



Staff Report

Amendment to the Zoning Ordinance

DATES: Planning Commission: January 8, 2024
Town Council Workshop: February 6, 2024
Planning Commission: February 12, 2024
Town Council First Reading: February 20, 2024
Town Council Second Reading: March 19, 2024

TO: Irmo Planning Commission
Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Zoning Ordinance Amendment

ACTION REQUESTED: Consideration of a text amendment to Articles 1, 2, 3, 7, and 13 of the Zoning Ordinance as regards residential development and patio homes

Background

Staff has been reviewing the Zoning Ordinance and is planning major revisions to many chapters. This proposed ordinance amendment features many notable changes regarding residential development and patio homes, including:

1. Creation of a new residential zone – RN, Negotiated Residential, and redefining the MD, Mixed Use Development zone.
 - a. RN is for planned residential communities with a possible mix of residential types (i.e. single family detached, townhome, apartment) where the developer negotiates with the Town densities, setbacks, architectural features, amenities, etc. in exchange for flexibility and smaller lot sizes.
 - b. MD is for mixed-use projects (usually residential and commercial) with negotiated aspects
2. Add public notice requirement that negotiated districts are required to post 4' x 6' signs 15 days prior to Planning Commission describing the project. The Zoning Administrator may also require public meetings prior to the Commission meeting so that questions can be

answered and the developer has a chance to make changes prior to going to Planning Commission.

3. Requirement that sidewalks, streetlights, street trees, stormwater facilities outside the right-of-way, custom street signs, crosswalks and amenities must be maintained in perpetuity by the HOA/POA.
4. Create stronger regulations around residential lot size and require the earning of density bonuses to be permitted to build lots smaller than the 12,500 sf allowed by right in the RS district. 6,000 sf is the proposed lower limit for single family detached.
5. Remove references to patio homes - what were patio homes will now just be homes on smaller lots.

Staff Findings

At this time, we are not looking for a vote on this item - just input on what sounds good and what doesn't. Many of the changes to the current ordinance come from what I wrote for my previous Town, but there we had tremendous residential growth pressure - they built 600 units last year in a Town of 14,000. What staff is trying to do is balance the desire for higher quality residential development without making development within Town limits unworkable.

Included is also the density bonus sheet. These are suggestions of things that developers can do to earn smaller lots. This list is flexible, and developers are free to come up with their own suggestions. It is a basis for discussion between developers and staff and should help guide better development.

Section 1-2 Purpose of Districts

RN, Negotiated residential district. The RN district is a special purpose district, allowing for a range of residential uses including, but not limited to, single family residential, duplexes, townhomes, and apartments. The intent is to create a planned, unified development that encourages flexibility of design and allowable residential uses within the district. While a mix of residential uses and types is encouraged, it is not required. In order to rezone property to RN, a concept plan, descriptive statement (described elsewhere in this ordinance), and bonus density calculation shall be submitted to and approved by the Town Council.

MD, Mixed-use development district. The Mixed-Use (MD) district is a special purpose district. The intent is to create a planned, unified development that encourages flexibility of design and allowable uses within the district. Within the MD, regulations adapted to unified planning and development standards are intended to accomplish the purposes of zoning, design standards, and other applicable regulations to an equivalent or higher degree than general zoning district regulations that are designed to control uncoordinated development on individual lots or tracts. Mixed-use developments are intended to promote economical and efficient land use, to provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

~~***PDD, Planned development districts.*** As of the effective date of this Ordinance, all parcels previously zoned as PDD on the Official Zoning Map shall be designated as MD, mixed development district on the Official Zoning Map. Planned development districts on the Official Zoning Map prior to the effective date of this Ordinance shall remain in full force and effect under the regulations as set for each district at the time approved by the Irmo Town Council and per the Special Purpose District Regulations Article of this Ordinance.~~ (This is a defunct zoning district, so its reference is being removed.)

Article 2 Primary Zone District Regulations

Table 1

Schedule of Permitted, Conditional, and Special Exception Uses and Off-Street Parking Requirements by Zoning District

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Residential uses	N/A								
Single-family (including modular)		P	P					P	2.0 per unit
Two-family (duplex)			P						2.0 per unit
Patio Homes		P	P						

~~2-3.6 Conditional Uses for Patio and Zero Lot Line Housing~~

~~Due to the unique design features of patio and zero lot line housing, the dimensional and density requirements of Table 2 are hereby modified, as follows:~~

- ~~A. Such projects shall have a minimum of one acre.~~
- ~~B. Minimum lot area shall be 3,000 square feet per unit, on average.~~
- ~~C. Minimum lot width shall be 40 feet.~~
- ~~D. Where a unit is to be constructed at or on the property line, a five-foot maintenance easement shall be provided on the adjoining lot.~~
- ~~E. At least one side yard extending not less than five feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five feet.~~
- ~~F. The side yard of the exterior units shall be five feet from the "outside" property line.~~
- ~~G. A minimum patio or yard area of 700 square feet shall be provided on each lot.~~
- ~~H. Rear yard setbacks shall be not less than 20 feet.~~
- ~~I. Where proposed for the RS district, maximum density of such housing shall not exceed six units per acre.~~
- ~~J. Where proposed within the RG district, the Planning Official may require additional screening and/or buffering to protect adjoining single family residents.~~

Section 3-1 Schedule of Lot Area, Yard, Setback, Height, Density, and Impervious Surface Requirements

- D. Minimum lot sizes in the Single Family (RS) Residential District are as follows:
 - Single Family Detached: 12,500 s.f.
 - ~~Patio and Zero Lot Line Homes: 3,000 s.f. per unit on average~~
- E. Minimum lot sizes in the General Residential (RG) District are as follows:
 - Single Family Detached: 6,000 s.f. for the first unit and 4,000 s.f. for any additional units
 - Duplexes: 8,000 s.f. per two-unit structure
 - ~~Patio and Zero Lot Line Homes: 3,000 s.f. per unit on average~~
 - Townhomes: 3,000 s.f. per unit
 - Apartments: Minimum lot size of one acre; capped at 16 units per gross acre

Section 3-9 Number of Principal Buildings Per Lot

Where permitted or conditionally permitted by Table 1 no more than one single-family dwelling, manufactured home or duplex, ~~or patio home~~ is allowed per lot. Refer to conditional uses for accessory apartments.

Article 7 Special Purpose Districts

1. **Types** – This section describes the two types of negotiated zoning districts: Negotiated

Residential (RN) and Mixed-Use Development (MD). The types are better described as follows:

- a. **Negotiated Residential:** Residential developments with lot sizes, setbacks, or other features different than those permitted in the RS or RG districts. These districts may feature one or more residential types.
 - b. **Mixed-Use Development:** Mixed-Use projects featuring residential and commercial uses. Such developments require a development agreement if the property features over 25 highland acres and is thus legally permissible to have such an agreement under the South Carolina Local Government Development Act.
2. **Purpose** – The purpose of this section is to encourage the development of various types of flexible, negotiated developments under master plans, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. Negotiated developments are intended to promote flexibility in site planning and structure location, to facilitate the provision of utilities and circulation systems, the mixture of uses, as well as to preserve the natural and scenic features of the parcel.
- a. The proposed development should be of such design that it will promote achievement of the stated purposes of the adopted comprehensive plan and is consistent with the plan as well as other adopted plans and policies of the Town of Irmo.
 - b. The development will efficiently use available land and will protect and preserve, to the greatest extent possible, and utilize, where appropriate natural features of the land such as trees, streams, wetlands, and topographical features.
 - c. The development will be located in an area where transportation, police and fire protection, schools and other community facilities and public utilities, including public water and sewer service, are or will be available and adequate for the uses and densities proposed. The applicant may, where appropriate, make provisions for such facilities or utilities, which are not presently available.
3. **Intent** – The intent of negotiated development is to achieve the following:
- a. To encourage the development of communities which provide a range of harmonious land uses (residential, commercial, cultural, educational, etc.) and/or housing types (single family detached, townhomes, etc.).
 - b. To promote flexibility in site planning and structure location that facilitates the provision and use of efficient circulation and utility systems and preservation of natural and scenic features that will result in a diversity of scale, style and details that foster a strong sense of community within the development as well as enhancing the immediate area surrounding the development.
 - c. To permit the development of such communities where there is demand for housing, a relationship with existing and/or planned employment opportunities, as well as

supporting businesses and other services, and adequate community facilities and infrastructure existing or planned within the area.

- d. To provide a mechanism for evaluating alternative zoning regulations as well as other Town ordinance elements of the proposed application on its own merit, emphasizing that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications set forth in this chapter or other applicable variance, waiver or amendment to other ordinances, contrary to state or federal law but to permit innovative and creative design of communities in the Town of Irmo.

4. **Establishment** – Any request pertaining to the establishment of a Negotiated Residential or Mixed-Use Development zoning district shall be considered an amendment request to the zoning ordinance and shall be administered and processed in accordance with Article 12. The application for zoning amendment must include a concept plan, a descriptive statement and, if applicable, a bonus density calculation and/or a development agreement.

The Planning Commission may recommend to the Town Council to approve the plan and application to establish a negotiated district, including specific modifications to the plan, or to deny the application to re-zone to establish a said district. The Town Council shall approve the plan and application to establish the district, include specific modifications to the plan as conditions for approval, or deny the application to re-zone to establish an RN or MD.

If the request for re-zoning to a negotiated district is approved through an ordinance amendment of the Official Zoning Map by Town Council, site development plans and the final plat approval process may proceed. Improvement guarantees may be granted for substantially completed projects per improvement guarantee provisions as may be established by the Town.

After the final plat for the district has been recorded, building and sign permits shall be issued in accordance with the approved plan as a whole, or in phases or portions thereof, per an approved phased development plan as defined in this Ordinance. Said permits shall be issued in the same manner as for building and sign permits generally.

5. **Public Notice** – Fifteen (15) days prior to the meeting before the Planning Commission, signs must be erected on site alerting the public to the proposed development. These signs must be at least 4' x 6' and placed along all adjacent roads in a conspicuous location. The signs must feature the following information:
 - a. A description of the development
 - b. Number of units by type
 - c. Minimum lot size
 - d. Any amenities
 - e. A concept sketch of the development and/or the structures
 - f. Dates of all public meetings

- g. Contact information for the Developer and a link to more information. Additional contact information for the Zoning Administrator is encouraged.

Additionally, the Zoning Administrator reserves the right to require a public meeting prior to the Planning Commission meeting for the purposes of receiving public input prior to application submittal.

6. **Amendment** – Any changes to the approved characteristics or agreements of a negotiated development shall be classified as either major or minor amendments. Major amendments are considered a rezoning and require the procedures outlined in Article 12. Minor amendments may be made by the Zoning Administrator.
 - a. **Major Amendments** – Changes which materially affect the characteristics of the negotiated development shall follow the same procedural requirements as for the amendment originally establishing the negotiated district, including Planning Commission review, public hearing, and Town Council determination. Such changes include, but are not limited to, boundary changes, changes of greater than ten percent (10%) to the minimum/maximum number of allowable residential units or commercial square footage, or changes to the uses allowed within the development.
 - b. **Minor Amendments** – Changes such as but not limited to the location of certain uses within the overall development, signage and landscaping modifications, etc.
 - c. **Determination** - It shall be the duty of zoning administrator to determine whether any specific request shall be considered a major amendment or minor amendment; provided however, that the applicant shall have the right to have any request for change processed as a major amendment.
7. **Prohibited Amendments** – No Town ordinance shall be eligible for amendment in conjunction with the approval if the proposed amendment would apply to: A standardized code or law adopted by the Town in a form specified by state or federal law; or would adversely impact any officially recognized police, fire, flood, pollution, runoff, seismic, or other rating given to the Town or its citizens; or would amend, purport to amend, alter or purport to alter any state or federal law or regulations otherwise applicable.
8. **Requirements** – All negotiated developments require the following to be maintained by a Home or Property Owner's Association
 - a. Sidewalks
 - b. Streetlights
 - c. Street Trees
 - d. Stormwater facilities outside of the Right of Way
 - e. Customized Street Signs
 - f. Crosswalks
 - g. Amenities

Note: Private streets are prohibited in any developments unless by County law they cannot be brought into the County maintenance program, which may include road types such as rear access alleys or in a townhome development. A failure to seek County approval in a

timely fashion does not preclude this requirement. Any streets which must be private by County law are required to meet all Town of Irmo ordinances concerning private streets, including but not limited to manner of construction, bonding, maintenance, and long-term financial support. At the time of this ordinance, the Town of Irmo has no streets department or method for funding street repairs and maintenance. No private roads will be taken in by the Town of Irmo for maintenance.

9. **Failure to Begin, Failure to Complete, or Failure to Make Progress** – The descriptive statement as approved by Town Council and duly recorded shall set forth the development for the project including phasing of development of non-residential uses in relationship to residential use. The Town Council may require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may rezone the district and thus terminate the right of the applicant to continue development, or may initiate action to charge developers with specific violation of the zoning ordinance subject to the penalties set forth or any appropriate combination of the above remedies may be taken. If the development is not initiated within two years of its establishment, the planning commission shall initiate the rezoning of the property to an appropriate zoning district classification.
10. **Vested Rights** – A vested right is the right to undertake and complete the development of a negotiated district under the terms and conditions provided in this Section. A vested right is established for two (2) years upon the approval of the rezoning, including phased development plans as provided herein. The period of the vested right may be longer depending upon the terms of any development agreement. A vested right may be extended at the end of the vesting period for an additional twelve (12) months, or thirty-six (36) months for a phased development plan, upon request by the applicant and a determination by the ~~Town Council~~ **Planning Commission** that there is just cause for extension and that the public interest is not adversely affected. A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons.

Any vested right is subject to revocation by the Town Council upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

A vested right is subject to later enacted Federal, State, or local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

A change in the zoning district designation or land use regulations made after vesting that affects real property does not operate to affect, prevent, or delay development of the real property under a vested site-specific development plan or vested phased development plan without consent of the landowner. The Town Council must not require a landowner to waive his vested right as a condition of approval of a site-specific Negotiated Residential or Mixed-Use Development Plan including a phased development plan.

A vested right pursuant to this Section is not a personal right but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration. The vested right is subject to applicable Federal, State, and local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and certain nonconforming structure and use regulations that do not provide for the grandfathering of the vested right.

11. **Single-Family Residential Density** – In an effort to achieve a higher level of quality and architectural interest in the Town’s residential stock, the Town Council and Planning Commission have created a density bonus system by which single-family residential units may achieve higher densities in exchange for a variety of desirable design elements. In this system, single-family detached homes begin at a base minimum lot size of 12,500 square feet. Developers then have the opportunity to apply a number of density bonuses to the project, resulting in lots that may reach a minimum of 6,000 square feet in size. While single-family detached lot sizes below 6,000 s.f. may be possible, especially when using conservation design principles, Town Council strongly encourages minimums of 6,000 s.f., 50’ lot widths and setbacks of 25’ (front), 15’ (rear) and 7½’ (side) with a maximum density of six detached residential units per gross acre.

Items eligible for a density bonus may include, but are not limited to the following:

- Neighborhood Revitalization Program
- Commercial development
- Improved exterior façade textures and materials
- Rear access alleys/rear entry garages
- Minimal repetition of floor plan
- Wider side setbacks

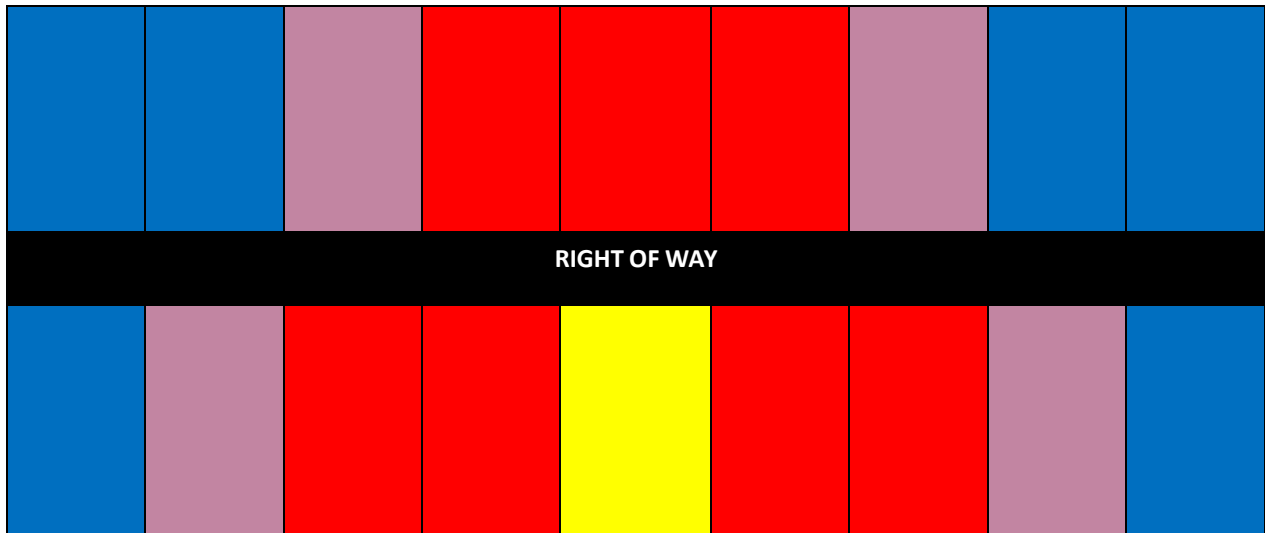
Density bonus information may be obtained from the town website or the Zoning Administrator. Standard bonuses may be applied to single-family detached houses, while modified bonuses may be applied to duplex and townhouse units. All bonuses will be negotiated between the developer and the Town, with final approval coming from Town Council as part of the acceptance of the development plan.

12. **Architectural and Design Requirements** – Residential structures in the negotiated districts are required to meet the following design requirements:

- a. The front façade and sides of the building must be covered in a cementitious material, such as Hardiplank, brick, or stone. If the rear of the building faces a road, it too must be

covered in similar material. Trim may still be made of vinyl. Single-family detached, duplexes, and townhomes must all meet this standard.

- b. Houses placed along, but which do not front onto, the streets exterior to the development are required to be buffered from those streets with a Type B Buffer or a Type A Buffer and an opaque screen. This buffer and screen is to be maintained by the HOA.
- c. Houses on corner lots or which otherwise have a side wall facing towards the public must have architectural details on that side, such as, but not limited to, a porch, bay windows, shutters (if they appear on the front of the house), or more windows than otherwise on that house plan. As an alternative, at least one canopy tree, one understory tree, and multiple shrubbery plantings may be placed along that side of the house. The additions are to be approved by the Zoning Administrator.
- d. In developments with fifty (50) or more single-family detached homes, house placement must meet the “Rule of Seven,” such that houses are not adjacent to houses with the same plan, façade, and similar color. All facades and colors are to be approved by the Zoning Administrator to determine variety.



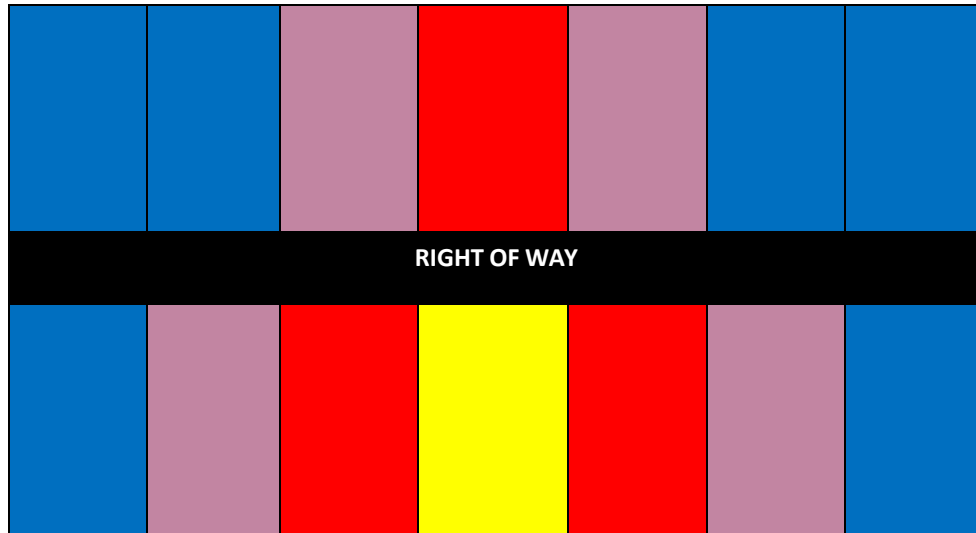
Subject Lot
Floor Plan “A”
Elevation “A”

Other Than
Floor Plan “A”
& Elevation “A”

Other Than
Building
Elevation “A”,
Any Floor Plan

Any Floor Plan
and/or
Elevation

In developments with 49 or fewer single-family detached homes, house placement must meet the “Rule of Five.” All facades are to be approved by the Zoning Administrator to determine variety.



- e. Townhomes must meet the conditional requirements outlined in Article 2. Additional requirements include:
 - i. At least four (4) facades per six-unit structure. Structures with fewer units may have fewer facades with Zoning Administrator approval.
 - ii. At least four (4) colors per six-unit structure. Structures with fewer units may have fewer colors with Zoning Administrator approval.
- f. All single family detached homes and duplexes must feature at least two 2½” trees in the front yard of each residence, at least one of which must be a canopy tree. Additionally, five 24” shrubs are required in each front yard. A comprehensive street tree program may be substituted for one tree in each yard. All plantings must be from the approved tree list found in elsewhere in the Zoning Ordinance.
- g. The main boulevard(s) of all residential negotiated developments shall be wider to accommodate on-street parking. Moreover, on-street parking shall be restricted to one side of the street throughout the development, to be enforced by the Homeowner’s Association.
- h. The floor area of the heated air space of detached single family homes in the development shall be at least 25% of the gross lot size for all lots under 8,000 s.f. For example, a 6,000 s.f. lot must feature a home with at least 1,500 s.f. of heated floor space. For lots over 8,000 s.f., the minimum heated floor area of the house must be 2,000 s.f.

13. Conservation Design

Negotiated developments can be designed to maximize open space and green space. This zoning can be used to accomplish a Conservation Design in which residential and/or commercial development can be incorporated into predominantly undivided permanent open space, thereby permanently protecting agriculturally, environmentally, or ecologically significant areas within the parcel. The remaining developable land is subdivided into buildable lots or utilized as a group development, typically with more density in the developed portion of the project than would be found in a traditional development within a general zoning district. Conservation Design standards are found in the Land Development Design Standards Article of this Ordinance.

14. Permitted Uses in Mixed-Use Development Districts

Mixed-use negotiated districts may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks, and other mixed-used developments. Flexibility in design, character, and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a specific planned mixed-use development. Any use or combination of uses meeting the objectives of this Section may be established in a district through a zoning map amendment ordinance as provided for in this Ordinance. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed based on classification; i.e., retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title so long as the zoning applies to the land, unless otherwise amended by ordinance. The applicant may specify that standard zoning district regulations shall apply to specific use areas within the project. For example, in an area designated for retail commercial, the applicant may specify that all General Commercial (GC) zoning district regulations shall apply.

15. Minimum Area Requirements

The minimum size for a negotiated district shall be 3 acres unless it is a continuation of an existing, adjacent negotiated district.

16. Development Standards for Mixed-Use Developments

The applicant may propose alternate regulations specific for the proposed negotiated district regarding signage, parking, buffers, screening, open spaces, and landscaping, etc.; which, if approved, shall become the regulations for the district. If no alternate regulations are proposed, the regulations for the primary zoning districts per this Ordinance shall apply. The following principles shall be considered in creating negotiated development standards:

- A. **Residential Dimension Requirements** – Residential density, building setbacks, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities such as

- transportation, water and sewer systems, recreational facilities, etc.
- B. **Overall Site Design** – Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and compatibility of uses.
 - C. **Parking and Loading** – Unless alternate standards are specified in an approved development plan, off-street parking and loading spaces for the various uses proposed for the district shall comply with the standards for off-street parking and interior landscaping of this Ordinance.
 - D. **Buffer Areas** – Buffer areas shall be required for peripheral uses and shall be provided in accordance with the requirements for adjacent uses prescribed in this Ordinance, unless alternate standards are specified in an approved development plan. There are no specific buffer area requirements for internal use, but buffers should mitigate impacts of intensity of uses and/or to serve as transitions between uses.
 - E. ~~**Streets and Street Improvements** – Private streets may be permitted in the MD, provided such streets meet the design and construction standards for public streets of the *Lexington County Design Manual* and other applicable land development regulations. The applicant must provide an acceptable private streets maintenance plan to the Planning Commission for review and approval. The Planning Commission may consider alternate private street design standards in consideration of site-specific factors including the following:~~
 - 1. ~~Limited use.~~
 - 2. ~~Site topographic or geophysical conditions.~~
 - 3. ~~Stormwater management.~~
 - 4. ~~The preservation of any natural features on the site.~~
 - 5. ~~The avoidance of areas of environmental sensitivity.~~
 - 6. ~~The minimizing of negative impacts and alteration of natural features.~~
 - 7. ~~The avoidance of adversely affecting ground water and aquifer recharge.~~
 - 8. ~~The reduction of cut and fill.~~
 - 9. ~~The avoidance of unnecessary impervious cover.~~
 - 10. ~~The prevention of flooding.~~
 - 11. ~~The accounting for other site-specific design considerations.~~
 - F. **Landscaping and Common Open Space** – Landscaping and open space requirements for each development shall comply with the provisions of this Ordinance, unless alternate standards are specified in an approved development plan.
 - G. **Signage** – Signage shall be in harmony, in scale with, and reflective of the proposed development. Unless alternate standards are specified in an approved development plan, signage shall comply with the standard signage regulations of this Ordinance.

17. Concept Plan Requirements

A site plan showing the proposed development of the area (zone) shall be a prerequisite to approval of a negotiated district. The site plan shall adhere to the minimum area and development standards requirements of this Section and shall address or show the following:

- A. The proposed title of the project, project designer, and the developer.
- B. The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, and buildings; and other existing physical features on the project site.

C. ~~The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other service facilities in or near the project.~~

- D. The general location and dimensions of proposed streets.
- E. Area by land use (i.e., retail, single-family detached residential, multi-family, townhouses, office, park, green space, etc.).
- F. Specific allowable uses for each area.
- G. A tabulation of the number of acres in each use area.
- H. Maximum densities expressed in dwelling units per net acre for residential uses, and floor/area ratio for non-residential uses.
- I. Building setbacks.
- J. Maximum building heights.
- K. The position of the proposed development in relation to its surroundings. Current land use (commercial, residential, vacant, etc.) and zoning of the subject site and adjacent property and a site location (vicinity) map shall be provided.
- L. Proposed plan for development in phases, as applicable
- M. Alternate design standard plans to include, as applicable:
 - 1. Parking and loading.
 - 2. Buffers, landscaping, and common open space.
 - 3. Street design.
 - 4. Signage plan.

The Planning Commission may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement if, in the opinion of the Commission, the inclusion of that requirement is not essential to a proper assessment of the project.

18. Descriptive Statement Requirements

The descriptive statement accompanies the concept plan and any required development agreement or bonus density calculations. This document will outline the nature of the development, to include the following:

- General description of the project
- Maximum number of residential units by type
- Maximum square footage of commercial or other non-residential use
- Setbacks and dimensional requirements for each use
- Listing of allowable commercial uses
- Description of any amenities
- Any concept drawings of the development or the commercial and/or residential structures located therein

19. Development Agreement

Development agreements are required for any negotiated development for which such an agreement is allowable by state law.

Development agreements and their requirements are described in full in the South Carolina Local Government Development Agreement Act, Title 6, Chapter 31 of the South Carolina Code of Laws.

Section 13-2 Selected Definitions

~~**Dwelling, patio house**— A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.~~

~~**Dwelling, zero lot line**— A zero lot line dwelling is a single-family detached unit that, instead of being centered on a lot, is placed against at least one of the side lot lines. Cross-reference **patio home**.~~

~~**Patio home**— A single-family detached or semi-detached dwelling unit built on a small lot generally enclosed by walls which provide privacy. Patio homes may be zero lot line dwellings.~~



NEGOTIATED DEVELOPMENT DENSITY INCENTIVES

Background

After years of growth, the Town Council is choosing to move towards larger lots and a higher level of design and architectural interest in any new negotiated developments. As such, all new residential annexations and negotiated developments are assumed to be zoned RS with 12,500 square foot lots by right. The Town realizes, however, that 12,500 s.f. lots are not as financially advantageous, so a system of density bonuses has been created to allow builders to reduce lot size while increasing the overall quality of life and design of the development. Average lot size is expected to be approximately 8,000 s.f. in neighborhoods utilizing the density bonus. Minimum lot size with all applicable bonuses are strongly encouraged to be limited to 50' wide, 6,000 s.f. with setbacks of 25' front, 7 1/2' side, and 15' rear. Rear load units may be adjusted accordingly.

This list is not comprehensive and new bonuses may be created at any time. As a developer, you may choose to recommend new practices eligible for a bonus. Final density bonus will be calculated in a Descriptive Statement accepted by the Town Council.

Density Bonuses (maximum available bonus listed on left)

- 20% Neighborhood Revitalization - A 20% bonus may be earned by contributing \$1,000 from each residential unit in the new development, with monies going into a trust fund managed by a community development corporation. Smaller bonuses can be earned for proportionally smaller contributions.
- 20% Exterior Façade Texture and Materials - Bonuses can be earned as follows:
 - 20%: All external walls substantially covered in brick or stone veneer
 - 10%: Front façade and trim on other three sides brick or stone veneer; hardiplank substantially covering remainder of house
 - 5%: 20% of front façade covered in stone or brick veneer, remainder of house substantially covered in hardiplank
- 10% Commercial Component - For every 1% of gross, buildable land area zoned for commercial use, a 1% density bonus may be calculated. Maximum bonus 10%.
- 10% Rear Access Alleys/Rear Entry Garages - Each lot featuring rear access alleys & rear entry garages receives a

PLANNED DEVELOPMENT DENSITY INCENTIVES - CONT

- 10% bonus.
- 10% Minimal Repetition of Floor Plan - at least three lots skipped on same side of road before same floor plan, at least four before same elevation for 10% bonus.
- 8% Less Prominent Garages - detached garages to the rear earn 8%, while attached garages that are at or behind the primary front building line may earn up to 5%.
- 5% 3 Car Garages - Each lot featuring three-car garages receive a 5% density bonus.
- 5% HOA Maintained Amenities - Swimming pool, children’s playground, community-wide trail system, etc. Maximum bonus 5%, depending upon amenities.
- 5% Wider Side Setbacks - A 1% lot size reduction for every 1’ of side setback added over required minimum (including minimum modified by this bonus density). Maximum bonus 5%.
- 5% Side Entry Garages - Eligible for interior lots featuring side entry garage.
- 5% Widened Sidewalks - 8’ sidewalks on main boulevards, 6’ on collectors
- 5% Trees and Shrubs - Additional trees above the minimum, street trees, and preserving grand trees in the overall development earn various bonuses.
- 3% Mixed Lot Sizes - Mixing lot areas and frontages along a street to “break the rhythm” of the streetscape. For example, having a 62’ wide, 8,000 s.f. lot following three 52’ wide, 6,000 s.f. lots.
- 3% Sprinklered Houses - Each house with a sprinkler system receives the lot bonus.
- 3% Decorative Crosswalks - Provision of decorative crosswalks at major intersections
- 1% Unique Street Name Signs - Provision of such signage throughout the development will result in a 1% density bonus. Signs must be maintained by HOA.
- 1% Lighted House Numbers - Each house with permanently lit street addressing near the front door will earn a 1% density bonus.

Example

	Bonus Type	Bonus	Square Feet
Initial Lot Size			12,500
	Neighborhood Revitalization	10%	1,250
	8% Commercial Provision	8%	1000
	Exterior Materials	5%	625
	Unique Street Signs	1%	125
	TOTAL BONUS		3,000
	NEW MINIMUM LOT SIZE		9,500

STATE OF SOUTH CAROLINA)
)
TOWN OF IRMO)

ORDINANCE 24 – 05

**AN ORDINANCE TO AMEND APPENDIX A – ZONING AND LAND DEVELOPMENT;
ARTICLES 1, 2, 3, 7, AND 13 REGARDING NEGOTIATED ZONING**

WHEREAS, the Town of Irmo desires to strengthen its Code of Zoning and Land Development Regulation, amending said Code to address noted errors, omissions, vague language, and add appropriate standards; and

WHEREAS, the following text amendment to the Town of Irmo Code of Zoning and Land Development Regulations has been proposed through collaboration with the Planning Commission; and

WHEREAS, the Planning Commission, at their February 12, 2024, meeting, voted to recommend approval of this amendment, as attached; and

WHEREAS, Council wishes to amend the Code of Municipal Ordinance as attached;

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Irmo, South Carolina, in Council duly assembled on this 19th day of March, 2024, that the Town of Irmo Code of Municipal Ordinance is hereby amended.

PASSED AND ADOPTED this 19th day of March, 2024.

William O. Danielson, *Mayor*

ATTEST:

Renee Caviness, *Municipal Clerk*

1st Reading: February 20, 2024

2nd Reading: March 19, 2024

ORDINANCE 24 – 05

Changes to the Zoning and Land Development Regulations

Section 1-2 Purpose of Districts

Remove in its entirety and replace with the following:

Collectively, these districts are intended to advance the purposes of this Ordinance, as stated in the preamble. Individually, each district is designed and intended to accomplish the following more specific objectives:

RS, Single-family residential district. The RS district is intended to foster, preserve, and protect areas of the community in which the principal use of land is for detached, single-family dwellings, and certain residential support facilities at low densities.

RG, General residential district. The RG district is intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings, in areas accessible by major streets.

RN, Negotiated residential district. The RN district is a special purpose district, allowing for a range of residential uses including, but not limited to, single family residential, duplexes, townhomes, and apartments. The intent is to create a planned, unified development that encourages flexibility of design and allowable residential uses within the district. While a mix of residential uses and types is encouraged, it is not required. In order to rezone property to RN, a concept plan, descriptive statement (described elsewhere in this ordinance), and bonus density calculation shall be submitted to and approved by the Town Council.

CO, Office-Commercial district. The CO district is intended to accommodate office, selected service, and institutional uses. It is designed principally for use along major streets and subdivision borders to help ameliorate the consequences of change impacting these areas and to serve as transitions between more intense commercial uses and residential areas. These intentions shall be considered in decisions of requests for CO zoning.

CN, Neighborhood-Commercial district. The CN district is intended to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the "convenience variety." CN establishments can provide community members convenient access to frequently used neighborhood-oriented services and give residents the option of walking rather than depending on an automobile. The size of these districts should relate to surrounding residential markets and the locations should be at or near major intersections, in proximity to residential areas, and/or on the periphery of residential areas, moderating transition between residential and potentially incompatible commercial uses. These intentions shall be considered in decisions of requests for CN zoning.

CG, General-Commercial district. The CG district is intended to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business and commercial uses are permitted herein.

LM, Light manufacturing district. The intent of the LM district is to accommodate wholesaling, distribution, storage, processing, and light manufacturing uses in an environment suited to such uses and operations, while promoting land use compatibility through the

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application of performance standards, and to prohibit certain potentially incompatible manufacturing plants.

FA, Fringe agricultural district. The intentions of the fringe agricultural district are (1) to retain and support agricultural operations within the fringe areas of the town, between the open countryside and the built- up suburbs, and (2) to provide for both rural and urban lifestyles within the Town.

MD, Mixed-use development district. The Mixed-Use (MD) district is a special purpose district. The intent is to create a planned, unified development that encourages flexibility of design and allowable uses within the district. Within the MD, regulations adapted to unified planning and development standards are intended to accomplish the purposes of zoning, design standards, and other applicable regulations to an equivalent or higher degree than general zoning district regulations that are designed to control uncoordinated development on individual lots or tracts. Mixed-use developments are intended to promote economical and efficient land use, to provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment. In order to rezone property to MD, a concept plan, descriptive statement (described elsewhere in this ordinance), and any required bonus density calculation shall be submitted to and approved by the Town Council.

Article 2, Table 1

Remove the use “Patio Homes” from the use table

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Residential uses	N/A								
Single-family (including modular)		P	P					P	2.0 per unit
Two-family (duplex)			P						2.0 per unit
Patio Homes		P	P						

Section 2-3.6 Conditional Uses for Patio and Zero Lot Line Homes

Delete Section 2-3.6 Conditional Uses for Patio and Zero Lot Line Homes

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Section 3-1 Schedule of Lot Area, Yard, Setback, Height, Density, and Impervious Surface Requirements

Remove Table 2, Table Notes and Table References and replace with the following:

	FA	RS	RG	CO	CN	CG	LM
Minimum lot Size (square feet)	1 ac.	12,500	(D)	6,000	6,000	6,000	NA
Width at front buildable line (feet)	150	70	60	60	60	60	60
Minimum yard & building setback in feet (F)							
Front (A)							
Major street – multi-lane (refer to major street definition)	25	25	25	25	25	25	25
Major street - two lane	40	40	40	40	40	40	40
Minor street (refer to definition)	20	20	20	20	20	20	20
Side							
Residential	10	5	5	NA	NA	NA	NA
Non-residential	40	40	40	5	(E)	(E)	(E)
Rear							
Residential	30	20	20	NA	NA	NA	NA
Non-residential	50	50	50	15	15	15	15
Maximum height (ft.) (B)	40	40	40	(F)	(F)	(F)	(F)
Maximum floor area ratio: Non-residential uses (D)	NA	0.25	0.25	0.4	0.6	NA	NA

Table Notes:

1. Refer to yard and setback modifications of this Article.
2. Due to the unique design features of townhouses, the dimensional requirements of Table 2 are modified under Conditional Uses for Townhouses
3. Abbreviations
 - a. NA = not applicable

Table References:

- A. Measurement from front property line abutting the street right-of-way
- B. Building height measured from the average elevation of the finished grade at the building line to the highest point on the roof
- C. Maximum non-residential floor area ratio is measured as gross floor area percentage of total lot area
- D. Minimum lot sizes in the General Residential (RG) District are as follows:
 - Single Family Detached: 6,000 s.f.
 - Duplexes: 8,000 s.f. per two-unit structure

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- Townhomes: 2,000 s.f. per unit; capped at 16 units per gross acre
 - Apartments: Minimum lot size of one acre; capped at 16 units per gross acre
- E. Minimum side yard setbacks in CN, CG, and LM districts are a minimum of 3 feet on one side and a total of 10 feet for both sides.
- F. Building heights of more than 40 feet shall observe an additional setback from side and rear property lines of one foot for each one foot in height over 40 feet; buildings in excess of five stories shall be approved by the Irmo Fire Department.

Section 3-9 Number of Principal Buildings Per Lot

Remove section and replace as follows:

Where permitted or conditionally permitted by Table 1 no more than one single-family dwelling, manufactured home or duplex is allowed per lot. Refer to conditional uses for accessory apartments.

Where more than one principal building for all other uses is located on a lot, the required setbacks for the district shall be maintained along all property lines, and distances between principal buildings shall be approved by the fire chief prior to permitting.

Article 7 Special Purpose Districts

Remove Section 7 in its entirety and replace with the following:

Section 7-1 Negotiated Developments

7-1.1 Types of Negotiated Development Districts

This section describes the two types of negotiated zoning districts: Negotiated Residential (RN) and Mixed-Use Development (MD). The types are better described as follows:

- A. **Negotiated Residential:** Residential developments with lot sizes, setbacks, or other features different than those permitted in the RS or RG districts. These districts may feature one or more residential types.
- B. **Mixed-Use Development:** Mixed-Use projects featuring residential and commercial uses. Such developments require a development agreement if the property features over 25 highland acres and is thus legally permissible to have such an agreement under the South Carolina Local Government Development Act.

7-1.2 Purpose

The purpose of this section is to encourage the development of various types of flexible, negotiated developments under master plans, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. Negotiated developments are intended

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to promote flexibility in site planning and structure location, to facilitate the provision of utilities and circulation systems, the mixture of uses, as well as to preserve the natural and scenic features of the parcel.

- A. The proposed development should be of such design that it will promote achievement of the stated purposes of the adopted comprehensive plan and is consistent with the plan as well as other adopted plans and policies of the Town of Irmo.
- B. The development will efficiently use available land and will protect and preserve, to the greatest extent possible, and utilize, where appropriate natural features of the land such as trees, streams, wetlands, and topographical features.
- C. The development will be located in an area where transportation, police and fire protection, schools and other community facilities and public utilities, including public water and sewer service, are or will be available and adequate for the uses and densities proposed. The applicant may, where appropriate, make provisions for such facilities or utilities, which are not presently available.

7-1.3 Intent

The intent of negotiated development is to achieve the following:

- A. To encourage the development of communities which provide a range of harmonious land uses (residential, commercial, cultural, educational, etc.) and/or housing types (single family detached, townhomes, etc.).
- B. To promote flexibility in site planning and structure location that facilitates the provision and use of efficient circulation and utility systems and preservation of natural and scenic features that will result in a diversity of scale, style and details that foster a strong sense of community within the development as well as enhancing the immediate area surrounding the development.
- C. To permit the development of such communities where there is demand for housing, a relationship with existing and/or planned employment opportunities, as well as supporting businesses and other services, and adequate community facilities and infrastructure existing or planned within the area.
- D. To provide a mechanism for evaluating alternative zoning regulations as well as other Town ordinance elements of the proposed application on its own merit, emphasizing that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications set forth in this chapter or other applicable variance, waiver or amendment to other ordinances, contrary to state or federal law but to permit innovative and creative design of communities in the Town of Irmo.

7-1.4 Establishment

Any request pertaining to the establishment of a Negotiated Residential or Mixed-Use Development zoning district shall be considered an amendment request to the zoning ordinance and shall be administered and processed in accordance with Article 12. The application for zoning amendment must include a concept plan, a descriptive statement and, if applicable, a bonus density calculation and/or a development agreement.

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The Planning Commission may recommend to the Town Council to approve the plan and application to establish a negotiated district, including specific modifications to the plan, or to deny the application to re-zone to establish a said district. The Town Council shall approve the plan and application to establish the district, include specific modifications to the plan as conditions for approval, or deny the application to re-zone to establish an RN or MD.

If the request for re-zoning to a negotiated district is approved through an ordinance amendment of the Official Zoning Map by Town Council, site development plans and the final plat approval process may proceed. Improvement guarantees may be granted for substantially completed projects per improvement guarantee provisions as may be established by the Town.

After the final plat for the district has been recorded, building and sign permits shall be issued in accordance with the approved plan as a whole, or in phases or portions thereof, per an approved phased development plan as defined in this Ordinance. Said permits shall be issued in the same manner as for building and sign permits generally.

7-1.5 Public Notice

Fifteen (15) days prior to the meeting before the Planning Commission, signs must be erected on site alerting the public to the proposed development. These signs must be at least 4' x 6' and placed along all adjacent roads in a conspicuous location. The signs must feature the following information:

- A. A description of the development
- B. Number of units by type
- C. Minimum lot size
- D. Any amenities
- E. A concept sketch of the development and/or the structures
- F. Dates of all public meetings
- G. Contact information for the Developer and a link to more information. Additional contact information for the Zoning Administrator is encouraged.

Additionally, the Zoning Administrator reserves the right to require a public meeting prior to the Planning Commission meeting for the purposes of receiving public input prior to application submittal.

7-1.6 Amendment

Any changes to the approved characteristics or agreements of a negotiated development shall be classified as either major or minor amendments. Major amendments are considered a rezoning and require the procedures outlined in Article 12. Minor amendments may be made by the Zoning Administrator.

- A. **Major Amendments** – Changes which materially affect the characteristics of the negotiated development shall follow the same procedural requirements as for the amendment originally establishing the negotiated district, including Planning Commission review, public hearing, and Town Council determination. Such changes include, but are not limited to, boundary changes, changes of greater than ten percent (10%) to the minimum/maximum number of

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allowable residential units or commercial square footage, or changes to the uses allowed within the development.

- B. **Minor Amendments** – Changes such as but not limited to the location of certain uses within the overall development, signage and landscaping modifications, etc.
- C. **Determination** - It shall be the duty of zoning administrator to determine whether any specific request shall be considered a major amendment or minor amendment; provided however, that the applicant shall have the right to have any request for change processed as a major amendment.
- D. **Prohibited Amendments** – No Town ordinance shall be eligible for amendment in conjunction with the approval if the proposed amendment would apply to: A standardized code or law adopted by the Town in a form specified by state or federal law; or would adversely impact any officially recognized police, fire, flood, pollution, runoff, seismic, or other rating given to the Town or its citizens; or would amend, purport to amend, alter or purport to alter any state or federal law or regulations otherwise applicable.

7-1.7 Minimum Area Requirements

The minimum size for a negotiated district shall be 3 acres unless it is a continuation of an existing, adjacent negotiated district.

7-1.8 Requirements

All negotiated developments require the following to be maintained by a Home or Property Owner's Association

- A. Sidewalks
- B. Streetlights
- C. Street Trees
- D. Stormwater facilities outside of the Right of Way
- E. Customized Street Signs
- F. Crosswalks
- G. Amenities

Note: Private streets are prohibited in any developments unless by County law they cannot be brought into the County maintenance program, which may include road types such as rear access alleys or in a townhome development. A failure to seek County approval in a timely fashion does not preclude this requirement. Any streets which must be private by County law are required to meet all Town of Irmo ordinances concerning private streets, including but not limited to manner of construction, bonding, maintenance, and long-term financial support. At the time of this ordinance, the Town of Irmo has no streets department or method for funding street repairs and maintenance. No private roads will be taken in by the Town of Irmo for maintenance.

7-1.9 Failure to Begin, Failure to Complete, or Failure to Make Progress

The descriptive statement as approved by Town Council and duly recorded shall set forth the development for the project including phasing of development of non-residential uses in relationship to residential use. The Town Council may require the posting of a bond with a corporate surety to

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guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may rezone the district and thus terminate the right of the applicant to continue development, or may initiate action to charge developers with specific violation of the zoning ordinance subject to the penalties set forth or any appropriate combination of the above remedies may be taken. If the development is not initiated within two years of its establishment, the planning commission shall initiate the rezoning of the property to an appropriate zoning district classification.

7-1.10 Vested Rights

A vested right is the right to undertake and complete the development of a negotiated district under the terms and conditions provided in this Section. A vested right is established for two (2) years upon the approval of the rezoning, including phased development plans as provided herein. The period of the vested right may be longer depending upon the terms of any development agreement. A vested right may be extended at the end of the vesting period for an additional twelve (12) months, or thirty-six (36) months for a phased development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected. A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons.

Any vested right is subject to revocation by the Town Council upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

A vested right is subject to later enacted Federal, State, or local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

A change in the zoning district designation or land use regulations made after vesting that affects real property does not operate to affect, prevent, or delay development of the real property under a vested site-specific development plan or vested phased development plan without consent of the landowner. The Town Council must not require a landowner to waive his vested right as a condition of approval of a site-specific Negotiated Residential or Mixed-Use Development Plan including a phased development plan.

A vested right pursuant to this Section is not a personal right but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration. The vested right is subject to applicable Federal, State, and local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and certain

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nonconforming structure and use regulations that do not provide for the grandfathering of the vested right.

7-1.11 Single-Family Residential Density

In an effort to achieve a higher level of quality and architectural interest in the Town's residential stock, the Town Council and Planning Commission have created a density bonus system by which single-family residential units may achieve higher densities in exchange for a variety of desirable design elements. In this system, single-family detached homes begin at a base minimum lot size of 12,500 square feet. Developers then have the opportunity to apply a number of density bonuses to the project, resulting in lots that may reach a minimum of 6,000 square feet in size. While single-family detached lot sizes below 6,000 s.f. may be considered, Town Council strongly encourages minimums of 6,000 s.f., 50' lot widths and setbacks of 25' (front), 15' (rear) and 7½' (side) with a maximum density of six detached residential units per gross acre. Town Council reserves the right to allow smaller residential lots when the developer is proposing projects such as conservation subdivisions, tiny homes, affordable housing, senior housing, or other concepts that meet the approval of Town Council.

Items eligible for a density bonus may include, but are not limited to the following:

- Neighborhood Revitalization Program
- Commercial development
- Improved exterior façade textures and materials
- Rear access alleys/rear entry garages
- Minimal repetition of floor plan
- Wider side setbacks

Density bonus information may be obtained from the town website or the Zoning Administrator. Standard bonuses may be applied to single-family detached houses, while modified bonuses may be applied to duplex and townhouse units. All bonuses will be negotiated between the developer and the Town, with final approval coming from Town Council as part of the acceptance of the development plan.

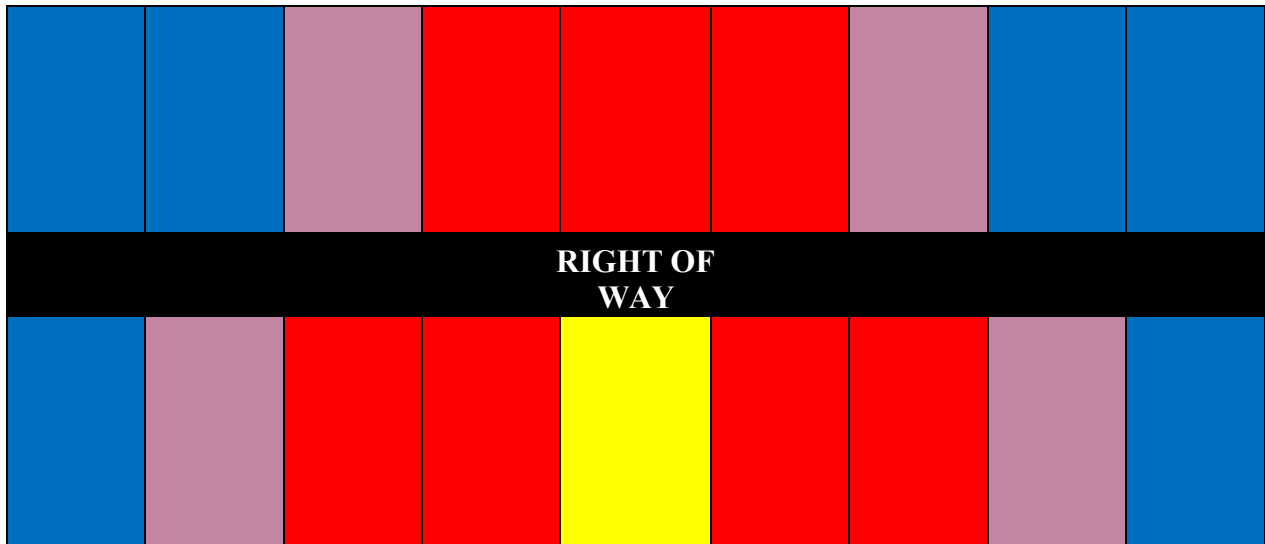
7-1.12 Architectural and Design Requirements

Residential structures in the negotiated districts are required to meet the following design requirements:

- A. The front façade and sides of the building must be covered in a cementitious material, such as Hardiplank, brick, or stone. If the rear of the building faces a road, it too must be covered in similar material. Trim may still be made of vinyl. Single-family detached, duplexes, and townhomes must all meet this standard.

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- B. Houses placed along, but which do not front onto, the streets exterior to the development are required to be buffered from those streets with a Type B Buffer or a Type A Buffer and an opaque screen. This buffer and screen is to be maintained by the HOA.
- C. Houses on corner lots or which otherwise have a side wall facing towards the public must have architectural details on that side, such as, but not limited to, a porch, bay windows, shutters (if they appear on the front of the house), or more windows than otherwise on that house plan. As an alternative, at least one canopy tree, one understory tree, and multiple shrubbery plantings may be placed along that side of the house. The additions are to be approved by the Zoning Administrator.
- D. In developments with fifty (50) or more single-family detached homes, house placement must meet the “Rule of Seven,” such that houses are not adjacent to houses with the same plan, façade, and similar color. All facades and colors are to be approved by the Zoning Administrator to determine variety.



**Subject Lot
Floor Plan
“A”
Elevation
“A”**

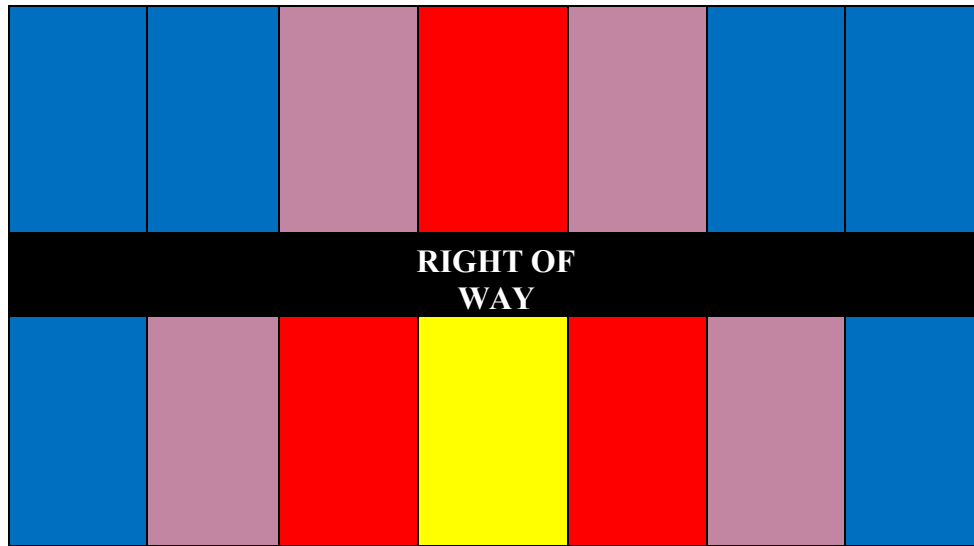
**Other Than
Floor Plan
“A”
& Elevation
“A”**

**Other
Than
Building
Elevation
“A”, Any
Floor Plan**

**Any Floor
Plan and/or
Elevation**

In developments with 49 or fewer single-family detached homes, house placement must meet the “Rule of Five.” All facades are to be approved by the Zoning Administrator to determine variety.

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- E. Townhomes must meet the conditional requirements outlined in Article 2. Additional requirements include:
 - i. At least four (4) facades per six-unit structure. Structures with fewer units may have fewer facades with Zoning Administrator approval.
 - ii. At least four (4) colors per six-unit structure. Structures with fewer units may have fewer colors with Zoning Administrator approval.
- F. All single family detached homes and duplexes must feature at least two 2½” trees in the front yard of each residence, at least one of which must be a canopy tree. Additionally, five 24” shrubs are required in each front yard. A comprehensive street tree program may be substituted for one tree in each yard. All plantings must be from the approved tree list found elsewhere in the Zoning Ordinance.
- G. The main boulevard(s) of all residential negotiated developments shall be wider to accommodate on-street parking. Moreover, on-street parking shall be restricted to one side of the street throughout the development, to be enforced by the Homeowner’s Association.
- H. The floor area of the heated air space of detached single family homes in the development shall be at least 25% of the gross lot size for all lots under 8,000 s.f. For example, a 6,000 s.f. lot must feature a home with at least 1,500 s.f. of heated floor space. For lots over 8,000 s.f., the minimum heated floor area of the house must be 2,000 s.f.

Section 7-2 Conservation Design

Negotiated developments can be designed to maximize open space and green space. This zoning can be used to accomplish a Conservation Design in which residential and/or commercial development can be incorporated into predominantly undivided permanent open space, thereby permanently protecting agriculturally, environmentally, or ecologically significant areas within the parcel. The remaining developable land is subdivided into buildable lots or utilized as a group development, typically with more density in the developed portion of the project than

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would be found in a traditional development within a general zoning district. Conservation Design standards are found in the Land Development Design Standards Article of this Ordinance.

Section 7-3 Mixed-Use Development Districts

7-3.1 Permitted Uses

Mixed-use negotiated districts may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks, and other mixed-used developments. Flexibility in design, character, and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a specific planned mixed-use development. Any use or combination of uses meeting the objectives of this Section may be established in a district through a zoning map amendment ordinance as provided for in this Ordinance. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed based on classification; i.e., retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title so long as the zoning applies to the land, unless otherwise amended by ordinance. The applicant may specify that standard zoning district regulations shall apply to specific use areas within the project. For example, in an area designated for retail commercial, the applicant may specify that all General Commercial (GC) zoning district regulations shall apply.

7-3.2 Development Standards for Mixed-Use Developments

The applicant may propose alternate regulations specific for the proposed negotiated district regarding signage, parking, buffers, screening, open spaces, and landscaping, etc.; which, if approved, shall become the regulations for the district. If no alternate regulations are proposed, the regulations for the primary zoning districts per this Ordinance shall apply. The following principles shall be considered in creating negotiated development standards:

- A. **Residential Dimension Requirements** – Residential density, building setbacks, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities such as transportation, water and sewer systems, recreational facilities, etc.
- B. **Overall Site Design** – Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and compatibility of uses.
- C. **Parking and Loading** – Unless alternate standards are specified in an approved development plan, off-street parking and loading spaces for the various uses proposed for the district shall comply with the standards for off-street parking and interior landscaping of this Ordinance.
- D. **Buffer Areas** – Buffer areas shall be required for peripheral uses and shall be provided in accordance with the requirements for adjacent uses prescribed in this Ordinance, unless

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alternate standards are specified in an approved development plan. There are no specific buffer area requirements for internal use, but buffers should mitigate impacts of intensity of uses and/or to serve as transitions between uses.

- E. **Landscaping and Common Open Space** – Landscaping and open space requirements for each development shall comply with the provisions of this Ordinance, unless alternate standards are specified in an approved development plan.
- F. **Signage** – Signage shall be in harmony, in scale with, and reflective of the proposed development. Unless alternate standards are specified in an approved development plan, signage shall comply with the standard signage regulations of this Ordinance.

Section 7-4 Concept Plan Requirements

A site plan showing the proposed development of the area (zone) shall be a prerequisite to approval of a negotiated district. The site plan shall adhere to the minimum area and development standards requirements of this Section and shall address or show the following:

- A. The proposed title of the project, project designer, and the developer.
- B. The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, and buildings; and other existing physical features on the project site.
- C. The general location and dimensions of proposed streets.
- D. Area by land use (i.e., retail, single-family detached residential, multi-family, townhouses, office, park, green space, etc.).
- E. Specific allowable uses for each area.
- F. A tabulation of the number of acres in each use area.
- G. Maximum densities expressed in dwelling units per net acre for residential uses, and floor/area ratio for non-residential uses.
- H. Building setbacks.
- I. Maximum building heights.
- J. The position of the proposed development in relation to its surroundings. Current land use (commercial, residential, vacant, etc.) and zoning of the subject site and adjacent property and a site location (vicinity) map shall be provided.
- K. Proposed plan for development in phases, as applicable
- L. Alternate design standard plans to include, as applicable:
 - 1. Parking and loading.
 - 2. Buffers, landscaping, and common open space.

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3. Street design.
4. Signage plan.

The Planning Commission may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement if, in the opinion of the Commission, the inclusion of that requirement is not essential to a proper assessment of the project.

Section 7-5 Descriptive Statement Requirements

The descriptive statement accompanies the concept plan and any required development agreement or bonus density calculations. This document will outline the nature of the development, to include the following:

- General description of the project
- Maximum number of residential units by type
- Maximum square footage of commercial or other non-residential use
- Setbacks and dimensional requirements for each use
- Listing of allowable commercial uses
- Description of any amenities
- Any concept drawings of the development or the commercial and/or residential structures located therein

Section 7-6 Development Agreement

Development agreements are required for any negotiated development for which such an agreement is allowable by state law.

Development agreements and their requirements are described in full in the South Carolina Local Government Development Agreement Act, Title 6, Chapter 31 of the South Carolina Code of Laws.

Section 13-2 Selected Definitions

Remove the definitions of the following:

- Dwelling, patio house
- Dwelling, zero lot line
- Patio Home