

AN ORDINANCE

AN ORDINANCE TO AMEND ARTICLE 11 OF THE GREENVILLE COUNTY LAND DEVELOPMENT REGULATIONS RELATING TO THE DESIGN AND CONSTRUCTION OF OPEN SPACE RESIDENTIAL DEVELOPMENTS.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Amendment. Article 11 of the Greenville County Land Development Regulations is hereby amended to read as follows:

ARTICLE 11 OPEN SPACE RESIDENTIAL DEVELOPMENTS

11.1 Intent

This section is intended to provide guidelines for the submittal of preliminary plans for subdivisions in zoned areas utilizing the Open Space Residential Development option. Open Space Residential Development is not permitted in unzoned areas. The Greenville County Planning Commission (the “Planning Commission”) based on the comments and recommendations of the Greenville County Planning Department Staff (the “Planning Staff”), shall determine if the preliminary plan(s) meets the purpose and intent of the Zoning Ordinance related to open space residential developments, open space, and these guidelines:

- A. Home sites are clustered to preserve open space for recreational, environmental, or ecological reasons;
- B. The development preserves open space, tree cover, scenic vistas, natural drainageways, and outstanding natural topography;
- C. Within an existing subdivision, the proposed lots should have the least impact on other properties within the same subdivision.
- D. Allowing the flexibility of lot sizes within certain zoned areas of the County.
- E. Home sites may be clustered to protect sensitive areas, such as wetlands, historic sites/cemeteries, endangered species habitat, or prime agricultural land. In these cases where these sensitive areas are owned by Homeowner Association through covenants, homeowners and residents would not have access to these preserved areas. Limited access will be provided to cemeteries for maintenance and family visitation; and

- F. Open Space Residential Developments must abide by the underlying zoning for density and use as determined by the Greenville County Zoning Ordinance and referenced in Table 11.1, “Minimum Lot Area/Permitted Densities for Single-Family Residential”.

11.2 General Provisions

- A. The Tree Ordinance, Greenville County Ordinance Number 4173, applies to all open space residential developments.
- B. Riparian buffers can be located within the open space, as defined in Section 11.3.2 and described within this ordinance, to meet stormwater management requirements. Permission must be obtained from the Land Development Division for use and any alterations of those features.
- C. ~~Roadside buffers~~ Existing road frontage shall ~~be require~~ at least minimum 20’ wide buffer. Within those buffers, vegetation shall be in accordance with the Tree Ordinance. ~~A-The following~~ setbacks from any existing public road ~~of 100’~~ shall be maintained for all open space developments.:-

- Arterial Roads-100’
- Collector Roads-80’
- Local Residential Roads-60’

These setbacks may be reduced on arterial and collector roads with approval from staff only if a berm (4’ minimum) with evergreen plantings is included. Developments surrounded on more than 2 sides by existing roads will only need to provide setbacks on the 2 roads with the highest classification.

- D. A 25’ setback applies to all exterior property lines not along an existing public right-of-way.

11.3 Open Space Inclusions

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

11.3.1 Density Table

The preliminary plan and final plat shall include a table with the number of gross acres, permitted density per acre, required open space, and total number of dwelling units.

Table 11.1 Permitted Densities for Single-Family Residential

Table 11.1 Minimum Lot Area/Permitted Densities for Single-Family Residential		
		Density Allowance
District	Conventional Development	Open Space Development-<i>*There is no min. lot size required*</i>
	Minimum Lot Size: sq. ft.	Units/Acre
R-6	6,000	6.7 per acre
R-7.5	7,500	5.2 per acre
R-10	10,000	3.9 per acre
R-12	12,000	3.2 per acre
R-15	15,000	2.6 per acre
R-20 / R-20A	20,000	1.9 per acre
R-S	25,000 or	1.5 per acre
Without public water	37,500 (Z.O. Section 5:4.5)	1.0 per acre
ESD-PM	See Z.O. Section 8:5	See Z.O. Section 8:5
R-R1	43,560 (1 acre)	Not Permitted
R-R3	130,680 (3 acres)	Not Permitted
AG	217,800 (5 acres)	Not Permitted
R-M2 / R-M20	S-F Detached – 7,500 S-F Attached – 1,800	Density determined by zoning district
R-MA	S-F Detached – 7,500 S-F Attached – 1,800	20 per acre
R-MHP	87,120 (2 acres)	Not Permitted

11.3.2 Open Space Delineation

A minimum of 30% of the property must be designated as open space. All property designated as open space shall be clearly shown and identified on the preliminary plan.

- A. Only the required acreage to meet the Open Space Residential Requirements shall be identified as “open space”. All other areas that will be owned and maintained by the HOA shall be identified as Common Area. Required acreage and the total actual open space acreage must be clearly shown and identified. Generally, open space areas should be a minimum of 5000 square feet.
- B. Changes to the overall total acreage shall be reviewed and approved by Planning Staff if the required acreage for open space is met.
- C. The following areas may be considered to be open space:
- a. Dog Parks
 - b. Internal Parks
 - c. Wetlands – Wetlands include designated Wetland Buffers
 - d. Natural Areas
 - e. Floodplains
 - f. Walking Trails
 - g. Sports Fields
 - h. Fire Pits
 - i. Riparian Buffers
 - j. Athletic Courts
 - k. Playgrounds
 - l. Underground Utility Rights-of-Way
 - m. Open Area Pavilions – Only Open Area Pavilions of 625 sq. ft. or less may be considered.
 - n. Overhead transmission lines and roadside buffers greater than 20’ wide in 10’ increments may be included in the total open space, but cannot can only be up to make up 50%100% of the open space.

11.4 Access to Open Space

The required open space must be accessible to lots within the development. Accessible means connectivity to open space by ambulatory path, direct entry by common property line, trail, or similar method of safe ingress and egress to open space. Non-adjointing lots must be provided with safe, convenient access to the open space. Each noncontiguous area designated for 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:

- A. The primary access point shall be at least ten (10) feet in width, and any additional secondary access point(s) shall be not less than ten (10) feet in width.

11.5 Ownership and Maintenance

All land dedicated as open space shall have land development restrictions through the provisions of recorded “Covenants, Conditions, and Restrictions” (the “Covenants”). The “Covenants” shall run with the land, provide for protection in perpetuity, and be granted to the owning entity as noted above. The Covenants shall be submitted to Planning Staff for review and approval prior to recording of a Final Plat. Upon approval, the Covenants shall be submitted and recorded in the Register of Deeds.

The owner and developer or subdivider shall select land dedicated for open space, access, and type of ownership. Type of ownership may include as depicted in Section 7:2.2-3 of the Greenville County Zoning Ordinance, 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. Homeowners Association, or cooperative associations or organizations;
- E. Shared, undivided interest by all property owners within the subdivision.

11.5.1 Maintenance of Open Space

The person(s) or entity identified above, as having the right to ownership or control over open space, shall be responsible for its continuing upkeep and proper maintenance.

11.6 Final Plats

For residential developments utilizing the open space residential development option, when recording a Final Plat, 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. 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. Density table, using the same format as on the preliminary plan, and shall include the proportional acreage being recorded.
2. As shown in Table 11.2. A minimum of 30% of the property must be designated as open space. All property designated as open space shall be clearly shown and identified on the preliminary plan.
3. Only the required acreage to meet the Open Space Requirements shall be identified as “open space”. All other areas that will be owned and maintained by the HOA shall be identified as Common Area. Required acreage and the total acreage must be clearly shown and identified.

4. Changes to the overall total acreage shall be reviewed and approved by Planning Staff if the required acreage for open space is met.

4.5. Notations indicating the delineated open space, including metes and bounds, are to be shown on the Final Plat;

11.7. 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 open space residential 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 a qualified entity or organization as shown in Section 11.5 above approved by the County. The easement shall include a complete metes and bounds of the property being designated as open space.

A. Notes to be included on the Final Plat:

1. This development has been approved by the Planning Commission as a Open Space Residential Development 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 #).

B. 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.

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

11.8 Project Preview Meeting

Project preview meetings shall be held for all proposed open space developments, in accordance with the Subdivision Calendar. The Greenville County Planning Commission, along with advice and recommendation from Planning Staff, shall adopt and periodically review the procedure and guidelines for Project Preview Meetings.

Section 2. Miscellaneous Provisions.

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.

Review

County Council, with the advice and input of Planning Staff, shall conduct a review of this Ordinance no later than six (6) months from its effective date to evaluate its effectiveness, implementation, and compliance with other law and regulations.

Effective Date

This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____,
2026.

Benton Blount, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator