

ORDINANCE NO.: 2020-035

AN ORDINANCE TO AMEND SECTION 38-302, 38-312, 38-331, 38-351, 38-353, 38-356, 38-358, and 38-371 of ARTICLE 111 (SUBDIVISIONS), CHAPTER 38 OF THE CODE OF ORDINANCES, ANDERSON COUNTY, SOUTH CAROLINA SO AS TO PROVIDE FOR CONSERVATION DEVELOPMENT STANDARDS; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Anderson County, South Carolina, a body politic and corporate and a political subdivision of the state of South Carolina, acting by and through the Anderson County Council, previously adopted Chapter 38 of the Code of Ordinance and, from time to time, has amended certain provision of Chapter 38 of the Code of Ordinances);

WHEREAS, the Anderson County Council desires to further amend Chapter 38 of the Code of Ordinances to adopt standards for development of conservation subdivisions;

WHEREAS, conservation subdivisions allow for the preservation of open space in exchange for more compact development within prescribed standards; and

WHEREAS, conservation subdivisions provide an alternative for development of parcels property within Anderson County.

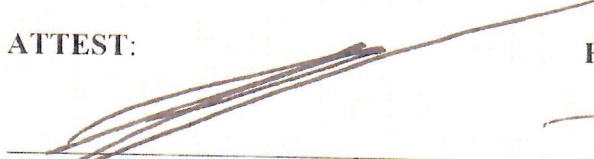
NOW THEREFORE, be it ordained in meeting duly assembled that:

1. Chapter 38 of the Code of Ordinances, Anderson County, South Carolina is hereby amended to read as follows:
 - a. Section 38-302 is hereby amended to add definitions for Natural Areas", "Scenic View", Trails", and Historic Site or Structure" as provided in Exhibit A attached hereto.
 - b. Section 38-312 is hereby amended to add item (17) and (18) to items of information required for a preliminary plat as provided in Exhibit A attached hereto.
 - c. Section 38-331 is hereby amended as provided in Exhibit A attached hereto.
 - d. Section 38-351 is hereby amended as provided in Exhibit A attached hereto.
 - e. Section 38-353 is hereby amended as provided in Exhibit A attached hereto.
 - f. Section 38-356 is hereby amended as provided in Exhibit A attached hereto.

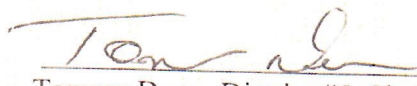
- g. Section 38-358 is hereby amended as provided in Exhibit A attached hereto.
- h. Section 38-371 is hereby amended as provided in Exhibit A attached hereto.
- 3. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.
- 4. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.
- 5. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
- 6. This ordinance shall take effect and be in full force upon the Third Reading and Enactment by Anderson County Council.

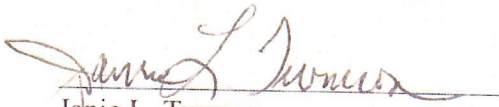
ORDAINED in meeting duly assembled this _____ day of _____, 2021.

ATTEST:

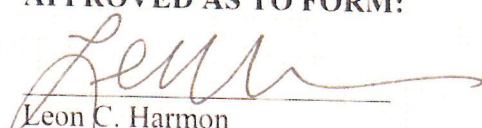

Rusty Burns
Anderson County Administrator

FOR ANDERSON COUNTY:


Tommy Dunn, District #5, Chairman


Janie L. Turmon
Assistant Clerk to Council

APPROVED AS TO FORM:


Leon C. Harmon
Anderson County Attorney

1st Reading: November 12, 2020

2nd Reading: August 3, 2021

3rd Reading: September 7, 2021

Public Hearing: September 7, 2021

ARTICLE III. - SUBDIVISIONS

ITEMS IN GREEN ARE NEW VERBIAGE FOR CONSIDERATION FOR CONSERVATION SUBDIVISIONS, BLUE IS OTHER CHANGES NEEDED, BLACK IS EXISTING LAW

Sec. 38-302. - Definitions.

The following definitions shall apply to the subdivision regulations:

Natural Areas: areas of undisturbed vegetation or areas replanted with vegetation after construction.

Open space: Undeveloped land suitable for low impact resource-based outdoor recreation and/or conservation purposes. This definition can include land with environmental value such as preserve/preservation lands, and can also include land required or desired to provide for aesthetic and scenic value. Open space may include utility rights of way if utility construction is below ground, but may not include utilities constructed above ground nor stormwater management areas unless these areas are open to recreational uses by the occupants of the development and/or enhance the aesthetic value of bordering uses.

Scenic View: an outstanding or unique view of distant landscapes of scenic grandeur, outstanding views of large bodies of water, or panoramic view of the skyline.

Trails: a travel route established either through construction or use that is passable by foot traffic or bicycles.

Historic Site or Structure – Historic site or Historic Structure is an official location designated by a federal or state government as a historic site where pieces of archeological, architectural, political, military, cultural, or social history have been preserved due to their cultural heritage value. For the purposes of this ordinance, a site is considered a Historic Site if it is properly listed on the National Register of Historic Places by the U.S. Department of Interior.

Sec. 38-312. - Preliminary plat.

The preliminary plat shall contain the following information:

(17) For Conservation Subdivisions: Density Table showing the total land area (acres), number of lots total, number of lots per acre, open space (acres and percent of total).

(18) For Conservation Subdivisions: Clear delineation of open space on plat.

DIVISION 4. - ADMINISTRATIVE PROCEDURE; FINAL PLAT

Sec. 38-331. - Final approval required.

- (a) The final subdivision plat shall be prepared and submitted to the planning commission by the subdivider within 12 months after the approval of the preliminary plat. If the final plat is not submitted to the planning commission within that time frame, preliminary approval shall be null and void unless an extension of time is applied for and granted by the planning commission. Final plat approval may be given for any phase of a subdivision where phased development is clearly indicated on the preliminary plat; provided, however, that once the first phase of any final plat is recorded and 80 percent of the lots in that phase are sold, the subdivider has two years to receive approval and record the final plat for the next phase, using the subdivision regulations as they were approved at the time

the preliminary plat for the first phase was recorded. This same time frame shall hold consistent through the development process, but only for those phases which were shown on the preliminary plat.

(1) Conservation subdivisions may be done in phases, however all phases must be a part of a conservation design master plan that must be approved at the beginning of the development process.

(b) Final plats shall be submitted for approval by the planning commission in the following manner:

(1) **Seventeen Five** copies of the final plat shall be turned in to the planning department at least 14 working days, but not greater than 20 days, prior to any commission meeting at which the subdivider would like the plat to be ~~discussed~~ **considered**. ~~The subdivider shall also provide the county with a digital DXF file of the subdivision on approved media. If the subdivider is unable to provide the digital file, an administrative fee of \$5.00 per lot shall be charged, not to exceed \$500.00.~~

(2) Additional copies of the final plat shall be provided to the planning department upon request.

(3) Any deed restrictions or restrictive covenants then applying to all or a part of the subdivision shall be submitted along with the final plat at the time of submission to the planning department.

(c) Final Plats for Conservations Subdivisions must also include:

(1) Open space table, using the same format as on the preliminary plan, and shall include the proportional acreage being recorded.

(2) Notations indicating the delineated open space, including metes and bounds, are to be shown on the Final Plat.

(3) Open Space Easements:

(a) 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 the Conservation Subdivision.

(b) 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.

(c) The easement shall run with the land, provide for protection in perpetuity, and be granted to an approved owner and recorded with the Anderson County Register of Deeds. The owner shall include a properly organized property-owners association or other third party approved according to the ordinances of Anderson County.

(d) 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 Conservation Subdivision 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, establishment of site-line requirements of the SC Department of Transportation or the Administrator, removal of invasive species according to a plan approved by the Administrator, or 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 areas except by the owner of the easement or the Administrator. If some part of the open space was designated to meet stormwater management requirements, permission must be obtained from the Anderson County Stormwater Division for any alteration of the designated open space. Normal maintenance and the removal of dead or fallen trees are permitted and recommended.

(5) 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. A copy of the covenants is to be provided prior to the recording of a final plat.

DIVISION 5. - DESIGN STANDARDS

Sec. 38-351. - Design standards.

The size, shape, and orientation of the lots shall be appropriate for the location of the proposed subdivision and for the type of development ~~contemplated~~ proposed.

Conservation subdivisions allow for the preservation of open space in exchange for more compact development. The purpose of the Conservation Subdivision is to preserve agricultural and forestry lands, natural and cultural features, provide open areas for rest and recreation, and encourage the development of more attractive neighborhoods with economical site design that conserve sensitive areas. Specific objectives are as follows:

- (1) To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams, wetlands, and floodplains.
- (2) To preserve scenic views and elements of the county's rural character and to minimize perceived density by minimizing views of new development from existing roads.
- (3) To minimize site disturbance and erosion through retention of existing vegetation.
- (4) To provide for the active and passive recreational needs of the residents of the proposed subdivision.
- (5) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development
- (6) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
- (7) To preserve and maintain historic sites and structures that serve as significant visible reminders of the county's social, archeological, and architectural history.
- (8) To create compact neighborhoods accessible to open space amenities and with a strong identity.

Conservation subdivisions must be 5 acres or larger and land area for the proposed conservation subdivision must be preserved as open space according to the table below (351). Examples of areas to be considered for open space protection are scenic vistas, natural water courses, woodlands, waterfalls, coves, geologic features, wetlands, floodplains, lakes, creeks. Buffers, Septic drain fields as part of a community wastewater collection and treatment system, and other underground utilities, may be permitted within the required open space.

Conservation subdivisions must have a minimum of fifty (50) foot buffer provided for the perimeter of the development. Within the fifty (50) foot buffer, existing vegetation shall not be clear cut and existing significant trees shall be preserved unless a plan is submitted to and approved by the Administrator that addresses site-specific conditions like the presence of invasive species, to remove dead or dying plants and trees, to improve screening, or other factors that may make removal of existing vegetation beneficial to the subdivision. The 50 foot buffer provided along the existing road frontage adjoining the subdivision shall be designated as open space or common area and can include; walkways, paths, trails and other elements associated with passive recreation or the provision for continuous pedestrian and bicycle connections between adjoining properties. However, if a buffer of at least 25 feet already exists between the proposed subdivision and an

adjoining subdivision, a 25 foot buffer is required where the buffer on the adjoining property already exists.

For Conservation subdivisions the ownership of open space shall be held by a Homeowners Association, or cooperative associations or organizations, a non-profit or quasi-public organization committed to the protection and conservation of open space, subject to their acceptance, or may be deeded to Public Jurisdiction or Agency, subject to their acceptance.

Table 351. Required Open Space

Average Lot Size	Open Space Required
2 Acres or Greater	None
1 Acre to 1.99 Acres	At least 10%
0.5 Acre to .99 Acre	At least 15%
Under 0.5 Acre	At least 25%

The Open Space required in the above table shall be the percentage of land area of the total acreage to be subdivided, which shall be set aside as protected open space for natural habitat preservation, passive recreation, and/or conservation for agriculture.

Sec. 38-353. - Access.

- (a) All lots developed in the county from the date of the adoption of this article must be situated on or have direct access by right-of-way or easement to an approved county, state maintained road, or private road built to county standards. Direct access to any new lot must be in the form of an individual right of way or easement for each lot, not less than 20 feet in width, to a county road or private road built to county standards. Direct access to a state road must be in the form of an individual right of way or easement for each lot, not less than 20 feet in width. All accesses onto state roads shall be approved in writing by the SCDOT prior to plat approval by the subdivision administrator.
- (b) **Conservation subdivisions shall have a minimum of one primary access point from an internal subdivision road to all open spaces. 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.**

Sec. 38-356. - Waterways.

In any subdivision, natural waterways and riparian buffers shall remain natural and shall be kept clear of obstruction. **For conservation subdivisions, a minimum fifty (50) foot riparian buffer measured from the top of bank shall be provided on all waters of the state.**

Sec. 38-358. - Intensity standards.

- (a) One subdivision entrance is required for every 100 lots of a proposed subdivision.

- (b) For conservation subdivisions, at least 50% of the lots shall directly front open spaces or face open spaces from across a subdivision street unless a variance is granted by the Planning Commission.

DIVISION 6. - DESIGN STANDARDS; LOT DIMENSIONS

Sec. 38-371. - Lot dimensions; setbacks. (Red is Ord. 21-009)

- (a) The following minimum dimensions apply for lots with access to public water and sewer:
- (1) Minimum area of ~~10,000~~ 8,000 sq. ft. for a single lot, when not in a zoned area of Anderson County. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. **Conservation subdivisions minimum lot area of 5,000 sq. ft. for a single lot, when not in a zoned area of Anderson County.**
 - (2) For twin home lots, the minimum combined total area of both lots must be at least ~~10,000~~ 8,000 sq. ft. and each lot must have a minimum area of ~~5,000~~ 3,850 sq. ft. when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. **Conservation subdivisions minimum lot area of 5,000 sq. ft. for twin home lots, each twin home lot must have minimum area of 2,500 sq. ft. when not in a zoned area of Anderson County.**
 - (3) Minimum width of 60 feet between side lot lines measured at the front setback line. Minimum width for corner lots shall be measured from the side road setback line, rather than the side lot line to accommodate the need for additional width on corner lots. **Conservation subdivisions minimum lot width of 40 feet at the front setback line and minimum lot road frontage at the road right of way of 20 feet. For a twin-home lot, the minimum lot width is 20 feet for each dwelling unit of the twin home.**
 - (4) Minimum depth as required to meet minimum area requirements as specified in subsection (a)(1) and (3) of this section.
 - (5) Minimum rear setback of ~~15~~ ten feet from rear property line for a single family residence or a twin home. **Conservation subdivisions minimum rear setback of 5 feet.**
 - (6) Minimum side setback of ~~15~~ eight feet from the lot line shall be maintained on each side of a twin home and on both sides of a single family dwelling. Side setbacks on corner lots shall be equal to half the distance required for the front setback. **Conservation subdivisions minimum side setback of 5 feet and drainage easements of 5 feet at side property lines (drainage easements can be placed within the minimum side setback).**
 - (7) **For Conservation Subdivisions building setback shall be a minimum of 30 feet for all lots abutting the perimeter buffer.**