ORDINANCE NO. 2026-032

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CODE OF ORDINANCES, ANDERSON COUNTY, SOUTH CAROLINA, TO ADD A NEW DIVISION 8 TITLED CONSERVATION SUBDIVISION STANDARDS TO ARTICLE III OF CHAPTER 24; TO FURTHER AMEND CHAPTER 24 TO REMOVE REFERENCES TO CONSERVATION SUBDIVISIONS IN OTHER SECTIONS OF CHAPTER 24; AND OTHER MATTERS RELATED THERETO.

WHEREAS, the Anderson County Council enacted Ordinance No.: 2025-035 on September 7, 2025, containing conservation development standard located in various sections of Chapter 38 (now Chapter 24) of the Code of Ordinances, Anderson County South Carolina;

WHEREAS, Anderson County 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 24 of the Code of Ordinances, Anderson County, South Carolina and, from time to time, has amended certain provisions of Chapter 24 of the Code;

WHEREAS, Anderson County Council desires to further amend Chapter 24 of the Code to develop consolidated conservation subdivision standards with enhanced open spaces protections to be located in a separate division of Title III of Chapter 24;

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

WHEREAS, conservation subdivisions provide an alternative for development of parcels of property into residential areas within the County.

NOW, THEREFORE, be it ordained by Anderson County Council in meeting duly assembled that:

1. Chapter 24 of the Code of Ordinances, Anderson County, South Carolina is hereby amended as follows:

a. Section 24-336 (Preliminary Plat) is hereby amended to delete items (17) and (18).

b. Section 24-367 (Final approval required is hereby amended to delete items (a)(1) related to conservation subdivisions and item (c) related to conservation subdivisions. The remaining items (d), (e), (f), and (g) shall be renumbered to items (c), (d), (e), and (f) respectively.

c. Section 24-401 (size, shape and orientation of lots) is hereby amended by deleting everything except the first sentence of section 24-401.

d. Section 24-403 (Access) is hereby amended by deleting item (c). The remaining items (c) and (d) shall be renumbered to items (b) and (c) respectively.

e. Section 24-406 (Waterways) is hereby amended by deleting the last sentence related to conservation subdivisions.

f. Section 24-408 (Intensity Standards) is hereby amended by deleting item (6).

g. Section 24-432 (Minimum dimensions; setbacks) is hereby amended by deleting the last sentence of sections a (1), a (2), a (3), a (5), and a (6) and deleting the entirety of a (7).

2. Chapter 24 of the Code of Ordinances, Anderson County, South Carolina is further amended by adding a new Division 8 to Article III of Chapter 24 as provided in Exhibit A attached hereto, and renumbering the current Division 8 as Division 9.

3. All other terms, provisions, sections, and contents of the Code of Ordinances, Anderson County, South Carolina not specifically 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. This Ordinance shall take effect from and after the public hearing and the third reading in accordance with the Code of Ordinances, Anderson County, South Carolina.

ORDAINED in meeting duly assembled this 21st day of July, 2026.

ATTEST:

Rusty Burns
Anderson County Administrator

Renee Watts
Clerk to Council

FOR ANDERSON COUNTY:

Tommy Dunn, District #5, Chairman

APPROVED AS TO FORM:

Leon C. Harmon
Anderson County Attorney

First Reading:	June 16, 2026
Second Reading:	June 29, 2026
Third Reading:	July 21, 2026
Public Hearing:	July 21, 2026

Exhibit A

Division 8. Conservation Subdivision Standards

24-500. Purpose

It is the purpose of this ordinance to provide flexibility in ensuring preservation of open space, agricultural and forestry lands, and natural features within a master-planned residential development. The goal of the design process is to identify and set aside conservation areas prior to the delineation of transportation and residential pod layouts. Specific objectives are as follows:
(a) To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams, and floodplains in perpetuity.
(b) 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.
(c) To minimize site disturbance and erosion through retention of existing vegetation and preserve streambanks
(d) To Prevent flooding, erosion, and water pollution;
(e)To encourage more efficient development of land;
(f) To provide for the active and passive recreational needs of the residents of the proposed subdivision.
(g) To afford greater flexibility of design and placement of buildings and structures
(h) 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.
(i) To preserve and maintain historic sites and structures.
(j) To create compact neighborhoods accessible to open space amenities and with a strong identity.

24.501. General Provisions.

(a) Sensitive Area Disturbance. The proposed design shall minimize disturbance of environmentally sensitive areas, as shown on the Preliminary Plat. Lands within the 100 year floodplain, designated as wetlands, having slopes in excess of 35%, and riparian buffers adjacent to streams constitute such environmentally sensitive areas. Demonstration by the applicant that these features shall be protected by the proposed application shall be prerequisite to consideration and approval of the Conservation Subdivision Preliminary Plat and subsequent Final Plat.

(b) Phased Development: Unless approved under a Preliminary Plat by the Planning Commission as outlined herein, each phase of a Conservation Subdivision must meet the density criteria established herein and may not exceed the maximum density allowed.

24-502 Standards.

(a) Dimensional Standards
   (1) Conservation Subdivisions must be 10 acres or larger.
   (2) There shall be a minimum lot area of 7,250 square feet for a single lot, when not in a zoned area of the county.
   (3) There shall be a minimum lot area of 7,250 square feet for twin home lots, each twin home lot must have minimum area of 3,625 square feet when not in a zoned area of the county.

(4) There shall be a minimum lot width of 50 feet at building 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 25 feet for each dwelling unit of the twin home.
(5) There shall be a minimum building setback of 30' from internal road right of way
(6) There shall be a minimum side and rear setback of 8'.
(7) There shall be a minimum building rear setback of 30' for any lot that buffer the designated open space
(8) There shall be a minimum setback of all lots and/or buildings of 100 ft from external road right of ways and tract property lines.
(9) The above setbacks apply to both principal buildings as well as accessory buildings and structures.

(b) Standards to Determine Open space.
(1)The minimum open space shall comprise of 50% of the gross tract area. Undevelopable land such as required riparian buffers, utility right of ways, wetlands, stormwater management facilities not having a recreational feature, and other constrained lands shall not count towards the 50% open space requirement.
(2) Open space shall be preserved in larger, contiguous, and connected tracts so as to provide uninterrupted habitat. Long thin strips of less than 100 feet in width shall not count towards required open space. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
(3) Open Space can consist of the following:
a. The 100-year floodplain.
b. Slopes above 35% of at least 5000 square feet contiguous area
c. Populations of endangered or threatened species, or habitat for such species.
d. Important historic sites.
e. Existing healthy, native forests of at least one acre contiguous area
f. Individual existing healthy trees greater than 14 inches caliper measured at dbh.
g. Other significant natural features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, in particular those that can be seen from public roads.
h. Prime agricultural lands
i. Existing trails that connect the tract to neighboring areas
j. Archaeological sites, cemeteries, and burial grounds.
k. Perimeter buffers as outlined herein
(4) Permitted Uses of Open space. Uses of open space may include the following:
a. Conservation of natural, archeological, or historical resources;
b. Wildlife corridors, game preserves, or similar conservation-oriented areas;
c. Walking or bicycle trails;
d. Passive recreation areas, such as open fields;
e. Other conservation-oriented uses compatible with the purposes of this ordinance;
f. Community gardens

(5) Prohibited uses of Open space. Uses of open space may not include the following:
   a. Roads, parking lots, and impervious surfaces, except as specifically authorized in this article;
   b. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
   c. Other activities as prohibited pursuant to a recorded legal instrument providing for permanent protection of the open space; and.
   d. Golf Courses.

(6) Septic systems, wells, and recreational use storm water management systems. Easements will allow designated open space to be used for community sewer system drip lines, wells, and recreational use storm water management structures designed to promote on-site infiltration and/or treatment of runoff. Such intrusions shall not be allowed to encroach into an exterior buffer as outlined herein. Communal septic tank systems are allowed in the conservation subdivision, provided they are professionally engineered on-site wastewater systems. Permission from or discussion with the South Carolina Department of Environmental Services must be provided to the Planning Commission with the preliminary plat application.

24-503. Ownership, preservation, and maintenance of open space.

(a) Open space land shall be preserved and maintained.

(b) The method for effectuating such preservation and maintenance shall be establishment of a home owners association (HOA), to own and maintain the land in common for the open space purposes intended according to the following provisions:

(1) The HOA will maintain, pay taxes (if applicable), and own the open space. The HOA may file for tax exempt status with the Anderson County Assessor's Office.

(2) The HOA will execute legally enforceable permanent deed restrictions. Larger contiguous open space may be eligible for permanent conservation easements.

(3) The HOA shall develop a long-term conservation plan for maintenance of common areas. This plan should include examples of environmentally friendly landscaping techniques for homeowners.

24-504. Legal Instrument for Permanent Protection.

The open space shall be protected in perpetuity by a binding legal instrument which shall be one of the following:

(1) A permanent conservation easement of either:

   a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or
   b. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance, subject to the approval of the Planning Commission.

(2) All legal instruments used to permanently protect conservation areas platted within the Conservation Subdivision shall be executed by the owner developer and approved prior to approval of the final plat for the development. Upon approval of the final plat and the legal instruments for permanent protection of the conservation areas, the developer will

record said documents with the Register of Deeds office. All fees associated with the recordation of plats and legal instruments will be furnished by the developer of the Conservation Subdivision or their agent.

(3) Permanent deed restrictions that prohibit the development of land or construction of structures within the designated open space.

24-505. Design Considerations.

(a) Preliminary Plat Submission

The preliminary plat must include the information listed in section 24-336 in addition to the below:

(1) Density table showing the total land area (acres), number of lots total, number of lots per acre, open space (acres and percent of total).

(2) 100 year floodplain limits, and approximate location of wetlands, if any;

(3) Topographic, physical and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of 15 inches or more, hedgerows and other significant vegetation, steep slopes (greater than 35%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of tract, existing ROW and easements, and cultural features such as all cemeteries, structures, foundations, walls, wells, trails, and abandoned roads;

(4) All streams (perennial and intermittent), rivers, lakes, wetlands and other hydrologic features

(5) All open space labeled by type, as described in this section

(6) Significant wildlife habitats, if known

(7) In the case of amenities or no individual lots, proposed location of buildings and major structures, parking areas and other improvements; and

(8) General description of proposed method of water supply, sewage disposal, and stormwater management

(b) Design Process

All Preliminary Plats for Conservation subdivisions shall include documentation of the layout of proposed open space lands, house sites, streets, and lot lines as described below.

(1) Delineation of open space lands. The minimum percentage and acreage of required open space lands shall be calculated by the applicant and submitted as part of the Preliminary Plat in accordance with this ordinance.

(2) Location of House Sites.

a. Potential house sites shall be tentatively located using the proposed open space lands as a base map.

b. Views of house lots from exterior road and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping

(3) Alignment of Streets and Trails and Road Design.

a. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards for road design.

b. All roads within a conservation subdivision shall remain private and property of the HOA. Anderson County shall not maintain or accept roads within the conservation subdivision.

24-506. Buffer requirement.

Where property to be developed as a Conservation Subdivision abuts property not a part of the Conservation Subdivision, the Conservation Subdivision shall have a buffer along the exterior property boundary. The buffer shall be undisturbed except as specifically allowed herein, and of sufficient volume to provide a year round opaque screening. Where no vegetation exists within the required buffer area, or where existing vegetation does not provide a sufficient screen, and where planting of native vegetation will provide a screening meeting the requirements of this section, the buffer will be planted with such vegetation to meet the intent of this section.

1. Mandatory stormwater structures. Not withstanding other provisions to the contrary, and where the only practical place upon the tract of land being developed as a Conservation Subdivision to locate a stormwater facility serving to contain and control the stormwater generated from the Conservation Subdivision is within the required buffer, the Planning Commission may grant a variance to allow such a structure to be built within the required buffer. The area devoted to the installation of the stormwater structure may not be used to satisfy the open space requirement for the development.
2. Trails. Where trails are planned to be provided, such trails may be constructed within the buffer area. The path through the buffer area containing such trail may be no wider than 8 feet. All clearing associated with the construction of such path shall be contained within the 8 feet. If such trails are planned as a part of the development, the trails must be located within the first 25% of the buffer furthest from the exterior boundary line for the subdivision but in no event shall be within 30 ft. of said exterior boundary line.
3. Size of Buffer. The size of the exterior buffer is to be at least 100 feet in width at any given point
4. Buffer counts toward open space requirement. The area of land designated to the exterior boundary buffer may be used to satisfy the minimum required open space for the development. The buffer area shall not be included as a part of any platted residential lot within the subdivision. Such buffer shall be designated as part of the open space for the subdivision and be permanently protected in accordance with the requirements contained herein.