

AN ORDINANCE

AN ORDINANCE TO AMEND THE GREENVILLE COUNTY ZONING ORDINANCE TO ADD ARTICLE 8, SECTION 13, SPECIAL PURPOSE AND REVIEW DISTRICT REGULATIONS TO ESTABLISH THE MOUNTAIN CREEK COMMUNITY DISTRICT AS SHOWN ON THE MAP LABELED “EXHBIT 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 challenges within the Mountain Creek Watershed. This is particularly important on infill parcels with environmentally sensitive features that abut existing development, such as:
 - Wetlands, floodplains, riparian areas, wildlife habitats, mature forests and unique geological formations;
 - Waterways, aquifers, and areas that provide water recharge;
 - Steep slopes, ridges, gorges, and ravines; and
 - Historic buildings, cemeteries, and lands, and designated open spaces
- B. Improve screening and buffering requirements in order to:
 - Preserve permeable open space and encourage preservation of valuable tree cover which aids in diffusing rainfall;
 - 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;
 - Screen vehicular drives and parking areas; and
 - Preserve the lower density character of the MCC.
- C. Preserve open space in order to align with the goals of the 2020 Plan Greenville County Comprehensive Plan (Objective D-2).
- D. 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

The MCC shall apply to all new major subdivisions, new review districts, and major changes within existing review districts.

Section 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.

Section 8:13.4 Screening and Buffers

Section 8:13.4.1 Screening and Buffering

- A. A minimum fifty (50) foot undisturbed buffer shall be provided for the perimeter of the development. Within the fifty (50) foot buffer existing vegetation and trees shall not be clear-cut and existing significant trees having a DBH (Diameter at Breast Height) of 24 inches shall be preserved throughout the buffer unless otherwise specified in Part D.
- 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 6 feet in height shall be provided. Screening shall consist of evergreen plants at least 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 (25) feet of the road right-of-way and shall be arranged in an informal manner.
- C. Berms, privacy fences and walls may not be utilized to meet the screening requirements and are not permitted within the required buffer area.
- D. The 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:
 - a. Street or driveway access
 - b. Walkways, paths, trails and other elements associated with passive recreation or the provision for continuous pedestrian and bicycle connections between adjoining properties.
 - c. Entrance features and signage to the extent permitted
 - d. Clearing for sight distances as required for reasonable traffic safety.

Section 8.13.4.2 Riparian Buffers

- A. **Applicability.** Riparian buffers shall be provided along all classes of stream and jurisdictional waters of the state in accordance with the Greenville County Stormwater Water 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 SCDES'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.

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.

Section 8.13.4.2-3 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.

Section 8.13.4.2-4 Encroachments

The following structures and activities if approved by Greenville County Land Development 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 8:13.5 Stormwater 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.
2. 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 a 1 percent change of being equaled or exceeded in any given year.

Section 8:13.5.3 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 runoff reduction and infiltration and to manage 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

This Section applies to all land disturbing activity, where appropriate, as defined in the current Greenville County Stormwater Management Ordinance, except any development activity expressly exempted by Stormwater Management Ordinance § 8-67: 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.
- B. All development subject to this Section shall include LID BMPs in the overall stormwater management design to achieve water quality by pollutant of concern reductions. See Chapter 9 of the SMDM.
- C. Applicability of LID BMPs.
 - 1. 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.
 - 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

An applicant demonstrates technical infeasibility of LID BMPs through a site-specific analysis prepared by a registered professional engineer.

Section 8:13.5.3-5 LID Best Management Practices

- A. Generally, LID BMPs that may be utilized on a site are limited to those identified in the Greenville County Stormwater Management Design Manual (SMDM).
- B. Design Standards. All LID BMPs utilized on a site shall meet the design and construction specifications and details established in the SMDM.

Section 8:13.6 Open Space

Section 8:13.6.1 Open Space Requirements

- A. At least 50% of land area of the total acreage to be subdivided shall be set aside as protected open space for natural habitat preservation, passive recreation, and/or conservation for agriculture.

- B. Designated open space shall be contiguous with open space uses on adjacent parcels in order to provide large uninterrupted expanses of open space.
- C. 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 access points shall not be less than twenty (20) feet in width. Additional 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 be an easement.
- D. 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.
- E. All required buffers may be credited toward meeting open space requirements
- F. No more than 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.
- I. Open space shall be physically connected, whenever possible, to other designated open spaces.

Section 8:13.6.2 Open Space Ownership and Management

The developer or sub-divider shall select the land dedicated for open space and 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. Homeowners Association, or cooperative associations or organizations.
- C. Shared, undivided interest by all property owners within the subdivision.
- D. Public jurisdictions or agencies, subject to their acceptance.

Section 8:13.6.3 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 management;
- B. Pasture or cropland management;
- C. Landscaping to enhance appearance and screening;
- D. Stream bank protection;
- E. Passive recreation such as trails, picnic areas, common greens.

Section 8:13.7 Historic Preservation

Section 8:13.7.1 Historic Preservation Requirements

"Historic sites" means those buildings, sites, objects, structures, or districts that are

- A) Listed on the National Register of Historic Places; or
- B) Determined eligible for listing on the National Register of Historic Places by the South Carolina State Historic Preservation Office, or
- C) Designated as locally historic properties by County Council, pursuant to 8:7.1-7 Designation of Historic Properties.

The location of all Historic Sites 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.