

Proposed Zoning Ordinance Changes

Planning Commission: Feb. 22, 2022

Town Council: March 22, 2022 & April 19, 2022

SECTION 5-9 – TRAFFIC ANALYSIS

Note: New section added

All developments shall have a Traffic Impact Analysis, as outlined in this Zoning Ordinance, performed by an on-call consultant hired by the Town at the expense of the applicant. This analysis shall be undertaken to ensure that access to all proposed developments and subdivisions is accomplished in a safe manner.

- A. The standards in the South Carolina Department of Transportation's Access and Roadside Management Standards Manual shall serve as a guide for this Analysis, which shall include identification of the following:
 - 1. Access improvements that the applicant must install at his or her expense, such as deceleration lanes.
 - 2. The location of any curb cuts based on, but not limited to sight distances, existing roadway infrastructure, opposing driveways locations and shared access.
 - 3. Requirements for adequate driveway design, including but not limited to, turning radius and throat length.
- B. The access requirements approved by the Town Administrator or designee shall be incorporated on development or subdivision plans prior to their approval.
- C. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant and no such costs shall be eligible for a credit or offset from any transportation impact fees.
- D. Applicability: A Traffic Impact Analysis (TIA) shall be required for any development that would generate more than 50 trips during the peak hour on the adjacent street in accordance with the ITE Trip Generation Manual, latest edition.
 - 1. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development does not qualify on its own.
 - 2. Change of Use: A new TIA will be required if the new use would generate traffic beyond the 50 trips during peak hour threshold.
 - 3. A TIA can be required at any time as determined by the Town Administrator or designee in his/her discretion and judgment when there is a belief that the development may have an adverse impact to the surrounding area.
- E. Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan.
- F. Traffic Impact Analysis Plan Preparation

4. The TIA shall be conducted by an engineer registered in South Carolina that is experienced in the conduct of traffic analysis, who is one of the consultants the Town has previously selected for on-call traffic study services (hereinafter referred to as “the Town’s Engineer”)
5. Prior to beginning the traffic impact analysis plan, the applicant shall supply the Town with the following:
 - a. A written narrative describing the proposed land use(s), size and projected opening date of the project and all subsequent phases;
 - b. A site location map showing surrounding development within a one-half mile of the property under development consideration; and
 - c. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.
6. The Town will rely upon the most current edition ITE trip generation manual or any alternative acceptable to the Town’s Engineer, and available information on land use, travel patterns and traffic conditions. After consulting with the SCDOT, the Town’s Engineer will supply in writing to the applicant and/or his engineer the parameters to be followed in the study including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any associated turning movement counts which are available or discussed and approved by the Town.
7. After determination of the TIA’s scope of services, the applicant shall provide a cost estimate of such services to the Town for review and concurrence, The applicant shall provide an amount equal to the estimate to the Town, who will deposit the amount in an escrow or special account set up for this purpose before the consultant’s services are obtained. Any funds not used shall be returned to the applicant in a timely manner without interest.
8. Additional fees for the TIA may be required if: the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; the consultant’s appearance is requested at Planning Commission or Town Council meetings beyond what was initially anticipated; or the consultant’s attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services. The applicant must reimburse the Town these costs prior to the development plan or plat approval.

G. Plan Contents

9. All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A traffic impact analysis plan for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.

