



WESTERN UPSTATE ASSOCIATION OF REALTORS®

Policy Paper and Position on Zoning

Zoning is a tool used by local government to regulate land uses and protect neighboring property owners from nuisances. Zoning is both overused and underused in the Western Upstate.

The Comprehensive Planning Act

The South Carolina Comprehensive Planning Act requires local governments to adopt a Comprehensive Land Use Plan if they enforce zoning. Nearly all do, but many don't follow these plans once adopted, nor keep them up-to-date. And some use their comprehensive plan in place of zoning. That is unfortunate because ignoring the Comp Plan, or improperly enforcing it, causes confusion and uncertainty not only for property owners, but their neighbors, both of whom are intended to be protected by zoning.

What Zoning?

Surprisingly, while most cities are zoned, large portions of unincorporated areas are not zoned. Most of Anderson County is not zoned. It is the same for Pickens and Oconee counties. Surprisingly, the most populous county in South Carolina, Greenville County, is only 40% zoned.

What do We do About It?

We are neutral on zoning. We simply ask for clarity on the rules for development and land use. However, if local a government desires to regulate density and intensity of land uses, it should zone the areas they want to regulate.

The Comprehensive Planning Act also requires local governments that enforce zoning to adopt regulations for the development and subdivision of property. It is our position that LDRs apply across the jurisdiction and should be uniform. Most importantly, LDRs should not be used to regulate density and intensity of land uses; that is the role of zoning.

Finally, if local governments adopt zoning and a Comprehensive Land Use Plan, it should follow their Comp Plan even when it is politically inconvenient. That means if the Comp Plan calls for an area to be high-density residential, or commercial, or industrial, or a dump, the local government should rezone those areas for that purpose and not wait until the landowner is ready to use their property. Rezoning at the time of a land use application often creates a hostile political environment not only for the landowner, but also the neighbors and government officials, and should be avoided.

Adopted:

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Board of Directors, January 25, 2023