

ARTICLE X. SUPPLEMENTAL PROVISIONS

Section 10.1 Reserved

Section 10.2 Temporary Uses

10.2.1 Construction

- (a) Temporary buildings and storage of materials are permitted in conjunction with the construction of a building when located on the same parcel where the construction is taking place and when limited to the duration of the construction. However,
- (1) The use of transportation containers for storage of materials shall meet the conditions for such in Section 10.4 of this ordinance; and
 - (2) The erection and occupancy of a temporary dwelling for up to twelve (12) months during the construction of a dwelling on the same lot requires a zoning permit, to be issued concurrently with or after the issuance of the building permit.
- (b) Construction of house displayed for advertising purposes, not intended to be sold or occupied as a dwelling, whether in conjunction with a residential development or otherwise, shall not commence until a performance bond adequate to ensure the removal of the structure has been posted.

10.2.2 Temporary Sales

Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for temporary zoning permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary, and the posting of a bond to ensure timely removal of structures and materials and restoration of the area. A temporary zoning permit shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials be removed within such time period. At a minimum:

- (a) Structures for temporary sales shall not exceed 400 square feet in floor area nor be closer than 35 feet to a right of way or prescriptive easement of a road.
- (b) Entrances and exits to roads shall be clearly delineated.

- (c) Entrances and exits shall be located as to provide safe ingress and egress from roads and shall be channeled to prevent unrestricted access to and from the premises.
- (d) No more than two (2) signs consistent with the sign provisions of the Ordinance shall be permitted.

10.2.3 Other Temporary Uses

Temporary activities and events for compensation may be permitted upon application for a temporary permit to the Zoning Administrator in accordance with the provisions found in Section 10.4.23.

Section 10.3 Customarily Incidental Uses

Customarily incidental uses and structures shall be limited to the following and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size and impact and which are otherwise in compliance with this section:

10.3.1 Residential

- (a) Above ground decks.
- (b) Doghouses and pens.
- (c) Fences or walls.
- (d) Freestanding air conditioning machinery.
- (e) Patios, porches, gazebos.
- (f) Play equipment, playhouses.
- (g) Private garages, carports.
- (h) Private greenhouses.
- (i) Private swimming pools.
- (j) Private tennis or outdoor recreational court.
- (k) Propane storage tanks.
- (l) Radio or satellite/TV antennas.
- (m) Storage sheds for personal, non-commercial use.
- (n) Studios and workshops for personal use.
- (o) Dedicated utility substations.
- (p) Solar power panels.
- (q) Enclosed areas for collection of recyclables generated by the principal use.
- (r) Bus shelters or stands.
- (s) Female chickens and/or rabbits, provided that the total number of such animals, or any combination thereof, shall not exceed a total of ten (10), on individual lots containing more than 7,500 square feet and being used for Residential, Single-Family Detached or Residential, Manufactured Housing Unit; provided, however, that all such animals must be suitably confined to the rear of the property by fencing or other appropriate confinement mechanism and appropriate sanitation is maintained. Please note that homeowner's associations (HOA) regulations and/or Restrictive Covenants or other homeowner restrictions may prohibit such animals.

10.3.2 Non Residential

- (a) Dumpsters and dumpster pads.
- (b) Emergency power generators.
- (c) Fences or walls.
- (d) Freestanding air conditioning machinery.
- (e) Parking uses and structures located on the same lot as the principal use.
- (f) Recycling collection areas.
- (g) Storage sheds less than 200 square feet in area.
- (h) Dedicated utility substations.
- (i) Accessory living quarters/caretaker housing.
- (j) Bus shelters or stands.
- (k) Radio or satellite/TV antennas.

10.3.3 The following limitations shall be applied:

- (a) Customarily incidental uses shall be located on the same lot as the principal structure or use.
- (b) Customarily incidental uses shall not be established prior to the establishment of a principal use on any lot.

Section 10.4 Conditions for Specific Uses

10.4.1 Accessory Dwelling Units

- (a) No accessory dwelling unit shall be constructed, or established within the principal dwelling, on a lot less than 32,760 square feet in area or the minimum required for the zoning district in which it is located, whichever is greater.
- (b) No more than one (1) accessory dwelling unit shall be established on a single lot of record. Accessory dwelling units shall be located on the same lot as the principal dwelling unit.
- (c) **Maximum Floor Area:** Accessory dwelling units shall not exceed forty percent (40%) of the floor area of the principal dwelling unit or 900 square feet, whichever is less.
- (d) Accessory dwelling units shall be located to the rear of the principal building and shall meet the same yard requirements (i.e. side and rear yards) as the principal building.
- (e) It shall be demonstrated that one additional parking space per bedroom of an accessory dwelling unit shall be provided, in addition to those required under Section 13.4 of this Ordinance, prior to issuance of a zoning permit.
- (f) In no case shall a manufactured housing unit or recreational vehicle be used as an accessory dwelling unit.

10.4.2 Accessory Structures

(1) Residential Districts

- (a) No accessory structure or building shall be constructed prior to construction of the principal building on a lot. Buildings intended to serve as accessory structures constructed prior to the principal building shall be considered the principal building and shall meet all applicable district regulations thereto.

- (b) Accessory structures shall be located on the same lot of record as the principal structure.
- (c) No accessory structure shall be used as a dwelling or for lodging, except accessory dwelling units complying with the provisions of Section 10.4.1.
- (d) No more than one (1) accessory structure may be constructed on a lot located in a Suburban Residential zoning district.
- (e) For a lot containing less than 14,500 sq. ft., accessory structures shall not exceed 1,000 in total floor area. For a lot of 14,500 square feet or more, but less than $\frac{3}{4}$ -acre, accessory structures shall not exceed 1,500 square feet in total floor area. For lots of $\frac{3}{4}$ -acre or more, but less than 2 acres, accessory structures shall not exceed 2,000 square feet in total floor area. For lots of 2 acres or more, but less than 5 acres, accessory structures shall not exceed 3,000 square feet in total floor area. For lots containing 5 acres or more, but less than 10 acres, accessory structures shall not exceed 5,000 square feet in total floor area. For lots containing 10 acres or more, but less than 15 acres, accessory structures shall not exceed 12,000 square feet in total floor area. For lots containing 15 acres or more, accessory structures shall not exceed 15,000 square feet in total floor area. Notwithstanding any of the above, no accessory structure may be used for a home occupation (See 10.4.3(a) below).
- (f) Except as provided in (h) below, accessory structures are permitted in the rear and side yards of the parcel, provided that no structure is located within 5 feet of the perimeter property lines. For accessory structures that exceed 800 square feet of one level floor space, such structure shall not be located closer than 15 feet from any property line.
- (g) Accessory buildings and structures, and parking related thereto, shall be included in calculations of impervious surfaces and lot coverages.
- (h) In neighborhoods governed by an active architectural review board, a detached garage may be located in the front yard when the following conditions are met:
 - 1. The lot is a minimum of one-acre; and
 - 2. The detached garage is side or rear loading and facing interior property lines; and
 - 3. The detached garage complies with primary structure setbacks; and
 - 4. The detached garage is designed to match the primary residence with regards to design elements and construction materials; and

5. The detached garage does not sit directly in front any portion of the primary residence; and
6. The design and location of the detached garage are approved by the neighborhood architectural review board.

(2) Non-Residential Districts

Accessory structures are permitted in the rear and side yards of the parcel, provided that no structure is located within 5 feet of the perimeter property lines. For accessory structures that exceed 800 square feet of one level floor space, such structure shall not be located closer than 15 feet from any property line.

(3) Rural Districts

- (a) No accessory structure or building shall be constructed prior to construction of the principal building on a lot. Buildings intended to serve as accessory structures constructed prior to the principal building shall be considered the principal building and shall meet all applicable district regulations thereto.
- (b) Accessory structures shall be located on the same lot of record as the principal structure.
- (c) No accessory structure shall be used as a dwelling or for lodging, except accessory dwelling units complying with the provisions of Section 10.4.1. No accessory structure shall be used for a business, except Cottage Industries complying with the provisions of Section 10.4.24.
- (d) For a lot containing less than $\frac{3}{4}$ -acre, accessory structures shall not exceed 1,500 square feet in total floor area. For lots of $\frac{3}{4}$ -acre or more, but less than 2 acres, accessory structures shall not exceed 2,000 square feet in total floor area. For lots of 2 acres or more, but less than 5 acres, accessory structures shall not exceed 3,000 square feet in total floor area. For lots containing 5 acres or more, but less than 10 acres, accessory structures shall not exceed 5,000 square feet in total floor area. For lots containing 10 acres or more, but less than 15 acres, accessory structures shall not exceed 12,000 square feet in total floor area. For lots containing 15 acres or more, accessory structures shall not exceed 15,000 square feet in total floor area. Accessory structures being used for agricultural purposes are exempt from the accessory structure square footage limitations as set forth above. Notwithstanding any of the above, no accessory structure may be used for a home occupation (See 10.4.3(a) below).

- (e) Accessory structures are permitted in the rear and side yards of the parcel. On a case by case basis, accessory structures may be permitted by the Zoning Administrator to be located in the front yard depending on site conditions such as but not limited to, lot size, structure location, wetlands, orientation of lot and/or home.
- (f) Setbacks for accessory structures shall be 5 feet from the rear or side property lines. For accessory structures that exceed 800 square feet of one level floor space, such structure shall not be located closer than 15 feet from any property line. In instances where accessory structures may be permitted in the front yard, the primary structure setback shall apply.
- (g) Accessory buildings and structures, and parking related thereto, shall be included in calculations of impervious surfaces and lot coverages.

