

AN ORDINANCE

TO AMEND THE GREENVILLE COUNTY LAND DEVELOPMENT REGULATIONS TO UPDATE THE REGULATIONS WITH ADDITIONAL PLAN AND PLAT INFORMATION, AND TRAFFIC REQUIREMENTS; TO ADD DEFINITIONS; TO PROVIDE RURAL CONSERVATION SUBDIVISION DESIGN STANDARDS; TO REPEAL LAND DEVELOPMENT REGULATION SECTION 3.1 “REVIEW CRITERIA”; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Greenville County Council adopted Plan Greenville County in 2020 recognizing the need for more harmonious development in the rural and suburban parts of Greenville County; and

WHEREAS, there is a need to improve design standards in rural areas of the county so as to clarify the rules for new residential subdivision developments; and

WHEREAS, the lack of rural conservation design standards in the current Land Development Regulations along with the problems associated with administration of Section 3.1 of the Regulations make it necessary to bring these amendments forward.

NOW, BE IT ORDAINED by the County Council of Greenville County, South Carolina:

Section 1. Amend various sections of the County Land Development Regulations to update requirements.

Several sections of the County Land Development Regulations (LDR) are hereby amended as follows:

A. Amend LDR Subsection Section 3.3.4 I “Plan Requirements” as follows:

“I. The location of watercourses, live streams, marshes, known wetlands, floodplains and floodways, wooded areas, water impoundments, known endangered or threatened species, sensitive wildlife habitat, existing cemeteries and burial grounds, houses, barns, garages or storage sheds on site and any other significant features on the land proposed for approval. Additionally, the following requirements are part of the plan:

- The location of any significant archeological, architectural or historic sites, cemeteries or resources, which merit protection on site.
- Protective measures shall be listed on the plan in a narrative form with ownership and location identified in the notes. These measures shall be in accordance with the requirements set forth by the County of Greenville and any historical preservation requirements as it relates to historic sites and cemeteries.

- Existing cemeteries shall be deeded as a separate lot in the subdivision and shall be accessed by a minimum twenty (20) foot wide private or public easement. Major subdivisions shall provide access with a minimum twenty (20) foot wide right-of-way (road construction is not required). Cemeteries shall be fenced in a manner to protect the cemetery and control access.

B. Amend LDR Subsection Section 3.4.11 E. (5) “Plat Requirements” to add the following:

“5. All obvious and apparent rights of way, watercourses, floodplains present, known endangered or threatened species, sensitive wildlife habitat, utilities, roadways, cemeteries and burial grounds, historic structures present, and other such improvements shall be located and undeveloped areas, protective measures will be required, and easements provided. Unless specific instructions are made requiring the digging up of or uncovering of buried utilities, the location of the utilities shall reflect the marked locations as indicated by an underground utility locator service or the respective utility provider.”

C. Amend LDR Section 3.5.4 Plan Requirements (Minor Subdivisions) to add the following subsection:

“R. Known Endangered Species, sensitive wildlife habitat for endangered or threatened species.”

D. Add a new LDR Section 8.8.2 to read as follows:

“8.8.2 Required Improvements on County Roads

Any road being accessed by a proposed development must be widened to current County standards along the extent of the property being developed, with appropriate taper back to existing width. Any required widening shall include full width overlay, not slot widening. To implement these improvements the following requirements shall apply:

A. If the TIS thresholds in Table 9.1 are not met, the road(s) must be widened to at least 22 feet wide. If TIS thresholds are met, the road(s) must be widened to 24 feet wide (to the nearest intersection).

B. Left turn lanes will be required at the primary access for all subdivisions/developments meeting the thresholds set forth in Table 9.1 The County Engineer has the authority to require additional improvements related to adjacent to the development to ensure the safety of the driving public.

C. Additionally, the road(s) where the subdivision access is located must be resurfaced from the subdivision entrance to the nearest servicing intersection (as designated by the County Traffic Engineer) if the OCI is less than 60 on a county road.”

E. Amend LDR Sections 9.2 A, 9.3, and 9.4 to read as follows:

“9.2 Study Requirements

- A. A TIS shall be under the direct charge of and sealed by a registered SC Professional Engineer with expertise in traffic engineering. An impact study shall analyze traffic conditions for the existing year conditions, build-out background year “no build” conditions, and build-out year “build” conditions. The study will be used to assess the need for changes in traffic control devices and roadway improvements necessary to accommodate the new development traffic. The study must also justify the proposed access plan and demonstrate the effects of the development on public roadways. The study shall include any subdivision approved by the Planning Commission. The study area will be limited to a maximum of 3 peak hours and not to exceed adjacent or nearby $\frac{3}{4}$ intersections within $\frac{1}{2}$ $\frac{3}{4}$ mile radius from the property boundary. However, the study area may be expanded at the discretion of the County Traffic Engineer. A study area site map showing the site location is required.”

“9.3 Responsibility for Mitigation

The developer of a site will be responsible for making roadway improvements and installing traffic control devices that may be necessary due to the impacts on the new development based on the recommendations from the study. These include impacts through the study area of the development wherever possible. ~~If additional right of way is required as a result of the study, the developer shall make a reasonable effort to obtain the necessary right of way to perform the recommended improvements, including offering an amount as appraised by a licensed SC real estate appraiser. If right of way cannot be obtained, the developer is required to make a written request to the appropriate county staff for a waiver, including documentation of the “fair market value” offer. The waiver will be granted under the conditions that county staff determines that one or more of the following conditions exists and that the applicant pays a fee in lieu of constructing the recommended improvements (including right of way acquisition) as determined by the average cost of similar projects for the most recent 3-year period: A. The project will be in conflict with an approved and funded GPATS, SCDOT, C Funds or County project. B. The project is proposed to be constructed where sufficient right of way cannot be obtained. C. The reasonable offer is not accepted. D. The project cost is environmentally prohibitive. Use of fees. All fees collected by the County pursuant to these provisions shall be accounted for separately from other monies, shall be expended only for any necessary road improvements and shall be expended within the timeframe as outlined in state law regarding “Fee in lieu of.”~~

“9.4 Mitigation Alternatives

The traffic impact study will help to determine what, if any, mitigation measures are needed and applicable on County roads. ~~Mitigation will only be required if the LOS increases higher than LOS C, if SCDOT left turn lane guidelines are met, or if the delay for any movement increases by 25% or more.~~

Additionally, improvements may be required if a project is located in a corridor ~~“high-growth corridor”~~ as identified by County Planning and Engineering Staff. ~~“High growth corridors” are identified as roads or groups of roads (and intersecting streets when applicable) in areas that have~~

experienced at least 1.5% annual population growth, or roads/intersections currently operating at LOS D or higher.

Mitigation measures are not limited to physical improvements. It can include operational improvements along the roadway, at off-site intersections and site access points, as well as programs and incentives designed to specifically alter travel behavior, or a combination of measures. Table 9.2 above outlines some examples of mitigation measures.”

Section 2. Adding definitions to the County Land Development Regulations.

Amend Article 2 of the LDR to add the following definitions:

Endangered Species - An endangered species is an animal or plant that is considered at risk of extinction. A species can be listed as endangered at the state and federal level. On the federal level, the endangered species list is managed under the Endangered Species Act by the U.S. Wildlife and Fisheries Department.

Threatened Species - A threatened species is any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Endangered Species Act - The Endangered Species Act (ESA) was enacted by Congress in 1973. Under the ESA, the federal government has the responsibility to protect endangered species (species that are likely to become extinct throughout all or a large portion of their range), threatened species (species that are likely to become endangered in the near future), and critical habitat (areas vital to the survival of endangered or threatened species).

Historic Site - Historic site or heritage site is an official location where pieces of political, military, cultural, or social history have been preserved due to their cultural heritage value. A historic site may be any building, landscape, site or structure that is of local, regional, or national significance.

Cemetery - A cemetery is a spatially defined area where the remains of dead people are buried or otherwise interred. The term cemetery implies that the land is specifically designated as a burial ground. Cemeteries can be privately, publicly or family owned. They can be historically designated.”

Open Space - Land areas which are set aside for landscaping, preservation of natural features, or passive recreation. Open space may include portions of developable and undevelopable land areas.

Undevelopable Open Space - Land which is unsuitable for structures that is set aside as open space due to one of the following constraining factors: land with a slope greater than 30 percent; lakes, marshes, sloughs, wetlands; utility easements and rights-of-way; areas within the Area of Special Flood Hazard, defined as the land in the floodplain within a community subject to inundation by the base flood having a one percent or greater chance of being equaled or exceeded in any given year; and areas of recent or active landslides.

Developable Open Space - Land which is suitable as a location for structures that is not occupied by buildings, structures, parking areas, streets, alleys or required yards. Developable open space shall be permitted to be utilized for landscaping, preservation of natural features, and passive recreation.

Undevelopable Land - Land which is unsuitable for structures due to one of the following constraining factors: land with a slope greater than 30 percent; lakes, marshes, sloughs, wetlands; utility easements and rights-of-way; areas within the Area of Special Flood Hazard, defined as the land in the floodplain within a community subject to inundation by the base flood having a one percent or greater chance of being equaled or exceeded in any given year; and areas of recent or active landslides.

Developable Land - Land which is suitable as a location for structures.

Section 3. Add Article 22 to the County Land Development Regulations to provide Rural Conservation Subdivision Design Standards. Article 22 is hereby added to the County Land Development Regulations to read as follows:

ARTICLE 22 RURAL CONSERVATION SUBDIVISION

22.1 Intent

This section is intended to serve as guidelines for the submittal of preliminary plans for all major subdivisions in the unzoned areas. The purpose of the Conservation Subdivision is to preserve agricultural and forestry lands, natural and cultural features, provide open areas for rest and recreation, and encourage the development of more attractive neighborhoods with economical site design. Specific objectives are as follows:

- A. To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains.
- B. To preserve scenic views and elements of the county's rural character and to minimize perceived density by minimizing views of new development from existing roads.
- C. To minimize site disturbance and erosion through retention of existing vegetation and avoiding development on steep slopes.
- D. To provide for the active and passive recreational needs of residents and/or the general public.
- E. To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development
- F. To preserve areas of the county with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for efficient operations.
- G. To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
- H. To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the county's social and architectural history.

- I. To create compact neighborhoods accessible to open space amenities and with a strong identity.

22.2 Preliminary Plan Procedure

22.2.1 Pre-Submittal Meeting

A Pre-Submittal Meeting is required for all Rural Conservation Subdivision applications. The purpose of this meeting is to determine and ensure a preliminary plan is consistent with the purpose and intent of the Rural Conservation Subdivision as described in Section 22.1 Intent. Pre-Submittal Meetings for subdivisions are scheduled with Subdivision Administration in accordance with the Subdivision Activity Calendar.

Pre-submittal applications shall include a concept plan and site assessment diagram, both at a scale of not less than 1 inch to 100 feet. The site assessment diagram shall be conducted by a registered engineer, land surveyor, landscape architect, architect, or land planner. The pre-submittal application and checklist are available on the Subdivision Administration website.

The Concept Plan is a draft preliminary plan with basic plan elements to include the following:

- North arrow, legend, graphic scale, date.
- Topography, not greater than 12 foot intervals.
- Boundaries of tract with bearings and distances.
- Existing zoning of subject area and all abutting property.
- Current county tax identification number.
- The utility provider name and location of existing sewer and size, water and size(if known), gas mains, and other utilities immediately adjacent to the subdivision (if water and sewer are not on or adjacent to the tract, indicate the direction, distance to, and size of nearest accessible main and the name of the utility providers).
- The location of adjacent existing streets/roads (with right-of-way widths) county/state owned and inventory number and public or private, bridges, culverts, railroads, etc.
- The location of watercourses, live streams, marshes, known wetlands, wooded areas, water impoundments, existing cemeteries and burial grounds.
- Floodplain information / 1% Areas of Special Flood Hazard.
- The location of houses, barns, garages, or storage sheds and other significant features on the land proposed for approval.
- Locations and widths of proposed streets and associated right-of-way, road centerline radii, etc.
- Proposed lot lines, approximate dimensions, and lot numbers.
- Location of the Cluster Box unit and appropriate pull-off.
- Location and dimensions of open space tract.
- Location and delineation of required buffers
- Areas held in common ownership, or areas that are required for storm water or other infrastructure facilities (mailbox areas, detention ponds, etc.) labeled “Undeveloped Area – A, B, C, etc.” and identified as to use, responsibility, and ownership in plan notes and other areas proposed to be dedicated to the public or intended for public use.

