

Ordinance 25-06

An Ordinance Amending the Lexington County Zoning Ordinance Residential Detached (Limited) Development Standards, Certain Rules and Proceedings of the Board of Zoning Appeals, and Residential Density Allowances and Invoking the Pending Ordinance Doctrine



Whereas, the current Residential Detached (Limited) land use activities does not require concurrency review, are allowed in all unincorporated areas, and allows for higher density developments; residential density calculations and allowances allow impounded water bodies to count toward allowable density and are unclear as to higher density allowances; and the current Board of Zoning Appeals proceedings requires a two-thirds vote of voting members; and

Whereas, County Council finds that pertinent sections of the Lexington County Zoning Ordinance should be amended to address development standards for Residential Detached (Limited) land use activities and a simple majority vote of voting members for the Board of Zoning Appeals.

Now, Therefore, the Lexington County Zoning Ordinance is hereby amended as follows:

ARTICLE 1 – GENERAL PROVISIONS

Chapter 1. Introduction

11.46 Concurrency Standards

Prior to formal approval of the following land use activities, adequate public services as it relates to law enforcement, fire services, emergency medical services, solid waste management, and public schools shall be confirmed for the following:

- Mobile Home and Tiny Home Parks;
- Mobile Home, Tiny Home, **Residential Detached (Limited)** or Residential Detached developments with 10 or more dwellings with average residential lot sizes of less than 1.5 acres in area;
- Residential Attached - Duplex
- Residential Attached – Multifamily;
- Residential Attached – Townhouse; and,
- Retirement Center/Assisted Living Facilities – Independent housing portion of the activity.

Confirmation of adequate public facilities from all responsible entities is required prior to approval and/or permitting of the before mentioned land use activities. In the event the applicant, developer, or other interested party wishes to appeal a decision, such appeal shall be made in within 30 days of the published findings of the concurrency review. County Council shall act as the final arbitrator for such appeal. Confirmation of adequate public services shall be initiated by the Zoning Administrator, or his/her representation, via processes and procedures adopted and implemented by the County of Lexington.

ARTICLE 2 – APPLICATION OF REGULATIONS

Chapter 1. Schedule of Permitted Uses

21.30 Permitted Uses by District

The columnar chart that follows describes the activities permitted within each district. This chart is based upon the list of principal activities defined in Section 21.10 of this Ordinance and the districts established in Section 11.40, and is subject to the following:

- The listing of a permitted activity within a district may be voided upon the application of the special overlay district regulations pertaining to airports found in Articles 4 of this Ordinance.
- The provisions of Chapters 2, 3, and 4 of this article shall apply in all districts to all listed activities as applicable. The application of these provisions may prohibit an activity from locating in a particular district.
- Within the Limited Restriction (LR) district, all activities except the following are permitted without review for compliance with the specific provisions of this Ordinance:

Extremely Hazardous Materials as regulated by Article 3
 Landfills as regulated by Article 9
 Mining Operations as regulated by Article 8
 Mobile Home or Tiny Home Parks as regulated by Article 7
 Salvage/Wrecking Yards or Scrap Operations as regulated by Article 11
 Sexually Oriented Businesses as regulated by Article 10

21.31 Chart of Permitted Activities by District

Those activities that are marked by an asterisk (*) are allowed only when granted a special exception by the Board of Zoning Appeals as outlined in Article 17 of this Ordinance.

R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES
					✓		✓	✓	✓	✓	Advertising Signs
				✓	✓	✓	✓	✓	✓	✓	Airports
			✓	✓	✓				✓	✓	Agricultural Operations
		✓		✓	✓		✓	✓	✓	✓	Boat Docks
					✓				✓	✓	Bus and Transit Terminals
					✓	✓	✓	✓	✓	✓	Business Offices
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Cemeteries
R	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Child or Adult Day Care
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Churches
				✓	✓	✓	✓	✓	✓	✓	Communication Towers (Limited)
					✓				✓	✓	Communication Towers (Extensive)
✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	Community Education
					✓			✓	✓	✓	Construction Services
					✓				✓	✓	Detention Centers
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Essential Services (Limited)
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Essential Services (Extensive)

R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES
				✓	✓		✓	✓	✓	✓	Food Services
					✓			✓	✓	✓	General Repair and Maintenance Services
					✓		✓	✓	✓	✓	General Retail (Limited)
					✓			✓	✓	✓	General Retail (Extensive)
✓###	✓###	✓###	✓###	✓	✓	✓	✓	✓	✓	✓	Golf Courses
✓#	✓#	✓#	✓#	✓	✓		✓	✓	✓	✓	Group Assembly (Limited)
				✓	✓			✓	✓	✓	Group Assembly (Intermediate)
					✓			✓	✓	✓	Group Assembly (Extensive)
		✓	✓	✓	✓	✓	✓	✓	✓	✓	Group Housing
					✓		✓	✓	✓	✓	Hospitals
			✓	✓	✓		✓	✓	✓	✓	Kennels, Catteries, and Stables
					✓				✓	✓	Landfills (Limited)*
					✓				✓	✓	Landfills (Intermediate)*
					✓				✓	✓	Landfills (Extensive)*
					✓			✓	✓	✓	Manufacturing (Limited)
					✓				✓	✓	Manufacturing (Intermediate)
					✓				✓	✓	Manufacturing (Extensive)
					✓			✓	✓	✓	Marinas
					✓	✓	✓	✓	✓	✓	Medical Services
					✓				✓	✓	Military Installations
			✓		✓			✓	✓	✓	Mining (Limited)*
					✓				✓	✓	Mining (Intermediate)*
					✓				✓	✓	Mining (Extensive)*
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Mini-Parks
					✓			✓	✓	✓	Mini-Warehouses
	✓	✓	✓	✓	✓		✓	✓	✓	✓	Mobile Homes
		✓			✓			✓	✓	✓	Mobile Home or Tiny Home Parks (Limited)*
		✓			✓			✓	✓	✓	Mobile Home or Tiny Parks (Extensive)*
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Natural Reserves
				✓	✓	✓	✓	✓	✓	✓	Non-Assembly Cultural
R	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Nursing Homes
					✓		✓	✓	✓	✓	Personal Convenience Services
					✓				✓	✓	Power Plants
					✓				✓	✓	Radioactive Materials Handling
					✓				✓	✓	Railroad
					✓				✓	✓	Recycling Centers
					✓			✓	✓	✓	Research Services
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Residential Detached
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Residential Detached (Limited)*
		✓			✓		✓	✓	✓	✓	Residential Attached - Duplex
								✓	✓	✓	Residential Attached - Multifamily
		✓			✓		✓	✓	✓	✓	Residential Attached - Townhouse
R	R	✓	R	R	✓	✓	✓	✓	✓	✓	Retirement Centers/Assisted Living
					✓			✓	✓	✓	Salvage/Wrecking Yards (Limited)*
					✓			✓	✓	✓	Salvage/Wrecking Yards (Extensive)*
					✓			✓	✓	✓	Scrap Operations (Limited)*
					✓			✓	✓	✓	Scrap Operations (Extensive)*
%	%	%	%	%	%	%	%	%	%	%	Short-Term Rental, Non-Owner Occupied
%	%	%	%	%	%	%	%	%	%	%	Short-Term Rental, Owner Occupied
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Solar Energy Systems
					✓		✓	✓	✓	✓	Business Parks
											Speculative Development

R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES
					✓			✓	✓	✓	Shopping Centers
					✓				✓	✓	Industrial Parks
✓	✓	✓		✓	✓			✓	✓	✓	Tiny Home
					✓			✓	✓	✓	Towing and Impoundment Lot
					✓			✓	✓	✓	Trade Enterprises
					✓			✓	✓	✓	Transient Habitation
					✓			✓	✓	✓	Transport and Warehousing (Limited)
					✓				✓	✓	Transport and Warehousing (Extensive)
					✓		✓	✓	✓	✓	Transport Services
					✓			✓	✓	✓	Undertaking
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Utilities
					✓			✓	✓	✓	Vehicle Parking
					✓			✓	✓	✓	Vehicle Repair and/or Sales
					✓		✓	✓	✓	✓	Vehicle Servicing
				✓	✓				✓	✓	Zoos

- # The permitting of this activity in this district is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.
- ## The permitting of this activity in this district is allowed only if the Golf Course activity is part of a planned development that includes residential development as a part of its design.
- R** The permitting of this activity in this district is allowed only if the access to the activity is by an Arterial (A) or Collector (C) street.
- % The zoning district shall allow for the principal residential land use activity occupied as a Short-Term Rental, unless prohibited within Article 13 of this Ordinance.

Chapter 2. General Requirements

22.02 Chart of Permitted Access by Street Classification

The following chart designates the street classifications necessary to access each of the major activities. A principal activity which is restricted from access to a specific street classification may not locate where the activity is reachable only through the use of a street with such a restricted classification.

If a street right-of-way has been annexed by a municipality, the access necessary for a major activity will be determined by using the street classification in existence before the annexation.

There are limits placed on some activities allowed to access a Limited Local (LL) street classification. The last column in the chart describes the specific nature of these limits expressed in maximum number of dwelling units (DU) per exact acre.

A	C	L	RL6	RL5	RL4	RL2	RL1	B	LL & Max. Limits	ACTIVITIES
✓										Advertising Signs
✓	✓	✓								Airports
✓	✓	✓	✓^	✓^	✓^	✓	✓	✓^		Agricultural Operations
✓	✓	✓	✓	✓				✓		Boat Docks
✓	✓									Bus and Transit Terminals
✓	✓	✓	✓	✓	✓&			✓	✓	Business Offices
✓	✓	✓	✓	✓	✓	✓	✓		✓	Cemeteries
✓	✓	✓	✓						✓	Child or Adult Day Care
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Churches
✓	✓	✓							✓	Communication Towers (Limited)
✓	✓	✓							✓	Communication Towers (Extensive)
✓	✓	✓	✓&					✓	✓&	Community Education
✓	✓	✓								Construction Services
✓	✓									Detention Centers
✓	✓	✓	✓&	✓&					✓	Essential Services (Limited)
✓	✓	✓	✓&	✓&				✓	✓	Essential Services (Extensive)
✓	✓	✓	✓	✓&	✓&			✓	✓&	Food Services
✓	✓	✓								General Repair & Maintenance Services
✓	✓	✓	✓	✓	✓&			✓	✓	General Retail (Limited)
✓	✓	✓						✓	✓	General Retail (Extensive)
✓	✓	✓	✓###	✓###	✓###	✓###	✓###	✓	✓	Golf Courses
✓	✓	✓	✓*	✓*	✓*	✓*	✓*	✓	✓	Group Assembly (Limited)
✓	✓	✓	✓*	✓*	✓*	✓*	✓*	✓		Group Assembly (Intermediate)
✓	✓	✓#						✓		Group Assembly (Extensive)
✓	✓	✓	✓						✓ 5.5 DU/acre	Group Housing
✓	✓	✓#								Hospitals
✓	✓	✓				✓	✓			Kennels, Catteries, and Stables
✓	✓	✓								Landfills (Limited)
✓	✓	✓**								Landfills (Intermediate)
✓	✓**	✓**								Landfills (Extensive)

A	C	L	RL6	RL5	RL4	RL2	RL1	B	LL & Max. Limits		ACTIVITIES	
✓	✓	✓									Manufacturing (Limited)	
✓	✓	✓									Manufacturing (Intermediate)	
✓	✓										Manufacturing (Extensive)	
✓	✓	✓									Marinas	
✓	✓	✓	✓	✓&	✓&			✓	✓		Medical Services	
✓	✓										Military Installations	
✓	✓	✓									Mining (Limited)	
✓	✓	✓									Mining (Intermediate)	
✓	✓										Mining (Extensive)	
✓	✓	✓	✓	✓	✓	✓			✓		Mini-Parks	
✓	✓	✓									Mini-Warehouses	
✓	✓	✓	✓	✓	✓	✓	✓		✓		Mobile Homes	
✓	✓	✓	✓						✓	6 2 DU/acre	Mobile Home or Tiny Home Parks	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		Natural Reserves	
✓	✓	✓	✓					✓			Non-Assembly Cultural	
✓	✓	✓	✓						✓	12 Beds/acre	Nursing Homes	
✓	✓	✓	✓&	✓&	✓&			✓	✓		Personal Convenience Services	
✓	✓										Power Plants	
✓	✓										Radioactive Materials Handling	
✓	✓										Railroad	
✓	✓	✓									Recycling Centers	
✓	✓	✓							✓		Research Services	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		Residential Detached	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	4DU/acre	Residential Detached (Limited)	
✓	✓	✓	✓	✓				✓	✓	62DU/acre	Residential Attached - Duplex	
✓	✓	✓						✓			Residential Attached - Multifamily	
✓	✓	✓	✓					✓	✓	6 2DU/acre	Residential Attached - Townhouse	
✓	✓	✓	✓					✓	✓	6 DU/acre	Retirement Centers/Assisted Living	
✓	✓	✓									Salvage/Wrecking Yards and (Limited)	
✓	✓	✓									Salvage/Wrecking Yards (Extensive)	
✓	✓	✓									Scrap Operations (Limited)	
✓	✓	✓									Scrap Operations (Extensive)	
%	%	%	%	%	%	%	%	%	%		Short-Term Rental, Non-Owner Occupied	
%	%	%	%	%	%	%	%	%	%		Short-Term Rental, Owner Occupied	
✓	✓	✓				✓	✓		✓		Solar Energy Systems	
✓	✓	✓						✓			Business Parks	Speculative Development
✓	✓	✓						✓			Shopping Centers	
✓	✓	✓									Industrial Parks	
✓	✓	✓			✓	✓	✓				Tiny Home	

A	C	L	RL6	RL5	RL4	RL2	RL1	B	LL & Max. Limits	ACTIVITIES
✓	✓	✓								Towing and Impoundment Lot
✓	✓	✓								Trade Enterprises
✓	✓	✓								Transient Habitation
✓	✓	✓								Transport & Warehousing (Limited)
✓	✓	✓								Transport & Warehousing (Extensive)
✓	✓	✓								Transport Services
✓	✓	✓								Undertaking

✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Utilities
✓	✓	✓						✓		Vehicle Parking
✓	✓	✓							✓	Vehicle Repair and/or Sales
✓	✓	✓								Vehicle Servicing
✓	✓	✓								Zoos

* Access by this classification is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

** Access by this classification is allowed only if the street is paved.

Access by this classification is allowed only if the activity also has access to an Arterial or Collector street.

Access by this classification is allowed only if the Golf Course activity is a part of a planned development that includes residential development as a part of its design.

^ Access by this classification for Agricultural Operations is allowed for existing uses established prior to the designation of the street classification. New or expansions to building/structures is permissible for such uses, provided it is within the scope of the current agricultural use. The existing agricultural use may be converted to another agricultural use (ex. pastureland to row crops, timber to roaming livestock, row crops to pastureland, and so forth), provided the conversion does not require permitting by SCDHEC, under DHEC R.61-43, swine and animal facilities.

& The basis of such approval is a demonstration by the applicant that the proposed activity will conform to all applicable zoning requirements including, but not limited to, parking, buffering restrictions, signage, noise, light/glare, exterior color, and architectural standards. In addition, the proposed activity shall conform to all architectural standards and access an existing paved road. The applicant must demonstrate the proposed activity will not create a substantial increase in traffic generation, which may require the need for a detailed traffic study. Zoning staff shall examine the proximity to other nonresidential activities, site plans, architectural designs, landscape plans, traffic impact studies, the location of the proposed activity in relation to prominent intersections, and other extraordinary conditions when reviewing proposed activities along Residential Local Streets. Properties located within a platted residential subdivision and/or where the activity will access an unpaved road are disallowed under these special circumstances.

% The street classification must allow access and the density of the principal residential land use activity for Short-Term Rentals, unless prohibited within Article 13 of this Ordinance.

Access for a Mining activity may be approved by Lexington County Council, regardless of street classification allowances, as outlined in Section 82.30.

22.30 Residential Density

Residential types of activities are subject to maximum density limits to support the contemplated activity. Density is to be measured as the total area of land within the property boundaries, ~~including those which~~

are permanently under water or subject to inundation, or which are contained in an easement, proposed roads, area dedicated for stormwater management, open space, amenity areas, or other similar grant of use. However, density calculations shall not include rights-of-way for existing roads or parcel boundaries below the 360 foot elevation of Lake Murray **or areas of property encompassed by ponds or water impoundment areas.**

The allowable density of residential development shall be in accord with the following listings for the zoning districts and street classifications, the most restrictive of which shall apply, to include additional restrictions found in other Articles of this Ordinance. **All Residential Detached, excluding Limited, and Mobile Home, and Tiny Home land use activities shall have a maximum residential density of four (4) dwelling units per exact acre, unless the zoning district or street classification density allowance is more restrictive.** Allowable density for Residential Detached (Limited) land use activities is contained within Article 12 of this Ordinance. Minimum lot areas are then established via this table in conjunction with adherence to the buffering restrictions of Article 2, Chapter 3 and requirements of the Lexington County Subdivision Ordinance, Lexington County Landscape and Open Space Ordinance, Lexington County Building Code Ordinance, and Lexington County Land Development Manual. Nothing contained herein shall be construed so as to circumvent the specific lot area requirements of SCDHEC regulations for individual wells and septic tanks.

Residential Detached (excluding Limited), Residential Attached – Duplex, Mobile Home, and Tiny Home, Mobile or Tiny Home Park, and Recreational Vehicle and/or Camper Parks as Regulated as Transient Habitation Land Use Activities

<u>ZONING DISTRICT</u>	<u>DENSITY (dwelling units per exact acre)</u>
R3	4
R2	3
R1, D, RA	2
<u>STREET CLASSIFICATION</u>	<u>DENSITY (dwelling units per exact acre)</u>
Arterial	4
Collector (C)	3
Local (L)	2
Residential Local Six (RL6)	2
Residential Local Five (RL5)	2
Residential Local Four (RL4)	2
Residential Local Two (RL2)	1
Residential Local One (RL1)	1
Boulevard (B)	4

All Other Residential Attached – Townhome and Multifamily (aka. Apartments) Land Use Activities, to Include Recreational Vehicle Parks and/or Camper Parks as Regulated as a Transient Habitation Land Use Activity

<u>ZONING DISTRICT</u>	<u>DENSITY (dwelling units per exact acre)</u>
R3	12
R2	8
R1, D, RA	4
<u>STREET CLASSIFICATION</u>	<u>DENSITY (dwelling units per exact acre)</u>
Arterial (A)	12
Collector (C)	8
Local (L)	6
Residential Local Six (RL6)	6
Residential Local Five (RL5)	5
Residential Local Four (RL4)	4
Residential Local Two (RL2)	2
Residential Local One (RL1)	1
Boulevard (B)	8

Residential Attached – Townhouse land use activities shall not exceed six (6) dwelling units per exact acre, regardless of zoning district or street classification. In no instance shall a Residential Attached - Townhouse or Residential Attached – Multifamily development exceed 200 dwelling units, regardless of allowed density.

ARTICLE 12 – RESIDENTIAL DETACHED (LIMITED) DEVELOPMENTS

Chapter 1. General Provisions

121.00 Purpose

The purpose of this Article is to provide options to incorporate the unique need for smaller, more compact residential detached developments, amongst the increased traditional single-family residential growth and development within the unincorporated areas of Lexington County.

121.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is proposed to be developed as a Residential Detached (Limited) land use development.

121.20 Definition

Residential Detached (Limited) are single dwelling units (DUs) in a single structure which are located within specific developments typically on smaller or reduced sized lots. This land use maybe commonly referred to as a patio home, garden home, or courtyard home. For the purpose of this Ordinance, the exterior of Residential Detached (Limited) activities shall be predominately brick, stone, fiber cement, stucco or similar permanent material. Vinyl siding, concrete and/or cinder exteriors are not permissible for this land use activity. Single family or other detached residential uses that do not meet or conform to the criteria of this land use shall be regulated as a Residential Detached land use activity.

121.30 Application of Regulations

Upon the effective date of these regulations, Residential Detached (Limited) land use activities shall only be developed or expanded in accordance with the applicable restrictions contained herein.

121.40 Special Exception Review

121.41 A request for a permit for a Residential Detached (Limited) development will require special exception approval from the Board of Zoning Appeals. The basis for such approval is a demonstration by the applicant that the developer can design and implement the Residential Detached (Limited) development in a manner that addresses the regulations and unique conditions that are created with small and/or compact lot residential developments. It will be the responsibility of the applicant to make evident to the Board that the following criteria can be met:

- a. As demonstration that the proposed development will conform to provisions of this Article;
- b. As demonstration that the proposed development will be harmonious with the surrounding properties and community; and
- c. The developer's ability to manage the overall development process, to include but not limited to, permitting, project management, and construction.

121.42 For the Board to rule on a Residential Detached (Limited) development request based on these criteria, the following information must be submitted for consideration with the application:

- a. A detailed site plan illustrating the appropriate development area, lot sizes, density,

setbacks, lot coverage and open space have been addressed;

- b. The means for addressing the minimum parking standards within the development;
- c. Exterior architectural renderings of the proposed dwelling units, to include color elevation renderings of each side of the proposed products to be constructed; and,
- d. Statements from applicable subdivision, landscape and open space, building, addressing, land development, and emergency management officials that the initial site plan would conform to applicable regulations and ordinances. A full approval from each of these disciplines is not required; however, direction that the proposed development would not be in conflict of these regulations and ordinances.
- e. Traffic and/or roadway improvements, anticipated through Lexington County Public Works or SCDOT.

121.50 Zoning Permit

It shall be the responsibility of the developer to construct and develop Residential Detached (Limited) land uses in accordance with regulations set for within this Article and in accordance with the approved zoning plan for the development. A separate Zoning Permit shall be required for each overall Residential Detached (Limited) development prior to the onset of site development.

121.60 Adherence to Other Regulations

The regulations contained herein are in addition to other applicable ordinances or requirements, such as, but not limited to the Lexington County Landscape and Open Space Ordinance, Lexington County Building Code Ordinance, Lexington County Stormwater Ordinance, Lexington County Land Development Manual, Lexington County Subdivision Ordinance, other regulations set forth within this Ordinance, or SCDHEC regulations.

Whenever the provisions of the Article impose regulations that are in conflict with those of other County ordinances or other governmental agencies, the more restrictive regulations shall apply.

121.70 Approved Development Plans

In the event the developer, or primary party, conveys lots to individual builders, it shall be his/her responsibility to ensure the lots are developed in conjunction with the approved plan. Approved Residential Detached (Limited) developments that either are abandoned and/or partially completed shall be developed as originally approved by the new owner, developer and/or entity of the project, unless favorable approval by the Board of Zoning Appeals through the Special Exception process outlined in this Article. The re-development of approved Residential Detached (Limited) developments shall comply with the applicable provisions of this Ordinance, as well as other ordinances and laws.

Chapter 2. Regulations

122.00 Development Area

The minimum development area shall be 2.5 acres and the maximum development area shall be 15 acres. The development area shall consist of the acreage of the parent parcel(s) utilized for the proposed Residential Detached (Limited) development. The overall development acreage shall encompass the entire development plan.

122.10 Density, Lot Size, and Lot Coverage

122.11 Density

The maximum allowed density limits for Residential Detached (Limited) developments shall be limited to six (6) dwelling units per exact acre ~~comply with Section 22.30 of this Ordinance for the~~

~~permissible number of dwelling units per zoning district or street classification, adhering to the most restrictive allowance.~~ Regardless of density, a secondary dwelling unit is prohibited within these developments.

122.12 Lot Size

Each dwelling unit shall have a minimum 4,000 square foot lot size and a maximum of 5,000 square foot lot size. The lot size must be a minimum of 50 feet in width and conform to all applicable requirements of the Lexington County Subdivision Ordinance.

122.13 Lot Coverage

The maximum lot coverage for dwelling units within Residential Detached (Limited) developments shall be 50 percent (%).

Accessory structures to the principal dwelling, including swimming pools, play grounds, or other personal recreational items do not have to conform to the maximum lot coverage requirement. There is no maximum lot coverage for proposed amenity areas, utilities, or other permissible non-residential uses located on lots within and intended to serve Residential Detached (Limited) developments.

122.20 Structural Design Standards

The exterior of all dwelling units shall be predominately of brick, stone, fiber cement, stucco, or similar permanent material, excluding doors, windows, doors, garage doors, window walls, soffits, eaves, trim, porches, and decks. Vinyl siding, concrete and/or cinder block exteriors are not permissible for predominant exterior materials. The development shall have consistent or like exterior designs and permanent exterior materials.

The maximum height of a dwelling shall be two (2) stories and, in no instance, be taller than 30 feet above finished grade.

122.30 Parking Standards

A minimum of two (2) standard parking spaces is required per dwelling unit. The parking spaces should be located within the lot, not within the road right-of-way. Residential driveways shall be utilized to ensure this minimum parking standard and adequate vehicle stacking is achieved. Dwelling units 1,500 square feet and larger shall have a minimum two-car garage.

Due to the nature of the small and compact lots, the developer shall create a plan to address additional parking needs for the development at a ratio of one (1) additional parking space per four (4) dwelling units. Such plans may include, but not be limited to, privately maintained side or rear alleys, common parking areas, residential driveways designed to accommodate additional vehicles, or intermittent parking along streets. Common parking areas shall be regulated as allowed Group Assembly land use activities within residential developments. The use of mail kiosk areas is encouraged as an area to incorporate additional parking areas.

122.40 Open Space

Residential Detached (Limited) developments shall provide a minimum of 20 percent open space, as regulated by the Lexington County Landscape and Open Space Ordinance. In the event the development does not meet the minimum standards of the Lexington County Landscape and Open Space (i.e., number of lots), the open space required within this Article shall still be required. The development should work to encompass the entire perimeter of the development in open space and encourage passive recreational opportunities within the designated open space, as allowed by this Ordinance and other applicable ordinances or laws.

122.50 Nonconformity

- a. Any Residential Detached activity, considered to be and/or meeting the intent of a Residential Detached (Limited) land use, legally established or permitted that do not conform to the provisions of this Article shall be deemed a nonconforming use. The nonconforming use shall be allowed to continue, provided the use complies with all applicable Sections of Article 16.
- b. In the event a nonconforming residential detached activity is destroyed or damaged by fire, natural disaster, or other means, it may be re-established or repaired provided the degree of nonconformity is not increased and it is re-established in the same manner as previously constructed.
- c. Existing, developing, and/or approved residential developments, considering to be and/or meeting the intent of a Residential Detached (Limited) land use, that do not conform to the provisions of this Article shall be allowed to continue. Such developments may expand utilizing the previously incorporated design of the initial development (i.e., setbacks, lot sizes, density, structural design, parking, etc.) provided the degree of nonconformity is not increased, connectivity between the existing and new phase(s) is provided, the developer of the new phase(s) is the same entity as the existing phase(s), and is consistent with a master plan of the overall development submitted in conjunction with the Development Review Meeting and/or submittal of the initial phases. Previous approvals shall be subject to Section 161.10 of this Ordinance relating to vested rights.

ARTICLE 17 – ADMINISTRATION

Chapter 2. The Board of Zoning Appeals

172.30 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall include at least the following requirements:

- a. The presence of five members shall constitute a quorum and motions shall pass or fail by ~~two-thirds~~ **the majority** vote of those members actually voting. Motions which receive an equal number of votes for and against shall be deemed to fail. Only members in attendance at a meeting shall be eligible to vote upon motions before the Board. Proxy votes shall not be used.
- b. No action shall be taken by the Board on any case until after a public hearing, which shall include the posting of the property involved, as applicable, and the publication of a legal notice in a newspaper of general circulation in Lexington County, both at least 15 days before the date set for a public hearing. Written notice of the public hearing shall be sent by mail to the appellant and all directly affected property owners postmarked at least five days before the hearing date. No appeal shall be considered and heard before the Board less than 15 days after filing such appeal. If, after action by the Board upon an appeal, pertinent new information is uncovered that could not have reasonably been made available to the Board during the relevant public hearing, the Board shall establish a date for the rehearing of the matter in accordance with the appropriate procedures herein.
- c. All hearings shall be open to the public.
- d. The Board may call upon any other agency of Lexington County for information in the performance of its duties and it shall be the duty of such other agency to render such information to the Board as may be reasonably required.
- e. The County Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board.
- f. An appeal must be filed within 30 days from the date of refusal by the Zoning Administrator to issue a zoning permit or certify compliance with this Ordinance.

- g. Any member of the Board who shall have a direct or indirect interest in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection with that case.

Pending Ordinance. Applications for permits of sufficient form and content as determined by County staff, received by the County prior to the date of the beginning first reading of the adoption of this Ordinance, may be reviewed and processed by the County. Otherwise, the provisions of this Ordinance shall be effective upon pending ordinance doctrine from the date of approval of first reading.

DONE IN MEETING DULY ASSEMBLED, this ____ day of _____, 2025.

M. Todd Cullum, Chairman
Lexington County Council

ATTEST:

Jessica C. Hendrix, Clerk

First Reading: June 24, 2005

Second Reading: _____

Third & Final Reading: _____

Planning Commission: _____

Public Hearing: _____

Filed w/Clerk of Court: _____