Sumter City-County Planning Commission

October 28, 2026

OA-26-02, Conservation Subdivisions (County)

I. THE REQUEST

Applicant: Sumter County

Request: Amend *Articles 3, 4,* and *10* of the Sumter County Zoning & Development Standards Ordinance in order to establish conservation subdivision development standards in the Agricultural Conservation (AC) district.

II. BACKGROUND

In support of the County's ongoing discussions regarding subdivision development in rural areas, staff has researched strategies to preserve rural and agricultural lands through conservation subdivision design that balances open space preservation and compact development. In particular, large swaths of Sumter County are currently zoned Agricultural Conservation (AC), which allows residential use by right. When a developer seeks to develop a residential subdivision in the AC district, former open space or productive farmland is cut up into uniform 1 acre lots, forever converting said land into residential subdivisions. A new approach to development in the rural AC zoned areas would still allow for development of residential subdivisions, however; conservation subdivision design strategies would be employed as part of the development process.

When developing a conservation subdivision design framework there are a few key items to address:

1. Define what constitutes a conservation subdivision.
2. Establish the minimum tract size necessary to develop a conservation subdivision.
3. Establish the minimum conservation area set-aside within a development and confirm how that area is measured.
4. Make the open space protection permanent and enforceable.

What is a conservation subdivision?

A conservation subdivision is a residential subdivision in which dwelling units are clustered on a portion of the tract and the balance of the tract — the conservation area — is permanently protected from development. This is an alternative to conventional lot-by-lot subdivision of rural land. A conservation approach does not reduce the number of dwellings that could be developed on an open tract of property—the density entitlement granted by the base zoning district is maintained; however, the homes are simply on a smaller development footprint so that open land remains.

From an infrastructure development standpoint, a conservation subdivision is no different than a conventional subdivision and requires a developer to provide the same level of new infrastructure

to support any proposed development; however, costs are often lower due to a reduction in the amount of infrastructure required for the smaller development footprint. The true impact comes from how conservation design affects the *pattern* of development — where the lots go and what is left open — rather than the amount of development the property may support.

The following table details the differences between conventional subdivision development and a conservation approach.

Element	***Conventional subdivision***	***Conservation subdivision***
Lot arrangement	Lots distributed across the entire tract; uniform lot sizes	Dwellings clustered on a portion of the tract; conservation area set aside
Land permanently protected	None beyond otherwise-required buffers	Not less than 50 percent of the developable area, with permanent protection from future development
Unit yield	As permitted by the base zoning district	Same as permitted by the base zoning district, verified by a yield plan
Roads, water, sewer	Longest network required to reach every lot	Shorter network; fewer linear feet per dwelling unit
Impervious surface / runoff	Spread across the tract	Concentrated; capped at 45 percent per lot
Agricultural land	Consumed lot by lot	Retained in blocks that remain viable for active use
Rural viewshed	Frontage consumed by lots and driveways	Preserved along road frontages by buffer requirements
Protection instrument	None	Perpetual conservation easement, or other suitable legal tool that is recorded and monitored

Preservation of rural and agricultural lands through open space preservation.
The core of the proposal is a floor on protected land. Not less than 50 percent of the developable area of the tract must be designated conservation area and permanently protected. Open space preservation accomplishes several things at once for the rural AC landscape:

- **Keeps land in agricultural and forestry use.** The conservation area may remain in agriculture, horticulture, silviculture, pasture, and equestrian use under a management plan and applicable best management practices. Conserved land is not idle land; it is land that stays in production.

- **Protects the resources that matter most.** Primary conservation areas — jurisdictional wetlands, open water, the FEMA 100-year floodplain and floodway, slopes of 25 percent or greater, and riparian buffers — are placed in the conservation area to the maximum extent practicable. Secondary conservation areas — prime farmland and hydric soils, working forests, scenic viewsheds from public roads, cemeteries, and known or suspected historic and archaeological resources — are identified through a required site analysis map and protected as well.

- **Holds the conservation area together.** The conserved land is configured in the fewest practicable number of contiguous parcels, connected to conservation or undeveloped land on adjoining tracts wherever feasible, and cannot include isolated fragments smaller than 0.5 acre or narrower than 50 feet, except for trail, greenway, and riparian connectors.

- **Protects the agricultural interface.** Where a tract adjoins land in bona fide agricultural or forestry use, a buffer of not less than 100 feet separates residential lots from the shared boundary, and the plat and every deed carry a right-to-farm notice. Agricultural operations conducted in accordance with generally accepted practices are expressly protected.

- **Reduces long-term public obligation.** Shorter road, water, and sewer networks reduce both developer cost and the County's long-term maintenance exposure, and reduced impervious surface lowers post-development runoff volume and downstream flood risk.

Preservation of rural and agricultural lands through compact development.
Compact development is what makes the set-aside possible. Rather than spreading lots across the entire tract, the ordinance requires a **four-step design process**, documented at sketch plan:

1. **Identify conservation land.** Delineate all primary conservation areas, then all secondary conservation areas, using the site analysis map.

2. **Locate house sites.** Site dwellings on the remaining land, taking advantage of views of and access to the conservation area.

3. **Align streets and trails.** Lay out the minimum street network needed to serve the house sites, with pedestrian connections to the conservation area.

4. **Draw lot lines.** Lot lines are the last element drawn.

Because the lots are drawn last, the conservation area drives the plan instead of being whatever land is left over. Compacting the developed portion of the tract:

- **Preserves the landowner's economic use of the land.** Base density is derived from the density factor of the AC district applied to the net developable area, with constrained land credited at 25 percent.

- **Allows lots smaller than the AC district minimum**, down to a floor of 0.40 acre — and only under this ordinance, and only where the 50 percent set-aside is satisfied.

- **Caps impervious coverage at 45 percent per lot** and encourages low-impact stormwater practices, including bioretention, vegetated swales, and preservation of natural drainageways.

- **Minimizes street width and length**, encourages open swales over curb and gutter, limits cul-de-sac length to 1,000 feet absent a waiver, requires two points of external access for subdivisions over 30 lots, permits shared driveways serving up to four lots, and requires all utilities to be placed underground.

Permanen require conveyance to a substitute for the Qualified Holder ***ce of protection.***
Density and design standards mean little if the open space can later be developed. Protection is therefore structured to last:

- A perpetual conservation easement, in a form approved by the County Attorney, is recorded with the final plat and runs with the land under the South Carolina Conservation Easement Act of 1991.

- The easement is held by a Qualified Holder — a qualified land trust, the County, a municipality, the State, or an authorized special purpose district. Sumter County is named a third-party beneficiary with independent standing to enforce, whether or not it is the Holder.

- The easement may not be amended, released, or extinguished in a way that reduces the protected area, absent the Holder's written consent, approval of County Council after a public hearing, and an order of a court of competent jurisdiction on a finding that the conservation purpose has become impossible or impracticable.

- In no event may the conservation area be reduced below the minimum set-aside. The set-aside, the 0.40-acre lot floor, the perpetuity of the easement, and the maximum density are not waivable or variable by any body.

- Where a homeowners' association owns or maintains the conservation area, mandatory membership, enforceable assessments, a reserve, and County or Holder maintenance-and-lien backup rights are required. The applicant must post financial assurance equal to two years of the management plan budget, and the Holder must inspect annually and file a monitoring report with the Zoning Administrator.

- If a Holder ceases to exist or fails to enforce, the easement does not lapse; the County may enforce directly and require conveyance to a substitute Qualified Holder.

Minimum tract size threshold.
Staff recommends a minimum tract size of 20 acres in the AC district in order to develop a conservation subdivision. A conservation subdivision requires, at a minimum, a conservation area of at least 50 percent of the developable area, a functioning street and utility network, and a protection instrument that must be drafted, recorded, and monitored. Below roughly 20 acres, a clustered layout generally cannot produce a conservation area of meaningful size or shape, and the transaction and monitoring costs of the easement fall disproportionately on a small number of lots. The threshold also keeps the option from being triggered on small parent tracts where a conventional development plan is the practical approach.

Minimum conservation set-aside, lot yield, setbacks and buffering.
The proposed ordinance language requires that not less than 50 percent of the developable area of each tract be set aside as conservation area. Net developable area is defined as the gross tract area less constrained land — wetlands, open water, floodplain and floodway, slopes of 25 percent or greater, existing easements and rights-of-way, and land already under conservation easement. Constrained land is protected *in addition to* 50 percent of developable area, because primary conservation areas must be placed in the conservation area to the maximum extent practicable.

Constrained land cannot be counted as if it were developable land to satisfy the set-aside. The table below shows how developable areas are calculated based on gross acreage.

Gross tract area	100.0 ac
Constrained land	20.0 ac
Net developable area	80.0 ac
Set-aside required	40.0 ac of developable land
Constrained land placed in conservation	20.0 ac
Total land protected	**60.0 ac (60% of gross)**
Balance available for lots and streets	40.0 ac
Land for lots after ~15% street right-of-way	34.0 ac
Average lot size at 85 units	0.40 ac — at the floor, no margin

The table above illustrates how constrained land impacts lot yield. Simply stated, lot yield for the development would be calculated as follows:

*Lot Yield = (Net Developable Area ÷ Minimum Lot Area for the District) + (Constrained Acreage * 0.25)*

Using the example illustrated above results in the following:

*Lot Yield =(80.0 ÷ 1) + (20.0 * 0.25)*
Lot Yield = 80.0 + 5
Lot Yield = 85

Once street rights-of-way are removed from the balance of land available for lots, there is effectively 34 acres available for lot development. Because the overall lot yield is a maximum of 85 units based on base density, 34 acres ÷ 85 units results in an average lot area of 0.40 acre.

The proposed minimum lot development standards below would apply to each lot in a conservation subdivision development.

Standard	***Requirement***
Minimum lot area	0.40 acre, or the area required by SCDHEC for a permitted system plus reserve area, whichever is greater
Minimum lot width at building line	70 feet
Minimum lot frontage on street	50 feet (25 feet on a cul-de-sac bulb or approved shared drive)
Minimum front setback	20 feet
Minimum side setback	8 feet (16 feet total both sides)
Minimum rear setback	20 feet; 10 feet where the rear lot line abuts the conservation area
Maximum building height	Per the AC district
Maximum impervious coverage per lot	45%

Maximum dwelling units per lot	1, plus one accessory dwelling unit where permitted

Conservation subdivisions are intended to integrate seamlessly into rural landscapes, minimizing their visual impact to existing viewsheds of an area. As such, specific buffering standards should be applied to developments to mitigate the impact of a development on existing adjacent uses.

The following landscape buffering requirements are established as part of the proposed ordinance language.

- A landscaped or naturally vegetated buffer of not less than 50 feet in depth along all exterior boundaries;
- 75 feet along any existing public road (which may remain open where the frontage is open field, to preserve the agricultural view, subject to Zoning Administrator approval);
- 100 feet where the tract adjoins bona fide agricultural or forestry use; and
- A riparian buffer preventing any structure, impervious surface, or land disturbance within 30 feet of the top of bank of any perennial or intermittent stream, other than approved crossings, trails, and restoration.

Proposed Text Amendment

Based on the above analysis, staff has developed regulatory language attached as Exhibit 1.

III. STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward this request to County Council with a favorable recommendation.

IV. PLANNING COMMISSION – October 28, 2026

Exhibit 1

Amend Article 3, Exhibit 5 (Use Regulations Table).

Article 3, Exhibit 5 is hereby amended as follows.

Insert new rows immediately following Off Premise Advertising (Billboards): new row with the following cell values. All district columns not listed are left blank:

NAICS	Description	R-15	R-9	R-6	GR	RMF	PO	NC	LC	GC	LI-W	HI	AC	CP	Notes	NAICS Sector
N/a	Conservation Subdivision												P		*Ref. Article 4.r. & Article 10.b.1. Definition*	

Exhibit 1

Amend Article 4 (Supplemental Development Standards)

Add new Section R: Supplementary Development Standards for Conservation Subdivision Development.

4.r.1. Conservation Subdivision Development: The following supplementary development standards apply.

a. **Purpose and Intent:** The purpose of these regulations is to provide an alternative to conventional lot by lot subdivision of rural land that:

1. Permanently conserves not less than 50% of the gross area of each tract developed under these standards;

2. Protects prime farmland, working forests, wetlands, riparian corridors, floodplains, steep slopes, groundwater recharge areas, wildlife habitat, and cemeteries and archaeological sites;

3. Preserves the County's rural viewsheds along scenic and arterial road frontages;

4. Reduces the length of roads and water lines required per dwelling unit, thereby lowering both developer cost and long-term public maintenance obligation;

5. Reduces impervious surface, post-development stormwater runoff volume, and downstream flood risk;

6. Accommodates the residential density otherwise permitted by the underlying zoning district, so that landowners are not required to forgo economic use of the land in exchange for conservation; and

7. Implements the goals of the Comprehensive Plan.

b. **Applicability:** Conservation subdivisions are permitted as a matter of right, subject to the standards of these standards and to major subdivision review under Article 7, on any tract of 20 acres or more located in the AC zoning district.

c. **Exemptions:** These standards do not apply to:

1. Bona fide family transfer divisions as defined in Article 10.
2. Minor subdivisions as defined in Article 7.
3. Divisions solely for agricultural or forestry purposes creating no residential building lots.

d. **Relationship to other regulations:** Where these standards conflict with other provisions of the Sumter County Zoning & Development Standards Ordinance, these standards control for development approved hereunder, except that the more stringent of any two applicable standards governing floodplain management, wetlands, stormwater, on-site wastewater, and development in and around Shaw Airforce Base, Poinsett Electronic Combat Range, and the Sumter County Airport as regulated in Article 3 of this Ordinance shall apply, Nothing herein waives any requirement of SCDES, SCDOT, the U.S. Army Corps of Engineers or any other applicable state or federal law.

e. **Density and Yield**

1. **Calculation of Maximum Number of Dwelling Units:** The maximum number of dwelling units in a conservation subdivision shall be the number established by the density factor of the underly zoning district applied to the net developable area.

MAXIMUM DWELLING UNIT CALCULATION EXAMPLE:
Permitted dwelling units = net developable area (acres) ÷ minimum lot area of the underlying district, rounded down to the nearest whole unit.
Constrained land shall be credited at 25% of its area for density purposes.

TABLE 4.r.1.1:	
Gross tract area	100.0 ac
Constrained land	20.0 ac
Net developable area	80.0 ac
Set-aside required	40.0 ac of developable land
Constrained land placed in conservation	20.0 ac
Total land protected	**60.0 ac (60% of gross)**
Balance available for lots and streets	40.0 ac
Land for lots after ~15% street right-of-way	34.0 ac
Average lot size at 85 units	0.40 ac — at the floor, no margin

Table 4.r.1.1 above illustrates how to calculate lot yield and how constrained land impacts lot yield. Simply stated lot yield for the development would be calculated as follows:

*Lot Yield = (Net Developable Area ÷ Minimum Lot Area for the District) + (Constrained acreage * 0.25)*

Using the example illustrated above results in the following:

*Lot Yield =(80.0 ÷ 1) + (20.0 * 0.25)*
Lot Yield = 80.0 + 5
Lot Yield = 85

Once street rights of way are removed from the balance of land available for lots, there is effectively 34 acres available for lot development. Because the overall lot yield is a maximum of 85 units based on base density, 34 acres ÷ 85 units results in an average lot area of 0.40 acre.

f. **Design Standards:**

1. **Four-Step Design Process required:** A four-step design process required. Every conservation subdivision shall be designed in the following sequence, and the sketch plan submittal shall document each step.

    a. **Step One – Identify the conservation land.** Delineate all primary conservation areas, then all secondary conservation areas, using the site analysis outlined in Section 4.r.1.f.2.
    b. **Step Two – Locate house sites.** Site dwelling units on the remaining land, taking advantage of views of and access to the conservation area while respecting required buffers.
    c. **Step Three – Align streets and trails.** Lay out the minimum street network needed to serve the house sites, with pedestrian connections to the conservation area.
    d. **Step Four – Draw lot lines.** Lot lines shall be the las element drawn.

2. **Existing conditions / site analysis map:** The applicant shall submit a site analysis map at a scale of not smaller than 1” = 100’ showing:

    a. Topography at 2 foot contours;
    b. Soils including prime farmland and hydric soils per NRCS survey;
    c. Jurisdictional and non jurisdictional wetlands;
    d. Perennial and intermittent streams, ponds, ditches, and springs;
    e. FEMA flood zones and floodway;
    f. Slopes of 15-25% and over 25%;
    g. Existing vegetation by cover type with stands of mature hardwood identified;
    h. Existing structures, wells, septic systems, farm roads and fence lines, cemeteries, family burial plots, and known or suspected archaeological or historic resources;
    i. Scenic viewsheds from public roads;
    j. All existing easements and rights-of-way of record.

3. **Minimum conservation area:** Not less than 50% of the gross tract area shall be designated as conservation area and permanently protected under Section 4.r.1.g. In computing the conservation area:

    a. Land within road rights-of-way, whether public or private, shall not count toward the conservation area.

b. Individual residential lots and their yards shall not count toward the conservation area.
c. Land occupied by stormwater management facilities shall not count toward the conservation area unless the facility is designed as a natural or restored wetland, meadow, or forested system serving a demonstrable habitat or water quality function, in which case it may count, provided such facilities do not exceed 10% of the required conservation area.
d. Constrained land, excluding road right-of-ways, may count toward the conservation area without limitation.
e. The conservation area shall be configured in the fewest practicable number of contiguous parcels, shall connect to conservation land or undeveloped land adjoining tracts wherever feasible, and shall not include isolated fragments smaller than 0.5 acre or narrower and 50 feet, except for trail, greenway, or riparian connectors.

4. **Lot and building standards:** Not withstanding the standards of the underlying district:

Standard	Requirement
Minimum lot area — served by on-site wastewater (septic)	0.40 acre, or the area required by SCDHEC for a permitted system plus reserve area, **whichever is greater**
Minimum lot width at building line	70 feet
Minimum lot frontage on street	50 feet (25 feet on a cul-de-sac bulb or approved shared drive)
Minimum front setback	20 feet
Minimum side setback	8 feet (16 feet total both sides)
Minimum rear setback	20 feet; 10 feet where the rear lot line abuts the conservation area
Maximum building height	Per underlying district
Maximum impervious coverage per lot	45%
Maximum dwelling units per lot	1, plus one accessory dwelling unit where permitted by Article 4.g

No lot created under these standards shall be smaller than 0.40 acre. Lot area shall be exclusive of any street right-of-way. A lot may be smaller than the minimum lot area of the underly district only under these standards and only where the conservation area requirement of Section 4.r.1.f.3 is satisfied.

5. **Perimeter buffers and rural character.**

a. **External buffer.** A landscaped or naturally vegetated buffer not less than 50 feet in depth shall be maintained along all exterior boundaries

of the tract. No lot line shall extend into the buffer unless the buffer area within the lot is placed under conservation easement

b. **Road frontage buffer.** Along any existing public road, a buffer not less than 75 feet in depth shall be retained in existing vegetation or planted to screen dwellings from the road. Where the frontage is open field, the buffer may remain open to preserve the agricultural view, subject to Zoning Administrator approval
c. **Agricultural buffer.** Where the tract adjoins land in bona fide agricultural or forestry use, a buffer not less than 100 feet shall separate residential lots from the shared boundary, and the plat and all deeds shall carry the right-to-farm notice required by Section 4.r.1.i.5.
d. **Riparian buffer.** No structure, impervious surface, or land disturbance other than approved crossings, trails, and restoration shall occur within 30 feet of the top of bank of any perennial or intermittent stream

6. **Streets, access and utilities**

   a. Streets shall be designed to the County's standards, with pavement width minimized to the extent consistent with Sumter County and SCDOT requirements and emergency access needs. Cross-sections using open swales rather than curb and gutter are encouraged
   b. Cul-de-sac length shall not exceed 1,000 feet unless topography or the conservation layout makes a through connection impracticable; the Planning Commission may waive this limit upon written findings
   c. Two points of external access shall be provided for subdivisions exceeding 30 lots
   d. Shared driveways serving up to 4 lots are permitted with a recorded maintenance agreement
   e. All utilities shall be placed underground. Utility corridors should be co-located within street rights-of-way or along the edges of the conservation area rather than bisecting it
   f. Where the tract lies within 1,000 feet of a public water main with available capacity, connection shall be required. Community wastewater systems shall be permitted subject to SCDES approval and to a County-approved operation, maintenance, and financial assurance plan under Section 4.r.1.g.6.
   g. Drainfields and reserve areas serving individual lots shall be located on the lot served. Community drainfields located within the conservation area are permitted only where sited in previously disturbed or non-primary conservation area, permitted by SCDHEC, and subject to a recorded easement and management plan; such areas shall not count toward the 50% conservation requirement

7. **Stormwater:** Post-development runoff shall be managed in accordance with the Sumter County Stormwater Ordinance and applicable SCDES NPDES

requirements. Applicants are encouraged to use low-impact development practices — bioretention, level spreaders, vegetated swales, disconnected downspouts, and preservation of natural drainageways

g. **The Conservation Area**

1. **Permitted uses of the conservation area:** the following are permitted in the conservation area where identified on the approved final play and consistent with the management plan.

    a. Conservation of natural, scenic, or open condition; habitat restoration; wetland and stream restoration
    b. Agriculture, horticulture, silviculture, pasture, and equestrian use, conducted in accordance with a management plan and applicable best management practices
    c. Passive recreation — trails, boardwalks, picnic areas, wildlife observation, community gardens, and similar low-intensity uses; unpaved parking of not more than 10 spaces where public access is provided
    d. Neighborhood-serving structures, not exceeding 2% of the conservation area in aggregate footprint: a picnic shelter, restroom, barn or agricultural building, well house, or maintenance shed
    e. Underground utilities, drainage facilities, and street or trail crossings necessary to serve the subdivision, sited to minimize disturbance
    f. Historic and cultural resource preservation, including cemeteries, with access easements
    g. Existing dwellings and farmsteads that predate the application, provided they are excluded from the required 50% calculation or placed on a separate lot

2. **Prohibited Uses:** The conservation area shall not be used for: residential, commercial, or industrial development except as expressly permitted above; golf courses; active recreation facilities requiring lighting or grading of more than 1 acre; storage of vehicles, equipment, or materials unrelated to permitted uses; dumping of yard waste, soil, or refuse; mining or extraction; clear-cutting except as prescribed by an approved forest management plan; subdivision, further division, or conveyance separate from the whole except to a Qualified Holder; or any use inconsistent with the recorded conservation easement.

3. **Permanent protection instrument required:** Prior to simultaneously with recordation of the final plat, the applicant shall record, in the office of the Register of Deeds for Sumter County, a perpetual conservation easement in a form approved by the County Attorney, running with the land, binding on all successors and assigns, and expressly stating that it is granted in perpetuity

and is enforceable under S.C. Code Ann. § 27-8-10 et seq. The easement shall:

a. Describe the conservation area by metes and bounds, prepared by a South Carolina licensed surveyor, and reference the recorded final plat;

b. Recite the conservation purposes and the permitted and prohibited uses of Section 4.r.1.g.1 and Section 4.r.1.g.2;

c. Name the Qualified Holder and grant it rights of inspection, enforcement, injunctive relief, and recovery of costs and attorney's fees;

d. Name Sumter County as a third-party beneficiary with independent standing to enforce, whether or not the County is the Holder;

e. Prohibit amendment, release, extinguishment, or modification that would reduce the protected area or permit development, absent

i. written consent of the Holder,

ii. approval of County Council following a public hearing, and

iii. an order of a court of competent jurisdiction upon a finding that the conservation purpose has become impossible or impracticable, with proceeds or substitute land applied to equivalent conservation purposes within Sumter County;

f. Provide that in no event shall the conservation area be reduced below 50% of the gross tract area; and

g. Incorporate the baseline documentation report and management plan by reference

4. **Ownership of the conservation area:** The conservation area shall be owned by one or more of the following, as approved at final plat:

a. A homeowners' association or property owners' association meeting Section 4.r.1.g.5, holding the fee subject to the conservation easement
b. Sumter County, a municipality, or another public body, by dedication and **only upon its written acceptance** — no dedication is effective absent acceptance
c. The original landowner or a successor in fee (including a farm operator), subject to the conservation easement; or

d. Individual lot owners in undivided common interest, subject to the conservation easement and a maintenance agreement, permitted only in subdivisions of 12 lots or fewer.

The Holder of the conservation easement shall not be the same entity as the fee owner, except where the fee owner is a Qualified Holder and a second Qualified Holder or the County holds enforceable rights.

5. **Homeowners' association requirements:** Where an HOA owns or maintains the conservation area, the applicant shall record covenants, conditions, and restrictions, approved by the County Attorney, that: establish the HOA prior to conveyance of the first lot; make membership automatic and mandatory for every lot owner; authorize assessments enforceable as a lien on each lot, sufficient to fund the management plan and a reserve; prohibit dissolution of the HOA or conveyance of the conservation area without County Council approval and continuation of the conservation easement; and provide that if the HOA fails to maintain the conservation area, the County or the Holder may, after 30 days' written notice and opportunity to cure, enter and perform the necessary maintenance and assess the cost against the HOA and, as a lien, against the lots.

6. **Management plan and financial assurance**

   a. A conservation area management plan shall be submitted with the preliminary plat and recorded with the easement. It shall identify the owner and the Holder; describe the resources protected; prescribe maintenance, vegetation management, invasive species control, prescribed burning, forestry, and agricultural practices; establish a schedule of tasks and an annual budget; and designate the party responsible for each task.

   b. A baseline documentation report — dated photographs from fixed points, maps, and a narrative of existing conditions — shall be prepared and acknowledged by the owner and the Holder before final plat recordation.

   c. The applicant shall provide financial assurance for the establishment period, in the form of a bond, letter of credit, escrow, or endowment, in an amount equal to 2 years of the management plan budget, released upon transfer of responsibility to a funded HOA or Holder.

   d. The Holder shall inspect the conservation area not less than once annually and file a monitoring report with the Zoning Administrator by March 31 of each year

h. **Procedures**

Exhibit 1

1. **Preapplication conference:** A pre-application conference with the Zoning Administrator and staff is required before sketch plan submittal. A site walk with staff is required for tracts of 50 acres or more.

2. **Sketch Plan:** The sketch plan submittal shall include the site analysis map (Section 4.r.1.f.2), documentation of the four-step design process (Section 4.r.1.f.1), the yield plan or density calculation (Section 4.r.1.e), a conceptual delineation of the conservation area with acreage and percentage of gross tract area, and a narrative describing proposed ownership, the intended Holder, and management. Staff shall review and provide written comments within 30 days

3. **Preliminary Plat:** The preliminary plat shall be reviewed by the Planning Commission at a public meeting in accordance with Section 4.r.1.i, and shall additionally include: final conservation area boundaries with survey-grade acreage; the draft conservation easement; the draft management plan; the draft HOA covenants, if applicable; a letter of intent from the proposed Holder; utility and wastewater plans with evidence of SCDHEC feasibility; and the stormwater management plan.

4. **Approval criteria:** The Planning Commission shall approve a preliminary plat upon finding that:

    a. The conservation area equals or exceeds 50% of gross tract area and is computed in accordance with Section 4.r.1.f.3;
    b. Primary conservation areas are included in the conservation area to the maximum extent practicable;
    c. No lot is less than 0.40 acre and all lots meet Section 4.r.1.f.4;
    d. The number of dwelling units does not exceed that permitted under Section 4.r.1.e;
    e. The conservation area is contiguous, connected to off-site open land where feasible, and free of unusable fragments;
    f. The four-step design process was followed;
    g. The proposed protection instrument, ownership, and management arrangements satisfy Section 4.r.1.g; and
    h. The plan complies with all other applicable regulations

5. **Final Plat:** The final plat shall not be recorded until the conservation easement, management plan, baseline documentation, and HOA covenants (if any) have been approved by the County Attorney and are recorded simultaneously with the plat, and the financial assurance required by Section 4.r.1.g.5.c has been posted. Required plat notations are set out in Section 4.r.1.i.5.

6. **Phasing:** Where development is phased, the conservation area shall be permanently protected in a proportion not less than the proportion of lots platted, and the entire conservation area shall be protected upon platting of

75% of the total approved lots. The County may require protection of the full conservation area with the first phase.

7. **Variances and waivers:** The Planning Commission may waive or modify the standards of Section 4.r.1.f.5 (buffers), Section 4.r.1.f.6 (streets), and Section 4.r.1.g.1.d (neighborhood serving structures) upon written findings that the waiver better achieves the purposes of Section 4.r.1.a. **The following shall not be waived, varied, or reduced by any body:** the 50% minimum conservation area (Section 4.r.1.f.3), the 0.40-acre minimum lot area (Section 4.r.1.f.), the perpetuity of the conservation easement (Section 4.r.1.g.3), and the maximum density (Section 4.r.1.e).

i. **Administration and Enforcement.**

1. **Administration:** The Zoning Administrator shall administer these standards, maintain a public register of all conservation areas created hereunder with acreage, ownership, Holder, and recording references, and report annually to County Council on total acreage conserved

2. **Violations:** Any use, structure, land disturbance, division, or conveyance in the conservation area contrary to these standards or the recorded easement is a violation. Each day a violation continues is a separate offense.

3. **Remedies:** The County may issue a stop-work order, withhold or revoke building permits and certificates of occupancy anywhere in the subdivision, seek injunctive relief and restoration of the conservation area at the violator's expense, impose civil penalties of not more than $500 per day as authorized by law, and recover its costs and attorney's fees. Remedies are cumulative and are in addition to those of the Holder under the easement and of any lot owner as a third-party beneficiary of the covenants.

4. **Failure of the Holder:** If a Holder ceases to exist, loses its qualification, or fails to enforce the easement after 60 days written notice from the County, the County may:

    a. Enforce the easement directly as third-party beneficiary and
    b. Require the fee owner to convey the easement to a substitute Qualified Holder approved by the County.

    The conservation easement shall not lapse by reason of a Holder's failure

5. Required plat and deed notations: The final plat and every deed conveying a lot shall bear substantially the following:

    CONSERVATION AREA NOTICE. Not less than 50% of this tract is permanently protected as conservation area by a conservation easement

recorded at Book ___, Page ___, Sumter County Register of Deeds. The conservation area shall not be developed, subdivided, or converted to any use inconsistent with that easement. This restriction is perpetual and runs with the land.

AGRICULTURAL OPERATIONS NOTICE. This property is in or near land used for agricultural and forestry operations. Owners and occupants may be subject to noise, odor, dust, smoke, chemical application, and slow-moving equipment at all hours. Such operations conducted in accordance with generally accepted practices are protected under South Carolina law.

MAINTENANCE NOTICE. Streets, drainage, and stormwater facilities designated as private on this plat are not maintained by Sumter County and are the responsibility of [the homeowners' association / lot owners].

Exhibit 1

Amend Article 10, Section B (Definitions) to insert:

Conservation area. The portion of a tract permanently protected from development as part of a conservation subdivision, whether or not accessible to the public. Also referred to as "protected open space."

Conservation easement. A nonpossessory interest in real property imposing limitations or affirmative obligations for conservation purposes, as authorized by S.C. Code Ann. § 27-8-10 et seq., held by a Qualified Holder and recorded in the office of the Register of Deeds for Sumter County.

Conservation subdivision. A residential subdivision approved under these standards in which dwelling units are clustered on a portion of the tract and not less than 50% of the gross tract area is permanently conserved.

Constrained land. Land within any of the following: jurisdictional wetlands; open water; the FEMA-mapped 100-year floodplain and regulatory floodway; slopes of 25% or greater; existing utility, drainage, or access easements or rights-of-way; and land encumbered by a pre-existing conservation easement.

Gross tract area. The total area of the parent tract described in the deed(s) of record as of the date of an application, measured to the boundary lines, including constrained land and existing road rights-of-way internal to the tract.

Net developable area. Gross tract area less constrained land.

Primary conservation area. Constrained land, plus 25-foot riparian buffers on each side of perennial and intermittent streams. Primary conservation areas shall be placed in the conservation area of a conservation subdivision to the maximum extent practicable.

Secondary conservation area. Land not constrained but identified in Article 4, Section R as having agricultural, forestry, scenic, historic, cultural, or habitat value warranting protection.

Qualified Holder. (1) A land trust or other charitable organization qualified under Internal Revenue Code § 501(c)(3) and eligible to hold conservation easements under S.C. Code Ann. § 27-8-20, whose purposes include land or water conservation; (2) Sumter County; (3) a municipality, the State of South Carolina, or an agency or political subdivision thereof; or (4) a special purpose district authorized to hold real property interests, in each case as accepted by the County as outlined in Article 4, Section R.