTRICT:** 21 - Burns  
**ZONING HISTORY:** The parcel was originally zoned C-1 in June 1970 (Area 1)  
**EXISTING LAND USE:** Vacant lot/undeveloped  
**AREA CHARACTERISTICS:**

	Zoning	Land Use
North	R-S R-20	Single-family dwelling unit. Single-family dwelling unit.
East	S-1	Right-of-way for River Road; farther east is developed services/industrial uses (Upward Ventures; Teludyne Tech Industries; and Carolina Cheerleading).
South	R-S	Right-of-way for East Coleman Road; farther south is single-family residential properties.
West	R-S	Right-of-way for Roberts Circle; farther west is partially developed single-family residential properties.

**WATER AVAILABILITY:** Greenville Water

<b>SEWER AVAILABILITY:</b>	Metro District; however, sanitary sewer is not readily available to the property
<b>IMAGINE GREENVILLE PLAN:</b>	Residential Land Use 2
<b>ROADS:</b>	Roberts Circle, East Coleman Road, and River Road: 2-lane, County-maintained local roads
<b>TRAFFIC IMPACT:</b>	Traffic generated from the site is expected to increase, albeit minimally. No traffic count station was found in the immediate area. The closest and most relevant traffic count was conducted on South Batesville Road in 2012, approximately 4490 feet northwest of the subject site. The station counted 14,900 average daily traffic trips, which represented a 7.45% change (decrease) from the previous 5 years.

### **SUMMARY**

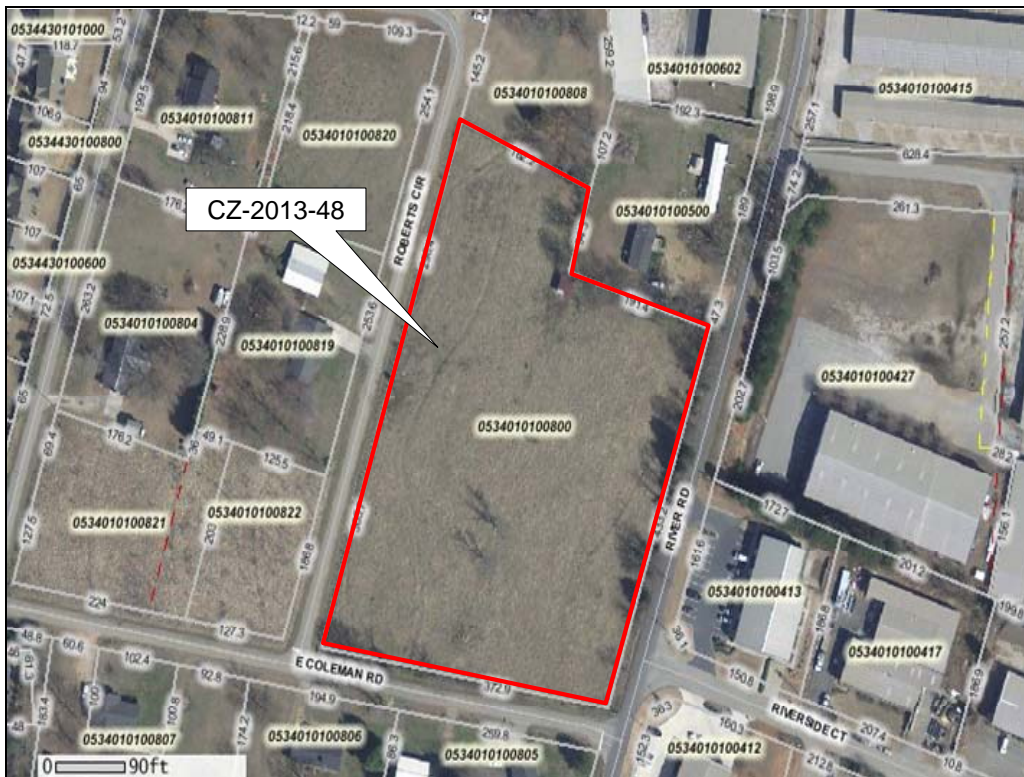
According to County records, the subject parcel is comprised of two (2) lots for a total of 3.78-acres. The larger of the two (2) lots, which is the subject of this rezoning request, has frontage on three local roads. It is nestled in a pocket of Residential Suburban (R-S) zoning, located in the eastern portion of the County near the City of Greer and the GSP Airport Environs – Special Land Use Area. The application is to rezone the parcel from R-S to R-15, Single-Family Residential. The parcel is located within the Metropolitan Sewer Subdistrict, but sanitary sewer is not readily available. The R-15 district was established in areas in which the principal use of land is for single-family dwellings (15,000 square foot minimum lot size/2.9 dwelling units per acre).