10. Efficient traffic operations, safety and pedestrian accessibility are to be considered in the development plan. The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made where operational or safety concerns exist and installation of these improvements shall be required as a condition of any approval from the Town. The relative share of the capacity improvements needed shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.
11. The following elements shall be included in a traffic impact analysis plan:
 - a. Study Area - Description of the study area including surrounding land uses and expected development in the vicinity that would influence future traffic conditions. The study area shall include the intersections immediately adjacent to the development and those identified by the Town's Engineer. These intersections may include those not immediately adjacent to the development if significant site traffic could be expected to impact the intersection. If intersections impacted by the development are within a coordinated traffic signal system, then the entire system shall be analyzed. If the signal system is very large, a portion of the system may be analyzed if approved by the Town's Engineer and SCDOT. A study area site map showing the site location is required.
 - b. Proposed Land Use - Description of the current and proposed land use including characteristics such as the number and type of dwelling units, gross and leasable floor area, number of employees, accompanied with a complete project site plan (with buildings identified as to proposed use). A schedule for construction of the development and proposed development stages should also be included.
 - c. Existing Conditions - Description of existing traffic conditions including existing peak-hour traffic volumes adjacent to the site and levels of service for intersections in the vicinity, which are expected to be impacted. Existing traffic signal timings should be used. In general, AM and PM peak hour counts should be used, but on occasion other peak periods may need to be counted as determined by the Town's Engineer. In some cases, pedestrian counts will be required. Data should be adjusted for daily and seasonal variations. Existing counts may be used if taken within 12 months of the submittal of the TIS. In most cases, counts should be taken when school is in session unless otherwise determined by the Town's Engineer. Other information that may be required may include, but not limited to, crash data, stopping sight distances, and 50th and 85th percentile speeds.
 - d. Future Background Growth - Estimate of future background traffic growth. If the planned completion date for the project or the last phase of the project is beyond 1 year of the study an estimate of background traffic growth for the adjacent street network shall be made and included

in the analysis. In general, the growth factor will be determined from local or statewide data. Also included, is the state, local, or private transportation improvement projects in the project study area that will be underway in the build-out year and traffic that is generated by other proposed developments in the study area.

- e. Estimate of trip generation - The site forecasted trips should be based on the most recent edition of the ITE Trip Generation Manual. A table should be provided in the report outlining the categories and quantities of land uses, with the corresponding trip generation rates or equations, and the resulting number of trips. The reason for using the rate or equation should be documented. For large developments that will have multiple phases, the table should be divided based on the trip generation for each phase. Any reductions due to internal trip capture and pass-by trips, transit use, and transportation demand management should be justified and documented. All trip generation and trip reduction calculations and supporting documentation shall be included in the report appendix.
- f. Trip Distribution and Traffic Assignment - The distribution (inbound versus outbound, left turn versus right turn) of the estimated trip generation to the adjacent street network and nearby intersections shall be included in the report and the basis should be explained. The distribution percentages with the corresponding volumes should be provided in a graphical format.
- g. Analysis and Estimate of Impact - A capacity analysis should be performed at each of the study intersections and access intersection locations (signalized and unsignalized) in the vicinity of the development. Intersection analysis shall include LOS determination for all approaches and movements. The levels of service will be based on the procedures in the latest edition of Transportation Research Board's Highway Capacity Manual. Coordination analysis will be required for the signal systems or portion of the signal systems analyzed.
- h. Access Management Standards - The report shall include a map and description of the proposed access including any sight distance limitations, adjacent driveways and intersections, and a demonstration that the number of driveways proposed is the fewest necessary and that they provide safe and efficient traffic operations.
- i. Traffic signalization: If a traffic signal is being proposed, a signal warrant analysis shall be included in the study. The approval of a traffic signal on projected volumes may be deferred until volumes meet warrants given in the MUTCD, in which the developer shall provide funds for the future signal(s) to the Town to deposit in an escrow or special account set up for this purpose. The developer should make any laneage improvements during construction so that if in the horizon year

a signal is warranted, one may be installed with little impact to the intersection.

- j. Mitigation and alternatives - The traffic impact study should include proposed improvements or access management techniques that will mitigate any significant changes in the levels of service. The Town Administrator or designee, in conjunction with the Town's Engineer, will be responsible for final determination of mitigation improvements required to be constructed by the applicant.
- H. Traffic Impact Analysis Plan Review: The Town's Engineer shall review all traffic impact analysis plans as part of the initial approval for the concept plan or master plan. Final traffic impact analysis plans shall be approved at the development plan phase.
- I. Action on Traffic Impact Analysis Plan: The Town's Engineer must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, the Town Administrator or designee, in conjunction with the Town's Engineer, shall recommend action as follows:
 - 1. Approval of the traffic impact analysis as submitted;
 - 2. Approval of the traffic impact analysis plan with conditions or modifications as part of the development review and approval process. An acceptable traffic impact analysis plan with traffic mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with state and/or county programmed transportation improvements; applicant provided transportation improvements; fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service level goals are met. If mitigation is required, it shall be required as a condition of any approval from the Town.
- J. Timing of Implementation: If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area. The amount of the performance bond shall be equal to 150% of the estimated construction cost for the required traffic mitigation improvements.
- K. Responsibility for Costs of Improvements: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the transportation impact analysis are met.
- L. Traffic Goals: The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis for the proposed development shall be compared to the Town's adopted traffic service level goal of "D" for the average delay for all vehicles at any intersection and all movements and approaches to the intersection during the a.m. and p.m. peak hours.
- M. Function and Safety Improvements: The Town Administrator or designee, in conjunction with the Town's Engineer, may require improvements to mitigate and improve the safety

and function of multiple transportation modes the site traffic may impact. These improvements may not be identified in the TIA, but improvements to benefit the function and safety of the transportation system of the development site. These improvements may include but are not limited to center medians, sidewalks and/or bicycle accommodations, modifications to ingress and egress points, roadside shoulders, pavement markings, traffic calming and other traffic control devices.

SECTION 6-4 – R-3, SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

Note: Sec. 6-4, Multi-Family Residential removed in its entirety and replaced by two sections, Sec. 6-4 – R-3, Single Family Attached Residential and Sec. 6-5 – R-4, Multi-Family Residential

This district is intended to support medium density residential uses, characterized by two family detached (i.e. duplex) and single-family attached (i.e. townhouse) units. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational and other needs of the area are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the district.

In order to promote the general welfare of the city through the appropriate use of lots and areas in districts designated R-3 by the construction therein of duplex structures, it is provided that such structures may be erected within such boundaries, subject to the following standards and regulations.

1. Schedule of standards and regulations, two family detached dwellings (duplexes):
 - a. Height Limitations: Thirty-five (35) feet.
 - b. Lot Width Requirements. Forty feet (40') minimum per unit.
 - c. Front Yard Depth. Twenty-five (25') feet if parking is provided in the front yard. Five feet (5') if parking is provided in rear or common area.
 - d. Side Yard Width. Ten feet (10') if adjacent to another lot, fifteen feet (15') if the side yard is adjacent to a street.
 - e. Rear Yard Depth. Minimum shall be fifteen feet (15'), however when required vehicular parking space is provided in rear yard, minimum rear yard depth shall be thirty-five (35) feet.
 - f. Minimum Lot Size. Five thousand (5,000) sq. ft. per unit.
 - g. Impervious Coverage. Not more than forty (40) percent of each lot shall be covered with impervious materials.
 - h. Parking spaces shall be provided for at least two (2) automobiles for each such dwelling, either on the premises or in a community parking lot or garage the title to which and/or the easement for the use of which runs with and/or is appurtenant to the title to such dwelling.

- i. All common driveways, parking areas, open spaces or other amenities shall have provision for perpetual maintenance by the participating property owners.
2. Schedule of standards and regulations, single family attached dwellings (townhomes):
 - a. Height Limitations: Thirty-five (35') feet
 - b. Unit Width Requirements. Minimum unit width of twenty feet (20') with an average unit width of twenty-two feet (22') is required. The unit width does not include any required side yard width adjacent to end units.
 - c. Front Yard Depth. Twenty-five (25') feet if parking is provided in the front yard. Five feet (5') if parking is provided in rear or common area.
 - d. Side Yard Width. Ten feet (10') if adjacent to another lot, fifteen feet (15') if the side yard is adjacent to a street.
 - e. Rear Yard Depth. Minimum shall be fifteen feet (15'), however when required vehicular parking space is provided in rear yard, minimum rear yard depth shall be thirty-five (35) feet, provided that no rear yard shall be required for simultaneously constructed units abutting at the rear and sharing for their full width a common, non-bearing wall, which complies with the building code.
 - f. Minimum Lot Size. Two thousand (2,000) square feet per unit.
 - g. Impervious coverage. Not more than sixty (60) percent of each lot shall be covered with impervious materials.
 - h. No more than six (6) such dwellings shall be constructed or attached together in a continuous row, and no such row shall exceed two hundred (200) feet in length.
 - i. Parking spaces shall be provided for at least two (2) automobiles for each such dwelling, either on the premises or in a community parking lot or garage the title to which and/or the easement for the use of which runs with and/or is appurtenant to the title to such dwelling.
 - j. All common driveways, parking areas, open spaces or other amenities shall have provision for perpetual maintenance by the participating property owners.

Permitted Uses: A building or premises in the R-3 district may be used for the following purposes:

1. Single family attached (i.e. townhouses) and two-family residential dwellings (duplexes).
2. Daycare, residential, nursing, and assisted living facilities.
3. Library and information centers
4. Fire stations
5. Electric substations
6. Public golf course
7. Coin operated laundries and dry cleaning

Accessory Uses:

1. Noncommercial garages and carports
2. Fences
3. Private swimming pools
4. Outdoor barbecue structures
5. Storage buildings, workshops and playhouses
6. Shelters for domestic pets
7. Gardening and agricultural uses incidental to residential uses

Special Exceptions:

1. Churches and uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational building, parsonage facilities, cemeteries, and parking areas.
2. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions.

SECTION 6-5 – R-4, MULTI-FAMILY RESIDENTIAL DISTRICT

Note: Sec. 6-4, Multi-Family Residential removed in its entirety and replaced by two sections, Sec. 6-4 – R-3, Single Family Attached Residential and Sec. 6-5 – R-4, Multi-Family Residential

This district is intended to support high-density residential uses, characterized by vertically attached apartment-style structures subject to the requirements set forth in this ordinance.

Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational and other needs of the area are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the district.

In order to promote the general welfare of the city through the appropriate use of lots and areas in districts designated R-4 by the construction therein of one family attached dwellings, known as townhouses, it is provided that such structures may be erected within such boundaries, subject to the following standards and regulations.

Permitted Uses: A building or premises in the R-4 district may be used for the following purposes:

1. Multi-Family Residential (apartments, vertically attached condominiums)
2. Daycare, residential, nursing, and assisted living facilities.

3. Library and information centers
4. Fire stations
5. Electric substations
6. Public golf course
7. Coin operated laundries and dry cleaning

Accessory Uses:

1. Accessory uses customary to the use of an apartment complex, such as recreation centers, swimming pools, separate garage and storage facilities for use of residents, clubhouses, car and dog wash stations, leasing office, etc.
2. Fences

Special Exceptions:

1. Churches and uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational building, parsonage facilities, cemeteries, and parking areas.
2. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions.

SECTION 6-6 – TD, TRANSITIONAL DISTRICT

Note: Highlighted section added to district description

This district is intended to accommodate commercial and professional offices uses typically found in single family areas. District land uses will preserve the area's existing residential character, while permitting commercial uses that are not major traffic generators. Buildings originally constructed for residential use may be used as such by right. Such buildings may be converted to commercial use as detailed below.

Vacant lots in the TD District may be developed as either residential or commercial. Residential lots will be developed according to the requirements of R-1, Single Family Residential, while commercial lots will be developed according to the requirements of C-1, Office & Institutional.

SECTION 6-7 – C-1, OFFICE AND INSTITUTIONAL DISTRICT

Note: Highlighted section added to district description, and new permitted use added

This district is intended to accommodate a variety of general light commercial uses characterized primarily by professional office and service establishments, as well as boutique retail and restaurants, and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or as permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

Permitted Uses: A building or premises in the C-1 district may be used for the following purposes:

3. Boutique retail and restaurants less than two-thousand (2,000) sq. ft. in size, not including gasoline filling stations. Restaurant drive throughs are prohibited.

SECTION 6-8 – C-2, GENERAL COMMERCIAL DISTRICT

Note: One permitted use removed and relocated to M-1 district

Permitted Uses: A building or premises in the C-2 district may be used for the following purposes:

- ~~13. Commercial and professional sports, clubs, promoters, and racing tracks~~

SECTION 6-9 – M-1, LIGHT INDUSTRIAL DISTRICT

Note: Permitted use added, moved from C-2 district

Permitted Uses: A building or premises may be used for the following purposes:

6. Commercial and professional sports, clubs, promoters, and racing tracks
7. Events and event structures featuring live animals, i.e. circuses, petting zoos, rodeos.

SECTION 6-11 – PD, PLANNED DEVELOPMENT DISTRICT; DA – DEVELOPMENT AGREEMENT DISTRICT; CONDITIONAL ZONING

Note: Sec. 6-11 – Planned Development District and Sec. 6-12 – Development Agreement District removed in their entirety and combined into one section. Entirely new text is highlighted.

1. **Types** – This section describes the three types of negotiated zoning districts: Planned Development Zones, Development Agreement Zones, and Conditional Zones. The types are better described as follows:

- a. **Planned Development Zone:** Mixed-use developments subject to the provisions of S.C. Code § 6-29-740. 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.
 - b. **Development Agreement Zone:** Single use developments in which 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.
 - c. **Conditional Zones:** Single use developments under 25 highland acres and which are thus prohibited from entering into a development agreement.
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 Moncks Corner.
 - 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 mixed-use communities which provide a range of harmonious land uses (residential, commercial, cultural, educational, etc.) which support the mixed uses within the planned unit development (PD District).
 - 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 Moncks Corner.

4. **Establishment** – Any request pertaining to the establishment of a Planned Development, Development Agreement, or Conditional 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 development agreement (if applicable), a descriptive statement of the plan, and a concept map.

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 to 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 Zoning Administrator. Additional contact information for the developer or a link to more information 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 PD 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. Street Trees
 - c. Stormwater facilities outside of the Right of Way
 - d. Customized Street Signs
 - e. Crosswalks
 - f. Amenities
 - g. Private streets

Note: Private streets are prohibited in any developments unless by law they cannot be brought into the Berkeley County maintenance program, such as rear access alleys or in a townhome development.

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. 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 12,000 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, Town Council strongly encourages minimums of 6,000 s.f., 50’ lot widths and setbacks of 25’ (front), 15’ (rear) and 7½’ (side).

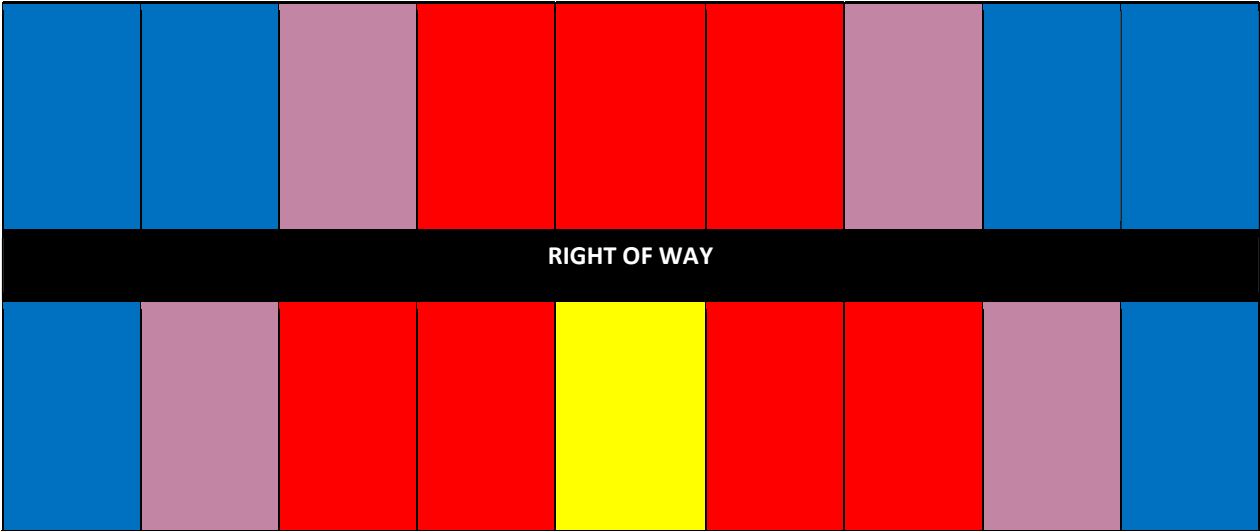
Items eligible for a density bonus may include, but are not limited to the following:

- 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.

11. 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.



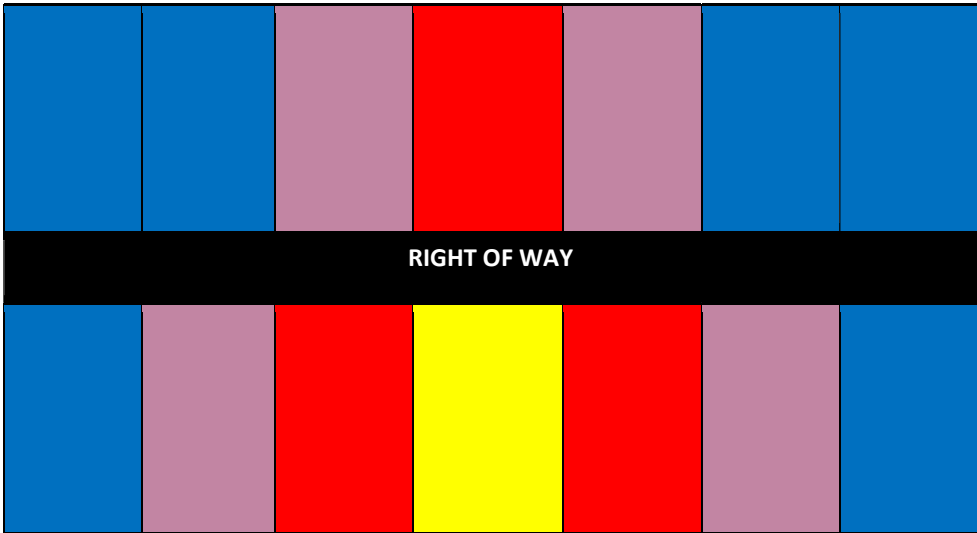
**Subject Lot
Floor Plan "A"
Elevation "A"**

**Other Than
Floor Plan "A"
& Elevation "A"**

**Other Than
Building
Elevation "A",
Any Floor Plan**

**Any Floor Plan
and/or
Elevation**

- e. 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.



- f. Townhomes must meet the requirements of the R-3, Single Family Attached District. Additional requirements include:
 - i. At least four (4) facades per six-unit structure. Structures with less units may have less facades with Zoning Administrator approval.
 - ii. At least four (4) colors per six-unit structure. Structures with less units may have less colors with Zoning Administrator approval.
- g. 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.
- h. 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.
- i. 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 6-18 – WETLANDS AND WETLAND SETBACKS

Note: New section added

If the National Wetlands Inventory indicates the possible presence of wetlands on or near a property, a wetlands delineation survey approved by the U.S. Army Corps of Engineers is required prior to any land disturbance permitting.

All primary structures, accessory structures, pavement, gravel, or other manmade land improvements must be set back a minimum of 20' from any delineated wetland.

