

AN ORDINANCE

TO AMEND THE COUNTY LAND DEVELOPMENT REGULATIONS TO ADD NEW PROVISIONS FOR CLUSTER DEVELOPMENT IN GREENVILLE COUNTY.

WHEREAS, Greenville County ("County") has an interest in periodically reviewing and updating its ordinances and regulations to meet changing community standards for new developments; and

WHEREAS, Greenville County Council ("County Council") finds that new regulations are needed to guide cluster residential development in Greenville County; and

WHEREAS, County Council finds that these new regulations will allow development of property while preserving meaningful open space and encouraging the preservation of natural terrain; and

WHEREAS, these new development regulations will establish guidelines that will benefit the environment and the health, safety, and general welfare of the citizens of Greenville County.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Amend Article 2 of the County Land Development Regulations to revise and add the following definitions.

Article 2 to the County Land Development Regulations is amended to revise and add the following and to read as follows:

ARTICLE 2 DEFINITIONS

Cluster Residential Development -- A cluster residential development is a type of development where houses are grouped together on a portion of a parcel of land, leaving the remaining area as open space. This approach allows for preservation of natural features, conservation, and recreation opportunities.

Developable Land - Land suitable for structures.

Undevelopable Land - Land not suitable for structures that are wet, in a flood plain, utility easements, or with a slope equal to or greater than 20%.

Section 2. Amend the Greenville County Land Development Regulations to Add a New Article 24 "Cluster Residential Developments."

The Greenville County Land Development Regulations are amended to add the following article

as follows:

“ARTICLE 24 CLUSTER RESIDENTIAL DEVELOPMENTS

24.1 Purpose and Overview

The provisions of this Ordinance apply only to Cluster Residential Developments as defined in this Ordinance. A Cluster Residential Development is a residential subdivision in which dwellings are situated on a portion of the site in exchange for the preservation of substantial amounts of open space for recreational, environmental, and ecological reasons. The purpose of open space development is to provide a method of land development that permits variation in lot sizes without an increase in the overall density of population or development. This allows the subdivision of land into lots of varying sizes which will provide home buyers a choice of lot sizes according to their needs, while at the same time, preserving open space, tree cover, scenic vistas, natural drainage ways, and outstanding natural topography. Such measures prevent soil erosion and flooding by allowing development to occur according to the nature of the terrain; provide larger open areas with greater utility for rest and recreation; and encourage the development of more attractive and economical site design.

These policy enhancements are intended to strengthen the integrity of Cluster Residential Developments in Greenville County by ensuring compliance with underlying zoning densities, preserving meaningful open space, and aligning with South Carolina state law, specifically the South Carolina Local Government Comprehensive Planning Enabling Act (§6-29-1120). The following additions shall be incorporated into Article 23 of the Greenville County Land Development Regulations.

The developer, shall build the same number or fewer homes than a Conventional Residential Development, to provide a more environmentally friendly product to the consumer by reducing the overall cost of required sewer, roads, and other infrastructure. The resultant subdivision benefits from the open, recreational space and by the placement of houses in a manner more conducive to better social interactions among neighbors.

Cluster developments must adhere to the South Carolina Local Government Comprehensive Planning Enabling Act (§6-29-1120), which allows regulation of land development for public health, safety, economy, aesthetics, convenience, and general welfare. These provisions support harmonious growth while preventing sprawl and protecting community character.

24.2 Cluster Development General Provisions

24.2.1 Density Table

The preliminary plan application must include a density table that, at a minimum, lists: total gross acres, permitted density per acre, required open space (total and, if applicable, by type), and total number of dwelling units proposed.

24.2.2 Open Space Delineation

All property designated for required open space shall be delineated on the preliminary plan. A breakdown of open space in floodplain and on steep slopes should be shown on the preliminary plan in total acres and percentages of gross acres. The Planning Commission shall determine the appropriateness of the dimensions of the required open space. The open space on the preliminary plan should have meaningful dimensions, proportions, and placement.

A. Only the required acreage to meet the Cluster Requirements shall be identified as “Open Space”. All other areas that will be owned and maintained by the HOA shall be identified as Common Areas.

B. The developable and undevelopable acreage of Open Space shall be shown on the preliminary plan; and proposed uses for these areas shall be shown on the plan.

C. Areas to be wholly preserved, such as wetlands, endangered species habitat, or cemeteries, shall be identified as “Preserved Area - No Access” on the plans. Limited access will be provided to cemeteries for maintenance and family visitation.

24.2.3 Zoning Integrity and Density Controls

Cluster Residential Developments shall not receive any density bonuses unless granted through a Planned Review District, subject to County Council approval.

