

ORDINANCE

TO AMEND THE GREENVILLE COUNTY LAND DEVELOPMENT REGULATIONS TO UPDATE THE REQUIRED ELEMENTS FOR CONCEPT PLANS, TO REMOVE THE OPEN SPACE TABLE REQUIREMENT, TO CLARIFY THE MINIMUM LOT SIZE REQUIREMENTS, AND TO CLARIFY THE USES THAT QUALIFY AS “OPEN SPACE” FOR RURAL CONSERVATION SUBDIVISIONS UNDER LDR ARTICLE 22 AND TO CHANGE THE OWNERSHIP REQUIREMENTS FOR BUFFER AREAS UNDER LDR ARTICLE 8.21.

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

Section 1. Findings. County Council finds that the existing requirements for Concept Plans and preliminary subdivision plats for Rural Conservation Subdivisions warrant changes to be consistent with industry practices and to better align with the intent of the Rural Conservation Subdivision option in LDR Article 22. County Council also finds that Article 8.21 of the LDR warrant an update to clarify the ownership requirements of buffer areas in all subdivisions in Greenville County.

Section 2. Amend Article 22, Section 22.2.1 of the County LDR (“LDR”) to update requirements for the information to be included in the “Concept Plan.”

Article 22, Section 22.2.1 of the County’s LDR, at the third paragraph concerning “Concept Plans,” is amended to read as follows:

“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 tracts.
- 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.) **must be identified** labeled ~~“Undeveloped Area—A, B, C, etc.”~~ and as to use, responsibility, and ownership in plan notes and other areas proposed to be dedicated to the public or intended for public use.

Section 3. Amend Article 22, Section 22.2.2(C) of the County LDR to remove the requirement that an “Open Space Table” be included with the preliminary subdivision plat to be eligible for Preliminary Subdivision Approval.

Section 22.2.2(C), Article 22 of the County’s LDR is amended to read as follows:

“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.~~
- C. 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.”

Section 4. Amend Article 22, Section 22.3 of the County LDR to clarify the scope of the Minimum Lot Size requirement and to update the open space requirements.

Section 22.3.2, Article 22 of the County’s LDR is amended to read as follows:

“22.3 Rural Conservation Subdivision Design Standards

22.3.2 Minimum Lot Size

Subdivision lots subject to this Article ~~shall conform to~~ **must be** a minimum of six thousand (6,000)

square feet in size in areas where ~~municipal~~ sewer and water, provided by a municipal water or sewer utility, is available or planned to serve the lot or lots. In areas not served by a municipal sewer and/or water utility, the lot or lots must be properly sized to conform to the setback and spacing requirements established in South Carolina law and regulation for the installation of onsite wastewater and/or onsite drinking water systems, *and the minimum lot size shall be that required by state law and regulation, but not less than six thousand (6,000) square feet.*

Section 5. **Amend Article 22, Section 22.3.6(D) of the County LDR to add “wetlands” to the list of uses that cannot be considered as Open Space.**

Section 22.3.6(D), Article 22 of the County’s LDR is amended to read as follows:

22.3.6 Required Open Space (Open Space Network)

D. Rights of way of existing and proposed streets, community swimming pool(s), tennis court(s), club houses, high tension power lines, *wetlands*, fenced detention areas used for stormwater management and similar construction shall not be considered as Open Space or count towards the Open Space required. Buffers, existing or new conservation easements, and underground utility easements/rights of way shall be counted as open space.”

Section 6. **Amend Article 8, Section 8.21 of the County LDR to revise the buffer requirements for all proposed subdivisions.**

Section 8.21, Article 8 of the County’s LDR, at its final paragraph, is amended to read as follows:

“8.21 Forested Natural Vegetative and/or Landscaped Buffer

The buffer shall ~~carry a perpetual easement maintained by the Homeowners/Property Owners Association~~ *be owned and maintained by the Homeowners Association or Property Owners Association, and the restrictive covenants and associated governing documents shall memorialize these requirements.* ~~which shall be assured through the restrictive covenants of the Homeowners Association/Property Owner Association and/or associated governing documents.~~ Post warranty the HOA/POA is responsible for replacing any dead trees needed to meet the buffer requirements.”

Section 7. **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 8. **Repeal.** Any ordinance, resolution, or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 9. **Effective Date.** This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2022.

Willis H. Meadows, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator