

**AN ORDINANCE**

**TO AMEND THE COUNTY LAND DEVELOPMENT REGULATIONS TO UPDATE DESIGN STANDARDS FOR SEPTIC DEVELOPMENTS IN THE UNZONED AREAS OF THE COUNTY AND TO ESTABLISH COUNTYWIDE RIPARIAN BUFFER REQUIREMENTS TO PROTECT WATER QUALITY AND TO IMPLEMENT FEATURES OF THE PLAN GREENVILLE COUNTY 2020 COMPREHENSIVE PLAN.**

**WHEREAS**, Greenville County (“County”) has an interest in the periodic review of its ordinances and Land Development Regulations to address outdated regulations with amendments to meet changing community standards for new developments, to assist in the implementation of the County’s Comprehensive Plan, and to better serve the public; and

**WHEREAS**, Greenville County Council (“County Council”) finds that applications for subdivisions in the unzoned areas of the County that will be served by septic systems are increasing; and

**WHEREAS**, County Council finds that septic systems present unique challenges to the long-term health and safety of the public and the environment in the County that warrant regulation in the unzoned areas of the County specific to Greenville County in addition to those already imposed by the South Carolina Department of Health and Environmental Control (SCDHEC); and

**WHEREAS**, Greenville County adopted a Comprehensive Plan in 2020 that sets a policy of reducing the use of septic systems in future developments; and

**WHEREAS**, the National Pollution Discharge System (NPDES) permit administered by SCDHEC for compliance with the Clean Water Act requires the County to address point source and nonpoint source pollution affecting waters of the state which are affected by developments served by septic systems and by the riparian buffers separating septic systems from waters of the state; and

**WHEREAS**, County Council finds that these amended provisions regulating the design standards for septic developments in the unzoned areas of the County and establishing a countywide riparian buffer are in the interests of the general health, safety, and welfare of Greenville County and its residents.

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

**Section 1. Amend Section 8.2 of Article 8 of the County Land Development Regulations to incorporate minimum lot size requirements for subdivisions with 10 or more lots served by septic systems in the unzoned areas of Greenville County.**

Section 8.2 appearing in Article 8 of the County Land Development Regulations is amended to

read as follows:

## **ARTICLE 8 GENERAL DESIGN STANDARDS**

### **“8.2 Minimum Lot Size**

Lots located in areas where a zoning ordinance is in effect shall conform to the zoning requirements except for minimum lot size when lots are served by septic systems. All lots in the zoned areas of the County served by septic systems shall conform to the minimum lot size necessary to comply with SCDHEC’s minimum standards for septic systems or the minimum lot size required by the zoning district, whichever is larger. Lots established by a division of land resulting in ten (10) or more lots that are served by septic systems in the unzoned areas of the County shall conform to a minimum lot size of one and a half (1.5) acres. All other lots in the unzoned areas of the County shall conform to the minimum of six thousand square feet (6,000 sq. ft.) or the minimum size necessary to comply with SCDHEC’s minimum standards for septic systems.”

### **Section 2. Amend Article 8 of the County Land Development Regulations to add Section 8.22 establishing countywide riparian buffer regulations.**

Article 8 of the County Land Development Regulations is amended to add Section 8.22, which shall read as follows:

## **ARTICLE 8 GENERAL DESIGN STANDARDS**

### **“8.22 Riparian Buffers**

#### **8.22.1 Generally**

- A. **Applicability.** Riparian buffers shall be provided along all classes of stream and jurisdictional waters of the state in accordance with the Greenville County Soil and Water Conservation Commission Storm Water Management Design Manual.
- B. **Exemptions.** In areas covered by an approved U.S. Army Corps of Engineers permit per the Clean Water Act, an applicant may be exempt from the County’s riparian buffer requirements at the discretion of the County Engineer or County Engineer designee.
- C. **Manual and Specifications.** Riparian buffers must comply with Greenville County’s “Riparian Buffer Design and Maintenance Manual” and the County’s “Stormwater Management Design Manual Technical Specification WQ-11: Permanent Water Quality Stream Buffer.”
- D. **Delineation.** Within the proposed project boundary all jurisdictional waters or streams classified as waters of the state shall be delineated by a certified licensed professional using U.S. Army Corps of Engineers and SCDHEC’s Water Classifications and Standards and shall be shown in the Storm Water Management and Sediment Control Plan along with all natural buffer areas. Delineation as described in this Article is not required for preliminary plan review and approval.

