Open Space Use

A minimum of 5 acres required

An offer by a landowner to maintain the property as open space for a period of years in return for reduced tax rate can be rejected by the county.

Actual Uses: Any use which offers use to the public, see examples of qualifying uses below, shall qualify if the intended operation is not for profit. Land will be valued according to use.

Examples of qualifying uses:

- Parks, play areas, athletic fields, botanical gardens, fishing ponds, and skating ponds, country clubs, swimming clubs, beach clubs, yacht, scout camps, and fairgrounds, and golf clubs (Golf clubs which operate for profit, but provide service to the general public and have a park-like setting qualify. Any golf club which has restricted membership DOES NOT qualify).

Examples of qualifying uses (Non-Profit):

- Conservation of land, natural resources, floodways, historic areas, scenic areas
- Assisting in community development (This category opens up the opportunity for many property owners. This includes forest and farmlands which may be unable to meet all of the requirements in any of the specific categories.)
- Land that is currently not being farmed but could be used as farmland in the future also qualifies. “…lands that are suitable for agricultural, horticultural, or forest use, regardless of whether production history, production standards or forest stocking standards are met”. (See SLEAC manual 16-2E for Suggested Ranges of Use-values.)
- Wetlands: Ponds, marshes and similar properties qualify. The term “LAND” includes water, submerged land, wetlands, marshes and similar properties.

Non-qualifying uses: (commercial recreational or amusement places) Driving ranges, miniature golf courses, pony rides, trap shoots, marinas, motor speedways, drag strips and amusement parks

Perpetual Easements:

- The fair market value shall always equal the land use value.
- The locality has the option of inserting the length of the agreement, between 4-10 years.
- No split offs or separation of lots.
- Upon the death of the current owner, the heirs are liable for the remainder of this agreement.
- There should be no changes made to the land from the date of the agreement.
- A rollback will be levied in the event this agreement is void – zoning or change in use.
- There shall be no construction on the property (including sheds, garages, miscellaneous buildings) unless related to the open space use.
- The owner must submit a Land Use Application with an Open Space Agreement which will be recorded with Clerk of the Circuit Court.
- No destruction or cutting of trees or vegetation except for selected cut due to disease or dying.
- The owner may use the land for his own agricultural purposes, but no commercial activities.
- No fences or hedges or walls or similar barriers which obstruct public view.