### **CONCLUSION**

The subject parcel is undeveloped and located in a small pocket of Residential Suburban (R-S) zoning. Many of the properties within the immediate area are zoned for either higher residential densities (i.e., R-20, R-12, R-M10, R-M20, and PD) or greater commercial intensities (i.e., O-D, NC, and S-1). In addition, the closest property in the City of Greer is zoned Industrial (I-1), which is the equivalent to the County's Industrial (I-1) district.

Rezoning to the R-15 zoning district would be consistent with the future land use classification of the Imagine Greenville Comprehensive Plan (Residential Land Use 2). Staff recognizes this area of the County will continue to develop, as exemplified by this rezoning application. Staff also recognizes the subject site directly abuts property that is zoned S-1. This nonresidential district was intended to provide an appropriate transition between commercial and industrial districts.

Based on the aforementioned reasons, staff recommends approval of the request to rezone to R-15; however, ultimately, a higher residential zoning designation would have been preferred given the transitional nature of the area, in conjunction with the mix of existing (and allowable) land uses within the immediate vicinity of the subject site. The Planning Commission recommended approval of the request.



**MOTION:** By Councilor Rawls to approve CZ-2013-48. The motion carried unanimously by voice vote with one absent (Gibson).

Mr. Estep presented the following:

**DOCKET NUMBER:** CZ-2013-37

**APPLICANT:** Greenville County Council

**TEXT AMENDMENT:** Text amendment to amend Article 4 Definitions and Table 6.1 Uses Permitted of the Greenville County Zoning Ordinance to define chickens, to amend the definition of farm animals, and to permit chickens in all zoned areas

**BACKGROUND:**

In 2012, an ordinance was proposed which regulated chickens and coops in the zoned portions of Greenville County. The Planning Commission recommended denial of the proposal, and eventually the proposal failed at County Council.

In August, County Council submitted a draft ordinance for consideration which defined chickens as pets, permitted roosters and placed no numerical limit on chickens. The Planning Commission recommended denial of the proposal. After hearing the Planning Commission's recommendation, the Planning and Development Committee directed staff to work with the Commission to draft a revised ordinance, reflecting the concerns brought forth previously.

Staff presented a revised draft ordinance to the Planning Commission earlier this month at a workshop. Staff has incorporated comments from that meeting. Additionally, staff conferred with the County Attorney's Office regarding the effect of an ordinance on HOA covenants. As with any regulation enacted by a local government, HOA covenants will supersede enacted regulations. Staff also met with the Government Affairs Director for the Greater Greenville Association of Realtors, who echoed the County Attorney's comments and offered support for the proposed chicken ordinance.

Staff's proposal to the Commission includes the following:

- Allow chickens (no roosters, maximum of 8) with conditions in the following zoning districts: R-6, R-7.5, R-10, R-12, R-15, R-20, RM-2 – RM-20, and R-MA.
- Nonresidential districts were removed and language was added to ensure that residential uses in nonresidential districts are afforded the same opportunity to have chickens.
- Coops and pens are not required, but should a homeowner elect to erect a structure, they are required to obtain a permit from the Building Safety department, the same as any accessory structure.
- Chickens must be contained within the confines of the owners' property.
- No registration fee or annual inspection is required.
- Complaints related to chickens will be handled by our Code Enforcement Department.



**AN ORDINANCE**

AN ORDINANCE TO AMEND ARTICLE 4 DEFINITIONS, TABLE 6.1 USES PERMITTED, AND SECTION 6:2 USE CONDITIONS OF THE GREENVILLE COUNTY ZONING ORDINANCE, RELATING TO PERMITTED CONDITIONAL USES.

BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

**Section 1. Findings.** Greenville County Council finds that the citizens of Greenville County wish to include limited agricultural tasks within their communities; in particular, those activities pertaining to raising chickens. Improving economic activity and furthering community partnerships are consistent with the goals and objectives of the Comprehensive Plan of the County. And further, in order to implement this community agricultural activity and to allow for this use, it is necessary to amend the Greenville County Zoning Ordinance.

**Section 2. Amendment.** Article 4, Table 6.1, and Section 6:2 of the Greenville County Zoning Ordinance, as amended, are hereby amended to read as follows:

**PART 1 (Text Changes):**

**Amendment to Article 4 Definitions:**

**Add the following definition:**

Chickens: Any member of the species Gallus gallus domesticus, regardless of sex. Chickens kept, raised, or used in accordance with Use Condition 29 are not considered farm animals as defined by the Greenville County Zoning Ordinance, as amended.

**Amendment to Section 6.2:**

**Add Condition (29) to read:**

(29) Chickens: In addition to chickens permitted in the Unzoned area and the R-R3, R-R1, and R-S districts, chickens may be permitted in the R-6, R-7.5, R-10, R-12, R-15, and R-20 Single-Family Residential Zoning Districts; R-M2 through R-M20 and R-MA Multifamily Residential Zoning Districts; and may be permitted where single-family, two-family or multi-family uses are located in nonresidential zoning districts, subject to the following conditions:

- A. No more than eight (8) chickens shall be permitted on a single property.
- B. Roosters are prohibited.
- C. Chickens shall not be allowed to roam off the owner's property.
- D. Chickens shall be maintained in a healthy and sanitary manner to avoid potential health hazards or offensive odors.
- E. Pens/coops/enclosures shall be considered accessory structures and shall meet all applicable provisions of the Zoning Ordinance relating to accessory structures and shall require a permit.
- F. If constructed, pens/coops/enclosures must be screened from adjacent residential zoning districts and/or uses using the materials set forth in Section 12.9 of the Zoning Ordinance.

**Amend Condition (25) to read:**

(25) Livestock in R-20A Zoning District

Space or Shelter shall be provided where livestock is kept or fed in an R-20A District and shall not be permitted within 100 feet of any property line, except where such property line abuts a street, railroad, or watercourse at least 100 feet in width. This does not apply to chickens kept, raised or used in accordance with Use Condition 29.

**PART 2 (Table Changes):**

**Amendment to Table 6.1:**

Amend Table 6:1 Use Table to add the conditional use Chickens (C<sup>29</sup>) as indicated in the specified districts below:

R-6, R-7.5, R-10, R-12, R-15, and R-20, Single-Family Residential; R-M2 through R-M20, Multifamily Residential; R-MA, Multifamily Residential.

**PART 3:**

The changes set forth in this amendment shall be reflected in all applicable and affected sections of the GCZO.

**Section 3. Committee Review Required.** Staff shall report to the Planning and Development Committee one year after the effective date of this ordinance for the purposes of updating the Committee on the effectiveness of the text amendment.

**Section 4. Effective Date.** This ordinance shall become effective on the date of its adoption.

DONE IN REGULAR MEETING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Bob Taylor, Chairman  
Greenville County Council

\_\_\_\_\_  
Joseph M. Kernell  
County Administrator

ATTEST:

\_\_\_\_\_  
Theresa B. Kizer  
Clerk to Council

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_  
Third Reading \_\_\_\_\_  
Public Hearing \_\_\_\_\_

Dr. Cates requested information regarding the sixty some odd complaint cases on hold regarding chickens.

Teresa Barber, Code Enforcement manager explained to Dr. Cates the majority of complaints received were regarding roosters. She stated the draft ordinance submitted in the Committee's packet does prohibit roosters. Ms. Barber additionally explained the process in which the ordinance would be enforced once a citizen complaint was received.

**MOTION:** By Dr. Cates to approve CZ-2013-37. The motion carried unanimously by voice vote with one absent (Gibson).

### **Proposed Light Ordinance**

Chairman Dill stated he had received a comment from the community regarding the proposed ordinance and passed on to staff the comment being for staff to look at how anything proposed would affect business and homeowners. He stated he would not be in favor of placing any additional hardships on business owners nor homeowners requiring additional charges/changes.

Mr. Estep informed the Committee members in the past fifteen (15) years the county has only received three (3) lighting complaints.

**MOTION:** By Dr. Cates to table the item. The motion carried unanimously by voice vote with one absent (Gibson).

### **REQUESTS AND MOTIONS**

Dr. Cates requested an update to the text amendment which would address social activities such as weddings, banquets, etc. in scenic areas of the county. He offered his assistance to staff in the wording of the amendment if needed.

Mr. Estep stated staff was currently doing an inventory on various social/wedding facilities within the county and trying to find some commonality between them in order to have a starting point for the amendment.

Dr. Cates stated he knew the individuals had some summer commitments, but he was wondering if they could proceed with making further commitments.

Mr. Estep stated the enforcement has been stayed upon and the individuals could proceed with making future celebratory commitments with the understanding if the amendment fails they would need to contact those individuals whom had the commitments and cancel the events.

Dr. Cates asked if the party was aware they could proceed.

Mr. Estep stated he had not discussed that with the applicant.

Dr. Cates stated he would contact the applicant and speak with them and refer them to staff if they had any questions.

Chairman Dill requested for a future meeting he would like to have on the agenda a listing of, a few years ago staff was given the authority to raise fees, and with Stormwater he would like to know how much those fees have generated since the stormwater department has been started. Additionally how much the Stormwater Runoff fees have generated and any increases.

### **ADJOURNMENT**

**MOTION:** By Councilor Payne to adjourn. The motion carried unanimously by voice vote and the meeting adjourned at 5:39p.m.

Respectfully Submitted,

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Helen Hahn  
Administrative Coordinator  
Greenville County Department of  
Community Planning and Development