

ARTICLE XI. SPECIAL AREAS

Section 11.1 Areas Surrounding Airports

This portion of the Ordinance may be referred to as the "Dorchester County Airport Zoning Rules".

11.1.1 Definitions

The definitions described herein pertain only to this portion of the Ordinance, unless the context states otherwise.

- (a) **AIRPORT:** Refers to the only two (2) recognized Airports in Dorchester County. They are known as the "Summerville Airport" and/or the "St. George Airport".
- (b) **AIRPORT ELEVATION:** The highest point of an airport's usable landing area measured in feet above sea level (MSL). This is the published elevation in all FAA publications and is reported as follows:

Summerville Airport:	<u>58' MSL</u>
St. George Airport:	<u>85' MSL</u>
- (c) **APPROACH SURFACE:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 11.1.3 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (d) **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES:** These zones are set forth in Section 11.1.2 of this Ordinance.
- (e) **BOARD OF ZONING APPEALS:** A Board consisting of seven (7) members appointed by Dorchester County Council as provided in Article XV of this Ordinance and Title 6, Chapter 29 of the Laws of the State of South Carolina.
- (f) **CONICAL SURFACE:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand feet (4,000').
- (g) **HAZARD TO AIR NAVIGATION:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

- (h) **HEIGHT:** For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level (MSL) elevation unless otherwise specified.
- (i) **HELIPORT PRIMARY SURFACE:** The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport, this surface is a horizontal plane at the elevation of the established heliport elevation.
- (j) **HORIZONTAL SURFACE:** A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (k) **LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended for use by propeller driven aircraft of greater than twelve thousand five hundred pounds (12,500 lbs.) maximum gross weight and jet powered.
- (l) **NONPRECISION INSTRUMENT APPROACH:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- (m) **OBSTRUCTION:** Any structure, growth, or other object, including a manufactured object, which exceeds a limiting height set forth in Section 11.1.3 of this Ordinance.
- (n) **PERSON:** An individual, property owner, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- (o) **PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- (p) **PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 11.1.2 of this Ordinance. The elevation of any point on primary surface is the same as the elevation of the nearest point on the runway centerline.

- (q) **RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (r) **STRUCTURE:** See definition for Structure in Article XXV of this Ordinance.
- (s) **TRANSITIONAL SURFACES:** These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
- (t) **UTILITY RUNWAY:** A runway that is constructed for and intended for use by propeller driven aircraft of twelve thousand five hundred pounds (12,500 lbs.) maximum gross weight and less.
- (u) **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

11.1.2 Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Summerville and St. George Airports. Such zones are shown on the Summerville and St. George Airport Zoning Maps consisting of two sheets, prepared by LPA, Columbia, SC 29250, dated: _____, which is attached to this Ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (a) **Utility Runway Visual Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty feet (250') wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (b) **Utility Runway Non-precision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance of five

thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (c) **Runway Larger Than Utility Visual Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone extends outward uniformly to a width of one thousand five hundred feet (1,500') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (d) **Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of three thousand, five hundred feet (3,500') at a horizontal distance of ten thousand feet (10,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (e) **Runway Larger Than Utility With A Visibility Minimum As Low As $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of four thousand feet (4,000') at a horizontal distance of ten thousand feet (10,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (f) **Precision Instrument Runway Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (g) **Transition Zones:** The transitional zones are the areas beneath the transitional surfaces.
- (h) **Horizontal Zone:** The horizontal zone is established by swinging arcs of five thousand feet (5,000') radii for all runways designated utility or visual and ten thousand feet (10,000') for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (i) **Conical Zone:** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand feet (4,000').

11.1.3 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by the ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (a) **Utility Runway Visual Approach Zone:** Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.
- (b) **Utility Runway Non-precision Instrument Approach Zone:** Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.
- (c) **Runway Larger Than Utility Visual Approach Zone:** Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.
- (d) **Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone:** Slopes thirty four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline.
- (e) **Runway Larger Than Utility With A Visibility Minimum As Low As $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone:** Slopes thirty four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline.
- (f) **Precision Instrument Runway Approach Zone:** Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline; thence slopes upward forty feet (40') horizontally for each foot vertically to an additional horizontal distance of forty thousand feet (40,000') along the extended runway centerline.
- (g) **Transitional Zones:** Slope seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation which is fifty eight feet (58') MSL at

Summerville Airport and eighty five feet (85') MSL at St. George Airport. In addition to the forgoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five thousand feet (5,000') measured at 90 degree angles to the extended runway centerline.

- (h) **Horizontal Zone:** Established at one hundred fifty feet (150') above the airport elevation, or at a height of two hundred fifty feet (250') above mean sea level.
- (i) **Conical Zone:** Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.
- (j) **Excepted Height Limitations:** Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of and tree to a height up to fifty feet (50') above the surface of the land.

11.1.4 SE Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

11.1.5 Nonconforming Uses

- (a) **Regulations Not Retroactive:** The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. The provisions of Section 5.7, of this Ordinance will prevail with regards to Nonconforming Land Uses.
- (b) **Marking and Lighting:** Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure, or tree, is hereby required to permit the installation, operation, and maintenance thereon of such

markers and lights as shall be deemed necessary by County Council to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Dorchester County.

11.1.6 Permits

- (a) **Future Uses:** Except as specifically provided in (1), (2), and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a Variance has been approved in accordance with Section 11.1.6.4. Article XV of this Ordinance will prevail with regard to obtaining a Variance.
- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones. (This provision pertains only to FAA height restrictions and was not intended to restrict the Standard Building Code requirements adopted by Dorchester County.)

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess or any of the height limits established by this Ordinance except as set forth in Section 11.1.3(j).

- (b) **Existing Uses:** No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

- (c) **Charleston AFB Land Use Plan:** Notwithstanding the above, no structure exceeding 500' AGL (above ground level) or 546' MSL (mean sea level) will be approved for construction when located in Dorchester County and within the horizontal radius of 10 nautical miles from the intersection of the runways located at the Charleston AFB/International Airport.

- (d) **Nonconforming Uses – Abandoned or Destroyed:** Section 5.7 of this Ordinance applies.

- (e) **Variances:** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Zoning Appeals for a Variance from such regulations. The application for a Variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such Variances shall be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for a Variance to the requirements of this Ordinance may be considered by the Board of Zoning Appeals, unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the Variance. If the Airport Manager does not respond to the application within fifteen days (15), after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application. Article XV of this Ordinance will apply with regards to obtaining a Variance.

- (f) **Obstruction Marking and Lighting:** Any permit or Variance granted may, if such action is deemed advisable to effectuate and purpose of the Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question, to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit Dorchester County, at its own expense, to install, operate, and maintain the necessary markings and lights.

11.1.7 Enforcement

It shall be the duty of the Zoning Administrator, to administer and enforce the regulations prescribed herein. Application for building permits shall be submitted to the Building Official for review and approval. The provisions of Sections 15.4 through 15.7 of this Ordinance will prevail with regards to applying for and receiving a Variance. Appeals to the Board of Zoning Appeals, or application for a Variance shall be made to the Dorchester County Zoning Administrator in a written format explaining the case in great detail. The name, address and daytime telephone number of the applicant must be clearly identified. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the Zoning Administrator. Applications required by this Ordinance shall be promptly considered and granted or denied.

11.1.8 Board of Zoning Appeals

Any action of the Zoning Administrator in interpretation and enforcement of this section shall be filed with the Dorchester County Board of Zoning Appeals in accord with Sections 15.4-15.7 of this Ordinance.

11.1.9 Violations and Penalties

Remedies and penalties for violations of this section shall be administered per Section 14.3 of this Ordinance.

Section 11.2 Transitional Overlay District (TOD)

11.2.1 Purpose and Intent

The Transitional Overlay District (TOD) provides regulatory guidelines for managing and adapting lands along major transportation corridors in the County to the normal development pressures of economic growth, in order to assure appropriate functional and visual transitions occur along these corridors between existing agricultural and residential uses and future non-residential development. These guidelines are intended to achieve the following objectives at a minimum:

- (A) To protect the existing residential environment and visual character of these corridors to the maximum practical extent, while accommodating commercial development at preferred locations which have been designated and designed to minimize traffic congestion and other potentially adverse environmental impacts;
- (B) To encourage and better articulate positive visual experiences where development is proposed along the County's major existing and proposed traffic arteries, to provide for the continued safe, ecologically sound and efficient utilization of same;
- (C) To promote development that is compatible with the function, intensity, and design of existing development within the general area bounded by line of sight;
- (D) To provide adequate transportation service for proposed land uses, with maximum safety, while minimizing disruption to the natural and human environment; and
- (E) To foster a livable environment that displays the highest quality private and public sector development.

11.2.2 Establishment of the Transitional Overlay District

- (A) The TOD shall include all lands of the unincorporated area of the county which are situated between the rights-of-way line along either side of the designated arterial and a line running parallel to such rights-of-way line at a perpendicular distance of 300 feet of each side of the existing rights-of-way, or utility easement paralleling such right of way, of a designated arterial. In the event that plans for widening or realignment of a designated arterial are included within the adopted SC DOT's Transportation Improvement Program, the TOD shall include lands of the unincorporated area at a perpendicular distance of 300 feet of each side of the approximate future right of way line for that arterial. Designated arterials include:

DESIGNATED ARTERIALS:

- (1) Dorchester Road (SC 642) from Charleston County Line to and including intersection at US 17A South.
- (2) Ashley River Road and Beech Hill Road (SC 61) from Charleston County Line to ~~including~~ *the Colleton County Line.*
- (3) Frontage Roads and Interstate 26 and 95. (Signage requirements in Section 8.2.6(D) do not apply to Interstates 26 and 95).
- (4) All of Trolley Road (S-18-199).
- (5) Bacons Bridge Road (SC 165) from Summerville Town Limits to and including Bacon's Bridge to the Charleston County Line.
- (6) Jedburg Road, *East and West Butternut Road (S-18-58) to the Berkeley County Line.*
- (7) Ashley Phosphate Road (S-18-62) from Charleston County Line to Dorchester Road (SC 642).
- (8) Orangeburg Road (S-18-22) from Dorchester Road (SC 642) to intersection of Dawson Branch Road (S-18-22) at US 78.
- (9) US 17A south of Summerville Town Limits to its intersection with SC 61 to the Colleton County Line.
- (10) US 78 from the Charleston County Line ~~up to and including the intersection of US 178~~ *to the town limits of St. George.*
- (11) Miles Jamison Road (S-18-377) west from Charleston County Line to intersection of Trolley Road (S-18-199).
- (12) Ladson Road (S-18-230) from Dorchester Road (SC 642) north to the Charleston County Line.
- (13) Parler Road / Old Fort Drive to, but not including, streets in Old Fort Estates.
- (14) Central Avenue (SC 13) from Summerville Town Limits to and including intersection with US 17A.
- (15) ~~Mallard Road / Jedburg Road (S-18-58) from Orangeburg Road (S-18-22) north to the Berkeley County Line.~~ *Hodge Road to the Berkeley County Line.*
- (16) The Berlin G. Myers Parkway.
(Amendment – Ordinance 08-14, adopted July 7, 2008 by County Council – amended portions of the Transitional Overlay District (TOD)).

11.2.3 Scope

- (A) Assurance of appropriate transitions is to be accomplished by overlaying specific review and regulatory requirements on specially designated corridors, which requirements are in addition to those land use restrictions and other controls such as are imposed under Article VI and other Articles of these Zoning and Development Standards.
- (B) Review requirements included herein are intended to determine, in a cooperative fashion with the developer/applicant, whether the proposed development plan meets guidelines and other standards for the proposed use and of these overlay regulations, through evaluation of the planned location,

character and appearance of said development, and as more fully defined within this section.

- (C) Wherein development requirements of the TOD may differ from those specified or invoked under Article VI, such as but not limited to buffering, parking areas, lighting, and/or signage, all requirements of the TOD, including review procedures, shall prevail, with exception that permitted land uses of Article VI shall not be enjoined.

11.2.4 Administration

- (A) Any and all commercial development and/or improvement of and to lands of any area dimension, situated within the TOD, which are to be subdivided, improved and/or developed for commercial purposes after the effective date of adoption of these regulations, shall be reviewed and approved as being in compliance with the provisions of this Section prior to commencement of any land altering activity by the developer. In no case, shall the various departments of Dorchester County approve issuance of required building permits and other applicable permits until such review has been completed and fully approved for compliance with the provisions of this Section.
- (1) Residential developments, (defined as lands that have been designated for the building of planned residential subdivisions) commercial or employment development (retail, office, etc. uses) and industrial developments must comply with all the provisions and requirements of the TOD.
- (2) Where developments, subdivisions and/or structures are located or planned to be located on a lot or parcel which is situated only partially within the overlay corridor, only those areas of the parcel or lot which are situated within the overlay corridor(s) shall be subject to the TOD design, review and approval requirements, except where greater than 50% of the depth of the subject lot or parcel is located within the overlay district, in which case the entire lot or parcel shall be subject to this ordinance and all requirements herein.
- (3) This ordinance explicitly excludes any current lands or the subdivision of lands by and between family members unless development is planned for those lands as defined in 8.2.4 (A) (1) and (2) above.
- (B) For any and all lands within the TOD designated boundaries, owners and/or developers, seeking permits to commence land altering activities associated with development defined in subsection (A) above, shall submit Minimum Visual Buffer (MVB) vegetation inventories, MVB Landscape Design Plans, site development plans and schematic design plans to the Zoning Administrator for review and approval for compliance with design requirements of this Section and other applicable sections of this Ordinance.

- (1) All new property surveys or plats for property located within the TOD will delineate an approximate boundary line of (300') parallel to the abutting arterial right-of-way, or adjacent utility easement, and will be identified as the "TOD Limit Line".
 - (2) Review applications shall identify the specific location and the applicable TMS number(s) of the parcel(s) to be affected by the development, and shall be accompanied by such plans and other information as may be required under the provisions of this Section and/or as may otherwise be necessary for determination of compliance with the requirements herein. Site and Design Plans may either be submitted jointly or separately for such review, however, land-altering activity may not proceed until full review is completed and approval has been obtained.
- (C) Owners and/or developers who propose to develop and/or alter property within the TOD, shall submit a TOD Development Review application to the Zoning Administrator, on such forms as may be provided by the Zoning Administrator, accompanied by a payment of a non-refundable TOD Development Review Fee of two hundred (\$200.00) dollars.
- (D) All changes anticipated or required subsequent to approval of the initial or subsequently revised plan, shall be submitted for review and approval prior to commencement of any work included and/or proposed within such change.

11.2.5 Design Review Procedure

- (A) A Land Development Procedure is herewith established to provide oversight that the purpose and objectives of this section are accomplished. Specifically it shall be the duty and power of Planning Department to:
- (1) Protect and promote the appearance, character and economic value of development located within the Transitional Overlay District;
 - (2) Review, and approve or deny, all applications for proposed development within the Transitional Overlay District;
 - (3) Review, and approve or deny, all applications for alterations and/or additions to existing developments located within the Transitional Overlay District;
 - (4) Review, and approve or deny, landscape plans proposed by the County, local municipalities, or any other public or state agency for public right of way or for publicly owned property within the Transitional Overlay District;

- (5) Review, and approve or deny, architectural plans for facilities to be located within the Transitional Overlay District;
- (B) Planning Department shall notify by mail adjacent landowners, within 300 feet of the property on all TOD applications.
- (C) Wherein an applicant has agreed to revise an application to achieve compliance with the requirements included herein, such revisions must be transmitted to staff within established due dates.
- (D) Wherein compliance cannot be achieved through cooperative negotiation between the staff and the developer, required measures to achieve compliance with this ordinance for the development shall be determined by the Board of Zoning Appeals.

11.2.6 Minimum Visual Buffer (MVB) Standards

Each approved application for development within the TOD shall provide for a Minimum Visual Buffer (MVB) along the entirety of the rights-of-way line(s), such buffer to be parallel and adjacent to each designated roadway to which it is contiguous. The purpose of the MVB is to soften the appearance of structures and parking areas, to screen vehicular headlight glare, on and off site of the development, and to lessen spillover light from site lighting, as seen from adjacent property and from the arterial(s). Additional landscaping above and beyond that required in the MVB may be required by Planning Staff to ensure the buffer achieves these objectives provided.

The MVB shall be continuous, with specific exceptions as provided herein:

- (A) The MVB shall provide a minimum average buffer width equal to eight percent (8%) of the average depth of the parcel of the proposed development. However, the minimum width of buffer shall not be less than fifteen feet (15') for property along designated arterials. Property fronting on a major arterial shall not be required to provide a MVB width of greater than forty (40') feet.
- (B) The buffer shall be measured from the front property line except where easement or right of way is contiguous with the front property line. In this case, the buffer depth shall be measured from the inboard line of the right of way or easement.
- (C) For MVB where buffer depth is irregular in design, the minimum buffer depth provided shall not occur at high activity areas of the development, such as but not limited to building entrances, drop-off areas and/or drive-through.

- (D) Side and rear buffer areas required by other sections of this Ordinance shall be exclusive. Calculations for any green areas or buffers required by one section shall not have the effect of reducing the requirements of any other section, except as may be specifically provided.
- (E) It is not the intent of this Section to create buffer areas where the Minimum Visual Buffer (MVB) requirements are clearly shown to be inappropriate or excessive with reference to the overall depth of a parcel, proposed retention of an existing opaque and continuous buffer of natural vegetation, or the visual character of existing developments in close proximity to the proposed development that were developed in compliance with this Section.
- (F) MVB width and parcel depth shall be determined from the average depth of the parcel, as measured along a line which is extended at right angles to the frontage property line or the tangent frontage line if on a curve, to the opposite or rear property line.
- (G) The minimum buffer depth shall be determined by measurement taken at a minimum of five (5) regular intervals along the frontage and perpendicular to the property frontage line.

11.2.7 Buffer Design Standards

- (A) Within the Minimum Visual Buffer (MVB) there shall be no development, clearing, grading or construction activity, without specific prior approval, with the following exceptions:
 - (1) Roadway and/or approved driveway encroachments providing access to a portion of the site not in the MVB, provided that clearing and grading is limited to such area required to provide unobstructed sight of travel ways of a designated arterial and such driveway is otherwise in compliance with the Driveway Ordinance of Dorchester County;
 - (2) Installation of infrastructure such as water, sanitary sewer storm drainage, electrical, telephone, natural gas, cable, (etc.) service lines; and/or
 - (3) The addition of plantings, earth forms, or other visual buffers which have been required by the Planning Department.
- (B) A Minimum Visual Buffer (MVB) plan shall be attached to all development plans submitted and shall include a record of all existing trees 6" or greater DBH their size, appearance, seeming health, and location. Site verification by County Staff prior to or as a condition of approval of the development plan may be required.

- (C) Subsequent to approval of the development site and design plans, the developer is responsible to take such action as may be necessary to protect vegetation which has been specified to be retained within the buffer. Approved buffer area clearing and minor vegetation pruning such as removal of dead limbs, removal of trees and other vegetation not designated for retention, and limb-out pruning of existing trees shall be allowed, provided that:
- (1) Such actions shall not damage or compromise the health of trees specified for retention;
 - (2) Limb-out pruning shall be accomplished by hand pruning at heights less than eight (8) feet above grade; and
 - (3) No vegetation shall be removed which has been specified for retention.
- (D) The following vegetative materials shall be provided for each 100 linear feet of buffer based on 40 feet of depth, or part thereof, utilizing either existing or newly planted vegetation. The amount of vegetation will be figured on a reduced calculation method when the depth of the buffer is reduced. (Example: If the buffer is reduced to 20 feet in depth, the amount of vegetation will be reduced to one half of the required planting.)
- (a) Eight (8) Canopy trees each a minimum of two and a half (2 1/2) caliper inches in size and ten (10') to twelve (12) feet in height with a canopy of four (4) to five (5) foot spread at time of installation. However, each existing canopy tree greater than six (6) inches DBH (Diameter Breast Height) may qualify as two (2) canopy trees for the purpose of meeting this requirement. (Examples would be Live Oak, Willow Oak, Red Maple, Bald Cypress, or Japanese Zelcova)
 - (b) Six (6) under-story trees seven (7) to nine (9) foot height at time of installation, having a four (4) to Five (5) foot spread. (Examples would be Flowering Dogwoods, Eastern Redbuds, Crape Myrtle, Sweet bay Magnolia, and River Birch)
 - (c) Forty (40) shrubs three (3) gallon minimum at installation, and twenty-four (24) to fifty-six (56) inches in height with a spread of eighteen (18) to thirty (30) inches. (Examples would be Oleander, Eleagnus, Buford Holly, Tea Olive, and Ligustrum.)
- (E) Where existing vegetation is insufficient or nonexistent, a buffer shall be enhanced or created with trees and shrubs of a variety and species, which are appropriate to the local environment and character. If an inventory of the minimum visual buffer shows that the area already contains healthy and effective trees which are six (6) inches or larger in diameter, at a height of four

- (4) feet above ground level, the County may require these be retained, protected and preserved by the developer during development activities.
- (F) The requirement is to retain existing healthy vegetation and to achieve through existing and new planting placement and spacing a reasonable uniform and consistent visual enhancement along arterial. However, density variation is allowed by ratio of vegetation planting of 1:2, to allow greater visibility of structures, which have been approved under these TOD procedures. Specifically, minimum vegetation requirements specified in Paragraph (D) above shall be calculated without reduction for access-ways, entrances, and/or curb cuts. The resultant vegetation quantities may then be varied in application and location to the Minimum Visual Buffer design, provided, however, that no area of the frontage shall have vegetation density less than 50% of any other area. For this purpose, density variation will be calculated using arterial frontage intervals of 25 feet.
- (G) Where the MVB abuts non-residential service areas, including areas used for storage, refuse collection, loading, and vehicle parking, construction of berms, with a minimum finished soil crown height of at least 30 inches above the finished roadway crown, and at least 18 inches in berm crown width, and with slope ratio no steeper than three horizontal units per one vertical unit, shall be required.
- (H) Bonus reductions may be considered in the MVB where:
- (1) Berms, consistent with subparagraph (G) above, are constructed or perimeter-fencing features provided within the MVB abutting residential development (up to 25 percent (25%) reduction in required plantings).
 - (2) Paved pedestrian walkways are constructed continuously along the development's arterial frontage and closely adjacent to the right-of-way line(s) (up to fifteen percent (15%) reduction in required plantings).
 - (3) Commercial developments, within the TOD, which propose a village environment style of architectural design, with minimal frontage setback, and with minimal curb cuts, and with parking and parking area access from the rear or interior of the development (vice directly from a frontage arterial) are authorized by the Planning Department. (Up to thirty percent (30%) reduction in plantings).
 - (4) Bonus reductions of paragraphs (1) and (2) may be cumulative for residential developments.