## 8.22.2 Standards

### A. Riparian Buffer Requirements:

1. A minimum 50-foot riparian buffer as measured from the top of the stream bank inland shall be established along each side of all intermittent, perennial, and blue line streams.
2. A minimum 50-foot riparian buffer shall be established along all jurisdictional waters of the state.
3. A minimum 100-foot riparian buffer as measured from the top of the stream bank inland shall be established along each side of all intermittent, perennial, and blue line streams within watersheds draining 50 acres or more.

B. **No Disturbance.** Within a riparian buffer, the existing vegetation shall not be cleared or disturbed. Grading, stripping of topsoil, plowing, cultivating, filling, or storing materials and machinery are prohibited within the buffer.

C. **Encroachments.** The following structures and activities if approved by Greenville County or the State of South Carolina are permitted within the riparian buffer:

1. Road crossings, bridges, trails, and utilities.
2. Stream restoration projects.
3. Scientific studies, including water quality monitoring and stream gauging.
4. Horticultural practices, including thinning and planting, may be used to maintain health of individual trees.
5. Removal of hazard trees and invasive species.”

### **Section 3. Amend Article 14 of the County Land Development Regulations to make it consistent with the countywide minimum lot size requirements for subdivisions with ten (10) or more lots served by septic systems in the unzoned areas of the County.**

## **ARTICLE 14 MANUFACTURED HOUSING**

### **Section 14.2.4 Design Standards**

#### E. Minimum Lot Size & Utility Requirements

Within the approved park, each manufactured home site in a manufactured home park shall be provided with approved water and sewer service which is connected to the municipal water and sewerage systems or other systems approved by SCDHEC. Lots established by a division of land resulting in ten (10) or more lots that are served by septic systems in the unzoned areas of the County shall conform to a minimum lot size of one and a half (1.5) acres. Otherwise, subdivision lots subject to this Article must be a minimum of six thousand (6,000) square feet in size in areas where 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, a single lot or lots established by the subdivision of land resulting in nine (9) or less lots must be sized to conform to the setback and spacing requirements established in South Carolina law and regulations 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 regulations, but not less than six thousand (6,000) square feet.”

**Section 4. Amend Section 22.3.2 of Article 22 of the County Land Development Regulations to make it consistent with the countywide minimum lot size requirements for subdivisions with ten (10) or more lots served by septic systems.**

**ARTICLE 22 RURAL CONSERVATION SUBDIVISION**

**“22.3.2 Minimum Lot Size**

In areas subject to this Article, lots established by a division of land resulting in ten (10) or more lots that are served by septic systems shall conform to a minimum lot size of one and a half (1.5) acres. Otherwise, subdivision lots subject to this Article must be a minimum of six thousand (6,000) square feet in size in areas where 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, a single lot or lots established by the subdivision of land resulting in nine (9) or less lots must be sized to conform to the setback and spacing requirements established in South Carolina law and regulations 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 regulations, but not less than six thousand (6,000) square feet.”

**Section 5. Amend Article 22 of the County Land Development Regulations to remove Section 22.3.5(E) to be consistent with the amendments to Article 8 establishing countywide riparian buffer requirements.**

**ARTICLE 22 RURAL CONSERVATION SUBDIVISION**

**“22.3.5 Buffers and Screening**

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

**Section 6. Amend Article 23 of the County Land Development Regulations to change the maximum lots permitted in a pocket neighborhood in the unzoned areas of Greenville County from thirty (30) tiny houses to ten (10) tiny houses when public sewer is unavailable.**

**ARTICLE 23 TINY HOUSES**

**“Section 23.3 Design Standards**

4. Lot Requirements. Where public sewer is unavailable, a pocket neighborhood in the unzoned areas of the County shall not exceed ten (10) tiny houses, and the minimum lot area per dwelling unit shall be six thousand (6,000) square feet or a lot area sized in accordance with SCDHEC minimum standards for septic tanks, whichever is larger. In areas where public sewer is available, the minimum area lot size shall be one thousand nine hundred and fifty (1,950) square feet.

**Section 7. Severability.** If any section, paragraph, clause, phrase, or provision of this Ordinance is 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.

**Section 10. Sunset Provision.** The provisions and requirements of this Ordinance shall expire two (2) years from its effective date unless re-adopted by Greenville County Council.

DONE IN REGULAR MEETING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Dan Tripp, Chairman  
Greenville County Council

ATTEST:

\_\_\_\_\_  
Regina McCaskill  
Clerk to Council

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Joseph M. Kernell  
County Administrator