24.2.24 ———Yard Requirements

There is no minimum lot width, except as required by the South Carolina Department of Environmental Services and/or the International Building Code.

24.2.35 Open Space Ownership, Dedication, and Management

The owner and developer, or subdivider shall select land dedicated for open space purposes and type of ownership. Type of ownership may include, but is not necessarily limited to, the following:

- A. The County, subject to acceptance by the governing body;
- B. Other public jurisdictions or agencies, subject to their acceptance;
- C. Non-profit or quasi-public organizations committed to the protection and conservation of open space, subject to their acceptance;
- D. Homeowner or cooperative associations or organizations.

24.2.46 Open Space Maintenance

The persons or entities identified above as having the right to ownership or control over open space shall be responsible for its continuing upkeep and proper maintenance.

24.2.57 Open Space Access

- A. All open space areas shall have at least two primary access points from an internal road (subdivision's) or a private road owned by the subdivision. Additional secondary access points are encouraged. However, where an open space access point also serves as the access to a storm water management facility or is located in a utility easement, a secondary access point is required.
- B. Access points to the open space shall meet the following requirements:
 - 1. The primary access point shall be at least 20 feet in width;
 - 2. Additional secondary access point(s) shall be at least 6 feet in width unless it is access to a storm water management facility in which case the width shall be 20 feet; and
 - 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.

24.2.8 Eligibility

To be eligible for the Cluster Residential Development option, developers must declare their intent to use the Cluster Development provisions at the time that the preliminary plan for the subdivision is submitted. Any subdivision under consideration by the Planning Commission after the effective date of this ordinance is eligible to be considered for cluster development, based on the requirements herein.

24.2.79 Application Design

Applications for a Cluster Residential Development shall have in addition to the layout of the cluster design an accompanying Conventional Development layout design meeting the requirements for such developments for Planning Commission consideration.

24.2.810 Additional Regulations

- A. Cluster Residential Development is only permitted in Suburban Edge and Suburban Neighborhood infill locations as specified in the Comprehensive Plan.
- B. All lots in a cluster group shall abut open space to the front or rear. This includes open space located directly across a street from a lot.
- C. Dwellings shall be located in distinct cluster groups of 15 or fewer dwellings. However with Planning Commission approval, ~~there~~ can be as many as 20 dwellings in cluster groups.
- D. Cluster groups shall be visually defined and separated by open space, utilizing existing vegetation, topography, or other natural features.
- E. Cluster groups shall be located a minimum of 200 feet from existing public

roads and other cluster groups, as measured from the closest lot line in a cluster group.

24.2.911 Connectivity

The pedestrian network within a cluster subdivision shall be designed to meet the following standards:

- A. Sidewalks and multi-use trails shall provide a continuous pedestrian network throughout a cluster subdivision.
- B. The pedestrian network shall connect to all existing sidewalks or multi-use trails that abut the cluster subdivision boundary.
- C. At least one sidewalk or multi-use trail shall extend to the cluster subdivision boundary at each subdivision entrance and connect with the existing sidewalk, if present.
- D. Where property adjacent to the cluster subdivision is undeveloped, a sidewalk or multi-use trail shall extend to the property line to provide at least one connection to each adjacent undeveloped property.
- E. Trail width minimum is 10 feet.
- F. Sidewalks shall be provided on both sides of roads within a cluster group to connect lots and open space.

24.3 Minimum Areas

- A. The minimum tract area for an open space residential development shall be five (5) acres. The minimum area shall consist of contiguous, not divided by an existing public or private road or a recreational or navigable body of water.
- B. Minimum open space width is 75 feet.

24.4 Setbacks

No structures shall be erected within 25 feet from any external lot line of any Cluster Residential Development; otherwise no front, side, or rear setbacks are required for internal lots. Front setbacks from existing roads will be consistent with the requirements outlined in the appropriate zoning district Table 7.4.

24.5 Final Plats

The following information must be shown on the final plat at the time of submittal:

- 1. A Density Table using the same format as on the preliminary plan. The Density Table must also include the proportional area being recorded;
- 2. Notations indicating the delineated open space, including metes and bounds;
- 3. Open Space Easements

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 cluster development. 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. The easement shall run with the land, provide for protection in perpetuity, and be granted to the County, subject to acceptance, a County-approved non-profit land trust, the Homeowners Association or other qualified organization approved by the County. The easement shall include a complete metes and bounds of the property being designated as open space.

4. Notes to be included on the Final Plat:

- a. This development has been approved by the Planning Commission as a Cluster Development and has provided certain acreage of open space.
- b. 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.
- c. 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 #).

24.6 Permitted Uses

- 24.5.1 Single-Family Detached Dwellings
- 25.5.2 Single-Family Zero Lot Line Dwellings

24.67 Permitted Density

The overall number of dwelling density allowed in Cluster Residential Development may be found in Table 24.1.

24.78 Required Common Open Space

24.~~78~~.1 In a Cluster Residential Development, a minimum percentage of the total acreage must be designated as open space. The required open space shall be developable land, defined as land suitable for structures.

24.~~78~~.2 Not more than 50% of the required common open space may be used for active recreation; playgrounds, golf courses, and multi-use ball fields. With the exception of paved walking paths, the active recreation areas used to meet the common open space requirements may not contain impervious surfaces.

24.~~78~~.3 Land dedicated as common open space shall not be less than ~~70~~50% of developable land, of meaningful proportions and dimensions so as to be consistent with the purpose and intent of this section. The common open space shall be contiguous. Land dedicated to common open space shall not include in the open space calculation, wet areas, land with a slope of 20% or more, land dedicated for uses such as community swimming pool(s), clubhouse(s), ponds used for storm water management, fenced and unfenced detention or retention areas used for storm water management, roads and sidewalks, utility easements, and riparian and property/boundary line buffers.

24.~~78~~.4 At least 20% of the required common space shall be preserved per the Tree Ordinance, as outlined in Article 19, Section 19.4.6 of the Greenville County Land Development Regulations.

24.~~78~~.5 Open space shall be placed under a permanent conservation easement or deed restriction enforceable by the County or a qualified land trust, preventing future development or subdivision.

24.~~78~~.6 Parcels shall not be segmented or subdivided to meet minimum tract area or open space percentages. All open space should be contiguous and be no less than 1/2 acre. Any attempt to do so shall render the cluster application ineligible per the Planning Commission's determination.

24.~~89~~ Riparian Buffers

Riparian buffers shall be provided along all classes of streams in accordance with the Greenville County Soil and Water Conservation Commission Storm Water Management Design Manual.

24.~~9-10~~ Minimum lot size and Permitted Densities for Single-Family Residential

24.~~910~~.1 The minimum lot area for conventional zoning districts, and densities (units/acre) provided for in each Cluster Residential Development may be found in the following table. All densities are based on the total number of dwelling units divided by the total number of acres (both developed land and undeveloped land).

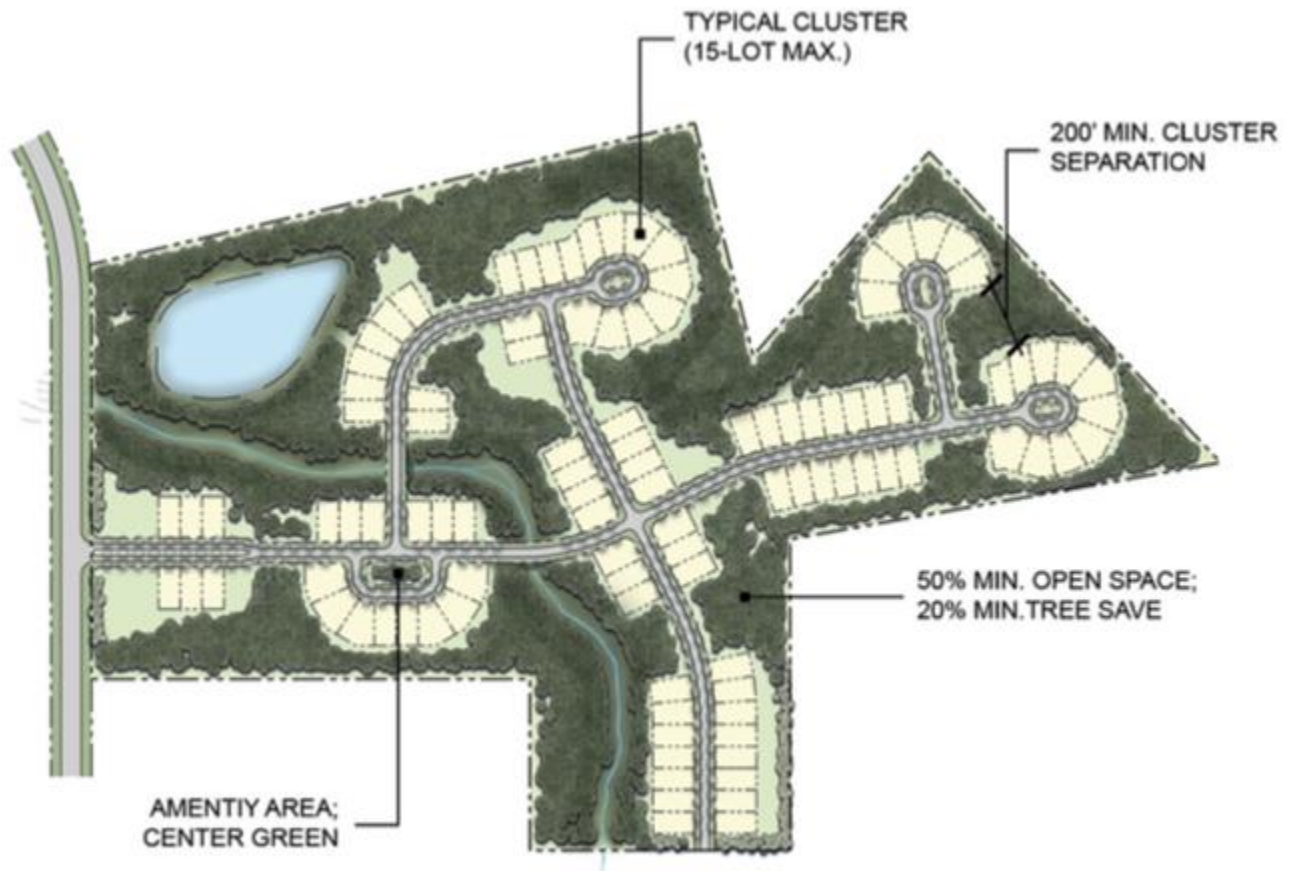
24.~~910~~.2 The minimum lot size and density shall be no less than two third of the lot