11.2.8 Development Design and Architectural Review

- (A) **Compatibility:** The compatibility of architectural form, site design and their relationship to roadway of the district is of critical public concern To achieve

compatibility, site, building, parking lot, lighting and signage design standards contained herein are intended to supplement additional requirements contained within the underlying zoning district applicable to various uses along the County's arterial. Maximum site densities and special site regulations listed in the particular zoning districts of Article VI shall be achieved in such manner that ensures proposed structures do not dominate, in mass, scale, context or form, any general development or adjacent building which is substantially in compliance with this Section. This may be accomplished through the use of architectural features and/or siting of proposed structures.

(B) Site and Structural Design

- (1) All proposed development shall be located and configured in a visually harmonious manner with the existing terrain and vegetation of a parcel and surrounding parcels. Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing of property, and removal of trees and vegetation which could cause disruption of natural water courses and drainage features, or could permanently disfigure natural land forms.
- (2) Non-residential uses and structures and their parking areas shall be grouped and oriented in a manner that reduces the visibility of areas used for outdoor storage, refuse collection, loading and vehicular parking from corridors within the TOD. A reduction up to twenty percent (20%) of the Minimum Visual Buffer width, may be allowed where such uses also:
 - (a) locate parking at the side or rear of a structure; or
 - (b) use berms, and other landscaping techniques to screen unsightly features from all public views
- (3) The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance and esthetic values of the area and of adjacent development, with natural landforms and existing vegetation, and with other development plans previously approved by the Planning Department for that general area. Specific consideration shall be given to a proposed structure's compatibility with adjacent structures where such structures are substantially in compliance with this Section.

Where existing development(s) and/or structure(s) that were constructed prior to April 1, 1991, which are not compatible with the intent of this section and are substantially visible from the site of a proposed development reasonable architectural design standards shall be established for the proposed development(s) which are consistent and compatible with the intent of this section.

- (4) The landscape plans for the proposed development shall provide visually harmonious and compatible settings for structures on the same lot and on

adjoining or nearby lots and shall blend with the surrounding natural landscape. Natural appearing landscape forms are strongly encouraged. Landscaping and vegetation screening is encouraged between buildings and sidewalks, parking areas and driveways. The scale and/or design of the proposed landscaping shall be in proportion to the building.

- (5) All site lighting shall be provided at a pedestrian scale, of low-intensity light sources, of clear, soft, and generally uncolored light that does not distort colors. This requirement is not intended to exclude sodium vapor or high intensity mercury vapor lighting, and similar and general use lighting systems, provided such systems shall meet specified restriction for illumination intensity and/or design requirements. Illumination intensity at all property lines shall not exceed one (1) foot candle, except with written consent of both the Planning Department and the owner(s) of adjoining properties affected by such illumination. Illumination shall not spill over onto roadways, or in any way interfere with the vision of area motorists.
- (6) The design and construction techniques of the proposed development shall screen external appliances and other mechanical equipment, such as trash receptacles, power transformers, outbuildings, and heating and air conditioning units, from public view.
- (7) Streetscape improvements include those architectural or functional facilities or structures which occur on site but are not a part of the building and which encourage and facilitate human interaction with the environment. Examples include but are not limited to, decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vending areas, bollards and fences. These improvements shall be designed to be consistent with the guidelines listed above, and shall be reviewed for esthetic functionality and compatibility with the intent of the general architectural character and visual environment of the remainder of the development.

(C) Parking and Access Ways

- ~~(1) Curb cuts and access ways to parcels or developments along arterials within the TOD shall be minimized. Where such curb cuts and/or access ways are approved by the S. C. Department of Transportation and Dorchester County, Minimum Visual Buffer plantings may be altered in height to the minimum extent necessary for visual safety; however, planting may not be grouped so as to cause reduction in the buffer area or the planting density. Clear sight distances at entrances and exists to the development, as required for safety, shall be as specified in the Road Maintenance Ordinance of Dorchester County, or as may be required by regulations of the SC Department of Transportation, provided, however, that such clear distances shall not have the effect of reducing the~~

~~effectiveness of the buffer. In such case, the minimum width of the buffer may be increased, in the area adjacent to such entry or access way, to meet the intent of this section.~~

(1) All parcels within the TOD are allowed one curb cut per 300 feet of road frontage with the exception of single family detached residentially zoned parcels and parcels containing detached single family uses. Applicants must request a shared access with the adjacent property owner if the road frontage is less than 300 feet. If the adjacent property owner does not agree to share access, the applicant must provide one of the following to the Planning Department:

(a) A letter from the adjacent owner denying access; or

(b) If the adjacent property owner refuses to provide a letter, an affidavit that documents attempts that the applicant made to request shared access and that the neighboring property owner refused to provide a letter.

(c) If the owner is unable to obtain an agreement with the adjacent property owner, a curb cut is permitted on the subject parcel only with a recorded agreement that the property owner will allow adjacent properties to share access when developed.

(d) The applicant may provide a traffic study to the County Engineer that states the shared access requirement will not create a more efficient traffic circulation pattern or that the requirement is not proportionate to the increased traffic or change in circulation patterns created by the proposed development.

(e) Shared access should be located along a common property line.

(f) All curb cuts require approval by the County Engineer.

(Amendment – Ordinance 08-14, adopted July 7, 2008 by County Council – amended portions of the Transitional Overlay District (TOD)).

- (2) Developers shall be encouraged to locate parking areas between structures and at the rear of a lot or parcel. Parking areas should generally be screened from roadways, to the maximum extent practical.
- (3) Lighting of parking areas and pedestrian ways shall be soft brilliance at the minimum intensity levels necessary for safety and security, with negligible lighting spillover onto adjacent property. Illumination intensity at property lines shall not exceed one (1) foot-candle.

- (4) Lighting poles shall be of compatible color and design to blend with the development and shall not exceed 15 feet (15') in height as measured from the finished grade level of the parking lot surface. The cut-off plane (illumination cone edge) for lighting shall not be visible at a distance of more than twice the height of the mounting pole when measured horizontally from the pole base, at a vertical height of 66 inches.
- (5) In addition to the plantings required by the Minimum Visual Buffer, larger developments of parcels of one acre (43,560 sq. ft.) or more shall provide for interior green areas/planting zones. One planting zone, at least 150 square feet in area, shall be provided every twelve- (12) parking spaces, or for each 2,000 square feet of parking surface, whichever is less. Each planting zone shall be planted with a minimum of two (2) - two (2) caliper inch minimum understudy trees, plus three (3) low shrubs.

(D) Signage

- (1) The location, design/appearance, and dimensions of all proposed wall-mounted and freestanding signs shall be specified on the site plan and shall demonstrate compatibility with architectural features of proposed building/structure(s).
- (2) Signs shall comply with requirements of the Standard-Building Codes of Dorchester County and of Article XI of this Ordinance, with specific exception that flutter flag and other signs and/or displays, which are exempted from regulation under Article XI, Section 13.5.5(a) are prohibited from use with the TOD. This prohibition shall not extend to display of federal and state flags, provided that within the TOD, no flagstaff or pole or other fixture to which any flag shall be attached, may exceed forty (40) feet above the adjacent ground level.
- (3) An integrated sign system shall be required for all developments, commercial and/or residential subdivisions, office developments and shopping developments. These systems shall be reviewed for materials, colors, shapes, sizes, design, consistency, and compatibility with development character and aesthetics. Sign colors, shapes, and materials shall be compatible with development design, color and character.
- (4) Spot lighting of signs shall be restricted to not more than one (1) 150 watt light per sign face for sign faces up to forty (40) square feet in area and not more than two (2) 150 watt lights for sign faces greater than forty (40) square feet in area. The sign base and/or proposed landscaping shall be designed to shield the light from area motorists and to conceal the light source as far as practical. (Wattages specified are based upon incandescent light sources.)

11.2.9 Maintenance of Buffers and Design Character

Following completion of development, all appearance features and/or requirements shall be maintained in good repair by the present and future owner(s) in full compliance with the conditions which were initially considered agreed upon for the development at the time of approval. Failure to maintain the development in full compliance with the conditions which were initially considered and agreed upon at the time of development approval shall constitute a violation of this ordinance, subject to remedial, judicial, and magisterial actions outlined in Article XIII, Section 13.6 of this ordinance.

11.2.10 Buffer Density Adjustments

Buffer Density adjustments may be authorized by the Planning Department for qualified residential and/or commercial developments within the Transitional Overlay District, using density adjustment provisions provided for residential developments under Section 6.10 of this Ordinance.

11.2.11 Applicability to Existing Non-Conforming Development within the Transitional Overlay District (TOD)

Provisions of Article V, Section 5.6 shall apply.

11.2.12 Appeal of Action and/or Decisions Rendered.

Application, evaluation and approval, for compliance with the provisions of the TOD under this Section 11.2 are construed to involve the land development and aesthetics of design and not of land use regulation. Therefore, the hierarchy of the process for appeal of the review and/or approval actions and/or decisions rendered regarding determination of compliance or adequacy shall be as follows:

- (1) Any party aggrieved by a decision of the Zoning Administrator or other administrative official actions of staff regarding matters under the jurisdiction of this section may appeal such actions to the Board of Zoning Appeals.
 - (a) Appeal for relief from such decisions and /or actions as may be rendered under these procedures must be submitted in writing to the Zoning Administrator within fifteen (15) calendar days following the date of rendering of the decision and/or action from which relief is being sought. Appeals may be submitted by any party having substantial interest in the matter under appeal. The appeal must state the specific action or decision which is being appealed, the person or group who has rendered the decision or action being appealed, the nature of the relief requested by the appeal, and the basis upon which the relief is considered to be warranted by the party submitting the appeal.

- (b) The appeal shall be acted on within sixty days. Appeal of actions shall be heard and decided by a quorum of members of the Board of Zoning Appeals, subsequent to a hearing of the appeal, following adopted procedural rules.
 - (c) The Board of Zoning Appeals shall render its decision in writing, specifying findings of facts and conclusions, to the applicant by certified mail.
- (2) An appeal from the decision of the Board of Zoning Appeals may be taken to circuit court within thirty days after actual notice of the decision.
- (a) Any person who may have a substantial interest in any decision of the Board of Zoning Appeals or any officer, or agent of the appropriate governing authority may appeal from any decision of the authority or Board to the circuit court in and for the County by filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice.

Section 11.3 Developments Affecting Historic and Culturally Significant Properties

11.3.1 Statement of Intent

Dorchester County is fortunate to contain a number of structures and properties that have been designated National Historic Landmarks and/or listed on the National Register of Historic Places and/or are culturally significant properties. These landmarks and properties are found to include the most scenic and culturally important resources of the County, and contribute to the cultural and educational welfare of the citizens of Dorchester County. It is the intent of this Ordinance to preserve the integrity, use and enjoyment of these landmarks and properties, by the citizens of Dorchester County and the public at large, as well as any additional properties or structures that may be so designated in the future.

11.3.2 Definitions

- (a) **National Historic Landmarks** are those properties identified by the United States Secretary of the Interior as commemorating and illustrating the history and culture of the United States. Once designated, these landmarks are placed on the National Register of Historic Places.
- (b) **National Register Properties** are those properties listed on the National Register of Historic Places that is maintained by the Department of the Interior. These properties are historically or archaeologically significant to understanding the past of our communities, state and nation.
- (c) **Designated Historic Districts** are those areas designated by the local government as having historic or archaeological significance to the residents of Dorchester County.
- (d) **Culturally Significant Properties** are those properties recognized as having cultural and historic significance to the residents of Dorchester County and may be eligible for designation by the National Register of Historic Places.

11.3.3 Identification of Properties

- (a) The Zoning Administrator shall maintain a file for each area within Dorchester County that is designated a National Historic Landmark or National Register Property. Such file shall include a description of the landmark or property, copies of the designation documents and a map showing the landmark or property. The following properties have been confirmed by the S.C. Department of Archives and History as being listed on the National Register:

(1) Old Dorchester - 12/2/69

(2) Middleton Place - 5/6/71

- (3) Indian Fields Methodist Camp Ground - 3/30/73
 - (4) Old Carroll Place (including Kroger Graves) - 7/25/74
 - (5) Newington Plantation - 9/19/74
 - (6) Summerville Historic District - 5/19/76 (c. 335 Properties)
 - (7) Appleby's Methodist Church - 2/14/78
 - (8) Cypress Methodist Church Camp Ground - 4/26/78
 - (9) Ashley River Road (Charleston and Dorchester counties) - 11/21/83
 - (10) Ashley River Historic District (along Ashley River and SC Hwy. 61) - 9/12/94
 - (11) St. Paul Campground, Tents and Commissary - 4/30/98
- (b) In addition to those properties listed on the National Register, several buildings, sites, objects and districts have been found to be significant as cultural resources for Dorchester County.
- (1) Francis Beidler Forest
 - (2) Clayton House
 - (3) Badham House
 - (4) Cummings Chapel Methodist Church
 - (5) Browning House, Ridgeville
 - (6) Greenleaf School
 - (7) St. George Methodist Church
 - (8) Texas (Deerfield) Plantation (house)
 - (9) Stall House
 - (10) St. Stephen's Reformed Episcopal Church, Summerville
 - (11) Old Dorchester County Hospital
 - (12) Westbury House

- (13) White Meeting House
- (14) Givhans Ferry State Park (Bathhouse/community building, Picnic Shelter #2, Workshop, Cabins, Grave of Mary Ford, Edisto/Goose Creek Tunnel, Jahnz Section Shaft, Head and Intake, Givhans Ferry and Bridge Site)
- (c) The Planning Commission may add or delete properties from this list as the conditions of the property change.

11.3.4 Special Area Permit Required

Prior to the issuance of a Building, Zoning or Sign Permit by the Department of Planning and Codes Enforcement, a Special Area Permit shall be required for:

- (a) The construction, erection, reconstruction, exterior rehabilitation, remodeling, alteration, or restoration of any building, structure, or property listed in Sec. 11.3.2 of this Ordinance;
- (b) Any development that, by the creation of vibration, air emissions, noise or odor, would in all likelihood produce physical alterations to any of the properties listed in Sec.11.3.2 of this Ordinance, or substantially impair the use and enjoyment of such properties or districts by the citizens of Dorchester County; or
- (c) Any development of properties, that would be visible from the ground level of a landmark or property situated in a designated historic district or from any significant property listed in Section 11.3.2, up to a radius of ten thousand (10,000) feet from such landmark or property.

11.3.5 General Standards

- (a) For developments for which a Special Area Permit is required under the Section 11.3.3 (a) or (b), the permit application shall specify the proposed development, the activities that would affect, or would in all likelihood affect, the landmark or property, and the anticipated scope and magnitude of such affects. The applicant shall demonstrate that the best available development and management practices will be used to minimize adverse impacts on the landmark or property, and shall provide detailed specifications for such practices and the manner in which they will be incorporated into the development. Such best available development and management practices shall be added to the other requirements of this Ordinance for the development in question.
- (b) For developments for which a Special Area Permit is required under Section 11.3.3(c), the following standards shall be added to or, where more stringent, shall replace, the other requirements of the Ordinance:

- (1) **Height Limitation:** No structure shall be more than three stories in height, or taller than the top of the surrounding tree canopy, whichever is lower.
- (2) **Removal of Trees:** Within 100 feet of the edge of the Ashley River, or of wetland areas abutting the river, no trees shall be removed except in accordance with a Landscape Plan, prepared by a registered Landscape Architect, submitted with the Special Area Permit application and approved by the Zoning Administrator. The Landscape Plan shall:
 - a. Provide for the maintenance of a tree buffer that screens the development from the landmark, historic or culturally significant property;
 - b. Provide for the retention of natural vegetation and topographical features to the maximum extent practicable;
 - c. Provide for the planting and maintenance of additional vegetative buffers as needed to effectively screen the development from the landmark or property; and
 - d. Comply with Section 12.3 of this ordinance.
- (3) A Landscape Plan shall **not** be required for access paths less than twelve (12) feet in width that provide ingress to and egress from the river or wetland area.

11.3.6 Permit Procedures

- (a) For developments for which permits are required under this section, no site alteration, including the cutting of trees, grading and laying of streets, pipes and drainage systems, shall commence prior to the issuance of the Special Area Permit in accord with the procedural requirements for a land disturbance permit outlined in Article XVII of this Ordinance.
- (b) Whenever the Zoning Administrator receives a permit application under this section that involves a development affecting a landmark, historic or culturally significant property, he shall notify the owner of the opportunity to submit comments on the proposed development.

11.3.7 Standing of the Owners of Landmarks, Historic or Culturally Significant Properties

The owner of a National Historic Landmark or National Register Property or Culturally Significant Property that may be affected by a development or activity for which a permit is required under this section shall have standing to:

- (a) Petition the Zoning Administrator or the circuit court of Dorchester County for the cessation of any activity for which a Special Area Permit is required but has not been granted under this section; and
- (b) Appeal the granting of a Special Area Permit, or the conditions contained in such Permit, to the Board of Zoning Appeals under Article XV of this Ordinance, and shall be construed to be a person having a substantial interest in the decision of the Board of Zoning Appeals for purposes of Section 15.7.

11.3.8 Developments affecting National Historic Landmarks, National Register Properties and Culturally Significant Properties

The following information is required for any development subject to the requirements of Section 11.3.3 of this Ordinance, and must be submitted to and approved by the Zoning Administrator prior to any development activity (including land clearing and cutting of trees), as provided in the Ordinance.

- (a) Name of the affected National Historic Landmark, National Register Property or Culturally Significant Property.
- (b) The (minimum) distance between the proposed site and the National Historic Landmark, National Register Property or Culturally Significant Property.
- (c) A detailed description of the proposed land uses and activities. This description should include:
 - (1) A site plan, designating land uses and activities;
 - (2) Hours of proposed operation for non-residential activities;
 - (3) Type, extent and duration of outdoor lighting to be used on-site;
 - (4) Type, extent and duration of machinery or other noise or vibration associated with activities on-site; and
 - (5) Type, extent and duration of air emissions or odors associated with activities on-site.

- (d) Affects of the proposed land uses and activities on existing uses of the landmark or property. Describe the nature and anticipated scope and magnitude of such effects. In addition:
 - (1) Describe the measures that will be taken to minimize these adverse effects.
 - (2) Describe the measures that will be taken to mitigate those adverse effects that do occur.

- (e) Any potential physical alterations to the landmark, historic or culturally significant property or the landmark site and whether these could occur, during construction, after construction is completed, or both. In which case, describe the type, extent and duration of any physical alterations to the landmark or property, and provide a detailed description of measures that will be undertaken to:
 - (1) **Minimize the occurrence of such alterations.** Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - (2) **Mitigate any adverse alterations that do occur.** The distinguishing original qualities or character of a historic building, structures, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural or site features should be avoided when possible.

- (f) In providing the information required above, the applicant should address the following:
 - (1) An analysis of current conditions including ownership, existing and planned land uses and activities, existing zoning, access and existing structures by period of construction, architectural style, condition and matters relating to site conditions, such as building location, location of yards and other open spaces, and access to interior lots and off-street parking.
 - (2) A description of individual structures and premises of substantial public interest, with maps, photographs and other data indicating the public importance of their preservation and the particular features to be preserved. These shall be identified as historic or contributing properties and noted as such in the report.
 - (3) A description of existing structures, premises, and uses likely to have an adverse effect on the desired character of landmark, property or district, including those near and in the view shed of the landmark, property or

district. Maps, photographs and other data indicating such an effect should be included.

- (4) An analysis of the extent and historic significance of identified archaeological sites including general location maps, photographs and other data indicating the reasons for such an effect.
- (g) For proposed developments that would be visible from landmarks or historic and culturally significant properties, situated along rivers, provide a Landscape Plan that complies with the requirements of Section 11.3.4(b). In addition, the site plan required under this or other Ordinances must show all proposed access paths not included in the Landscape Plan.
- (h) For proposed developments that would be visible from landmarks or properties situated along rivers, indicate the height of proposed structures. If proposed structures are more than two stories in height, the Landscape Plan should indicate the height of the surrounding tree canopy.

11.3.9 Violations

Because the commencement of development activities in violation of this section of the Zoning & Development Standards Ordinance creates the likelihood for irreparable damage, which the Ordinance provisions specifically seek to avoid, County Council hereby directs the Sheriff of Dorchester County to order any such activities to cease immediately, and directs the Zoning Administrator and the County Attorney to seek immediate relief if the situation warrants such action.

Section 11.4 Ashley River Corridor Overlay District

11.4.1 Purpose and Intent

For more than 300 years, the Ashley River Corridor has been, and continues to be, of critical importance in the history, quality of life and economic well being of the Summerville community and Dorchester County. It includes Middleton Place (circa. 1738), a National Historic Landmark; Old Dorchester State Historic Site (ODSHS) (ca. 1695), listed in the national Register of Historic Places; the Ashley River Road (ca. 1771), also in the National Register, Old White Church Cemetery (ca. 1969) and a number of other important archaeological sites. The Ashley River corridor still retains much of its natural beauty, and is an important recreation area and wildlife habitat. The Ashley River and bordering lands were, in 1994, listed on the National Register as a Historic District, and in 1998, the Ashley was officially named a State Scenic River.

Considering the current residential and commercial growth in lower Dorchester County, it is the intent of this Ordinance to promote responsible development and to mitigate the effects of new construction within the Ashley River Corridor Overlay District, so as to safeguard our local heritage, natural beauty, and economic and recreational resources; to conserve wildlife habitat; to stabilize riverbanks and to protect water quality and marine nursery resources. Therefore, these regulations were created in an effort to preserve this area for future generations while at the same time balancing this purpose with the Constitutional Rights of the private property owners and their heirs.

11.4.2 Area of Overlay

The Ashley River Overlay District is herewith designated to encompass the entire Ashley River Corridor. The affected lands are 500 feet landward on either side of the Ashley River starting from the Charleston County boundary on the east and extending to Slands Bridge (US 17A) crossing on the west, and 300 feet to each side of the rights-of-way of Dorchester Road (S-18-642) on the north and Ashley River Road (SC 61) on the south. This overlay district establishes additional control requirements that must be met by a developer of property contained within the corridor. These new requirements apply to only those properties that are in the unincorporated area of Dorchester County and do not apply to those areas in other governmental jurisdiction, e.g. Charleston County, North Charleston and/or the Town of Summerville.

11.4.3 Further Divisions of Interest

Historic Viewsheds. The two major National Register Properties within the Ashley River Corridor (Middleton Place and OSSHS) are treasured scenic vistas and are deserving of greater protection. These areas and the immediate surrounding areas are sometimes defined using the word "view sheds".

- (a) For the purpose of this Ordinance, the Middleton Place view shed is hereafter defined as all the lands of the landmark itself, plus those lands that can be viewed up and down the river from the top of the terraces above the "Butterfly" lakes. These affected Dorchester County properties have been identified as being within the Middleton Place view shed and are identified by the following Tax Map numbers and any subdivision thereof:

- (1) 180-00-00-037, Middleton Place Foundation, 70 Acres of Marsh,
- (2) 180-00-00-012, Middleton Place, 100 Acres,
- (3) 171-00-00-046, 366 Acres,
- (4) 180-00-00-001, 200 Acres, and
- (5) 180-00-00-049, 135 Acres.

Note: The following properties are also identified to be in the Middleton Place view shed but are in the City of North Charleston jurisdiction:

- (1) 180-00-00-039, 20 Acres,
- (2) 180-00-00-010, 144 Acres, and
- (3) 180-00-00-020, 20 Acres.

- (b) The ODSHS view shed is designated as those lands that can be viewed from the public areas of the park and are currently identified and limited to the following Tax Map numbers and any subdivision thereof:

- (1) 161-00-00-030, SC Dept. Parks, Recreation, & Tourism (Park), 77 Acres,
- (2) 161-00-00-018, 270 Acres,
- (3) 161-00-00-031, 25 Acres,
- (4) 161-00-00-042, SC Dept. Parks, Recreation & Tourism (Park), 247 Acres,
- (5) 161-12-01-003,
- (6) 161-12-01-004, and
- (7) 161-12-01-006, 5 Acres.

The provisions for a Special Area permit as required by Section 11.3.2(c) remain unchanged.

11.4.4 Supplemental Design and Protection Standards

The following supplemental design standards shall apply to any new proposed use or alteration of an existing use, land or vegetation within the Ashley River Corridor overlay district as defined in Section 11.4.2 above.

- (a) **Establishment of Buffer:** A river front buffer is not required until a property owner decides to build a structure on his/her property which is situated within the Area of Overlay district. A river front vegetative buffer of 100' will be maintained on all properties listed in Section 11.4.3 above. A river front tree buffer of 50' will be maintained on all other river front properties in the Ashley River Corridor Overlay.

- (1) All buffers are measured from the Critical Line.
- (2) In areas of new development where there is insufficient natural vegetation to establish a vegetative tree buffer, a new buffer using native trees and vegetation will be established. The amount of vegetation required for each 250 square feet of required buffer area, or part thereof, utilizing either existing or newly planted vegetation is as follows:
 - a. Trees having a total minimum diameter of three (3) caliper inches, of which at least 50% must be of Understory trees with the remainder being canopy trees; plus
 - b. Two (2) shrubs (4 ft. in height at maturity); plus
 - c. Three (3) low shrubs (average 2 ft. in height at maturity).
- (b) **Maintenance of Buffer:** Maintenance of the required buffer within the Area of Overlay is defined in Section 13.3 of this Ordinance.
- (c) **Building Requirements:** For new development within the Area of Overlay, current standards outlined in this Ordinance remain unchanged.
- (d) **Other Construction Improvements:** The former Coastal Council (now Office of Ocean and Coastal Resources Management (OCRM)) is the permitting authority for all docks, boat ramps and/or boat houses within the Ashley River Corridor. The SC Department of Archives and History will be given the opportunity to make comment to OCRM as to how the proposed construction will impact the historic view shed of the corridor. This information will be considered by OCRM prior to issuing a permit. Dorchester County remains the final (Building Permit) authority for the construction of the improvements stated above.

Section 11.5 Ashley River Historic Overlay District
(Amendment – Ordinance 07-05, adopted May 21, 2007 by County Council – Added Section 11.5)

11.5.1 Purpose and Intent

For more than 300 years, the scenic Ashley River Historic District has been, and continues to be, of critical importance in the history, quality of life, and economic well being of Dorchester County, as well as being a vital part of the South Carolina National Heritage Corridor. It includes the Ashley River, a State Scenic River; Ashley River Road (ca.1671), a National Scenic Byway; Middleton Place (cira.1738) a National Historic Landmark; Old Dorchester State Historic Site (ODSHS) (ca.1695), listed in the National Register of Historical Places; The Laurels (ca. 1937); Old White Church Cemetery (ca.1769) and a number of other important archaeological sites. The Ashley River Historic Overlay District still retains much of its natural beauty, and is an important recreation area and wildlife habitat. The Ashley River and bordering lands were listed in the National Register as a historic district in 1994, and in 1998, the Ashley River was also named a State Scenic River.

Considering the current residential and commercial growth along the Ashley River, it is intent of this Ordinance to promote responsible development and to mitigate the effects of new construction within the Ashley River Historic Overlay District, so as to safeguard our local heritage, natural beauty, and economic and recreational resources; to conserve wildlife habitat; to stabilize riverbank; and to protect water quality and marine nursery resources. Therefore, these regulations are created in an effort to preserve this area for future generations.

11.5.2 Area of Overlay Zone

The Ashley River Historic District Overlay Zone is hereby designated to encompass all lands contained within the following geographic area: on the North by the critical line of the Ashley River; on the East and South by the common boundary line between Dorchester and Charleston Counties, and to the West by South Carolina Highway 165. This overlay zone shall be divided into four distinct districts as hereinafter defined, within which there shall be imposed a set of requirements or a set of requirements may be relaxed within each district as hereinafter provided.

11.5.3 District 1

The Boundaries of District 1 shall be as follows: Bounded on the North by the critical line of the Ashley, on the East by the Dorchester County-Charleston County line, on the South two hundred (200') feet South of the Ashley River Road, on the West by South Carolina Highway 165. District 1 shall also include the following specific parcels of the land bearing TMS Nos. 160-00-00-018, 160-00-039, 161-00-00-030, and 161-00-00-032.

11.5.4 District 2

The boundaries of District 2 shall be as follows: On the North by the southern line of District 1 as set forth above, on the East by the Dorchester County-Charleston County line, on the south by the southern property known as Ravens Wood, TMS Nos. 195-00-00-001 and the northern property line of the property known as Popular Grove, TMS Nos. 196-00-00-001 and 200-00-00-038, and on the West by South Carolina Highway 165.

11.5.5 District 3

The boundaries of District 3 shall be as follows: On the North by the southern boundary of District 2 as set forth above, on the East by the Dorchester County-Charleston County line, on the South by the Dorchester-Charleston County line, and on the West by South Carolina Highway 165.

11.5.6 District 4

District 4 shall be comprised of the parcels identified as Exhibit B and illustrated on the map identified as Exhibit C.

11.5.7 Requirements Imposed Upon All Districts

The following requirements and restrictions shall be applicable to all four (4) districts within the Ashley River Historic Overlay District:

- (a) Sign Regulations- Any signed erected must conform to the standards set forth in Article XIII, Section 13.5 and Article XI, Section 11.2.8 (D) and should be environmentally sensitive to the area.*
- (b) Underground Utilities – Any new development in which there are to be constructed five(5) or more dwelling units, all utility services shall be installed underground provided, however, that new utility rights-of-way may cross the vegetated buffers as set forth below perpendicular to the roadway, but not parallel thereto.*
- (c) Road Connectivity - Any new development shall be required to provide interior connectivity to neighboring properties in order to reduce the number of curb cuts, as well as traffic congestion along Ashley River Road.*
- (d) Clustering of Lots – lots may be clustered subject to preliminary subdivision plan approval by the Dorchester County Planning Commission. The subdivision plan must result in the conservation of agriculture, usable open space, and sensitive environmental, scenic and historic resources for the benefit of the public. Despite the clustering of lots, net density levels shall not be reduced from those set forth for each of the four (4) districts provided, that individual lot size may be reduced to one (1) unit per acre.*

- (e) *Planned Developments (PD's) as provided for in Article VII, Section 7.11 shall not be allowed.*
- (f) *The bonus density options set forth in Article X, Section 10.1 which provide for an increase in the maximum allowable density for residential development shall not apply and no bonus density shall be granted.*

11.5.8 Additional Requirements for District 1

The following allowable land uses, conditional uses, special exception uses, density regulations, minimum lot and building requirements, maximum impervious service requirements, and buffers shall be applicable to all land contained within the geographical boundaries of District 1 as herein above set forth:

- (a) *Permitted Use Groups - Only the following Use Groups as defined in Article VI shall be permitted:*
 - (i) *Use Group 1(a), (b) Agricultural, 2 Residential, Single-Family, 6(a), (c) Social and Cultural, 13(c), (d), and (e) Business Recreation, 24(b), (c) Community Services, and 25 Open Space.*

The following additional uses are permitted within one-fourth (1/4) mile of the intersection of two (2) arterial roads as identified in Article XI, Section 11.2:

- (i) *Use Group 10 Business, Convenience Retail, provided, however, that no structure erected shall exceed 3,000 square feet, save and except grocery stores which shall not exceed 25,000 square feet.*
- (b) *The following additional Use Groups may be permitted in District 1 provided they conform to the standards set forth in Article X, Section 10.4:*
 - (i) *Use Group 1(c) Agricultural, 6(d) Social and cultural, 7(a) Business, Residential Bed & Breakfast, and 7(d) Business and Residential, together with accessory dwelling units, accessory structures and home occupations.*
- (c) *The following additional uses may be permitted in District 1 upon approval of the Board of Zoning Appeals provided they conform to the standards set forth for each use in Article X, Section 10.5:*
 - (i) *Use Group 6(b) Social and Cultural and 1(d) Mineral Resource Extraction on lots of at least ten (10) acres.*
- (d) *Density Regulations - Development density shall not exceed 1 principal dwelling unit per three (3) net acres on each legally platted lot or parcel of record.*

- (e) *Minimum Lot and Building Requirements - All lots must contain at a minimum three (3) acres of land and have a minimum of two hundred (200') feet of frontage on a road. No structure may be erected any nearer than fifty (50') feet from any property line.*
- (f) *Maximum Impervious Surface - No more than fifty (50%) percent of the gross square footage of any lot may be covered an impervious surface provided, however, that lots used for single-family dwellings shall not exceed a maximum impervious surface of twenty-five (25%) percent.*
- (g) *A road frontage buffer is necessary to preserve the scenic character of the Ashley River Road by maintaining a dense natural buffer. All properties fronting on Ashley River Road and all properties fronting on South Carolina Highway 165 commencing at the point where S.C. Highway 165 crosses the Ashley River, to its intersection with Ashley River Road are required to have a road frontage buffer of not less than two hundred (200') feet in depth as measured from the road right of way and containing specified vegetation which may be selected from the recommended buffer plantings attached hereto and incorporated herein by reference as Exhibit A. At least fifty-percent (50%) of the understudy of vegetation selected from Exhibit A must be evergreen. This buffer area may be comprised by natural vegetation supplemented by additional plantings as may be necessary to meet the minimum requirements set out herein. The required minimum planting per one hundred (100') linear feet of frontage on Ashley River Road or that portion of S.C. Highway 165 described above are as follows: existing trees six (6) inches or greater in diameter at breast height shall not be removed. The buffer shall contain as a minimum twenty-four (24) recommended trees, twenty (20) under story trees, and fifty (50) buffer shrubs as set forth in Exhibit A. The buffer requirements set out herein shall not be required until such time as the owner of property within the buffer area seeks to develop the property for the purpose of constructing a structure.*
- (h) *Any existing lots fronting on Ashley River Road or that portion of S.C. Highway 165 described above which are less than One Thousand Five Hundred (1500') feet in depth shall be required to have a buffer as set forth above, the depth of which shall be equal to thirteen and three one-hundredths percent (13.3%) of the depth of the existing lot, but in no case less than fifty (50') feet in depth.*
- (i) *For each one hundred (100') linear feet of frontage on Ashley River Road or that portion of S.C. Highway 165 described above, twenty (20') linear feet may be cleared for paths or driveways from the roadway to the interior of the lot provided, however, that such driveways and paths must be of an environmentally sensitive design to reduce the visual impact upon Ashley River Road and that portion of S.C. Highway 165 described above.*

- (j) *The requirements for the maintenance of the buffer area as defined herein are contained within Article XIII, Section 13.3.7.*
- (k) *Any artificial lighting placed within the vegetated buffer shall not exceed a maximum lighting impact of one (1) candle foot. Artificial lighting fixtures shall be directed downward and shall include protective shields. Street lighting within any development may not exceed twelve (12) feet in height.*
- (l) *The following activities are specifically permitted within the vegetated buffer set forth herein; provided, however, that a minimum vegetated buffer of fifty (50') feet in depth is maintained adjacent to Ashley River Road or that portion of S.C. Highway 165 described above: Silva culture, horticulture, pastures, and row crops.*
- (m) *Nothing within this Section 11.5.7 shall be construed to alter or amend the existing requirements set forth in Section 11.4 of Ordinance No. 04-13.*

11.5.9 Additional Requirements for District 2

The following allowable land uses, conditional uses, special exception uses, density regulations, minimum lot and building requirements, and maximum impervious service requirements shall be applicable to all land contained within the geographical boundaries of District 2 as herein above set forth:

- (a) *Permitted Use Groups - Only the following Use Groups as defined in Article VI shall be permitted*
 - (i) *Use Group 1(a), (b) Agricultural, 2 Residential, Single-Family, 6(a), (c) Social and Cultural, 13(c), (d), (e) Business Recreation, 24(b), (c) Community Services, 25 Open Space.*

The following additional uses are permitted within one-fourth (1/4) mile of the intersection of two (2) arterial roads as identified in Article XI, Section 11.2:

- (i) *Use Group 10, Business, Convenience Retail provided that no structure shall exceed 3,000 square feet, with the exception of grocery stores which shall not exceed 25,000 square feet.*
- (b) *The following additional Use Groups may be permitted in District 2 provided they conform to the standards set forth in Article X, Section 10.4:*
 - (i) *Use Group 1(c) Agricultural, 6(d) Social and Cultural, 7(a) Business, Residential Bed & Breakfast, and 7(d) Business, Residential, together with accessory dwelling units and home occupations.*

- (c) *Special Exception Uses: The following additional uses may be permitted in District 2 upon approval of the Board of Zoning Appeals provided they conform to the standards set forth for each use in Article X, 10.5:*
 - (i) *Use Group 1(b) Social and Cultural, and 1(d) Mineral Resource Extraction on parcels of at least ten (10) acres.*
- (d) *Development density shall not exceed one principal dwelling per four (4) net acres on each legal parcel of record.*
- (e) *Minimum Lot and Building Requirements - No lot shall be less than four (4) acres in size and shall have a minimum of two hundred (200') feet of road frontage. No structure shall be erected any nearer than fifty (50') feet from any property line.*
- (f) *Maximum Impervious Surface - No more than fifty (50%) percent of the gross square footage of any lot may be covered with impervious surface provided, however, that lots used for single-family dwellings shall not exceed a maximum impervious surface of twenty-five (25%) percent.*

11.5.10 Additional Requirements for District 3

The following allowable land uses, conditional uses, special exception uses, density regulations, minimum lot and building requirements, and maximum impervious service requirements shall be applicable to all land contained within the geographical boundaries of District 3 as herein above set forth:

- (a) *Permitted Use Groups - Only the following Use Groups as defined in Article VI shall be permitted*
 - (i) *Use Group 1(a), (b), (c) Agricultural, 2 Residential, Single-Family, 5 Residential, Manufactured, 6(a), (c) Social and Cultural, 13(c), (d), (e) Business Recreation, 24 (b), (c) Community Services, and 25 Open Space.*
- (b) *The following additional Use Groups may be permitted in District 3 provided they conform to the standards set forth in Article X, Section 10.4:*
 - (i) *Use Group 1(d) Agricultural, 6(b), (d) Social and Cultural, 7(a) Business, Residential Bed & Breakfast, and 7(d) Business, Residential, together with accessory dwelling units and home occupations.*
- (c) *Special Exception Uses - The following additional uses may be permitted in District 3 upon the approval of the Board of Zoning Appeals provided they conform to the standards set forth in Article X, Section 10.4:*
 - (i) *Use Group 1(d) Mineral Resource Extraction on lots of at least ten (10) acres.*

- (d) *Density Regulations - Development density shall not exceed one principal dwelling per one (1) net acre on each legal parcel of record.*
- (e) *Minimum Lot and Building Requirements - No lot shall be less than a minimum of one (1) acre in size and shall have not less than a minimum of two hundred (200') feet of road frontage. No structure shall be erected any nearer than fifty (50') feet from any property line.*
- (f) *Maximum Impervious Surface - No more than fifty (50%) percent of the gross square footage of any lot may be covered with impervious surface provided, however, that lots used for single-family dwellings shall not exceed a maximum impervious surface of twenty-five (25%) percent.*

11.5.11 Additional Requirements for District 4

The following allowable land uses, conditional uses, special exception uses, density regulations, minimum lot and building requirements, and maximum impervious service requirements shall be applicable to all land contained within the geographical boundaries of District 4 as herein above set forth:

(Amendment – Ordinance 07-27, adopted November 19, 2007 by County Council – Added Section 11.5.11)

- (a) *Permitted Use Groups - Only the following Use Groups as defined in Article VI shall be permitted*
 - (i) *Use Group 1(a), (b), (c) Agricultural, 2 Residential, Single-Family, 5 Residential, Manufactured, 6(a), (c) Social and Cultural, 13(c), (d), (e) Business Recreation, 24 (b), (c) Community Services, and 25 Open Space.*
- (b) *The following additional Use Groups may be permitted in District 4 provided they conform to the standards set forth in Article X, Section 10.4:*
 - (i) *Use Group 1(d) Agricultural, 6(b), (d) Social and Cultural, 7(a) Business, Residential Bed & Breakfast, 7(d) Business, Residential and 10 Business Convenience Retail excluding the sale of alcoholic beverages., together with accessory structures, accessory dwelling units and home occupations.*
- (c) *Special Exception Uses - The following additional uses may be permitted in District 3 upon the approval of the Board of Zoning Appeals provided they conform to the standards set forth in Article X, Section 10.4:*
 - (i) *Use Group 1(d) Mineral Resource Extraction on lots of at least ten (10) acres.*
- (d) *Density Regulations - Development density shall not exceed one principal dwelling on each legal parcel of record.*

(e) *Minimum Lot and Building Requirements – Lots for residential single family detached, residential manufactured housing units and agricultural use group 1(a) shall not be less than 14,500 square feet and shall have not less than a minimum of eighty (80) feet of road frontage.*

(f) *Maximum Impervious Surface - No more than fifty (50%) percent of the gross square footage of any lot may be covered with impervious surface provided, however, that lots used for single-family dwellings shall not exceed a maximum impervious surface of twenty-five (25%) percent.*

(g) *Minimum yard requirements for all lots described in above section (e)*

<i>Front Yard</i>	<i>25 feet</i>
<i>Side Yards</i>	<i>7.5 feet</i>
<i>Rear Yard</i>	<i>25 feet</i>

(h) *A lot of a minimum of two (2) acres may be occupied with an allowed residential use and an allowed commercial use provided that the residence is owner occupied, the business must be operated by the owner of the property, the commercial building may not exceed 1000 square feet and must be setback 25 feet from the rear of the residence and 15 feet from all property lines.*

Exhibit A

RECOMMENDED BUFFER PLANTINGS

Recommended Native and Naturalized Tree, Shrub and Grass Species for Landscape Buffers. Individual plant characteristics should be taken into consideration when selecting a particular species for a given location. Such characteristics include, but are not limited to, growth habits, cultural requirements, fruiting habits, presence of thorns, attraction to birds and insects, etc. All new plantings must meet the minimum size requirements as specified in Article 11 Section 11.2 of the Dorchester County Zoning and Land Development Standards.

*** E = Evergreen; SE = Semi-Evergreen; D = Deciduous*

Recommended Trees		
Common Name	Botanical Name	Evergreen/Deciduous
Hedge Maple	Acer campestre	D
Red Maple	Acer rubrum	D
River Birch	Betula nigra	D
Mulberry	Broussonetia papyrifera	D
American Hornbeam	Carpinus caroliniana	D
Bitternut Hickory	Carya cordiformis	D
Pignut Hickory	Carya glabra	D
Pecan	Carya illinoensis	D
Mockernut Hickory	Carya tomentosa	D
Deodar Cedar	Cedrus deodara	E
Hackberry	Celtis laevigata	D
Common Persimmon	Diospyros virginiana	D
American Beech	Fagus grandifolia	D
Green Ash	Fraxinus pennsylvanica	D
Sweetgum	Liquidambar styraciflua	D
Yellow Poplar	Liriodendron tulipifera	D
Black Walnut	Juglans nigra	D
Eastern Red Cedar	Juniperus virginiana	E
Cucumber Magnolia	Magnolia acuminata	D
Southern Magnolia	Magnolia grandiflora	E
Bigleaf Magnolia	Magnolia macrophylla	D
Black Tupelo	Nyssa sylvatica	D
Virginia Pine	Pinus virginiana	E

Longleaf Pine	<i>Pinus palustris</i>	<i>E</i>
Loblolly Pine	<i>Pinus taeda</i>	<i>E</i>
American Sycamore	<i>Platanus occidentalis</i>	<i>D</i>
Cottonwood	<i>Populus deltoides</i>	<i>D</i>
Black Cherry	<i>Prunus serotina</i>	<i>D</i>
White Oak	<i>Quercus alba</i>	<i>D</i>
Scarlet Oak	<i>Quercus coccinea</i>	<i>D</i>
Southern Red Oak	<i>Quercus falcata</i>	<i>D</i>
Laurel Oak	<i>Quercus laurifolia</i>	<i>SE</i>
Swamp Chestnut Oak	<i>Quercus michauxii</i>	<i>D</i>
Water Oak	<i>Quercus nigra</i>	<i>SE</i>
Pin Oak	<i>Quercus palustris</i>	<i>D</i>
Willow Oak	<i>Quercus phellos</i>	<i>D</i>
Shumard Oak	<i>Quercus shumardii</i>	<i>D</i>
Live Oak	<i>Quercus virginiana</i>	<i>E</i>
Black Willow	<i>Salix nigra</i>	<i>D</i>
Bald Cypress	<i>Taxodium distichum</i>	<i>D</i>
Basswood	<i>Tilia americana</i>	<i>D</i>
Winged Elm	<i>Ulmus alata</i>	<i>D</i>
American Elm	<i>Ulmus americana</i>	<i>D</i>
Cedar Elm	<i>Ulmus crassifolia</i>	<i>D</i>

Understory Vegetation		
Trees		
Common Name	Botanical Name	Evergreen/Deciduous
Red Buckeye	<i>Aesculus pavia</i>	<i>D</i>
Serviceberry	<i>Amelanchier arborea</i>	<i>D</i>
Devil's Walking Stick	<i>Aralia spinosa L.</i>	<i>D</i>
Red Chokeberry	<i>Aronia arbutifolia</i>	<i>D</i>
Paw Paw	<i>Asimina triloba</i>	<i>D</i>
Hornbeam	<i>Carpinus caroliniana</i>	<i>D</i>
Chinquapin	<i>Castanea dentata</i>	<i>D</i>
Southern Catalpa	<i>Catalpa bignonioides</i>	<i>D</i>
Buttonbush	<i>Cephalanthus occidentalis</i>	<i>D</i>
Eastern Redbud	<i>Cercis canadensis</i>	<i>D</i>
White Fringe Tree	<i>Chionanthus virginicus</i>	<i>D</i>

Flowering Dogwood	Cornus florida	<i>D</i>
Riverflat Hawthorn	Crataegus opaca	<i>D</i>
Green Hawthorn	Crataegus viridis	<i>D</i>
Leatherwood	Cyrilla racemiflora	<i>E</i>
Honeylocust	Gleditsia triacanthos	<i>D</i>
Gordonia	Gordonia lasianthos	<i>E</i>
Carolina Silverbell	Halesia diptera	<i>D</i>
Foster Holly	Ilex attenuata 'Fosterii'	<i>E</i>
Cassine Holly	Ilex cassine	<i>E</i>
Myrtleleaf Holly	Ilex cassine 'Myrtifolia'	<i>E</i>
Possum Haw	Ilex decidua	<i>D</i>
Inkberry	Ilex glabra	<i>E</i>
Lusterleaf Holly	Ilex latifolia	<i>E</i>
American Holly	Ilex opaca	<i>E</i>
Black Alder	Winterberry Ilex verticillata	<i>E</i>
Yaupon Holly	Ilex vomitoria	<i>E</i>
Sweetbay Magnolia	Magnolia virginiana	<i>E</i>
Southern Crabapple	Malus angustifolia	<i>D</i>
Hop Hornbeam	Ostrya virginiana	<i>D</i>
Sourwood	Oxydendron arboreum	<i>D</i>
Red Bay	Persea borbonia	<i>E</i>
American Plum	Prunus americana	<i>D</i>
Cherry Laurel	Prunus caroliniana	<i>E</i>
Black Locust	Robinia pseudoacacia	<i>D</i>
Palmetto	Sabal Palmetto	<i>E</i>
Horse Sugar	Symplocos tinctoria	<i>E</i>

Understory Vegetation		
Shrubs		
Common Name	Botanical Name	Evergreen/Deciduous
American Beautiberry	Callicarpa americana	<i>D</i>
Sweetshrub	Calycanthus floridus	<i>D</i>
Cliftonia	Cliftonia monophylla	<i>E</i>
Deutzia	Deutzia scabra	<i>D</i>
Sweet Pepperbush	Clethra alnifolia	<i>D</i>
Hearts-a-burstin'	Euonymus americanus	<i>D</i>
Witch Alder	Fothergillia major	<i>D</i>

Witch Hazel	Hamamelis virginiana	<i>D</i>
Oakleaf Hydrangea	Hydrangea quercifolia	<i>D</i>
Anise	Illicium floridanum	<i>E</i>
Virginia Willow	Itea virginiana	<i>D</i>
Fetterbush	Lyonia lucida	<i>E</i>
Wax Myrtle	Myrica cerifera	<i>E</i>
Myrtle	Myrtus communis	<i>E</i>
Feverbark	Pinckneya pubens	<i>D</i>
Native Azalea	Rhododendron Species	<i>D</i>
Sumac	Rhus Species	<i>D</i>
Elderberry	Sambucus canadensis	<i>D</i>
Coralberry	Symphoricarpos orbiculatus	<i>D</i>
Sparkleberry	Vaccinium arboreum Marsh	<i>D</i>
Black Highbush	Bilberry Vaccinium atrococum	<i>D</i>
Deerberry	Vaccinium caesium	<i>D</i>
Elliot's Blueberry	Vaccinium elliot.	<i>D</i>
Arrowwood	Viburnum dentatum	<i>D</i>
Swamp Viburnum	Viburnum nudum	<i>D</i>
Weigela	Weigela florida	<i>D</i>
Aloe Yucca	Yucca aloifolia	<i>E</i>
Adam's Needle Yucca	Yucca filamentosa	<i>E</i>
Spanish Dagger Yucca	Yucca gloriosa	<i>E</i>

Understory Vegetation		
Grasses		
Common Name	Botanical Name	
Bushy Broomsedge	Andropogon glomeratus	
Broomsedge	Andropogon virginicus	
Cane	Arundinaria gigantea	
Reed Grass	Calamagrostis cinnoides	
Whitetop Sedge	Dichromena latifolia	
Sweetgrass	Muhlenbergia filipes	
Seaside Panicum	Panicum amarum	
Switch Grass	Panicum virgatum	
Foxtail Grass	Setaria geniculata	
Green Bristlegrass	Setaria viridis	

Indian Grass	Sorghastrum sp.	
Salt Hay	Spartina patens	
Sea Oats	Uniola paniculata	

Exhibit B

Ashley River Historic Overlay District Map

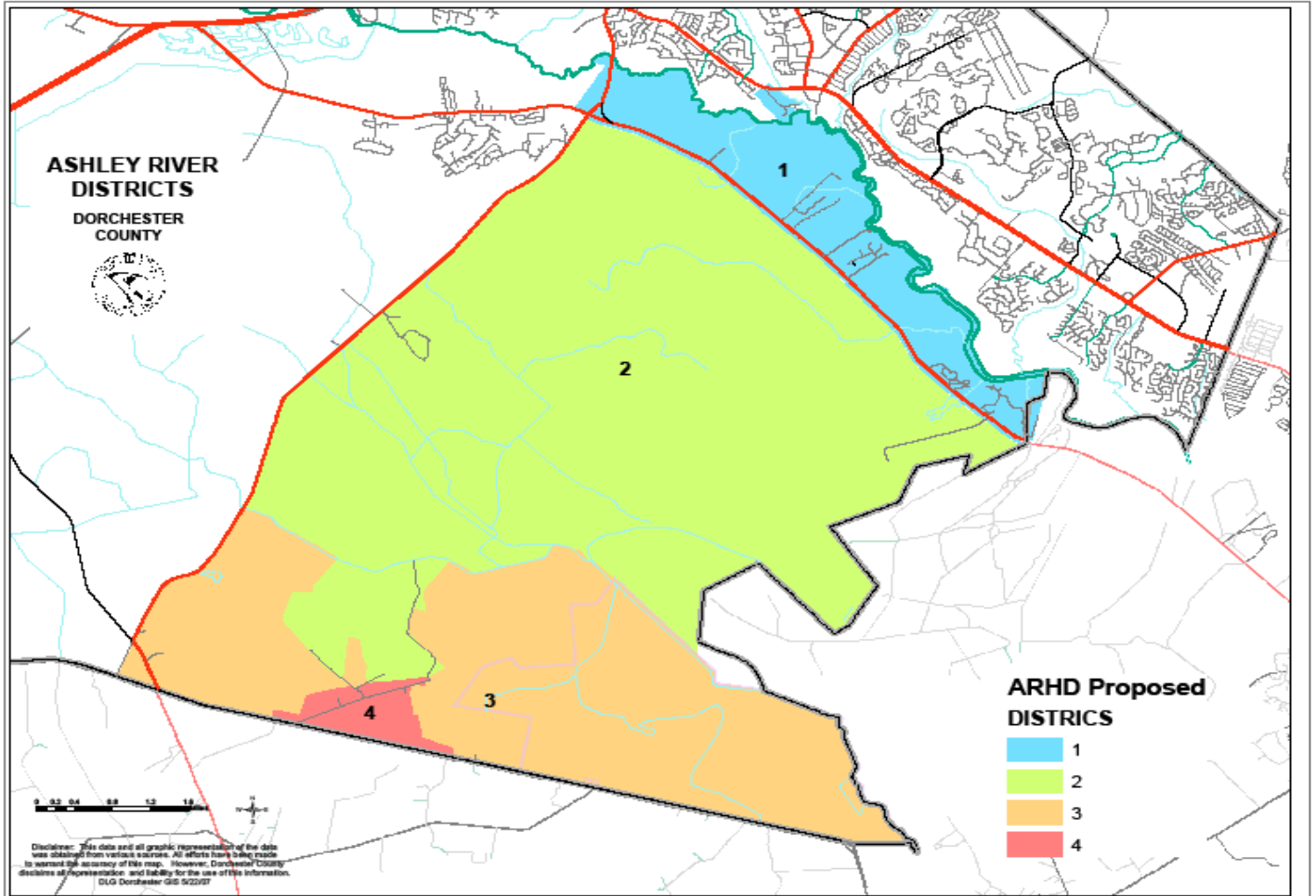


Exhibit C

District 4 Parcels

TMS	
199-00-00-081	199-00-00-072
199-00-00-082	200-00-00-023
200-00-00-034	200-00-00-031
200-00-00-039	199-00-00-018
199-00-00-014E	199-00-00-037
199-00-00-024	199-00-00-032
199-00-00-088	199-00-00-077
199-00-00-019	200-00-00-005
199-00-00-020	199-00-00-009
199-00-00-031	199-00-00-014D
199-00-00-054	199-00-00-014C
200-00-00-006	199-00-00-014B
199-00-00-035	199-00-00-014A
199-00-00-036	199-00-00-017
199-00-00-011	199-00-00-021
199-00-00-010	199-00-00-042
200-00-00-024	199-00-00-014
200-00-00-032	199-00-00-089
199-00-00-008	199-00-00-016
199-00-00-030	199-00-00-023
199-00-00-033	199-00-00-029
199-00-00-041	199-00-00-046
199-00-00-053	199-00-00-044
199-00-00-063	199-00-00-047
199-00-00-065	199-00-00-048
199-00-00-068	199-00-00-051
199-00-00-073	199-00-00-025
199-00-00-076	199-00-00-026
199-00-00-079	199-00-00-045
199-00-00-080	199-00-00-049
199-00-00-067	199-00-00-050
199-00-00-086	200-00-00-030
199-00-00-087	199-00-00-015
199-00-00-038	199-00-00-085
199-00-00-056	199-00-00-084
199-00-00-062	199-00-00-083
199-00-00-075	199-00-00-043
199-00-00-012	199-00-00-052
199-00-00-013	200-00-00-035
199-00-00-066	200-00-00-036
199-00-00-071	200-00-00-033
200-00-00-007	
199-00-00-007	
199-00-00-058	
199-00-00-064	
199-00-00-069	
199-00-00-070	

Section 11.6 Master-Planned Overlay Areas Form
(Amendment – Ordinance 09-10, adopted June 15, 2009 by County Council – Added Section 11.6)

11.6.1 Purpose and Intent

The Master-Planned Overlay Areas Form District (“Form District”) implements the Comprehensive Plan by establishing the procedure for adopting regulations for the development of Master-Planned Overlay Areas as designated in the Comprehensive Plan. These regulations, including without limitation form- and/or transect-based regulations, are intended to enable the development of communities with focus on the development and building pattern and form rather than on a specific land use mix. To further that goal, the land uses within Form District need not comply with the use group classifications or land and building use descriptions contained in Article VI. of this Ordinance, but may be established in the Form District Master Plan for the specific development in accordance with Section 11.6.5.(b).(6) of this Ordinance.

Correspondingly, because the development and building pattern and form is specifically regulated by the Form District Master Plan, only properties within the Ashley River Historic District Overlay Zone as set forth in Section 11.5 of this Ordinance shall be subject to the additional regulations of that overlay district, and no properties within Form Districts shall be subject to any other Special Areas or overlay district regulations of this Ordinance, including Section 11.2 Transitional Overlay District (TOD) regulations, or to any requirements pertaining to the establishment of Planned Development Districts as set forth, without limitation, in Section 7.11 (d)-(f) of this Ordinance. Furthermore, the Form District is intended to encourage private long-term planning efforts and public-private partnerships to proactively manage long-term, planned regional growth and to develop a common vision for new communities in Dorchester County. The desired public and private investments are best facilitated by predictability in the County’s development approval process; therefore, no amendment of the Comprehensive Plan or any of its elements shall be required for the consideration or approval of rezoning applications submitted in accordance with this Section 11.6 of this Ordinance, and any such application and approval shall be considered consistent with the Comprehensive Plan.

11.6.2 Definitions

In addition to terms defined elsewhere in this Section 11.6, the following definitions shall apply to this Section 11.6 of this Ordinance. In the event that subsequent to the adoption of this Ordinance alternative definitions or terms become commonly used to describe similar matters, such alternative definitions and terms may be used in association with the plans and documents generated pursuant to this Section 11.6 without the necessity of an amendment of this Ordinance.

- (a) *Civic Zone: Designation for public sites.*
- (b) *Community Unit: A regulatory category defining the physical form and extent of a settlement.*
- (c) *Configuration: The form a building.*
- (d) *Disposition: The placement of a building on its lot.*
- (e) *Function: The use or uses accommodated by a building and its lot.*
- (f) *Sector: Within Form District, geographic areas within which certain enumerated Community Unit types are permitted.*
- (g) *Thoroughfare: A way for use by vehicular and pedestrian traffic.*
- (h) *Transect Zone: Regulatory geographic areas within Community Units within which building use, stories, and other elements of the intended habitat are integrated.*

11.6.3 Establishment of Master-Planned Overlay Areas Form District

The Form District is initially an unmapped zoning district that is appropriately described as a “floating zone.” A request to rezone property to Form District may be initiated by a submittal of a rezoning application in accordance with the application requirements set forth in Section 11.6.5 of this Ordinance. Upon the approval of the rezoning application by County Council, the Form District shall become the zoning district designation for the property and shall be so identified on the Dorchester County zoning map, and the pre-existing zoning district designation shall be extinguished. Subsequent to the effective date of the rezoning, no applications or approvals authorized in this Section 11.6 shall constitute or require rezoning of the property located in the Form District unless otherwise expressly specified herein.

11.6.4 Master-Planned Overlay Areas Form District Rezoning Application Threshold Criteria

Only those properties in Dorchester County that meet the threshold criteria set forth in this Section 11.6.4 shall be eligible for rezoning to Form District in accordance with Section 11.6.3 hereinabove. The subject property and the proposed development shall:

- (a) *consist of at least 10,000 acres in area;*
- (b) *be eligible for long-term (up to 50 years) development agreements pursuant to the South Carolina Local Government Development Agreement Act;*
- (c) *provide for the development of master-planned communities containing a mix of some or all and without limitation residential, civic, institutional, commercial, and industrial uses in development phases;*

- (d) be anticipated to help absorb a significant portion of Dorchester County growth through the year 2030 or longer;*
- (e) provide for the associated infrastructure improvements concurrently with the completion of such development; and*
- (f) be located so that existing infrastructure may be utilized or supplemented so as to minimize the development impact on infrastructure needs, or designed and laid out so that unintended growth potential for infrastructure-driven development outside the proposed Form District can be minimized.*

11.6.5 Master-Planned Overlay Areas Form District Rezoning Application Requirements

Dorchester County shall not accept for consideration and approval applications for rezoning to Form District except in accordance with the requirements set forth in this Section 11.6.5. The application requirements set forth in this Section 11.6.5 shall supersede any and all requirements set forth in this Ordinance regarding similar matters. Where no specific standards regarding any component of the application are set forth herein, the proposed standards shall be reviewed and acted upon by County Council as an integral part of the rezoning application.

- (a) Prior to submitting a rezoning application to Form District, the applicant shall meet with the Planning Department staff for a pre-application conference to avoid undue delay in the review process after the application is submitted.*
- (b) A complete application for rezoning to Form District shall include at the minimum the following:
 - (1) Dorchester County rezoning application form:
 - a. Completed and signed by the applicant with the signature witnessed by the Planning Director or notarized*
 - b. Filing date of application*
 - c. Name, address, and phone number of the applicant and/or the property owner*
 - d. Applicant's interest in the property if not the owner in fee simple title**
 - (2) Legal descriptions of the subject parcels*
 - (3) Copies of recorded plats of the subject parcels if available*
 - (4) Existing and proposed zoning and existing use of the parcel proposed for rezoning*
 - (5) Zoning of adjacent properties**

- (6) *Form District Master Plan that allocates Sectors within the proposed Form District, including without limitation:*
- a. *Form District Master Plan Map*
 - (i) *Depiction of entire property subject to Form District rezoning application*
 - (ii) *Geographic locations of Sectors, which, without limitation, may be designated as preserved open, restricted growth, guided growth, and/or intended growth Sectors*

 - b. *Form District Master Plan Regulations*
 - (i) *Name of the proposed Form District which must contain the phrase "Form District"*
 - (ii) *Narrative descriptions of and regulations for Sectors including without limitation:*
 - A. *Enumeration of all Community Unit types permitted in each Sector*
 - B. *Procedures for administrative adjustment of Sector boundaries*
 - C. *Provisions for Sector succession*
 - (iii) *Regulations for all permitted Community Unit types*
 - (iv) *Regulations, including without limitation procedures for approval and amendment of the same, for Special Districts assigned to areas that due to their intrinsic size or other characteristics cannot conform to the requirements of any Community Unit type*
 - (v) *Regulations for New Community Plans, including some or all and without limitation:*
 - A. *Procedures for preparation, approval and administration of New Community Plans*
 - B. *Regulations for Transect Zones, including without limitation provisions for Transect Zone succession*
 - C. *Regulations for Community Unit types*
 - D. *Regulations for Civic Zones*
 - E. *Regulations for Special Districts*
 - F. *Regulations for Thoroughfare standards*
 - G. *Optional special requirements*
 - (vi) *Regulations for Building Scale Plans, including some or all and without limitation:*
 - A. *Procedures for preparation, approval and administration of Building Scale Plans*
 - B. *Regulations for pre-existing conditions*

- C. Regulations for building Disposition
- D. Regulations for building Configuration
- E. Regulations for building Function
- F. Regulations for parking calculations
- G. Regulations for parking location standards
- H. Optional special requirements

(vii) Regulations for transportation impact analysis procedure

(7) *At its sole discretion, the applicant may submit together with the rezoning application one or more New Community Plans and/or Building Scale Plans prepared in accordance with the proposed regulations submitted pursuant to Sections 11.6.5(b).(6).b(v) and (vi) of this Ordinance. The Planning Department staff shall review such New Community Plan(s) and/or Building Scale Plans in accordance with the proposed procedures promulgated pursuant to Sections 11.6.5(b).6.b(v).(A) and (vi).(A) of this Ordinance for the sole purpose of verifying that the proposed New Community Plan and/or Building Scale Plan regulations produce sufficient information to facilitate the procedures to prepare, approve, and administer such Plans. Upon finding of any deficiencies in the proposed procedures, the Planning Department staff shall give the applicant an opportunity to modify the proposed regulations to mitigate such deficiencies; provided, however that no such modification shall be construed to amend the date on which the rezoning application was initially deemed complete. At this sole discretion, the applicant may request that, supplementary to the review authorized in this Section 11.6.5.(b).(7), the Planning Department staff forward the submittal of one or more New Community Plans and/or Building Scale Plans to the Planning Commission for review and recommendation together with the rezoning application.*

(8) *Rezoning application fee*

11.6.6. Rezoning Application Review and Approval Procedure

Except as otherwise provided for in this Section 11.6, all Form District rezoning applications shall be reviewed and acted upon in accordance with Sections 16.4 through 16.8 of this Ordinance. The Planning Department staff shall make its written recommendations to the Planning Commission as required by Section 16.4.1 of this Ordinance within sixty (60) days of receipt of a completed zoning amendment application.

Except as amended hereby, Ordinance No. 04-13 shall remain in full force and effect.