SECTION 7-13 – ARCHITECTURAL STANDARDS

Note: Highlighted text added to Design Objectives section

Design Objectives

The following architectural design objectives are intended to apply to all nonresidential and multi-family residential development within the Town. New building construction shall provide a sense of permanence and timelessness. High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time, nor require excessive maintenance:

Exterior building materials should be aesthetically pleasing and compatible with materials and colors of nearby structures. Predominant exterior building facade materials shall consist of high quality, durable products, including but not limited to Durable building materials such as brick, sandstone, fieldstone, decorative concrete masonry units, wood, and glass are recommended. Metal exteriors are not permitted unless used as an architectural style, such as modern steel and glass architecture, and approved by the Zoning Administrator. Metal warehouse-type architecture shall not be permitted except in the Industrial Zones. External Insulation Finished Systems (E.I.F.S.) material should shall be utilized only on the building trim and accent areas.

~~The use of E.I.F.S. as a predominant facade material is discouraged;~~ Building colors should accent, blend with, or complement surroundings. Façade colors are recommended to be earth tone colors which are low reflectance, subtle, and neutral (e.g., grays, greens, burgundies, browns, and tans). The coloring of all materials should be integral to the product and not painted on the surface of said product. The use of high intensity colors, metallic colors, black or fluorescent colors is strongly discouraged. Primary colors are requested to shall be reserved for trim and accent areas.

Exposed neon tubing, LEDs, marquee lights or other bright lighting used for the purpose of attracting attention is not an acceptable feature on buildings or windows facing the exterior. This does not prevent the use of lighting as an accent (such as goose neck lamps with white lights lighting the roofline) or the use of interior-lit signage. Pitched roof designs are highly recommended for low-rise retail, office, and multi-family residential buildings utilizing architectural asphalt shingles or standing-seam metal panels. Flat roofs are not encouraged.

In the case of strip malls, big box stores, and shopping centers; such buildings shall provide elevations which reflect this objective through variations in facade setback and parapet wall presentations. Roof colors are requested to be muted and compatible with the dominant building color; long blank walls on retail buildings are to be avoided through the use of foundation landscaping and architectural details and features.

Large scale retail buildings are encouraged to have height variations to reduce scale and give the appearance of distinct elements; and lastly, roof top mechanical installations shall be appropriately screened so as to block the view from adjacent public and private streets and properties. Such screening shall match or compliment the overall theme of the building.

SECTION 7-16 – RECREATIONAL VEHICLE AND TRAILER PARKING & USAGE

Note: New section added

No recreational vehicles, motorhomes, tow-behind campers or boats shall be used for habitation for more than a two-week period, with a maximum of three two-week periods per year. Likewise, no lot may allow the use of a such a vehicle for habitation for more than a two-week period, with a maximum of three two-week periods per year. This rule does not apply to businesses licensed as a campground.

Neither these listed vehicles, nor any trailers, shall be allowed to park in the right-of-way.

SECTION 12-6 – ZONING PUBLIC HEARING PUBLIC NOTICE

Note: Highlighted text added, other text moved but not changed

1. Posting of Property for Certain Developments. A sign shall be erected on the property at least fifteen (15) days prior to the meeting of the Planning Commission should a rezoning application feature a development of over five (5) acres, twenty (20) homes, attached residential units or if, in the opinion of the Zoning Administrator, that such a posting is warranted. 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 Zoning Administrator. Additional contact information for the developer or a link to more information 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.

2. Public Hearing. After receipt of the Planning Commission recommendation or after the expiration of the thirty (30) day time limit for a recommendation, the Town Council will schedule a public hearing on zoning amendments.
 - a. Notice of Public Hearing in Newspaper. In scheduling a public hearing for proposed zoning map and text amendments, the Town Council shall publish a notice at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the city.
 - b. Posting of Property. When a proposed amendment deals with the district classification of particular pieces of property, the Zoning Administrator shall cause to be conspicuously located on or adjacent to the property affected, one (1) hearing notice for every street frontage. Such notice shall be posted at least fifteen (15) days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, and time, date and place of the hearing.