area for conventional zoning district as shown in Table 7.1 of the zoning ordinance.
See Table 24.1 herein for Cluster Minimum Lot Sizes.

24.10 Typical Cluster Residential Development Layout

Figure 1 shows a typical Cluster Residential Development Layout.

Figure 1
Typical Cluster Residential Development Layout



24.11 Compliance with Table 24.1

Any plan design must comply with Table 24.1. Not doing so will result in denial by the Planning Commission.

Table 24.1
Minimum Permitted Densities and Lot Sizes for Single-Family Residential

<u>District</u>	<u>Density</u> <u>Units/Acre</u>	<u>Cluster Minimum Lot</u> <u>Size, Sq. Ft.</u>
<u>R-6</u>	<u>4.87.3 per acre</u>	<u>4000</u>

<u>R-7.5</u>	<u>3.85.8 per acre</u>	<u>5000</u>
<u>R-10</u>	<u>2.94.4 per acre</u>	<u>6700</u>
<u>R-12</u>	<u>2.4 per acre</u>	<u>8000</u>
<u>R-15</u>	<u>1.9 per acre</u>	<u>10000</u>
<u>R-20 & R-20A</u>	<u>1.4 per acre</u>	<u>13000</u>
<u>Unzoned, RS, RR-1, RR-3, Ag, ESD-PM, R-M2, R-M20, R-MA and R-MHP</u>	<u>Cluster Residential Developments are not permitted</u>	<u>Cluster Residential Developments are not permitted</u>

Note: Cluster Minimum Lot Sizes are two thirds the size of those shown in Table 7.1 of the zoning ordinance

24.12 Required Minimum Open Space

See Table 24.2.

Table 24.2
Minimum Open Space for Single-Family Residential

District	R-6 thru R-15	R-20 & R-20A
Minimum Open Space Requirements	70.00 50.00%	70.00 50.00%

Section 3. Amend the first paragraph of Article 8, Section 8.21 of the County Land Development Regulations as follows:

The intent is to protect the privacy of existing and future residences that adjoin new subdivision/commercial developments. A natural vegetative or landscaped buffer of at least 20 feet wide and of density to achieve the privacy intent must be provided along all sides of the property adjoining residential and commercial developments, except Cluster Residential Development in LDR Article 24.

Section 4. Amend Article 11 of the County Land Development Regulations as follows, deleting it in its entirety and adding “[Reserved].”

Section 5. Applicability. The provisions of this Ordinance apply only to Cluster Residential Developments as defined in this Ordinance. No provision in this Ordinance affects in any way any other ordinance or regulation adopted by Greenville County. Furthermore, the provisions of this Ordinance shall apply prospectively only, beginning on the date of approval of this Ordinance and applying to preliminary plan applications submitted after that date.

Section 56. **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 67. **Repeal.** Any ordinance, resolution, or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 78. **Effective Date.** This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2025.

Benton Blount, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator