

No. _____

AN ORDINANCE

AN ORDINANCE TO AMEND THE GREENVILLE COUNTY ZONING ORDINANCE ~~TO ADD~~, ARTICLE 8, ~~SECTION 13~~, SPECIAL PURPOSE AND REVIEW DISTRICT REGULATIONS, BY ADDING SECTION 8:13 TO ESTABLISH THE MOUNTAIN CREEK COMMUNITY (MCC) DISTRICT AS SHOWN ON THE MAP LABELED "~~EXHIBIT~~EXHIBIT A" ATTACHED HERETO.

BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

The Mountain Creek Community (MCC) District is established through an amendment to the Greenville County Zoning Ordinance to be included in Article 8 as a new overlay district authorized by S.C. Code Ann. § 6-29-720. ~~The provisions and requirement of this Ordinance shall expire two (2) years from its effective date unless re-adopted by Greenville County Council.~~

Section 8:13 MCC, Mountain Creek Community District ~~Section~~

8:13.1 Intent and Purpose

The intent and purpose of the Mountain Creek Community (MCC) District is to:

- A. Prevent flooding and ~~stormwater~~storm water challenges within the Mountain Creek Watershed. This is particularly important on infill parcels with environmentally sensitive features that abut existing development, such as:

- ♦ 1. Wetlands, floodplains, riparian areas, wildlife habitats, mature forests, and unique geological formations;
- ♦ 2. Waterways, aquifers, and areas that provide water recharge;
- ♦ 3. Steep slopes, ridges, gorges, and ravines; and
- ♦ 4. Historic buildings, cemeteries, and lands, and designated open spaces.

~~B.~~A. Improve screening and buffering requirements in order to:

- ♦ 1. Preserve permeable open space and encourage preservation of valuable tree cover, which aids in diffusing rainfall;
- ♦ 2. Promote the overall health and strength of the community's economy in order to maintain property values, preserve the community character, and foster ownership longevity;
- ♦ 3. Screen vehicular drives and parking areas; and
- ♦ 4. Preserve the lower density character of the MCC.

~~C.~~A. Preserve open space in order to align with the goals of the 2020 Plan Greenville County Comprehensive Plan (Objective D-2).

~~D.~~A. Provide for better protection of the district's historic sites, such as the Camp Sevier World War I training facility.

Section 8:13.2 Application Applicability

The MCC shall apply to ~~all~~:

- A. All new major subdivisions, ~~new review districts;~~
- B. All existing major subdivisions which are substantially modified or expanded. For the purposes of this Section, “substantially modified” shall mean those requests which must be reviewed by the Greenville County Planning Commission.

This district, when applied, does not change the underlying zoning classification. All development shall comply with the requirements and ~~major changes within existing review districts.~~

standards specified herein and in all respects with other applicable codes and ordinances; where the standards of this Section conflict with other applicable standards, the more restrictive standard shall govern.

8:13.3 Official Mountain Creek Community District Boundary

The MCC boundary ~~and zones~~ shall be shown on the Official Zoning Map of Greenville County as depicted on Exhibit A.

Section 8:13.4 Screening and Buffers Definitions

For the purposes of this Section:

- A. “Storm Water Management Ordinance” or “SWO” means the Greenville County Storm Water Management Ordinance, Article III of Chapter 8 of the Greenville County Code, as amended.
- B. “Stormwater Management Design Manual” or “SMDM” means the Greenville County, South Carolina Stormwater Management Design Manual, as amended, adopted pursuant to the SWO.
- C. “Low Impact Development Best Management Practices” or “LID BMPs” means those best management practices that reduce runoff and pollutant loads by encouraging the interception, evapotranspiration, infiltration, and/or capture and reuse of storm water runoff, as identified as low impact development practices by the Land Development Division pursuant to the SMDM.
- D. “Total development acreage” means the gross acreage of the parcel or parcels subject to the development application, inclusive of areas to be dedicated as rights-of-way.
- E. References in this Section 8:13.4.1 Screening and Buffering to specific sections, divisions, appendices, or technical specifications of the Storm Water Management Ordinance or the Stormwater Management Design Manual mean those provisions as amended from time to time and include any renumbered or successor provisions.

8:13.5 Forested Perimeter Buffer and Screening

- A. A minimum fifty (50) foot undisturbed buffer shall be provided ~~for~~ along the perimeter of the development. Within the fifty (50) foot buffer, existing vegetation and trees shall ~~not be clear-cut and~~ be preserved except as otherwise permitted in subsection E below.
- B. Areas of the buffer which are lacking in existing significant trees having a DBH (Diameter) shall be supplemented with planted trees at Breast Height) of 24 inches shall be preserved throughout the buffer unless otherwise specified in Part D the following ratios:
 - 1. One (1) canopy tree per forty (40) linear feet of buffer length. Canopy trees shall have a minimum two-inch (2”) caliper at time of installation.
 - A.2. One (1) understory tree per twenty (20) linear feet of buffer length. Understory trees shall have a minimum installed height of six (6) feet.
- B. In those areas where existing landscape does not create a visual screen between the development and adjoining road frontages, a landscape screen at least ~~six~~ (6) feet in height shall be provided. Screening shall consist of evergreen plants at least ~~six~~ (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
- A. (25) feet of the road right-of-way and shall be arranged in an informal manner.
- ~~C.B.~~ Berms, privacy fences, and walls may not be utilized to meet the screening requirements and are not permitted within the required buffer area.
- ~~D.A.~~ The ~~fifty~~ (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~~ limited to the following:

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- ~~a-1.~~ Street or driveway access;
- ~~b-2.~~ Walkways, paths, trails, and other elements associated with passive recreation or the provision ~~for~~ continuous pedestrian and bicycle connections between adjoining properties;
- ~~c-3.~~ Entrance features and signage to the extent permitted; and
- ~~d-4.~~ Clearing for sight distances as required for reasonable traffic safety.

Section 8.13.4.2 Riparian Buffers

- A. In the event that the required buffer is disturbed and/or cleared in violation of this Section, the land grade shall be returned to its pre-disturbance state, and the specified buffer width and planting requirements shall be doubled for the purposes of re-establishing the buffer area. This remedy is in addition to, and not in lieu of, the violations, penalties, and enforcement provisions of Article 13 of this Ordinance.

8:13.6 Stream Protection (Riparian Buffers)

- A. Applicability. Riparian buffers shall be provided along all classes of ~~stream~~ streams and jurisdictional waters of the state in accordance with the current Greenville County Storm Water Management Ordinance, including Section 8-69 (Stream Protection), and the Greenville County Stormwater ~~Water~~ Management Design Manual.
- ~~B.A.~~ 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 the County ~~Engineer~~ Engineer's designee.
- ~~C.A.~~ 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.A.~~ 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 ~~SCDES's~~ SCDES 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~~ Section is not required for preliminary plan review and approval.

- A. ~~Section 8.13.4.2 2 Riparian~~ Buffer Requirements.

1. 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.
2. A minimum 100-foot riparian buffer shall be established along all jurisdictional waters of the state.

3. Section 8.13.4.2 3-Where the Storm Water Management Ordinance requires a greater buffer width, the greater width shall apply.

No Disturbance

A. 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, except as provided in the Storm Water Management Ordinance.

Section 8.13.4.2 4-Encroachments

B. The following structures and activities, if approved by the Greenville County Land Development Division 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 the health of individual trees; and
5. Removal of hazard trees and invasive species.

Section 8.13.5 Stormwater7 Storm Water Management Section 8.13.5.1 New Developments

New developments must have the capacity to store run-off from a 100-year (1 percent) storm event, rather than for the 10 or 25-year storm, as is typically required per Greenville County Land Development Regulations. Additionally, Low Impact Development features will be required for all new developments within the MCC boundary, as such features promote stormwater infiltration on-site, and aid in downstream water quality improvement. Impervious surfaces, likewise, will be minimized within the MCC boundary whenever practicable and approved by County Land Management.

Section 8.13.5.2 Stormwater Management System Requirements

1. As determined during submittal to Land Development Division staff, all construction, development, and redevelopment activities of properties within the MCC boundary shall be required to design its stormwater management system to accommodate a One Hundred (100) Year Frequency Storm.
- A. General. All new development must meet the requirements of the current Greenville County Storm Water Management Ordinance. The additional requirements of this Section 8:13.7 and Section 8:13.8 apply within the MCC boundary and shall be administered, reviewed, and enforced by the Land Development Division in the same manner as the requirements of the Storm Water Management Ordinance.
- B. Enhanced Runoff Control. In addition to the requirements set forth in Storm Water Management Ordinance Section 8-74 (Minimum Runoff Control Requirements), sites within the MCC boundary shall control post-development peak discharge rates so as not to exceed pre-development peak discharge rates for the 100-Year Frequency Storm event.
- 2.C. Definition. A “One Hundred (100) Year Frequency Storm” means a storm-that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as

an exceedance probability ~~within~~with a one (1) percent ~~change~~chance of being equaled or exceeded in any given year.

A. ~~Section~~ Impervious Surfaces. Impervious surfaces shall be minimized within the MCC boundary whenever practicable, as determined by the Land Development Division during plan review.

8:13.5.38 Low Impact Development Features for Water Quality ~~Section 8:13.5.3-1~~

Purpose

A. Low impact development (LID) is used in Greenville County to ~~provide for~~reduce runoff ~~reduction~~ and pollutant loads by utilizing storm water practices that encourage the interception, evapotranspiration, infiltration, and ~~to manage/or capture and reuse of storm water runoff for improved water quality.~~

- ~~B. This Section establishes guidelines for the use of LID Best Management Practices (BMPs) to:~~
- ~~1. Facilitate the design of drainage systems that are consistent with good engineering practice and design and in accordance with the County's planning efforts, including stormwater management planning;~~
 - ~~2. Minimize the cost of constructing and maintaining engineered stormwater drainage systems by facilitating natural drainage patterns and infiltration of stormwater runoff;~~
 - ~~3. Provide a mechanism that allows development with minimum adverse effects to the natural environment.~~

Section 8:13.5.3-2 Applicability

- A. . This Section applies to all land disturbing activity, where appropriate, as defined in the current Greenville County ~~Stormwater~~Storm Water Management Ordinance, except any development activity expressly exempted by ~~Stormwater~~Storm Water Management Ordinance §~~Section~~ 8-67-57 (Prohibitions and Exemptions).

Section 8:13.5.3-3 Minimum Treatment Threshold

- ~~A. LID BMPs are typically used in conjunction with on-site detention. On small sites and in higher density areas, there may be little open area where larger stormwater management features can be placed. The use of LID BMPs is required to ensure developments meet water quality requirements.~~

A. Requirements.

- ~~B.1. All development subject to this Section shall include LID BMPs in the ~~overall stormwater management design~~common areas and open spaces to the maximum extent practicable to achieve water quality by pollutant-of-concern reductions. See Chapter 9 of, in accordance with the SMDM.~~

C. Applicability of LID BMPs.

2. No more than six (6) lots within a major subdivision may have permitted individual-lot LID BMPs.
- 1.3. The appropriateness of a particular LID BMP depends on a number of factors, including site characteristics, the proposed land use, and the proposed intensity or density of development. SMDM Appendix F (Post Construction Water Quality BMP Suggested Uses) shall guide the selection of BMPs for a particular development site; qualifying LID BMPs shall be identified by the Land Development Division pursuant to subsection E below.
2. SMDM Appendix F: Post Construction Water Quality BMP Suggested Uses identifies appropriate BMPs based on the land area requirement, proposed land use, and potential benefits of the BMP. This Appendix shall guide the selection of LID BMPs for a particular development site.

Section 8:13.5.3-4 Technical Infeasibility

- A. . An applicant ~~demonstrates~~may demonstrate technical infeasibility of LID BMPs through a site-specific analysis prepared by a registered professional engineer, subject to review and approval by the Land Development Division.

B. ~~Section 8:13.5.3-5~~ LID Best Management Practices.

- A.1. Generally, LID BMPs that may be utilized on a site are limited to those identified ~~in~~as low impact development practices by the Land Development Division pursuant to the Greenville County, SC Stormwater Management Design Manual (SMDM).
- B.2. Design Standards. All LID BMPs utilized on a site shall meet the design and construction specifications and details established in the SMDM.

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Section 8:13.69 Open Space

Section 8:13.69.1 Open Space Requirements

- A. At least fifty percent (~~50% of land area%~~) of the total development acreage ~~to be subdivided~~ shall be set aside as protected open space for natural habitat preservation, passive recreation, and/or conservation for agriculture.
- A.B. Permitted residential density and open space design shall adhere to Sections 11.3 and 11.4 of the Greenville County Land Development Regulations.

~~B.A.~~ ~~Designated~~ Where ~~existing, designated or existing~~ open space exists on adjacent parcels, ~~designated~~ open space shall be contiguous with ~~such~~ open space ~~uses on adjacent parcels~~ in order to provide large uninterrupted expanses of open space, ~~to the extent practicable.~~

~~C.A.~~ 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~~ Primary access points shall not be less than twenty (20) feet in width. ~~Additional secondary~~ 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~~ they be ~~an easement~~ easements.

~~D.A.~~ 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. Recreational lakes or ponds may be included in the land designated as open space.

~~E.A.~~ All required buffers may be credited toward meeting open space requirements.

~~F.A.~~ No more than fifty percent (50%) of designated open space shall be wetlands and/or floodplains.

~~G. The area must be large enough for its intended use, and able to include specific features, such as recreational amenity or a significant natural area.~~

~~H. The dimensions and shape should make the space functional. A long, narrow strip might not be considered "meaningful" if it cannot be used for its intended purpose.~~

~~Designated open space shall be of meaningful proportions and dimensions consistent with the purpose and intent of this Section. Narrow strips of preserved natural areas shall not be credited if the width would allow for harm to the root systems of existing vegetation. Small and/or narrow strips of land shall not be granted credit toward passive recreation open space if, owing to their dimensions or arrangement, they provide no practical utility for their intended purpose.~~

~~I.A.~~ Open space shall be physically connected, whenever possible, to other designated open spaces.

Section 8:13.69.2 Open Space Ownership and Management

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

A. Non-profit or quasi-public organizations committed to the protection and conservation of open space, subject to their acceptance;

~~B.A. Homeowners Association~~ A homeowners association, or cooperative associations or organizations;

~~C.A.~~ Shared, undivided interest by all property owners within the subdivision; or

~~D.A.~~ Public jurisdictions or agencies, subject to their acceptance.

Section 8:13.69.3 Open Space Maintenance

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 and forest~~ management;

~~B.A.~~ Pasture or cropland management;

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~~C.A.~~ Landscaping to enhance appearance and screening;

~~A.~~ Removal of invasive species;

~~D.B.~~ Stream bank protection; and

~~E.A.~~ Passive recreation such as trails, picnic areas, and common greens.

~~Section 8:13.710~~ **Historic Preservation**

~~Section 8:13.7.1~~ **Historic Preservation Requirements**

“Historic sites” means those buildings, sites, objects, structures, or districts that are:

A) A. Listed on the National Register of Historic Places; ~~or~~

B) A. Determined eligible for listing on the National Register of Historic Places by the South Carolina State Historic Preservation Office; or

C) A. Designated as locally historic properties by County Council, pursuant to Section 8:7.1-7, Designation of Historic Properties.

The location of all Historic Sites ~~and~~ must be noted on plats. Historic Sites must be preserved whenever possible, unless to do so would cause substantial hardship, as defined in Section 8:7.2-10 of the Zoning Ordinance.

8:13.11 Administration, Relief, and Enforcement

- A. Administration. The Zoning Administrator shall administer and enforce Sections 8:13.5 (Forested Perimeter Buffer and Screening), 8:13.9 (Open Space), and 8:13.10 (Historic Preservation). The Land Development Division shall administer and enforce Sections 8:13.6 (Stream Protection) and 8:13.7 and 8:13.8 (Storm Water Management and Low Impact Development) in conjunction with its administration of the Storm Water Management Ordinance and the Land Development Regulations.
- B. Variances from Storm Water and Stream Protection Requirements. The requirements of Sections 8:13.6, 8:13.7, and 8:13.8 are adopted in furtherance of, and are to be applied consistently with, the Storm Water Management Ordinance. Pursuant to Zoning Ordinance Section 3:4.1, which provides that other requirements may be prescribed by the zoning ordinance, the following additional requirements shall apply to any application for a variance from the requirements of Sections 8:13.6, 8:13.7, or 8:13.8:

 - 1. Upon receipt of any such application, the Zoning Administrator shall refer the application to the Land Development Division. The Land Development Division shall perform a compliance review. The compliance review shall be provided to the Board of Zoning Appeals and made part of the record prior to any hearing on the application.
 - 2. The Board of Zoning Appeals shall consider the Land Development Division compliance review and shall address it in the written findings required by Section 3:4.1.
 - 3. The Board of Zoning Appeals shall not grant a variance from the requirements of Sections 8:13.6, 8:13.7, or 8:13.8 unless it finds, based upon the record including the compliance review of the Land Development Division, that the requested relief will follow the Waiver From Detention Request Policy.
- C. Violations. Violations of this Section are subject to the violations, penalties, and enforcement provisions of Article 13 of this Ordinance and, with respect to Sections 8:13.6, 8:13.7, and 8:13.8, the enforcement provisions of the Storm Water Management Ordinance.

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