10.4.3 Home Occupations

A. Home Based Business

- 1) Home occupations shall be conducted entirely within the principal residence on the premises.
- 2) Only occupants of the principal residence are permitted to be engaged in such occupation or employed to assist in the operation of this home occupation.
- 3) The home occupation shall not exceed twenty-five percent (25%) of the total heated and cooled floor space of the dwelling.
- 4) There shall be no exterior alteration or other change to the character of the residence, or evidence of conduct of the home occupation, with exception of signs permitted under Section 13.5.
- 5) The home occupation shall not impact the local community conditions such as, but not limited to, increase in noise, increase traffic and/or create any visual pollution such as outdoor storage or signs.
- 6) No major mechanical equipment shall be installed or used for domestic or professional purposes.
- 7) A County Business License is required for a home occupation.
- 8) The business owner must disclose, on a Restricted Covenants Statement, whether or not the property for which a business is being applied is restricted by a recorded covenant that prohibits the activity for which the Home Occupation Permit applies. No business will be authorized by the County to operate if the business would violate any such restrictive covenants.

B. Home-Based Day Care and Educational Programs. Home-based day care and educational programs are a type of home occupation where children or adults are provided care, protection, supervision, and/or educational instruction on a regular basis for less than 24 hours per day provided the following conditions are met:

- 1) The business owner must disclose, on a Restricted Covenants Statement, whether or not the property for which a business is being applied is restricted by a recorded covenant that prohibits the activity for which the Home Occupation Permit applies. No business will be authorized by the County to operate if the business would violate any such restrictive covenants.
- 2) Daycare and Educational Programs shall be operated only at an occupied residence.
- 3) Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- 4) Any outdoor children's play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- 5) Daycare and Educational Programs shall comply with all applicable County, State and Federal regulations.

10.4.4 Manufactured Housing Units Standards

- (1) All manufactured housing units shall be registered with the Dorchester County Department of Planning and Zoning. All units proposed for location or relocation to or within Dorchester County following adoption of this Ordinance shall meet the following standards:
 - (a) Recreational vehicles, travel trailers or motorized homes licensed for travel on highways shall not be construed as manufactured (or mobile) homes for the purpose of providing permanent occupancy for human habitation.
 - (b) All new manufactured homes shall be USDHUD approved units (bearing such seal). All used homes will have to meet the USDHUD approved unit requirement and the South Carolina Uniform Standards Code for Manufactured Home Minimum Habitability Requirements; provided, however, that used homes manufactured prior to June 15, 1976, which are situated and legally permitted to be located in Dorchester County may remain and may further be granted a permit for relocation within Dorchester County. Prior to such relocation, however, the person seeking relocation shall obtain a permit from the Dorchester County Building Services Department or the Dorchester County Assessors Office. Such

permit shall include, but not be limited to the following information: (a) Certification that there are no delinquent taxes owing Dorchester County; (b) The current decal number, location address and TMS Number of the manufactured home before it is moved; and (c) The new location and address, including TMS Number of the location where the manufactured home will be moved.

- (c) All tongues, axles, transport lights and other removable towing apparatus shall be removed prior to occupation of the unit.
- (d) Manufactured homes must be elevated to meet minimum base flood elevation (BFE) requirements of the Federal Emergency Management Administration where applicable.
- (e) All manufactured homes shall be set up using the standards set forth in the South Carolina Uniform Standards Code for Manufactured Housing, Chapter 29, Article 19-425.42 and titled Manufactured Home Installation Requirement.
- (f) All manufactured homes shall be completely underpinned, except for required ventilation and access. Underpinning shall be opaque (not transparent) and may be of masonry, mobile home skirting, pressure treated lumber, naturally decay resistant wood, or other materials approved by the Zoning Administrator. This must be accomplished within ninety (90) days of the issuance of an occupancy permit.
- (g) Any manufactured home registered and permitted by the County after adoption of this Ordinance shall have minimum cross-sectional dimension of twelve feet (12'), supplemented with a three-foot by three-foot (3'x 3') (min. size) front porch at the primary entrance for access to unit.
- (h) Stairs, porches and other entrance features of the homes shall be installed and constructed in accord with standards established by the current building codes of Dorchester County.
- (i) Notwithstanding the above, all manufactured homes shall adhere to the most recent regulations promulgated by the South Carolina Department of Health and Environmental Control (DHEC) and other state or federal laws/regulations related to development of mobile homes and trailer parks.

(2) Exemptions

- (a) Units to be used for temporary habitation while construction of a permanent structure is in process, subject to removal thirty (30) days after the issuance of an occupancy permit for the permanent structure;
- (b) Manufactured housing units utilized for classroom and related use for a two (2) year period or as otherwise permitted by approval of a Special

Exception, whereas the period of use may be extended by the Board of Zoning Appeals; or

- (c) Manufactured housing units held for display or exhibition purposes by a manufactured housing dealer licensed by the State of South Carolina as such.

10.4.5 Churches in Residential Districts

- (a) No religious institution shall construct a building for congregational purposes on a lot less than one (1) acre in size in any zoning district.
- (b) Nursery, preschool or other similar facilities may be established in conjunction with a religious institution as an accessory use. Such facilities must be associated with the religious organization operating the principal use on the property and may not be subleased to other organizations. A signed affidavit verifying this association shall be required as an attachment to a zoning permit application.
- (c) All religious facilities established after adoption of this ordinance shall be located with direct access to a collector road. Vehicles accessing the facility shall not necessitate passage through adjacent residential areas on local streets.
- (d) All entrances to the property shall be constructed to commercial standards of the SCDOT or County, whichever is applicable.
- (e) Access to the facility for pedestrians and cyclists shall be provided to adjacent residential neighborhoods and abutting lots and streets.

10.4.6 Noncommercial Recreation uses in Residential Districts

- (a) All noncommercial recreation uses in residential zoning districts shall be accessible by vehicles and pedestrians from roads providing access to the site.
- (b) Lighting of sites developed with noncommercial recreation uses shall be separated from and shall not be visible from adjacent residential areas. Lighting shall not be illuminated after 11 p.m.
- (c) Active recreation facilities shall be adequately screened to buffer any noise or other adverse impacts on residential areas and shall also be fenced to restrict accessibility when not in operation.

10.4.7 Bed and Breakfast Establishments

(a) Bed and Breakfast Homes

- (1) The owner of the premises shall reside in and manage the establishment.

- (2) The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.
- (3) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted pursuant to Section 10.3.3.
- (4) A zoning permit is required.
- (5) The establishment shall be located on a publicly maintained road, and the entrance to such shall be located on the same property as the establishment.

(b) Bed and Breakfast Inn

- (1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by guests.
- (2) The establishment shall not contain restaurant facilities but may provide food service for transient guests only.
- (3) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted pursuant to Section 10.2.3.
- (4) A zoning permit is required after approval of the special exception.
- (5) The establishment shall be located on a state-maintained road and the entrance to the state-maintained road shall be located on the same property as the establishment.
- (6) Entrances and exits from the state-maintained road shall be clearly delineated, shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.

(c) Country Inn

- (1) The owner or manager shall provide full-time management of the premises at all times when the establishment is occupied by guests.
- (2) The establishment may contain a full-service restaurant, in addition to guest rooms, that provides meal service to guests and the general public.
- (3) The establishment shall meet the standards contained in subsections (3)-(6) above for Bed and Breakfast Inns.

(d) Rural Retreat and Resorts

- (1) The establishment shall be located on parcels greater than fifty (50) acres in size.
- (2) Rural retreats shall be appropriately sited so as not to infringe on the character of any existing village or the natural environment of the area.
- (3) All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.
- (4) All establishments shall have safe and reasonable access.
- (5) A minimum of 75% of the site, excluding floodplain and other sensitive areas shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ball fields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
- (6) These establishments may be open to the general public for patronage.

10.4.8 Agricultural uses in Suburban Zoning Districts

For the purposes of this provision, domestic pets are not considered animals.

- (a) No animal shall be kept on a lot less than 5 acres in area, with the exception of horses, which may be kept on a lot with two (2) acres minimum of pastureland for the first horse and one (1) additional acre per horse thereafter.
- (b) Areas of animal confinement (confinement can not be construed as the fence line) and manure piles shall not be located less than 100 feet from adjacent residential lots. A vegetative buffer 25 feet in depth shall be provided between such areas and any surface water source. Waste piles are prohibited within a flood hazard area.
- (c) All grain and feed on the lot shall be stored in rodent-proof containers. All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents, and birds, and creation of odors.
- (d) Animals shall be confined within the agricultural property though the use of proper fencing or other acceptable means. All exercise and training areas on the lot shall be dampened so as to prevent dust.

However, all requirements for setbacks and/or buffers and other site improvements must be in compliance with the Stormwater Management BMP's and meet the approval of the Public Works Director.

10.4.9 Airports in Residential Districts

- (a) Private air facilities shall not be established on a lot less than five (5) acres in area or closer than one-mile from adjacent properties.
- (b) Such facilities shall provide evidence that all state and federal regulations (FAA), particularly clearance areas, will be met.
- (c) Private air transportation facilities shall be secured from public access at all times.
- (d) A buffer no less than 250 feet in depth, with a vegetation no less than 100 feet in depth, shall be provided to attenuate any noise associated with operation of the air facility.

10.4.10 Agriculturally-Related Businesses

- (a) Agriculturally related businesses are limited to business service occupations, personal service occupations, repair and contracting services supporting agricultural operations.
 - (1) Less intensive agriculturally related businesses, meeting the conditions of Section 10.4.3 may be permitted as home occupations. Compliance with such conditions shall be demonstrated annually with renewal of a business license to operate.
 - (2) Any agriculturally related business that does not meet the conditions of Section 10.4.3, and/or involves the storage and use of heavy equipment or business vehicles shall be located on a lot no less than 10 acres in area.
- (b) Buildings and storage yards accessory to agriculturally-related businesses shall be no greater than 2,500 square feet in floor area when located on a lot less than 10 acres in size, or no greater than 5,000 square feet in floor area on lots 10 acres or greater in size. Such buildings and storage yards shall be setback a minimum of 100 feet from all lot lines and 250 feet from existing residential units on adjacent properties.
- (c) Intensive Animal Production operations, per SCDHEC definition, shall not be established on a lot less than 25 acres in size, and shall be no closer than 500 feet from the property boundary or an onsite water system nor one mile from an existing residence and/or public facilities.
 - (1) Applicants establishing intensive animal production operations shall submit a waste management plan for the proposed facility, as approved by SCDHEC, to the County for its review. The plan shall detail the handling,

storage, treatment (if required), and final disposal of the manure, litter, and dead animals generated at the facility.

However, all requirements for setbacks and/or buffers and other site improvements must be in compliance with the Stormwater Management BMP's and meet the approval of the Public Works Director.

10.4.11 Mineral Resource Extraction Operations

(a) **Applications.** All applications for mineral resource extractions shall include the following:

- (1) Copy of the DHEC application and permit (if issued)
- (2) Copy of the SCDOT or Dorchester County Encroachment Permit
- (3) Site plan indicating compliance with the site requirement provisions in section (b) below.

(b) **Site Requirements.** All mineral resource extraction operations shall comply with the following requirements:

(1) **Apron.** To keep mud/dirt off the roadways, all sites shall provide a 100' apron of clean, demudding, non-limestone aggregate such as slag or granite at the entrance drive. The first 25' shall be #57, after that, #4 can be used. SCDOT or Dorchester County may require additional improvements as part of the Encroachment Permit.

(2) **Entrance gate.** Gates at the entrance to the site shall be located at least 100' from the roadway.

(3) **Signage.** An emergency contact sign not to exceed four square feet with light reflective and minimum four inch letters that includes the name of the operator and an after-hours monitored phone number must be erected at the entrance. The sign must be placed a minimum of 10' but no more than 25' from the road right-of-way, and must be appropriately maintained throughout the operation of the mine site. In addition, temporary directional and warning signage at/near points of ingress/egress shall be installed for the duration of the mining activity.

(4) **Buffers.**

i. Where adjacent to developed properties (non-industrial), a 50' natural buffer, to include a 15' berm, is required along property lines. The berm must be installed within 12 months after initiating operations and shall be installed on the portion of the site closest to residences first.

ii. Where adjacent to undeveloped properties, a 100' Type C buffer is required. A 50' natural buffer, to include a 15' berm, can be substituted for the Type C buffer. If no or insufficient buffer vegetation exists, the 50' natural buffer, to include a 15' berm, shall be required in lieu of the 100' Type C buffer. Berms must be installed within 12 months after initiating operations.

iii. Where adjacent to industrial, agriculture, timber, or protected property, a 50' natural buffer is required.

iv. A natural buffer is defined as land left in its natural state and allowed to grow undisturbed. Clearing within the buffer for a berm is allowed.

(5) Fences. Mines abutting obvious gathering places for children, such as but not limited to, a public or private school, a public park or public recreation area, a youth activity center, a public library, or a licensed child care facility shall be secured by installing a 6' fence. Fence must run along the affected property line and turn at the corners. SC DHEC may require additional improvements as part of their Mine Operating Permit.

(6) Noise.

i. Operations shall be limited to 90 dB during operational hours as measured at the property line.

ii. Dewatering pumps that run after operational hours shall utilize sound attenuated enclosures, sound attenuating materials or barriers, or other sound mitigation measures to limit noise levels to 50 dB as measured at the property line after operational hours.

(7) Hours of Operation. Operational hours are limited to 6:00am to 5:00pm Monday through Friday, and 7:00am to 3:00pm on Saturdays.

(c) **Reporting Requirements.** All mineral resource extraction operations shall submit copies of their Solid Waste and Mining Report and their Bureau of Water Report to the Department of Planning & Zoning on an annual basis. On a Quarterly basis, mines shall report to Dorchester County the volume of material mined.

10.4.12 Professional Offices In Residential Districts

(a) Parking for professional offices in residential zoning districts shall be provided to the side or rear of the principal structure.

(b) A commercial entrance meeting SCDOT or county standards, whichever are applicable, shall be provided when a professional office is located in a residential district.

- (c) Additional buffering and screening, in addition to that required in Section 13.2 of this ordinance may be required by the Zoning Administrator prior to issuance of a zoning permit for a professional office in a residential district.

10.4.13 Institutions In Residential Districts

- (a) Institutional care facilities may not be developed on property nonconforming to the minimum lot size for the district in which it's located. Adequate lot area shall exist or be acquired to provide any recreation area required by state and/or federal licensing agencies.
- (b) Structures for institutional care shall be designed to mimic residential structures in the surrounding neighborhood. Structures shall meet the same setback or yard requirements as single family detached residences of the applicable the zoning district.
- (c) Properties developed with institutional care facilities shall front on a collector road. Vehicular access to the site shall not necessitate passage through adjacent residential neighborhoods.
- (d) A commercial entrance meeting SCDOT or county standards, whichever are applicable, shall be provided.
- (e) Parking areas for such uses shall be screened and buffered from adjacent residential properties in addition to abutting streets. Additional buffering and screening, in addition to that required in Article XIII of this ordinance may be required by the Zoning Administrator prior to issuance of a zoning permit.
- (f) No vehicular access shall be established between properties developed with institutional care facility and adjacent residential areas.
- (g) The property shall be fenced at its perimeter to secure the facility from public access.
- (h) Large continuing care facilities (i.e. combining independent living, assisted living, and nursing care) shall be developed as a planned development in accord with adopted regulations.

10.4.14 Communication Towers

- (a) **Terms used in this subsection are defined as follows:**
 - (1) **ABANDONED:** A tower or antenna device that has not been used for communications purposes for a period of 120 days or more. The device shall be presumed to be abandoned and out of service when there is no new application on file with the Administrator to resume service.
 - (2) **ANTENNA:** Any structure or device used for the purpose of collecting or

transmitting electromagnetic waves, including but not limited to directional antennas such as panels, microwave dishes and satellite dishes and omnidirectional antennas such as whip antennas.

- (3) **CARRIER:** Any person or entity licensed by the FCC or a state agency to supply local or long distance telecommunications services to the general public.
- (4) **CO-LOCATE:** Locating wireless communications equipment from more than one carrier on a single tower or site.
- (5) **FAA:** Federal Aviation Administration.
- (6) **FALL ZONE:** An area (generally circular) into which a structural engineer has predicted the communications tower will collapse under catastrophic failure caused by mechanical fatigue, seismic activity, high winds and/or icing conditions.
- (7) **FCC:** Federal Communications Commission.
- (8) **HEIGHT:** The vertical distance from the base of the tower (average grade) to the top of the structure given in feet and inches.
- (9) **MPE:** Maximum permissible emissions.
- (10) **OWNER:** The owner of the title to real property or the contract purchaser of real property, as indicated by the records contained in the Deed Registration Office (RMC) for Dorchester County.
- (11) **RF:** Radio Frequency (An electromagnetic wave frequency intermediate between audio frequencies and infrared frequencies).
- (12) **SITE:** A lot, tract or parcel of land that contains a communications antenna, its support structure or tower, accessory building(s), fencing, parking and may include other uses associated with or ancillary to cellular communications transmissions.
- (13) **TELECOMMUNICATIONS:** As defined in the Federal Telecommunications Act of 1996, means the transmission between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received. This does not include television reception antennas and satellite dishes or Communications Towers for amateur radio operations licensed by the Federal Communications Commission which are exempt from municipal zoning restrictions or Communications Towers under 100 feet in height used solely for educational communications purposes.
- (14) **TOWERS:** Any ground or roof-mounted pole, spire or combination thereof taller than 15', including supporting lines, cables, wires, braces, and

masts intended primarily for the purpose of mounting a telecommunications antenna, meteorological device or similar apparatus above grade.

(b) **Co-location on Existing Towers or Structures:** Antennae proposed for co-location on existing towers or free standing non-residential structures may be permitted provided:

- (1) The height of the communications equipment will not exceed the height of the structure by more than twenty feet (20’).
- (2) The Applicant will provide proof of liability insurance coverage for the site of at least one million dollars (\$1,000,000.00)

(c) **Communications Towers and Antenna as a Conditional Use:** The County Zoning Administrator shall approve the location and construction of a Communications Tower in a zoning district where Use Group 11(b) is listed as a conditional use upon a finding that each of the following criteria is met:

- (1) **Tower Height and Design:** In CN Neighborhood Commercial and CG General Commercial zoning districts the maximum tower height is one hundred ninety-nine feet (199’) and the tower must be a monopole design. In all other districts where allowed as a conditional use, the height of a tower shall not exceed three hundred feet (300’) and may be monopole, lattice or concealed design.
- (2) **Notice to Certain Property Owners.** A photo of the sign(s) and copy of the mailed notification, as provided below, with the mailing list by TMS# shall be provided to the Zoning Administrator as part of the application process.
 - a. A minimum of one (1) sign measuring at least 2’ x 3’ shall be posted on the development property placed for maximum visibility from adjacent roads. Additional signs may be required at the discretion of the Zoning Administrator, such as to provide visibility from a major right of way. The applicant is responsible for sign removal. At a minimum, the sign shall include the following information: Property address, TMS#, proposed communication tower height, Zoning Administrator contact information.
 - b. The applicant shall provide notice by certified mail to property owners within 750’ of the development property. At a minimum, this notice shall include:

Statement of application for a conditional use permit for construction of a communication tower with tower height and design type.

Address and TMS# for proposed development parcel with map showing tower location in relation to adjacent properties.

Statement that questions, concerns or comments may be directed to the Zoning Administrator with contact information for Zoning Administrator and final date for such comments to be submitted.

Statement that the Zoning Administrator may require the applicant to meet with property owners.

- (3) **Setbacks and Fall Zone:** The fall zone shall be determined by a structural engineer licensed and certified in the State of South Carolina and may be described in detail or shown on the site plan and shall include the engineer's signature and impression seal. The proposed tower should be located such that adequate setbacks are provided on all sides to prevent the fall zone from encroaching onto adjoining properties. No structures unrelated to the communication tower will be located within the proposed Fall Zone. If it is not feasible for the fall zone to be contained within the development parcel, a recorded easement will be prepared and signed by the adjacent property owner to ensure that no structures are built within the fall zone.
- (4) **Aesthetics and Property Value Preservation.** The proposed tower and associated improvements are subject to Special Areas Section 11.3 of this ordinance which address development in and around Ashley River Road and its associated scenic corridors. A balloon test or other graphic portrayal of the proposed tower may be required if it is within ten thousand feet (10,000) of any landmark, building, site, object, district or property listed in that section.
- (5) **Co-locate:** To satisfy the intent to maximize the use of each tower and to reduce the number of towers needed, each conditional use permit application shall include a statement of RF compliance regarding the maximum number of antenna arrays that the tower can accommodate which will be signed and sealed by a qualified engineer licensed and registered in the State of South Carolina. The applicant must agree that Dorchester County will be provided space for communications equipment at no cost to the government, provided space is available, the equipment does not exceed the structural capabilities and there is no frequency interference.
- (6) **Proof of Attempt to Co-locate:** A permit for proposed tower site within fifteen hundred feet (1,500') of an existing tower shall not be issued unless the applicant supplies documentation showing that the existing tower does not meet the structural specifications and technical design requirements of the service provider or that a co-location agreement could not be obtained at a reasonable market rate. Reasonable market rate shall be determined by the applicant providing an average of the lease rates it pays for co-location

sites in Dorchester County. The rate information shall be deemed a trade secret of the applicant and shall be made available only to the County Zoning Administrator who shall not be allowed to disclose it. The clustering of new towers on the same parcel, near existing towers is encouraged.

- (7) **Landscape plan.** The landscape buffer is intended to provide a continuous fence and vegetative screen around the tower base and ground equipment. To meet this intent, the landscape plan shall consider mature plant widths in selecting plant types. The landscape plan shall include a 30 foot perimeter buffer with an opaque fence eight feet in height placed around the tower base and ground equipment. A wood stockade fence may be allowed if approved by the Zoning Administrator. For every 100 linear feet, the buffer shall utilize plantings at the minimum rate of three trees with a width of 20 feet to 30 feet at maturity, four evergreen border trees with a width of 10 feet to 20 feet at maturity and 12 shrubs with a minimum width and height of 10 feet, as stated in the table below. Plant materials shall consist of at least 75% evergreen species. Existing vegetation shall be retained as feasible and count toward the required plantings. On-center spacing requirements in Section 13.3.6(b)(2) shall not apply.

Minimum Plant Count Per 100 Linear Feet at 30' Depth	
Trees 20' – 30' width	3
Evergreen border trees 10'- 20' width	4
Large shrubs 10' width and 10' height	12

- a. Trees may not be severely trimmed beyond the standards of ANSI A300 standards for Tree Care Operations. If aggressive trimming occurs, the property will be considered non-conforming and required to replace the trees with trees meeting the minimum size, spacing, and quantity standards of this section.
- b. Where there is a conflict between these buffer standards with any other buffer requirements in any other section of this ordinance, the standards provided in this section shall apply.
- (8) **Signs:** The proposed tower shall not include signage of any nature on any portion of the tower, except as required by applicable local, state or federal law rule or regulation. In addition, signs for the purpose of identification, warning, emergency function or contact numbers may be placed as required by standard industry practice.

(d) Building Permit Application Requirements:

- (1) **Drawings:** After approval of a conditional use permit, the applicant must provide the Department of Planning and Zoning with (2) two complete sets of drawings to include: A site plan consistent with Section 19.5 Site

Development Plan, all elements as approved for the conditional use permit and construction drawings consistent with current building code standards as follows.

- (2) **Elevation Drawings:** Elevation Drawings shall show a cross section of the tower, the height and the typical design of the tower, guy wire locations, site structures, fences, barriers, buffers, typical materials to be used, colors and lighting.
- (3) **Structural Standards:** Each tower will be built to withstand minimum acceptable wind loads, seismic zone criteria and structural requirements of the International Building Code, as amended. The fall zone will be shown on the Site Plan and/or discussed in a separate letter signed and sealed by the Carrier's a qualified structural engineer licensed and registered in the State of South Carolina.
- (4) **Tower Removal Performance Bond:** Any Communication Tower owner seeking to erect a tower in Dorchester County shall provide the Zoning Administrator a Performance Bond made payable to Dorchester County for the removal of the proposed tower from the site should the tower become abandoned and/or deactivated. The amount of this bond shall be \$100.00 for each 10' of tower height. The tower owner is responsible for keeping this Performance Bond in effect anytime a tower remains erected in the County. An alternative has been developed for this requirement, the tower owner will prepare a check made payable to Dorchester County for the calculated amount. The County will invest these funds until such time as the tower has been removed. The Carrier may request reimbursement of these funds with interest, if and when the owner has removed the tower at his own expense.
- (5) **Proof of Liability Insurance Coverage:** The Carrier shall provide the Zoning Administrator proof of liability insurance coverage of a minimum of one million dollars (\$1,000,000.00) insuring the Carrier against liability at the proposed tower and site. Liability coverage must include the risk of tower failure or collapse and the risk of human injury or death from such an event.
- (e) **Tower Removal:** The tower owner shall notify the Zoning Administrator that the tower / antenna has been decommissioned (tower ceases to be licensed by FCC) within sixty (60) days of actual cessation of operations. The tower owner, if not the same as the property owner, must affirm that its lease with the owner places responsibility for the costs of removal of such tower on the tower owner. The Administrator may request a copy of the lease. Lease information will be treated as a trade secret and shall not be made known to the public by the Zoning Administrator. Failure to remove the tower within one hundred twenty (120) consecutive days from the decommissioning date is a violation of the County Zoning and Development Standards Ordinance. It becomes a misdemeanor, which, upon conviction, shall be punishable by a fine not to

exceed Two Hundred Dollars (\$200.00), or imprisonment for not more than thirty (30) days. Each day such violation continues shall be deemed a separate offense (Section 14.3).

10.4.15 Outdoor Storage

No activity falling within Use Group No. 22 shall create a nuisance or unduly disrupt the allowed uses of other property. Vehicle transport associated with the activity shall be considered when evaluating this criterion with respect to residential areas. No vehicles associated with an outdoor storage use shall necessitate passage through a residential neighborhood.

(A) The following requirements shall apply to all proposals to establish a facility classified under Use Group 22(a).

(1) No activity shall occur closer than 5,000 feet from any property zoned specifically for residential use.

(2) No activity that would attract birds, including sea gulls, shall be located closer than 5,000 feet from an airport runway.

(3) No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other causes.

(4) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading, shall be within fully enclosed buildings.

(5) A landscape plan consistent with requirements in Section 13.2 Buffer Matrix for Junkyard and salvage yard shall be provided

(6) No materials stored in the open shall be stacked higher than the screen required above.

(7) All activities must have a designated manager; and said manager must be sufficiently bonded to ensure that, in case of abandonment, the site will be rehabilitated and restored, and that all permit conditions regarding the final disposition of the site will be fulfilled.

(8) Information supplied to the SC Department of Health and Environmental Control (DHEC) under the permit process required for certain outdoor storage activities may be used for submission of a conditional use permit application to the County, provided however that where these criteria request information in addition to those required by DHEC, such additional information shall be provided in full by the applicant. A DHEC permit does not constitute full compliance with the

provisions of county ordinances.

(9) The applicant shall provide the Zoning Administrator with information as specified below in addition to the standard application: The Zoning Administrator shall confer with other County officials as appropriate, and within 60 days of submission of a complete conditional permit application, approve a Zoning Permit with conditions, or deny the permit application. Both permit denials and conditions shall be based upon these criteria and the information required of the applicant.

- (a) Applicant: Name, Address, Phone Number.
- (b) Manager's: Name, Address, Phone Number (if applicant will not manage activities on site).
- (c) Details of applicant or manager's bonding.
- (d) Detailed list of proposed activities, hours of operation for activities on site, location of activity occurrence, and substances proposed for storage or disposal, including an indication of whether any of these substances have been designated as a hazardous material or is required to be disclosed pursuant to the provisions of the Superfund Amendments and Reauthorization Act (SARA), Title III [Public Law 99-499, 199 Stat.1613 (1986)].
- (e) Description of methods for ensuring that all stored/disposed substances will not create objectionable sanitary, aesthetic, or other nuisance conditions. If applicable, describe the methods and procedures for dealing with spills of liquid materials.
- (f) A drainage plan meeting requirements of the Dorchester County Drainage Ordinance.
- (g) Roads and transportation corridors that will be used to support proposed activities.
- (h) Types of vehicles, estimated number of vehicles and trips, and times of day traffic will be generated by proposed storage facility.
- (i) Type, extent of noise from, and duration of use of any machinery that will be used to transport materials stored.
- (j) Distance of the area of storage from adjacent residential zones.
- (k) A lighting and photometric plan that complies with Section 13.1.3 Site Lighting Standards shall be provided.

(B) The following conditions shall apply to activities classified in Use Groups

22 (b), (c), (d) and (e).

(1) The applicant shall provide a complete Site Development Plan per Section 19.5 that addresses the following conditions along with other supporting documentation that may apply.

(a) Site Development Plan approval from Dorchester County Public Works Department.

(b) Roads and transportation corridors that will be used to support proposed use.

(c) Types of vehicles, estimated number of vehicles and trips, and times of day traffic will be generated by the proposed storage use.

(d) Distance of the area of storage from adjacent residential zones.

(e) Lighting and photometric plan that complies with Section 13.1.3 Site Lighting Standards.

(f) Landscape plan. The landscape buffer is intended to provide a continuous fence and vegetative screen around the storage area. To meet this intent, the landscape plan shall consider mature plant widths in selecting plant types. The landscape plan shall include a 30 foot perimeter buffer along the parcel boundaries or storage area with an eight foot opaque fence placed between the buffer and the storage area. A wood stockade fence may be allowed if approved by the Zoning Administrator. For every 100 linear feet, the buffer shall utilize plantings at the minimum rate of three trees with a width range of 20 feet to 30 feet at maturity, four evergreen border trees with a width range of 10 feet to 20 feet at maturity and 12 shrubs with a minimum width and height of 10 feet, as stated in the table below. Plant materials shall consist of at least 75% evergreen species. Existing vegetation shall be retained as feasible and count toward the required plantings. On center spacing requirements in Section 13.3.6(b)(2) shall not apply.

Minimum Plant Count Per 100 Linear Feet at 30' Depth	
Trees 20' – 30' width	3
Evergreen border trees 10'- 20' width	4
Large shrubs 10' width and 10' height	12

(g) If located within the TOD-Transitional Overlay District, the MVB

Minimum Visual Buffer shall apply along the right-of-way, otherwise the 30 foot perimeter buffer utilizing the plant count from Section (f) above applies. In no instance shall the MVB be less than 30 feet and the use of evergreen species is preferred.

- (h) Trees may not be severely trimmed beyond the standards of ANSI A300 standards for Tree Care Operations. If aggressive trimming occurs, the property will be considered non-conforming and required to replace the trees with trees meeting the minimum size, spacing, and quantity standards of this section.
- (i) Where there is a conflict between these buffer standards with any other outdoor storage buffer requirements in any other section of this ordinance, the standards provided in this section shall apply.

10.4.16 Accessory Outdoor Storage

- (a) Vehicular access to outdoor storage areas accessory to retail and service establishments shall be separated from and shall not conflict with other onsite circulation patterns for patrons.
- (b) Accessory storage areas shall be located to the side and/or rear of the principal structure and shall not be located within required yards for the district in which they are located.
- (c) Any accessory storage area shall be fenced securing it from public accessibility when the establishment is not open for business.
- (d) Such area shall be screened from view of adjacent residential properties and public rights of way.

10.4.17 Adult Establishments

Notwithstanding any other provisions of the Zoning Ordinance of the County of Dorchester, no use as an adult establishment, as defined in Article XXV shall be permitted within one thousand feet (1000') of any Residential Zoning District, Single or Multi-Family Dwelling, Church, or Park, or within one (1) mile of any Public or Private School.

10.4.18 Generating Plants, Transmission Facilities, Water Treatment Plants, and Water Storage Towers

- (a) Utility generating plants, transmission facilities, water treatment plants, and/or water storage towers shall only be located on lots at least one (1) acre in size regardless of the zoning district minimum.

- (b) Utility generating plants, transmission facilities, water treatment plants, and/or water storage towers shall be completely fenced and buffered from adjacent residential areas and public rights of way.
- (c) Vehicular access to utility generating plants, transmission facilities, water treatment plants, and/or water storage towers shall not necessitate passage through adjacent residential areas.
- (d) Such facilities shall be secured from public access at all times.

10.4.19 Public Administration Facilities In Public Institutional Districts

- (a) Public administration facilities shall be completely fenced and buffered from adjacent residential areas.
- (b) Vehicular access to public administration facilities shall not necessitate passage through adjacent residential areas. Non-vehicular access from adjacent residential areas shall be provided.
- (c) Onsite storage/parking of service vehicles and equipment associated with public administration facilities shall be secured from public access at all times.

10.4.20 Use And Storage Of Transport Container Standards

The use or storage of transport containers, within Dorchester County, shall meet the following conditions for temporary use, on-site storage, and facilities for storage of transport containers. Transport containers maybe referred to as shipping container, freight container, transport container or other similar terms which meet the definition contained in Section 17 as determined by the Zoning Administrator.

- (a) Temporary Use
 - (1) Temporary use of containers requires a Special Outdoor Storage Permit and does not permit stacking for the following uses:
 - a. Temporary holiday sales or charitable collection: Maximum 60 days
 - b. Construction site: Remodeling – Maximum 60 days
 - c. Construction site: Structural Addition – Maximum 90 days
 - (2) All temporary storage containers must meet setback and imperious surface and must be removed upon expiration of the permit issued or upon receipt of a notice to remove from a building inspector.
- (b) Business Additional On-Site Storage

- (1) No stacking of containers is permitted for additional on-site storage. Containers are permitted for warehousing only within Use Group 17 Business General Services with the following conditions:
 - (a) Obtain a Special Permit-Outdoor
 - (b) The container storage location shall not impede any site design requirements for parking, setbacks, vehicular and pedestrian visibility, imperious surface, drainage, unloading zones or emergency access.
 - (c) Container storage may not be located within twenty (20 feet from a building.
 - (d) All containers shall be structurally sound, free of erosion, rust, holes, leaks or other deterioration.
 - (e) No advertising is to be displayed on the containers unless in compliance with Section 13.5 and must be free of graffiti, posters, bills, or other deteriorating impacts.
 - (f) All containers must be property secured in accordance with the building code to prevent shifting, rolling, or other movement.
 - (g) Existing uses shall follow requirements in Section 10.4.20 (E) Compliance and Amortization.

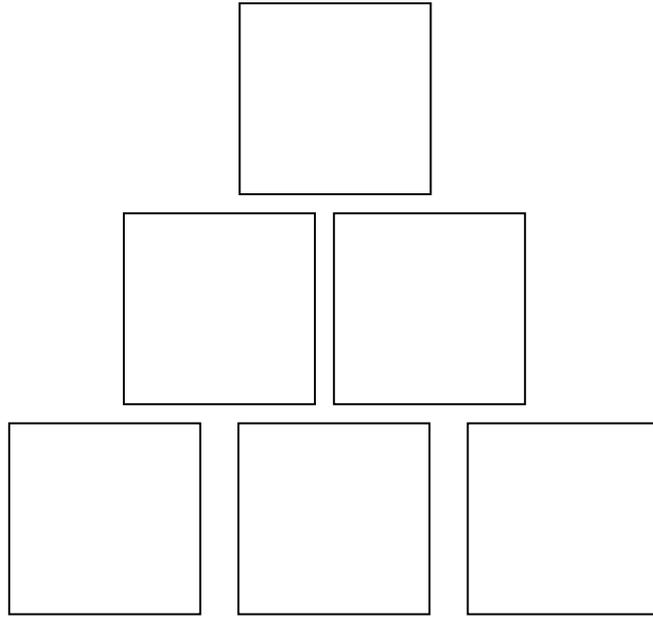
(c) Facilities for Storage of Transport Containers

- (1) Facilities for storage of transport containers shall comply with the following Conditions:
 - a. Compliance with requirements of 10.4.20 (B) items (b) through (g).
 - b. Site design calculations for drainage shall include maximum container land coverage.
 - c. A stacking plan meeting maximum stacking requirements of not more than three (3) containers shall be submitted:
 1. A staggered stacking plan: Exhibit 1(a)
 2. A straight horizontal stacking plan: Exhibit 1(b)
 3. Other configuration in compliance with regulations

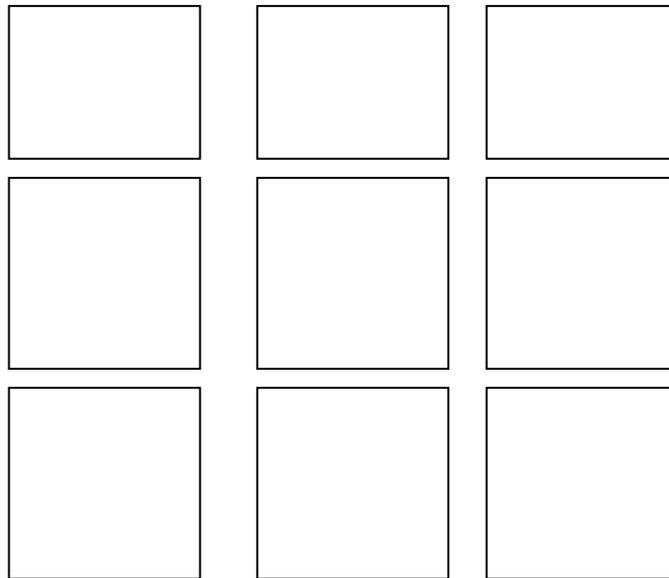
- d. A South Carolina Engineer's certification that containers stacked pursuant to the plan would be incapable of leaving the premises under sustained windload of 100 miles per hour.
- e. Type B Buffer is required for the entire parcel.
- f. A site design plan showing the location of all existing or proposed abutting streets, sidewalks, and internal travel-ways, all earthen berms, masonry walls, vegetative buffers, shall be submitted, in compliance with all requirements of this ordinance.

Exhibits

1(a)



1(b)



(d) Agricultural Uses

Transport Containers may also be permitted for Agricultural Use in the Absence of Controls District (AC) following the conditions in Section 10.4.2(1)(d). Containers may not be used for a dwelling or for the housing of animals.

(e) Compliance and Amortization

- (1) No building permit or certificate of occupancy shall be issued, no building or structure shall be erected, altered, or occupied, no use or change in use commenced, and no land altering activity commenced relating thereto may occur prior to endorsement or verification by the Zoning Administrator that such activity shall be in compliance with this Ordinance and has received all approvals required under this ordinance. The County shall require the payment of fees for review of plans and issuance of permits as specified by fee schedules adopted by County Council, including the uniform building fee schedules provided in Ordinances 89-07 and/or as may be subsequently amended.
- (2) All existing uses, which are located in all zone districts, shall have six (6) months to comply with the requirements contained within the specific applicable use, when this section is referred.
- (3) All existing uses, which are located in a non-permitted zone district, shall cease operation within three (3) years, when this section is referenced.

Section 10.4.21 Convenience Retail, Primary Retail, Restaurants, and Professional Service Businesses, Gasoline Stations and “Quick Stop” or “Convenience Stores” in Conservation Districts.

- (a) Convenience Retail, Primary Retail, Restaurants, Professional Service Businesses, Gasoline Stations and “Quick Stops” or “Convenience Stores” shall only be allowed in those areas designated as a Village Crossroads area as shown on the County’s adopted Future Land Use Map.
- (b) Development located in District 5 of the Ashley River Historic Overlay District, shall be exempt from the Transitional Overlay District regulations, Section 11.2 and instead, shall adhere to the design guidelines adopted by County Council on March 19, 2019, titled “Standing at the Crossroads – Designing a Gateway for the Future”.
- (c) Gasoline Stations and “Quick Stop” or “Convenience Stores”
 - (1) Shall be located a minimum of one (1) mile from an existing Gasoline Station.
 - (2) Fueling pumps shall be located behind principal building and adequately screened from right-of-way

- (3) Fueling canopies shall not exceed a height of a 15 foot clearance measured from ground surface.
- (4) Fuel storage should be properly designed and managed to make sure natural topography and sensitive areas are protected using construction techniques that ensure environmental best practices.

Section 10.4.22 Multi-Family Uses in Mixed Use Community (MUC) Districts.

(A) Within the General Commercial District, multi-family uses shall:

- (1) Be located above commercial uses, and
- (2) Be provided with off-street parking designated for each dwelling unit, and
- (3) Be provided with private building access separate from the access to the commercial portion of the building.

(B) Within the Mixed Use Community (MUC) Districts, multi-family uses shall:

- (1) Multi-Family uses are permitted when incorporated in a mixed use development containing an interconnected mix of residential and commercial uses. Mixed use development does not need to be developed on the same parcel, however, shall provide vehicular and pedestrian interconnection between adjacent developments and/or uses.
- (2) Multi-Family projects must have direct access to, and front, a designated arterial as listed in Section 11.2.2.
- (3) Multi-Family shall be developed concurrently with, or after the required commercial uses have been established as provided in section (1) above.

Section 10.4.23 Outdoor Special Events

Outdoor special events are intended to include events described in Section 6.13(f) and Section 10.2. The County recognizes that certain events require additional conditions to ensure compatibility with the surrounding district.

(A) Exemptions. The following are exempt from the requirements of this section and do not require the issuance of a conditional use permit:

- (1) Private parties and gatherings that do not meet the description provided for Outdoor Special Event Venues found in Article VI of this Ordinance.
- (2) Auctions of private real estate and/or estate auctions.
- (3) Neighborhood gatherings for the residents of the neighborhood in which the gathering takes place.

- (4) Outdoor Special Events which the Zoning Administrator determines through waiver are accessory or incidental to a legally established use within the OI, CN, CG, CLI, CLI-2, I, PI or PD districts. For such uses, the Zoning Administrator may require the applicant meet any and/or all requirements of Section 10.4.23(B) as a condition of the waiver.
- (5) Indoor Special Events held fully inside a legally established facility within the OI, CN, CG, CLI-2, I, PI or PD districts.
- (6) Indoor or Outdoor Special Events held within Federal, State or County Parks or other approved Social and Cultural facilities found in Use Group Description 6 of Article VI of this Ordinance.
- (7) Religious Events

(B) Temporary Events. Temporary events described in Section 10.2.3 such as festivals, fundraisers, cultural events, and outdoor concerts shall require a Temporary Event Permit.

- (1) Application. Temporary event permits may be issued only in coordination with pertinent County departments. A complete application shall be submitted 30-days prior to the event and include the following:
 - (a) A detailed letter of intent describing the purpose of the event indicating date(s) and time(s), anticipated number of participants, and whether alcohol will be served and if amplified sound will be used.
 - (b) A site plan drawn to scale which clearly details vehicular circulation, parking and access locations, restrooms, vendor locations, existing and temporary structures and any other areas of importance deemed necessary by staff.
 - (c) A County Business License may be required for the host and any participating vendors and a copy of valid Department of Revenue license if alcohol will be sold.

(2) Requirements.

- (a) No more than three (3) special event permits will be issued at any given location per calendar year and each event permit is valid for no more than three (3) consecutive days at one time.
- (b) Sites shall have direct access to a collector or arterial.
- (c) Daily event attendance shall be limited to 999.
- (d) All events shall begin no earlier than 10am and end no later than 11pm.

(C) Outdoor Event Venues. Outdoor special event venues described in Section 6.13(f) shall be appropriately zoned and must adhere to the application and requirements below.

(1) Application. The establishment of an outdoor special events venue shall be subject to all appropriate approvals by the County and comply with the requirements of Section 19 of this Ordinance. Applications shall include the following:

(a) A site plan drawn to scale which clearly details vehicular circulation, parking and access locations, restrooms, vendor locations, existing and temporary structures and any other areas of importance deemed necessary by staff. The site plan submittal shall include documentation supporting compliance with Article 13.

(b) Letters of coordination from Fire, Sheriff, Emergency Medical Services (EMS), Emergency Management, and Building Services where applicable. One (1) event and/or event venue maximum attendance to be determined through letters of coordination and approved by Planning Director.

(c) A landscape plan consistent with the requirements in Section 13.2 Buffer table with a B type buffer shall be provided. Section 13.2.5 does not apply and the required buffer may not be reduced in depth.

(d) The applicant must have a traffic management plan on file with the County depicting points of ingress/egress, traffic routing and flow, and detailing how heavy traffic events will be coordinated with the Sheriff's office.

(e) A plan for restroom facilities and garbage collection along with documentation, if necessary, from service providers.

(f) The applicant must have an emergency response plan on file with the County.

(g) A County Business License may be required for the host and any participating vendors and a copy of valid Department of Revenue license if alcohol will be sold. Failure to provide proof of this requirement or exemption will invalidate approval. Annual review of the conditional use permit is required at time of business license renewal.

(2) Requirements.

(a) Minimum lot size of ten (10) acres.

(b) Sites shall have direct access to a collector or arterial.

(c) All events shall begin no earlier than 10am and end no later than 11pm. Any event which includes overnight camping shall submit a schedule of events for review by staff.

- (d) All parking shall be contained on the subject property or on a contiguous property. A recorded, parking agreement shall be required if temporary off-street parking is provided on a parcel other than the subject property. At no time shall associated event parking be allowed in a public or private right-of-way or access easement.
- (e) Temporary structures such as stages or large tents will require all appropriate approvals from the Fire Marshal and/or the Building Department.
- (f) All structures must maintain a residential or agricultural character.
- (g) All structures shall comply with the requirements of this Ordinance, including but not limited to the density, intensity and dimensional standards.
- (h) Operator shall be responsible for coordinating with public safety for each event and obtaining all necessary inspections for each event.
- (i) Failure to follow application procedures or requirements may result in the denial or loss of the venue's business license. Failure to adequately manage traffic, noise, sanitation, or safety may result in the loss of the venue's business license.

10.4.24 Cottage Industry

- (a) The production of goods or provision of services; including professional, medical, repair, contracting, and manufacturing services, approved as a cottage industry shall be operated on the same parcel as the business owner's (or partner's) residence.
- (b) No more than five (5) persons outside the owner's immediate family may be employed by a cottage industry.
- (c) Cottage industries may be operated out of the primary residence, or any accessory building or buildings, not exceeding 5,000sf in floor area.
- (d) All equipment and materials shall be stored in a designated area. Outdoor storage areas shall meet the standards of Section 10.4.16.
- (e) A sketch plan/lot layout will be submitted along with application to Operate a Cottage Business to demonstrate conformance with these conditions.
- (f) Cottage Industry Scale:

- (1) Cottage Industries that fall within Use Groups 14 and 15 are permitted on parcels less than 5 acres and are permitted a maximum of 2,500 sf of accessory building and 5,000 sf of outdoor storage.
 - (2) Cottage Industries within other Use Groups are permitted on parcels greater than 5 acres and are permitted a maximum of 5,000 sf of accessory building and 10,000 sf of outdoor storage.
 - a. Such buildings and storage yards shall be setback a minimum of 100' from all lot lines and 250' from existing residential units on adjacent properties.
 - (3) Owners may seek special exception approval for additional accessory building and/or outdoor storage space if the intent, if not the letter, of the above provisions can be met.
- (g) Signs: Cottage Industries are permitted one (1) sign no greater than sixteen (16) sf in sign area and no more than ten (10) feet in height, with copy on two sides.
- (h) Hours: Hours of operation shall be limited to between 7:00 am and 7:00 pm, Monday through Saturday.
- (i) Noise, Odor, Vibration, or Electrical Interference. There shall be no perceptible increase in noise, odor vibration or electrical interference beyond the property line as a result of the cottage industry.
- (j) Exterior Lighting: Exterior light fixtures, if any, shall be cut-off fixtures mounted in such a manner that the cone of light is not directed at any property line.
- (k) Screening: Screening shall comply with the requirements in Article X and Article XIII.
- (l) A Dorchester County Business License is required.

Section 10.5 Criteria for Special Exception Approvals

In considering a special exception application, the BZA shall give the following factors reasonable consideration. The applicant should address how potentially adverse impacts related to the following factors in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by the ordinance:

- (a) Whether the proposed special exception is consistent with the Comprehensive Plan.
- (b) The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.
- (c) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.
- (d) The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.
- (e) The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.
- (f) The glare or light that may be generated by the proposed use in relation to uses in the immediate area.
- (g) The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of the ordinance.
- (h) The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
- (i) The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.
- (j) The timing and phasing of the proposed development and the duration of the proposed use.
- (k) Whether the proposed special exception will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
- (l) Whether the proposed special exception will be served adequately by essential public facilities and services.

- (m) Whether the proposed use will facilitate orderly and safe road development and transportation.
- (n) The effect of the proposed special exception on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.
- (o) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
- (p) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.
- (q) The location, character, and size of any outdoor storage.
- (r) The proposed use of open space.
- (s) The location and use of any existing non-conforming uses and structures.
- (t) The location and type of any fuel and fuel storage.
- (u) The location and use of any anticipated accessory uses and structures.
- (v) The area of each use; if appropriate.
- (w) The proposed days/hours of operation.
- (x) The location and screening of parking and loading spaces and/or areas.
- (y) The location and nature of any proposed security features and provisions.
- (z) A description of any features above the roofline of any structures.
- (aa) The number of employees.
- (bb) The location of any existing and/or proposed adequate on and off-site infrastructure.
- (cc) Any anticipated odors that may be generated by the uses on site.
- (dd) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Section 10.6 Limitations on Commercial Vehicles Parked in Residential Zoned Districts

- (a) The parking of commercial vehicles upon any lot, land, street, right-of-way or shoulder thereof, for a period of time exceeding one (1) hour, except in emergency situations or for such length of time as may be necessary for the pick-up, loading, unloading or delivery of materials and/or passengers in a Residential Zoned area: R1, R1M, R2, R2M, R3 and R4 is prohibited. It is further provided that this prohibition shall not apply to lots larger than two acres provided adequate screening of such alleged prohibited conduct is undertaken.

- (b) The intent of this ordinance is to limit the size and weight of commercial vehicles in residential areas and:
 - (1) to eliminate the visual blight created by large commercial vehicles being indiscriminately parked in residential areas for long periods of time.
 - (2) to minimize physical damage to publicly maintained rights-or-way.
 - (3) to protect property values and character of property within residential developments.
 - (4) to reduce traffic congestion.
 - (5) to protect children from traffic injuries.

- (c) For the purposes of this Ordinance, Commercial Vehicles is defined as a vehicle whose Tare Weight exceeds 5 tons (10,000 lbs), or a vehicle having more than two axles, or vehicle greater than 8' in height. Construction equipment and farming equipment of any type is included in this definition.

Section 10.7 Cluster Subdivision Development

The purpose of the cluster development ordinance is to permit unique residential developments that:

- (A) Utilize creative and flexible site design that is sensitive to natural, historical, cultural and/or other significant land features.
- (B) Preserve quality common open space, both active and passive, for community members and citizens.
- (C) Decrease stormwater runoff and nonpoint source pollution by reducing impervious surface in a development and maintaining natural surfaces.
- (D) Reduce sprawling subdivisions and the developer costs associated with infrastructure improvements while reducing future county maintenance of said infrastructure.
- (E) Provide for a variety of lot types, housing choices, densities and quality architectural features while promoting social interaction from walking, biking, and other outdoor activities.
- (F) Create healthier communities that are walkable and connect to local schools, churches, recreation, community facilities, and neighborhood conveniences.

10.7.2 Definitions

- (A) Cluster or Clustering - Means a site planning technique that concentrates buildings and structures in specific areas on a lot, site or parcel to allow the remaining land to be used for common open space for recreation and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot area, setback requirements, lot frontage, and/or lot occupancy with the resultant common open space being devoted by deed restrictions for one or more uses.
- (B) Gross Calculated Developable Acres – The area of a parcel or site (in acres) remaining after subtracting wetlands, required road and perimeter buffers, existing streams and bodies of water, existing utility corridors and/or easements. Refer to section 10.7.5 for required calculation method.
- (C) Net Calculated Developable Acres – The area of a parcel or site (in acres) remaining after calculating Gross Calculated Developable Acres and subtracting required Open Space. Refer to section 10.7.5 for required calculation method.
- (D) Community Facilities – For the purposes of Section 10.7, community facilities shall be defined as land set aside that is deemed necessary by Dorchester County

to serve a community purpose. Land set aside for bonus density shall be approved by County Council.

- (E) Cluster Yield Plan - A plan identifying the layout of the site showing gross and net calculated developable acreage and required open space utilizing the procedures outlined herein. The plan outlines the calculation of density (including bonus) applied to a site. Refer to section 10.7.5 for required calculation method.
- (F) Base Units – The number of units allowed for each development when utilizing the cluster option prior to the calculations for bonus density.
- (G) Common Open Space - For the purposes of Section 10.7, common open space shall be defined as any parcel, area of land or portion of a site derived from Gross Calculated Developable Acreage that is set aside in perpetuity as open space. Open space may be unimproved and set aside or improved, dedicated, designated or reserved for public or private use, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Areas used for stormwater management ponds are not considered common open space and shall not count toward minimum requirement or be used for bonus density.
 - (1) Active Open Space – Areas used for active purposes are usually located within the developments limits of disturbance and include areas such as playgrounds, site amenities, trails, open lawns/fields, community gardens, and other uses proposed by the developer and approved by the Zoning Administrator.
 - (2) Passive Open Space – Areas used for passive purposes are usually located outside the development’s limits of disturbance such as open natural fields, woods, trails and other uses proposed by the developer and approved by the Zoning Administrator.

10.7.3 Preparing a Cluster Yield Plan and Approval Process

- (A) A pre-submission meeting is strongly encouraged with the planning and engineering staff prior to the submission of a Cluster Yield Plan.
- (B) The applicant shall submit (3) copies of the Cluster Yield Plan for review following the TRC agenda schedule and pay required fee. Once staff has reviewed the plan against the requirements of this ordinance and approve the Cluster Yield Plan, the applicant may submit for Preliminary Plan. The Preliminary Plan submittal shall comply with the Dorchester County Zoning & Land Development Standards.
- (C) The Cluster Yield Plan must include all information pertinent to properly calculate Net Calculated Developable Acres, required open space, and base density. If bonus density is utilized these calculations must be shown as well.

- (D) Any changes to a Cluster Yield Plan resulting in an increase in dwelling units or a decrease in open space must be reviewed and approved by the Zoning Administrator. This constitutes a new approval and is subject to a revision review fee of 50% of the original fee.

10.7.4 Minimum Site Design Standards

Cluster developments shall be a minimum of ten (10) gross calculated developable acres and shall be evaluated as part of the County's review and approval process for compliance with the following criteria:

- (A) There shall be a minimum fifty foot (50') buffer along all existing public roadways. The buffer cannot be placed on individual lots and will be owned and maintained by the HOA. There shall be no easements located within the buffer except those that run perpendicular for necessary utility services or drainage. Vehicular access roads may bisect the buffer. The buffer must be measured from future right-of-way if the road has been identified for improvements by the County or State road program. Planting requirements shall meet 11.2.7(D)(1) & (2). Retention of existing vegetation is encouraged.
- (B) There shall be a minimum fifteen foot (15') buffer around the entire perimeter of the proposed development. The buffer cannot be placed on individual lots and will be owned and maintained by the HOA. There shall be no easement encumbrances located within the buffer except those that run perpendicular for necessary utility services or drainage. Vehicular access roads may bisect the buffer for connectivity to adjacent parcels. Planting requirements shall be one (1) canopy and one (1) understory tree every 50 feet. Retention of existing vegetation is encouraged.
- (C) Enhanced road sections shall be provided in all cluster subdivisions. The Zoning Administrator may approve alterations to the minimum standard requirements if warranted by elements such as natural features, the entry road, or a connector road between two neighborhood sections, if in all cases the intent is achieved. The standard rights-of-way road section shall be fifty-six feet (56') wide and include at minimum:
 - (1) Four foot (4') sidewalk on both sides of street.
 - (2) Nine foot (9') lawn verge on both sides of street measured from back of curb to edge of sidewalk
 - (3) Canopy street trees shall be planted every fifty feet (50') on average. Understory trees may be considered for portions of a neighborhood by the Zoning Administrator on a case by case basis if design warrants the need.
 - (4) Two feet (2') of lawn between outer edge of sidewalk and right-of-way for utility services.

- (5) Minimum travel lanes shall be eleven feet (11') wide.
- (D) Drainage easements proposed along rear and/or side property lines of lots intended for housing shall not encroach into lots unless warranted by special circumstances (such as not filling in a pocket wetland) and approved by the County Engineer. The required fifteen foot (15') stormwater pond easements shall not encroach into lots.
- (E) Driveways on individual residential lots shall not exceed sixteen feet (16') wide within the public or private street right-of-way and within the first five feet (5') of the front yard.
- (F) Individual lots, building locations, streets, parking areas, utilities and infrastructure should be grouped in a manner so that the required percentage of common open space is achieved. As is practicable, passive common open space shall be designated as a single block or shall be contiguous and not divided into unconnected small parcels located in various parts of the development.
- (G) Pedestrians shall have easy access to common open space.
- (H) Individual lots, buildings, structures, streets, parking areas, utilities and infrastructure should be designed and sited to minimize the alteration of natural features, vegetation and topography.
- (I) Existing scenic views or vistas are encouraged to remain unobstructed, especially from street rights-of-way.
- (J) The site layout should accommodate and preserve any features of historic, cultural, archaeological or sensitive environmental value and the cluster development should advance the purposes of this part.
- (K) Proper dedication statements protecting all required opens space shall be included on all plats and open space preservation easements shall be recorded concurrently with all final plats.

10.7.5 Calculations and Tables

- (A) Cluster Base Density and Open Space Requirements Chart:

Required open spaces are lands that are not encumbered by wetlands, required road and perimeter buffers, existing streams and bodies of water, existing utility corridors and/or easements). See definition.

Zoning District	Required Open Space Multiplier (multiplied against gross calculated developable acres)	* Minimum Required Active Open Space (percentage of calculated required open space acreage)	Cluster Base Density (multiplied against Net Calculated Developable Acres)
R-1	30%	20%	2.75
R-2	20%	35%	3.15

*The balance of open space type can be either active or passive open space once minimum active acreage is achieved. In all instances the two shall add up to meet minimum open space acreage requirement. Stormwater ponds and the required fifteen foot (15') pond easement shall not count toward active or passive open space.

(B) Cluster Yield Plan Calculations:

Total Site Acreage (*minus* –) wetlands, required road and perimeter buffers, existing streams and bodies of water, existing utility corridors and/or easements = **Gross Calculated Developable Acres**

Gross Calculated Developable Acres X Open Space Percentage Multiplier = **Required Open Space Acreage**

Gross Calculated Developable Acres (*minus* –) Required Open Space Acreage = **Net Calculated Developable Acres**

Net Calculated Developable Acres X Cluster Base Density = **Base Units**

Base Units X (Bonus Density ≤ 25%) = **Total Units Allowed**

Example Calculation For Site Zoned R-2:

Total Site Acreage (450.6 acres) – wetlands, required road and perimeter buffers, existing streams and bodies of water, existing utility corridors and/or easements (286.6 acres) = **(164) Gross Calculated Developable Acres**

164 Acres x .20 (Required Open Space Multiplier) = **32.8 Acres (Total Required Open Space)**

164 Acres – 32.8 Acres = **131.2 (Net Calculated Developable Acres)**

131.2 Acres x 3.15 (Cluster Base Density Multiplier) = **413 Cluster Base Units**

Bonus Density Design Options Utilized

413 x 8% (Additional Open Space) = 33.04 Units
Units

413 x 4% (Additional Roadside Buffer) = 16.52

413 x 1.5% (Additional Perimeter Buffer) = 6.2 Units

413 x 2.5% (Additional Entrance) = 10.33 Units

413 x 1% (Multi-Use Trail Through Road Buffer) = 4.13 Units

Total Bonus Density Units = 70

413 (Base Units) + 70 (Bonus Units) = **483 (Total Units Allowed)**

10.7.6 Lot and Building Standards

Varying lot configurations and sizes are strongly encouraged to help realize a sites full potential while providing different housing types within neighborhoods. The following variation of lots size and building requirements are allowed by-right as detailed in each table and related notes.

- (A) The lot and building requirements in Table 1 and Table 2 may be used in R-2 Single-Family Residential Zoning District.

(Table 1) Minimum Lot and Building Requirements

Min Lot Size:	6,000 sf
Min Lot Width:	50 ft
Primary Setbacks:	
Front	25 ft
Corner Lot Secondary Frontage	15 ft
Side	5 ft
Rear	15 ft
Detached Garage Setbacks:	
Corner Lot Secondary Frontage	20 ft
Side and Rear	5 ft
Rear (if measured from alley right-of way)	10 ft

- 1) Steps may encroach into setbacks but cannot be located in easements
- 2) Eaves may extend 18 inches into setbacks if properly fire rated.
- 3) Minimum lot width is measured at setback.
- 4) Minimum lot width around cul-de-sac may be reduced to 35’.

All lots created using (Table 2) Lot and Building Requirements must be served by a rear alley with a minimum private right-of-way of 20 feet **or** be designed wide enough to accommodate a slide-by driveway that serves a garage located behind the primary dwelling.

The building program within the cluster subdivision may utilize the standards in Table 2 as follows:

- a. Subdivisions with a gross calculated developable acreage between 10-25 acres may provide up to 80% of total lots using Table 2.
- b. Subdivisions with a gross calculated developable acreage between 26-50 acres may provide up to 60% of the total lots using Table 2.

- c. Subdivisions with a gross calculated developable acreage above 51 acres may provide up to 40% of the total lots using Table 2.

(Table 2) Minimum Lot and Building Requirements

Min Lot Size:	4,000 sf
Min Lot Width:	40 ft
Primary Setbacks:	
Front	10 ft
Corner Lot Secondary Frontage	15 ft
Side	5 ft
Rear	15 ft
Detached Garage Setbacks:	
Corner Lot Secondary Frontage	20 ft
Side and Rear	5 ft
Rear (if measured from alley right-of way)	10 ft

- 1) Steps may encroach into setbacks but cannot be located in easements
- 2) Eaves may extend 18 inches into setbacks if properly fire rated
- 3) Minimum lot width is measured at setback.
- 4) Minimum lot width around cul-de-sac may be reduced to 30'.

- (B) The lot and building requirements in Table 3 and Table 4 may be used in R-1 Single-Family Residential Zoning District.

(Table 3) Minimum Lot and Building Requirements

Min Lot Size:	8,000 sf
Min Lot Width:	60 ft
Primary Setbacks:	
Front	25 ft
Corner Lot Secondary Frontage	15 ft
Side	7.5 ft
Rear	20 ft
Detached Garage Setbacks:	
Corner Lot Secondary Frontage	20 ft
Side and Rear	5 ft
Rear (if measured from alley right-of way)	10 ft

- 1) Steps may encroach into setbacks but cannot be located in easements
- 2) Eaves may extend 18 inches into setbacks if properly fire rated.
- 3) Minimum lot width is measured at setback.
- 4) Minimum lot width around cul-de-sac may be reduced to 45'.

The building program within the cluster subdivision may utilize the standards in Table 4 as follows:

- a. Subdivisions with a gross calculated developable acreage between 10-25 acres may provide up to 80% of total lots using Table 4.

- b. Subdivisions with a gross calculated developable acreage between 26-50 acres may provide up to 60% of the total lots using Table 4.
- c. Subdivisions with a gross calculated developable acreage above 51 acres may provide up to 40% of the total lots using Table 4.

(Table 4) Minimum Lot and Building Requirements

Min Lot Size:	6,000 sf
Min Lot Width:	50 ft
Primary Setbacks:	
Front	25 ft
Corner Lot Secondary Frontage	15 ft
Side	5 ft
Rear	15 ft
Detached Garage Setbacks:	
Corner Lot Secondary Frontage	20 ft
Side and Rear	5 ft
Rear (if measured from alley right-of way)	10 ft

- 1) Steps may encroach into setbacks but cannot be located in easements
- 2) Eaves may extend 18 inches into setbacks if properly fire rated.
- 3) Minimum lot width is measured at setback.
- 4) Minimum lot width around cul-de-sac may be reduced to 35'.

10.7.7 Bonus Density

The following bonus density may be added to the Cluster Yield Plan as a matter of right. Bonus Densities are additive in nature up to 25% per subdivision. Percentages are applied against the calculated base units allowed.

(A) Additional Open Space

- (1) For every 5% additional open space from land included within the net calculated developable acreage (including wetland buffers), a 2% bonus density may be applied, or fraction thereof up to 8%.

(B) Additional Buffers (these areas cannot count toward required or additional open space)

- (1) For every 12.5 feet of additional roadside buffer (up to 100 feet in total including the required 50 feet) a 1% bonus density may be applied.
- (2) For every 15 feet of additional perimeter buffer (up to 45 feet in total including required 15 feet) a 1.5% bonus density may be applied.

(C) Housing Architectural Standards

- (1) If housing products built in the neighborhood meet the following architectural design standards, a total bonus density of 15% may be applied. Features may be incorporated individually or as a whole. Failure to achieve minimum architectural standards during building permit application will result in a forfeiture of density bonus applied using this standard and will require a revised Cluster Yield Plan and plat approved by the Planning Commission.
 - (a) Neighborhoods that use fiber cement siding, brick, stone, stucco, or materials of equal quality as approved by the Zoning Administrator, a 5% bonus density may be applied.
 - (b) Neighborhoods that incorporate a minimum 8 foot deep x 15 foot long front porch, a 2.5% bonus density may be applied.
 - (c) Neighborhoods that provide a minimum 5 foot recessed garage from the building facade, a 2.5% bonus density may be applied, or fraction thereof up to 10 feet.
 - (d) Neighborhoods that incorporate a raised foundation with a minimum of 1 foot above the highest grade elevation around the house, a 2.5% bonus density may be applied. Homes built in a floodplain that require elevated homes to meet FEMA requirements cannot use this bonus density.

(D) Land for Community Facilities Uses

- (1) For land set aside totaling five (5) acres a 2.5% bonus density may be applied, or fraction thereof.
- (2) For land set aside totaling between five (5) acres but below ten (10) acres a 5% bonus density may be applied.
- (3) For land set aside totaling above ten (10) acres a 7.5% bonus density may be applied.

(E) Community Consideration Neighborhood Design

- (1) If cul-de-sacs or dead end roads (not including connections for future connectivity) are not utilized within the subdivision, a 5% bonus density may be applied.
- (2) For every point of connection to an existing subdivision, neighborhood, or a secondary entrance, not including the main entrance, a 2.5% bonus density may be applied per connection, not to exceed 7.5%.

- (3) If the development includes a trail system throughout the neighborhood passive open space, a 2% bonus density may be applied per the Zoning Administrator.
- (4) If the development includes a minimum 8 foot paved multi-use trail through the length of the required roadside buffer, a 1% bonus density may be applied.
- (5) If pedestrian connections to nearby community facilities such as schools, parks, churches and other community facilities are provided, a 2.5% bonus density may be applied per the Zoning Administrator.
- (6) If the trail or sidewalk system within the neighborhood connects to an off-site trail or sidewalk that is greater than 1,000 feet from the property line, a 2.5% bonus density may be applied, or fractions of minimum 1,000 foot distance may be considered by the Zoning Administrator.
- (7) If the site qualifies for a conservation easement as determined by authorized agencies for lands that are not already required or additional open space by this ordinance, a 2.5% bonus density may be applied per the Zoning Administrator.