The Site Assessment Diagram is a base map with site analysis notes that identifies development opportunities and constraints associated with the proposed development site at the same scale as the draft preliminary plan. The site assessment map shall include a delineation of site characteristics and considerations such as:

- Topography, slope, and soils
- Property configuration
- Existing vegetation
- Water, wetlands, drainage, and floodplains
- Adjacent land uses
- Views and visual characteristics
- Access and potential circulation patterns
- Utility locations and existing easements
- Existing development encumbrances on the site

22.2.2 Preliminary Subdivision Approval

In addition to the requirements in Article 3, General Subdivision Standards, the following information must be provided at the time of submittal for preliminary approval.

- A. Required buffer yards shall be shown on the preliminary plat.
- B. Open space delineation: all property designated for open space shall be delineated on the preliminary plat.
- C. Open space table: a breakdown of developable open space and undevelopable open space should be shown on the preliminary plat in total acres.
- D. Access to open space: All open space shall have a minimum of one primary access point from an internal subdivision road. Additional secondary access points may be included. Access points to the open space shall have the following restrictions:
 - 1. The primary access point shall be twenty (20) feet in width.
 - 2. Additional secondary access point(s) shall be not less than six (6) feet in width.
 - 3. The primary and any secondary access points to the open space shall be shown as part of the open space and shall not be part of an individual lot nor shall it be an easement.
- E. Areas with standing timber, areas of 30% or greater slope, and other natural features should be shown on the preliminary plat.

22.3 Rural Conservation Subdivision Design Standards

The standards outlined in Greenville County LDR Article 8: General Design Standards and Article 9: Traffic Impact Studies apply herein, except where specified below:

22.3.1 Minimum Subdivision Area

Eligible subdivision sites shall consist of one or more contiguous parcels, not divided by an existing public or private road.

22.3.2 Minimum Lot Size

Subdivision lots shall conform to the minimum of six thousand square feet (6,000 sq. ft.) or sized in accordance with DHEC minimum standards for septic tanks.

22.3.3 Minimum Lot Frontage

Subdivision lots shall have a minimum of twenty feet (20 ft.) of access to and frontage on an approved access to a public street or on a private road constructed to current County road standards.

22.3.4 Setbacks

Subdivision lots are not subject to any minimum internal setback requirements.

22.3.5 Buffers and Screening

The following standards shall apply:

- A. A minimum fifty (50) foot buffer shall be provided for the perimeter of the development. Within the fifty (50) foot buffer, existing vegetation shall not be clear-cut and existing significant trees shall be preserved.
- B. In those areas where existing vegetation does not create a visual screen between the development and adjoining road frontages and adjoining parcels, a landscape screen at least 6 feet in height shall be provided. Screening shall consist of evergreen plant material at least 6 feet in height at time of planting, and capable of forming a continuous screen. Screening plant material shall not be placed within twenty-five (25) feet of the road right-of-way and shall be arranged in an informal manner.
- C. Berms, privacy fences and walls may not be utilized to meet the screening requirements and are not permitted within the required buffer area.
- D. The 50 foot buffer provided along the existing road frontage adjoining the subdivision shall be designated as open space or common area. Permitted activities and development within the road frontage buffer are as follows:
 1. Street access.
 2. Walkways, paths, trails and other elements associated with passive recreation or the provision for continuous pedestrian and bicycle connections between adjoining properties.
 3. Entrance features and signage to the extent permitted.
 4. Clearing for sight distances as required for reasonable traffic safety.

- E. A minimum fifty (50) foot riparian buffer shall be provided on all waters of the state.

22.3.6 Required Open Space (Open Space Network)

The following open space requirements shall apply:

- A. At least 30% of land area of the total acreage to be subdivided, excluding undevelopable land, shall be set aside as protected open space for natural habitat preservation, passive recreation, and/or conservation for agriculture.
- B. Designated open space shall be contiguous with open space uses on adjacent parcels in order to provide large uninterrupted expanses of open space.
- C. All open space areas shall have a minimum of one primary access point from an internal subdivision road. Additional secondary access points are encouraged. The primary access points shall not be less than twenty (20) feet in width. Additional secondary access points shall not be less than six (6) feet in width. Primary and secondary access points to open space shall be shown as part of the open space and shall not be part of an individual lot nor shall it be an easement.
- D. Land dedicated for open space shall not include rights-of-way of high tension electrical transmission lines, oil or natural gas lines, the rights-of-way of existing and proposed streets or such uses as community swimming pool(s), clubhouses and similar uses. Recreational lake or ponds may be included in the land designated as open space. Fenced detention or retention areas used for storm water management shall not be included in the calculation of the required open space.
- E. All required buffers may be credited toward meeting open space requirements.
- F. Septic drain fields as part of a community wastewater collection and treatment system may be permitted within the required open space.
- G. For those parcels where the undevelopable land exceeds 40% of total acreage to be subdivided, the open space requirement is waived. However, the development must meet all required buffers.

22.3.7 Ownership of Open Space

The developer or subdivider shall select the land dedicated for open space and type of ownership. Ownership of the designated open space may be held by:

- A. Homeowners Association, or cooperative associations or organizations.
- B. Non-profit or quasi-public organizations committed to the protection and conservation of open space, subject to their acceptance.
- C. Public jurisdictions or agencies, subject to their acceptance.

22.3.8 Maintenance of Open Space

Designated open space shall be maintained in a natural condition, but may be modified to improve appearance, functioning or overall condition. Normal maintenance and the removal of dead or fallen trees are permitted and recommended. The cost and responsibility of maintaining open space and any facilities located thereon shall be borne

by the property owner and/or homeowners association. Permitted modifications may include:

- A. Reforestation, forest management;
- B. Pasture or cropland management;
- C. Landscaping to enhance appearance and screening;
- D. Stream bank protection; and
- E. Passive recreation such as trails, picnic areas, common greens.

22.4 Final Plats

When recording a Final Plat for a Rural Conservation Subdivision, in addition to the requirements in Article 3, the following apply:

- A. The recorded required acreage for open space on each final plat must be proportional or greater to the total acreage being platted in each phase. Subsequent final plats must also meet the proportional requirements for the overall platted acreage.
- B. The following information must be shown on the final plat at the time of submittal:
 - 1. Open space table, using the same format as on the preliminary plan, and shall include the proportional acreage being recorded.
 - 2. Notations indicating the delineated open space, including metes and bounds, are to be shown on the Final Plat.
- C. Open Space Easements:
 - 1. Prior to the recording of a subdivision final plat, an easement shall be placed on all lands and private waters used to satisfy the open space requirements of the Rural Conservation Subdivision.
 - 2. The easement shall be solely for the purpose of ensuring the land remains undeveloped and shall not, in any way, imply the right of public access or any other right or duty not expressly set forth by the terms of the easement.
 - 3. The easement shall run with the land, provide for protection in perpetuity, and be granted to an approved owner.
 - 4. The easement shall include a complete metes and bounds of the property being designated as open space.
- D. Notes to be included on the Final Plat:
 - 1. This development has been approved by the Planning Commission as a Rural Conservation Subdivision and has provided certain acreage of open space.
 - 2. Open Space Easement. The removal of trees and natural vegetation is permitted in the development phases for the purpose of utility crossing easements, passive recreational uses and drainage ways with the proper notations on the final plat. Neither the developer, property owners, or other subsequent contractors or builders shall be granted permission to remove or destroy any trees or natural vegetation from the open space area for passive recreational or any other purposes without the express written

permission of the community board, or homeowners' association, or property owners, or trustees having jurisdiction over the implementation and enforcement of the subdivision covenants. If some part of the open space was designated to meet stormwater management requirements, permission must be obtained from the Land Development Division for any alteration of the designated open space. Normal maintenance and the removal of dead or fallen trees are permitted and recommended.

3. The open space for this development is protected by an easement that has been recorded at the Greenville County Register of Deeds Office (Instrument #) and as outlined in the Subdivision Covenants (Instrument #).

E. Subdivision Covenants: the covenants for the subdivision shall include provisions for the protection of trees and other natural amenities within the property designated for open space. A copy of the covenants is to be provided prior to the recording of a final plat.

F. Access to open space shall be shown on the final plat in conjunction with the requirements of LDR Article 3.

22.5 Jurisdiction

22.5.1 All major subdivision applications in the unzoned areas of the County shall follow the guidelines and requirements set forth in this Article for the Rural Conversation Subdivision.

Section 4. Repeal County Land Development Regulation Section 3.1 - "Review Criteria".

Section 3.1, *Review Criteria* of the County Land Development Regulations is hereby repealed.

Section 5. Application. The provisions of this Ordinance shall apply prospectively only, beginning on the date of approval of this Ordinance and applying to preliminary plat applications submitted after that date.

Section 6. Severability. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 7. Effective Date. This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2021.

Willis H. Meadows, Chairman
Greenville County Council

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator