

ORDINANCE NO. 21-05-24

AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ARTICLE 13. CLUSTER SUBDIVISIONS, §4.3.1, USE TABLE, §7.1, RURAL AND NEIGHBORHOOD COMMERCIAL (RNC) DISTRICT, §7.2, GENERAL COMMERCIAL (GC) DISTRICT, §7.3, OFFICE AND INSTITUTIONAL DISTRICT (OI), §5.5 MULTIFAMILY RESIDENTIAL DISTRICT SMALL-SCALE (R4), AND §5.6 MULTIFAMILY RESIDENTIAL DISTRICT (LARGE-SCALE) (R5), OF THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, TO CLARIFY, RESERVE APPLICABILITY FOR INNOVATIVE SITE DESIGN, AND ESTABLISH INTERNAL CONSISTENCY.

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

WHEREAS, the Berkeley County Council has determined that the following amendment herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan;

WHEREAS, The Cluster Subdivision Ordinance is unclear on the applicability of multi-family residential development, and the General Commercial and Urban Residential Zoning Districts require updated cross references.

WHEREAS, the Berkeley County Council has determined that the following amendments are necessary in order to respond to the changing needs of the County and its citizens and maintain internal consistency with recent amendments.

NOW, THEREFORE, BE IT ORDAINED that the Articles and Sections of the *Berkeley County Zoning and Development Standards Ordinance* (as amended) as specified herein are hereby amended and revised as follows:

ARTICLE 13. - INNOVATIVE SITE AND SUBDIVISION DESIGN

13.1 IN GENERAL

13.1.1 - Purpose.

The purpose of this article is to promote innovative site and subdivision design within the designated zoning districts and subject to the conditions found in this Chapter to perpetuate the following objectives:

- A. Maintain the character of undeveloped Berkeley County.
- B. Provide legitimate useable open space for the community and county citizens.
- C. Preserve existing historical and ecologically significant lands.
- D. Reduce the need for costly infrastructure that sprawling subdivisions require.
- E. Reduce the total impervious coverage while maintaining as much existing natural cover as possible.
- F. Reduce non-point source pollutants and other site runoff that negatively affects local and regional water quality.
- G. Provide for flexible site layouts that are sensitive to the land's natural features.
- H. Provide a mixture of lot sizes, housing choices, and densities within a development.
- I. Meet the demand for housing within the rural areas of the county without compromising rural character.
- J. Provide opportunities for social interaction among community members by promoting walking, biking, and other outdoor activities.

(Ord. No. 09-04-16, 4-13-2009)

13.1.2. - Definitions.

- A. *Active Use Recreational Facility*: Any recreational facility which meets one of the following needs of a neighborhood or community: athletic fields, buildings or structures for recreational activities, community garden, workout courses, swimming pool, ball courts (tennis or basketball), children's play areas, noncommercial dog play area, waterway accesses and facilities, trails constructed of an all-weather surface. Other active use recreational facilities, not listed, may be approved upon review by the Administrative Officer or designee.
- B. *Allowable Base Units*: The amount of units allowed for each zoning classification prior to the calculations of density bonuses.
- C. *Bonus Density*: An increase in density which can be added to the Yield Plan as a matter of right on an additive basis up to 45% of the Allowable Base Units based on established criteria found in Section 13.6.

- D. *Civic Land Use*: Land dedicated and accepted by the county for public facilities such as, but not limited to, libraries, fire stations, EMS stations, schools, law enforcement stations, emergency facilities, satellite offices, excluding roadway dedications, utility easements, drainage easements, and improvements.
- E. *Cluster Developable Acreage*: The area of a development site derived by subtracting the land designated as *Secondary Protected Areas* from the Gross Buildable Acreage. The Cluster Developable Acreage is used to determine the Allowable Base Units.
- F. *Density Multiplier*: Amount of density permitted per acre for each specified zoning category.
- G. *Floodway*: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as identified by the Federal Emergency Management Agency (FEMA) or the Local Floodplain Administrator.
- H. *Gross Buildable Acreage*: The remaining number of acres in a tract, parcel, or property after the Primary Protected Area is subtracted from the Total Site Acreage.
- I. *Man-Made Waterbodies*: Surface waterbodies, such as lakes or ponds, engineered for purposes of stormwater retention or detention, recreation, or scenic, landscape, or decorative features. This definition does not include drainage conveyances; such as ditches or swales.
- J. *Maximum Gross Density*: The maximum density allowed under a cluster subdivision as computed based on the Total Site Acreage. To compute Maximum Gross Density, the Total Units Allowed, including any allowance for Density Bonus up to 45%, are divided by the Total Site Acreage.
- K. *Multi-Family Single-Site Development*. A development proposal that contemplates one or more buildings that contain two or more dwelling units on the same lot/parcel, including units that are located one over the other. These units are not subdivided into fee simple lots. Multi-Family Single-Site Development may be eligible for innovative site design, provided that a Single-Site Development (Site) Plan is submitted in accordance with the process and requirements found in Chapter 59 and conforms to the criteria established in §13.11, contained herein.
- L. *Open Space Inventory*: An inventory map and description which shows all protected areas, both primary and secondary; and any other areas to remain as permanent open space after development.
- M. *Open Space Multiplier*: The unit found in the unit Yield Plan calculation chart which is utilized to calculate the Cluster Developable Acreage.
- N. *Passive Recreation*: Recreational activities that involve leisurely or less intensive physical activity, such as walking, sitting, and picnicking. Passive recreational amenities include, but are not limited to, nature trails, walking paths, picnic areas and shelters, sitting areas, and wildlife viewing areas.

- O. *Primary Protected Areas*: Those areas that should be permanently protected from development, which under a conventional subdivision scenario would not be developable, including, but not limited to, bodies of water and streams, floodways, jurisdictional wetlands, utility and drainage easements, public rights-of-way, historic sites, cemeteries and required bufferyards in existence at the time of Unit Yield Plan submittal. The Primary Protected Areas are removed from the Total Site Acreage to yield the Gross Buildable Acreage.
- P. *Secondary Protected Areas*: Those lands that are not considered Primary Protected Areas, but are set aside as permanent open space in fulfillment of this ordinance. These lands may include, but are not limited to, areas of prime wooded or agricultural lands, scenic viewsheds, and lands with active or passive recreational opportunities. Secondary Protected Areas may not contain proposed or existing roadway rights-of-way. The Gross Buildable Acreage is multiplied by the Open Space Multiplier to determine the minimum amount of land that is required to be designated as Secondary Protected Areas. Secondary Protected Areas may contain a portion of Man-Made Waterbodies as permitted in Section 13.5(A)(v) and defined herein.
- Q. *Specimen Tree*: Any tree, other than a pine species, that measures 24 inches or larger in diameter, measured at a point four feet above the ground. For trees with multi-stemmed trunks, all stems shall be measured and added together to determine the total diameter. Pine trees that are 30 inches [in] diameter or larger shall also be considered specimen trees.
- R. *Street Tree*: An approved canopy or understory tree planted within the right-of-way of proposed neighborhood streets meeting all requirements of the *Berkeley County Street Tree Planting Standards Manual*.
- S. *Total Site Acreage*: Entire acreage of the tract, parcel or property to be developed.
- T. *Unit Yield Plan*: A plan identifying the Cluster Developable Acreage utilizing the procedures outlined herein. The unit Yield Plan outlines the formula and calculation of density available on site.
- U. *Viewshed*: An area of land, water, and other environmental elements that is visible from a fixed vantage point both on site or from a public corridor. Viewsheds are areas of particular scenic or historic value that are deemed worthy of preservation against development or other change as determined during the planning process. As an example, a view of a historic plantation home from the road would be considered a viewshed worth preserving for the community as a whole.

13.2 CLUSTER SUBDIVISION:

13.2.1. General provisions.

All subdivisions that wish to reduce lot sizes and gain additional density through cluster subdivision within Berkeley County must be designed to and conform with the following conditions:

- A. *Applicability*. Only those tracts that conform to the standards found herein and contain a zoning district that is listed in §13.2.3(C), and listed below, are eligible for Cluster Subdivision.

i. Zoning Districts Eligible for Cluster Subdivision Design:
R-1, R-1MM, R-2
R-1R
Flex 1

- B. Each cluster development is subject to the underlying residential zoning classification for determining the base density, base lot size, uses, and accessory uses and shall be contemplated in a Preliminary Plan that is prepared, submitted, and reviewed in accordance with the standards and requirements set forth in Chapter 59, *The Land Development and Subdivision Regulations of Berkeley County*.
- C. Those lands that do not meet the minimum requirements must adhere to the minimum lot size and coverage within each specific zoning classification. If septic service is to be utilized, SC DHEC must approve the capacity for all proposed lots to support private septic systems prior to submittal (only applicable for lots 14,000 square feet or greater).
- D. The minimum total land area to apply for a cluster subdivision is 10 acres.
- E. One principal dwelling per lot. (Ord. No. 09-04-16, 4-13-2009)

13.2.2. - Application Procedure.

- A. A pre-submittal meeting is strongly suggested, but not required, with the Departments of Planning, Engineering, and applicable Water and Sewer Authority prior to the submission of the Unit Yield Plan and Preliminary Plan.
- B. The Yield Plan must be submitted to the Administrative Officer or designee for consideration either prior to or concurrent with the accompanying Preliminary Plan and used as the baseline for the review of subsequent Preliminary Plan and Final Plat submittals.
- C. The Unit Yield Plan must include the following information:
 - i. Recorded plat.
 - ii. Open Space Inventory.
 - iii. Conceptual Subdivision Plan, showing proposed lots, roadway network, Primary and Secondary Protected Areas, recreational amenities, floodplains, bodies of water, streams, drainage network, wetlands, and bufferyards for all phases.
 - iv. A breakdown of the yield calculations for net buildable acres and any bonus density.
 - vi. Any and all other supporting documentation.

- D. All changes to the Unit Yield Plan resulting in an increase in dwelling units or a decrease in open space must be reviewed and concurred to by the Administrative Officer or designee or designee prior to or concurrent with the accompanying Preliminary Plan submittal.

(Ord. No. 09-04-16, 4-13-2009)

13.2.3. - Procedures for Preparing the Unit Yield Plan and Calculating the Total Units Allowed.

- A. Identify the land to be designated as Primary and Secondary Protected Areas as defined in Section 13.2 and subject to the following requirements.
- i. No less than 20 percent of the *Gross Buildable Acreage* must be designated as Secondary Protected Area;
 - ii. All open space, both the Primary and Secondary Protected Areas, shall be conveyed or held as permanent open space;
 - iii. At least 60 percent of the total required open space, either Primary or Secondary Protected Areas, must be useable, accessible, and contain amenities for active or passive recreation;
 - iv. At least 60% of the total required open space, either Primary or Secondary Protected Areas, shall be connected to the other designated on- or off-site open space areas;
 - v. Man-Made Waterbodies may be placed within Secondary Protected Areas so long as (1) no more than 50% of the acreage of the Secondary Protected Areas is used for Man-Made Waterbodies, and (2) all Man-Made Waterbodies placed within Secondary Protected Areas are accessible for active or passive recreation by walking or biking trails; and
 - vi. The Administrative Officer or designee may permit the inclusion of utilities and/or drainage conveyances (with the exception of man-made waterbodies) within Primary and Secondary Protected Areas so long as the improvement(s) will not detract from the intended purpose, use, and enjoyment of the Protected Area.
- B. A Unit Yield Plan must be submitted showing how many acres, to the tenth of an acre, are contained within both the Primary and Secondary Protected Areas. The plan should also indicate those lands contained within the Primary and Secondary Protected Areas that will be accessible for active or passive recreation. Accessible is interpreted as land that can be accessed by a minimum 20-foot required right-of-way. While creating the Yield Plan, take into consideration needed rights-of-way and stormwater facilities.
- C. To calculate the total units allowed, all the Primary Protected Area acreage is subtracted from the Total Site Acreage, which yields the Gross Buildable Acreage. The Gross Buildable Acreage is then multiplied by the Open Space Multiplier found in the Yield Plan calculation chart to get the Cluster Developable Acreage. The Cluster Developable Acreage is then multiplied by density multiplier found in the unit Yield Plan calculation chart to determine the Allowable Base Units. The Allowable Base Units are then multiplied by the percentage of bonus density that the Administrative Officer or designee has

approved up to 45 percent and added to the Allowable Base Units to yield the Total Units Allowed on site provided that the Maximum Gross Density requirement is not exceeded.

Unit Yield Plan Calculation and Lot Size Regulations Chart					
	Open Space Multiplier	Density Multiplier	Maximum Gross Density	Minimum Lot Size	Average Lot Size
R-1, R-1MM, R-2	.80	3.00	3.50	5,500 sq. ft. ¹	7,000 sq. ft. ¹
R-1R	.70	.87	.75	1.25 Acre	N/A
Flex 1	.70	.77	.70	30,000 sq. ft.	N/A

¹ All lots that are less than 14,000 square feet are required to be served by both public water and public sewer as established in Section 13.7(c).

Calculation for figuring Total Units:

Total Site Acreage - Primary Protected Area Acreage = Gross Buildable Acreage

Gross Buildable Acreage × Open Space Multiplier = Cluster Developable Acreage

Cluster Developable Acreage × Density Multiplier = Allowable Base Units

Allowable Base Units x allowance for Density Bonus up to 45% (Bonus ≤ 45%) = Total Units Allowed

Total Units Allowed ÷ Total Site Acreage = Gross Density

Note: All calculations rounded up or down to the nearest whole number Example: 5.55 = 6, whereas, 5.45 = 5

(Ord. No. 09-04-16, 4-13-2009)

13.2.4. - Bonus density.

- A. The following bonus densities may be added to the Yield Plan as a matter of right. Bonus densities are additive in nature up to 45 percent per subdivision.
- B. Additional open space bonus density.
 - i. For every ten percent additional land set aside as Secondary Protected Area above the minimum required amount, a five-percent bonus density may be applied, or fraction thereof, up to ten percent.
- C. Recreational/civic uses bonus density.
 - i. For active use recreational facilities and/or civic land set aside totaling one to five acres, a two and one-half-percent bonus density may be applied.
 - ii. For active use recreational facilities and/or civic use land set aside totaling between five acres but below ten acres, a five-percent bonus density may be applied.
 - iii. For active use recreational facilities and/or civic use land set aside totaling above ten acres, a seven and one-half-percent bonus density may be applied.
 - iv. For every connection of a proposed bicycle or pedestrian network to existing pedestrian and/or bicycle facilities located outside of the development, an additional two and one-half-percent bonus density may be applied per connection not to exceed ten percent.
 - v. If impervious multi-use paths of at least 10 feet in width are provided in lieu of all required sidewalks as established in *Chapter 59, The Land Development and Subdivision Regulations* along proposed neighborhood collector streets, highways, and thoroughfares as subject to the following requirements, a ten percent bonus density may be applied.
 - a. The proposed multi-use path is located outside of the proposed rights-of-way of neighborhood collector streets, highways, and thoroughfares unless otherwise permitted to encroach within the public rights-of-way through Encroachment Permit.
 - b. The multi-use path will be perpetually maintained by the Property Owners' Association.
 - c. The proposed multi-use path provides connectivity to other existing and proposed pedestrian and bicycle facilities located along adjoining rights-of-way or trail networks.
 - d. The County Engineer, applicable water and sewer authority, and the Planning and Zoning Administrative Officer or designee concur with the proposed placement of the multi-use path, construction materials, and design.
 - e. The multi-use path and ramps must accommodate the needs of disabled pedestrians, including compliance with prevailing regulations associated with those needs.
- D. Smart design/low impact design bonus density.
 - i. If the subdivision is designed such that no residential structures are built within the 100-year FEMA floodplain, a five-percent bonus density may be applied.

- ii. If cul-de-sacs or dead-end roads are not utilized within the subdivision, a five-percent bonus density may be applied.
- iii. For every point of connection, not including the main entrance, to an *Arterial* or *Secondary Roadway* defined in *Chapter 59, The Land Development and Subdivision Regulations*, a five percent bonus density may be applied per connection not to exceed ten percent.
- iv. For designs that protect and preserve 50 percent of the existing specimen trees within the Gross Buildable Acreage, a five percent density may be applied.
- v. If street trees are provided within the proposed rights-of-way of internal neighborhood streets throughout the entire development/subdivision, as subject to the standards listed below, a bonus density of seven and one-half-percent can be applied:
 - a. The County Engineer, applicable water and sewer authority, and the Planning and Zoning Administrative Officer or designee concur with the proposed street tree planting plan.
 - b. Applicable Encroachment Permits are issued by Berkeley County Roads and Bridges.
 - c. The location, type, height, caliper, spacing, distribution, and species of proposed street trees is required to adhere to those standards found in the **Berkeley County Street Tree Planting Standards Manual**.
 - d. Trees shall be maintained by the Developer and/or Homeowners Association. Trees that die due to natural causes, neglect, or utility/road maintenance repair shall be replanted by the Developer and/or Homeowners Association or similar entity. Maintenance responsibilities shall be clearly defined in all encroachment permits and covenants and restrictions.

(Ord. No. 09-04-16, 4-13-2009)

13.2.5. - Subdivision layout design criteria.

- A. Once the Yield Plan is prepared, an application for a Preliminary Plan may be submitted in accordance with the processes and requirements establishes in *Chapter 59, The Land Development and Subdivision Regulations*. This submittal must comply with the Berkeley County Land Development and Subdivision Regulations, Berkeley County Zoning and Development Standards Ordinance, and other applicable regulations. The Yield Plan shall be included as an exhibit in the Preliminary Plan set.
- B. For all districts that have access to water and sewer services, lot sizes should vary throughout the subdivision with a minimum lot size of 5,500 square feet and an average lot size of at least 7,000 square feet.
- C. Lots that will be served by either individual septic or well services are required to be a minimum of 14,000 square feet in size, and lots that will be served by both individual septic and well services are required to be a minimum of 30,000 square feet in size. When lots will be served by individual septic systems, SC DHEC must approve the capacity for all proposed lots to support private septic systems or the Cluster Developable Acreage may be

reduced by the area of land that is not suitable for septic through an amended Unit Yield Plan

- D. Dwelling unit visibility from external roads should be minimized through the use of appropriate bufferyards per Article 17 and meandering entrances that limit the views into a subdivision.
- E. Areas designated as Primary and Secondary Protected shall be indicated in the Preliminary Plan. Those Secondary Protected Areas that are designated as usable and accessible shall also be clearly identified, detailing any proposed recreational facilities.
- F. All site setbacks must meet the underlying zoning requirements.
- G. The Administrative Officer or designee and/or Technical Review Committee (TRC) may add to the required standards or modify a proposed design in order to ensure that the overall purposes and intents of the ordinance are maintained.

13.3 – 13.10 reserved.

13.11. Multi-Family Single-Site Development.

§7.2 GENERAL COMMERCIAL DISTRICT:

§7.2.8. Residential Density.

- B. Innovative site design, qualifying for density bonus, may be permitted as subject to the conditions and requirements established in §13.11.

§7.1 RURAL AND NEIGHBORHOOD COMMERCIAL (RNC) DISTRICT:

§7.1.3(D). Residential Uses.

- 1. Single-family detached.
- 2. Manufactured home.
- 3. Duplex.

§7.1.8. Residential Density.

- A. When not subdividing, there shall be no more than two principal dwelling units per one acre (43,560 square feet) of platted land, lot, or parcel. For each additional half acre in land area, one (1) additional dwelling may be permitted, up to a maximum of four (4) dwellings.
- B. In no case shall there be more than four units placed on one parcel.

§7.1.14. *Single-Site Development (Site) Plan.* A Single-Site Development (Site) Plan, when required, shall be prepared and submitted in accordance with the processes and requirements established in Chapter 59, *The Land Development and Subdivision Regulations of Berkeley County*, is required to be reviewed and, and upon demonstrated conformance to all applicable standards, approved prior to commencement of development and/or redevelopment activities. The plan shall also include, at a minimum, the following information.

- A. The Single-Site Development (Site) Plan shall also demonstrate conformance to applicable conditional use standards contained herein or specified in Article 11.
- B. The Single-Site Development (Site) Plan shall accompany any necessary supporting documentation or materials required for submittal, review, and/or approval per Chapter 59.

§4.3.1, USE TABLE

Land Use	R1	R1-MM	R2	R3	R4	R5	R1-R	R2-R	R2-R(F)	R15	Flex1	RNC	GC	OI	LI	HI	Use Definition
Multifamily	X	X	X	X	X	P	X	X	X	X	X	X	C	C	X	X	A building containing two or more dwelling units on the same lot, including units that are located one over the other. These can include apartments and condominiums.

§7.3 OFFICE AND INSTITUTIONAL (OI) DISTRICT:

§7.3.3. *Permitted Uses.* The following uses are permitted within the Office and Institutional (OI) District:

A. Commercial Uses.

1. Commercial lodging, hotels and motels.
2. Commercial, personal services.
3. Commercial, professional services.
4. Restaurant.
5. Office.
6. Mixed use.

B. Recreation and Amusement Uses.

1. Commercial, indoor recreation.
2. Commercial, outdoor recreation.
3. Indoor recreation.
4. Outdoor recreation, active.
5. Outdoor recreation, passive.
6. Ecotourism.
7. Golf course.
8. Miniature golf.

C. Institutional Uses.

1. Assembly and worship.
2. Cemetery.
3. College and professional schools.
4. Neighborhood and community schools.
5. Assisted living facility.
6. Commercial day care center.
7. Government offices, public services, and local utilities.

D. Storage Uses.

1. Business storage (indoor storage).

§7.3.5 (*AMEND TO INCLUDE SECTION "C")

C. Multi-Family Residential Uses:

1. Multifamily.

a. District Conditions:

- i. Dimensional and Design Standards. Multifamily Residential Uses shall conform to the standards found in Sections 5.6.10 through 5.6.17 of the Berkeley County Zoning and Development Standards Ordinance, provided however that the proposed building(s) may be eligible for height bonuses found in Section 7.3.12(B).

§7.3.8. *Residential Density.*

A. Maximum density: Ten dwelling units per acre, based on project area.

B. Innovative site design, qualifying for density bonus, may be permitted as subject to the conditions and requirements established in §13.11.

§7.3.10(D) Accessory structures are permitted in the rear and side yards only with minimum of five-foot setbacks from the side and rear property lines or ingress/egress easements, whichever

is greater. If the accessory structure is placed in the front yard and/or that portion of the yard that fronts a second street frontage of the property, the front yard setback and/or the setback from the second street frontage property line for the accessory structure is the required front setback and/or second street frontage setback for the primary structure, as applicable.

§7.3.12. *Building requirements.*

B. Building height will be governed by the current adopted Building Codes of Berkeley County and as stated herein. After the height limitations are reviewed, the Building and/or Zoning Official may impose additional restrictions. During the required planning and code review, the Official will give consideration to the design of the structure(s) and the County's abilities to gain adequate access for firefighting personnel, and that such building is designed or is equipped to provide adequate protection against the dangers of fire, and/or that such building is served by an internal fire service organization. The applicant shall incorporate building techniques and safety features as necessary to demonstrate capacity to handle unforeseeable emergencies (such as fires) to the satisfaction of the Fire Marshall or designee. Building height will be held to a base height of 40 feet.

1. Height Bonus: Increases in height may be issued at the discretion of the Zoning Administrator or his/her designee in the increments specified below to a maximum building height of 55 feet in accordance with the following parameters. Proposals for height bonuses shall be evaluated as part of site and building plans review; the Zoning Administrator or his/her designee, retains the ability to request any supporting documentation necessary to complete his/her review.

- a. Where perimeter bufferyards are required, if the applicant provides perimeter bufferyards that are twice the width and contain twice the quantity of plantings minimally required along each perimeter lot line or, in cases where no perimeter bufferyards are required, if the applicant provides perimeter bufferyards along the adjoining lot line(s) that are equivalent to the Type C bufferyard per Article 17.7, add 2.5 feet in allowable height.
- b. Should the proposed structure be designed to LEED Certification, add 3 feet to allowable height; LEED Silver Certification, add 6 feet to the allowable height; LEED Gold Certification, add 9 feet to the allowable height; and LEED Platinum Certification, add 12 feet to the allowable height. Assurances of certification eligibility will be required before the Single-Site Development (Site) Plans are approved, and applicable building permits issued.
- c. For every 10% reduction in impervious surface coverage below the required maximum impervious coverage threshold, through creative site design, land setbacks, and/or installation of bona fide Low-Impact Development (LID) techniques based on the *Low Impact Development in Coastal South Carolina: A Planning and Design Guide* or otherwise acceptable technical guidance, add 4 feet to the allowable height to a maximum of 12 feet. The Zoning

Administrator or his/her designee retains the ability to request assurances to ensure perpetual maintenance, preservation, and functionality of said improvements and/or setbacks.

- d. If pedestrian facilities, constructed to a minimum unobstructed width of five feet and compliant to ADA specifications, are provided throughout and connect the intended use(s) to existing and/or proposed sidewalk facilities within the public right of way and adjoining properties, add 2.5 feet to the allowable height.
 - e. If cross accesses and/or shared accesses are provided to neighboring properties, allowing access to adjoining properties without utilizing adjoining public roadways, add 2.5 feet to the allowable height.
 - f. If street trees are provided and maintained in accordance with the Berkeley County Street Tree Planting Standards Manual along all streets or primary access drives proposed to serve the development, add 2.5 feet to the allowable height.
2. The height limits contained in the airport overlay district, as regulated by Article 10, may apply additional height limitations to a specific piece of property.

§7.3.15. *Single-Site Development (Site) Plan.* A Single-Site Development (Site) Plan, prepared and submitted in accordance with the processes and requirements established in Chapter 59, The Land Development and Subdivision Regulations of Berkeley County, is required to be reviewed and, and upon demonstrated conformance to all applicable standards, approved prior to commencement of development and/or redevelopment activities. The plan shall also include, at a minimum, the following information.

- A. The Single-Site Development (Site) Plan shall also demonstrate conformance to applicable conditional use standards contained herein or specified in Article 11.
- B. The Single-Site Development (Site) Plan shall accompany any necessary supporting documentation or materials required for submittal, review, and/or approval per Chapter 59.

§5.5 MULTIFAMILY RESIDENTIAL DISTRICT SMALL-SCALE (R4)

§5.5.9. *Density regulations.*

- A. Maximum density: Seven dwelling units per acre, based on gross acreage.
- B. Innovative site design, qualifying for density bonus, may be permitted as subject to the conditions and requirements established in §13.2, for subdivision of attached units or buildings into individual lots, or §13.11 for *Multi-Family Single Site Development*, as applicable.

§5.5.15. *Subdivision of Multifamily Units.* Where attached units, patio homes, and/or duplex, triplex, and/or quadraplex buildings are to be subdivided into individual lots, the following provisions shall apply:

- A. Preliminary Plan shall be prepared, submitted, and reviewed in accordance with the standards and requirements set forth in Chapter 59, *The Land Development and Subdivision Regulations of Berkeley County*.
- B. Where dwelling units are subdivided into individual lots, lot lines shall conform to centerline walls dividing individual units.
- C. Townhouses, patio homes, duplexes, triplexes, and quadraplexes shall have front and rear yards.
- D. Streets must meet the requirements of Chapter 59, *The Land Development and Subdivision Regulations of Berkeley County*.
- E. Publicly maintained streets must be designed with limited access (no individual driveways) and have common parking areas located outside the right-of-way, or have typical lot widths of 40 feet or greater.

§5.5.17. *Single-Site Development (Site) Plan.* A Single-Site Development (Site) Plan, when required, shall be prepared and submitted in accordance with the processes and requirements established in Chapter 59, *The Land Development and Subdivision Regulations of Berkeley County*, is required to be reviewed and, and upon demonstrated conformance to all applicable standards, approved prior to commencement of development and/or redevelopment activities. The plan shall also include, at a minimum, the following information.

- A. The *Single-Site Development (Site) Plan* shall also demonstrate conformance to applicable conditional use standards contained herein or specified in Article 11.
- B. The *Single-Site Development (Site) Plan* shall accompany any necessary supporting documentation or materials required for submittal, review, and/or approval per Chapter 59.

§5.6 MULTIFAMILY RESIDENTIAL DISTRICT LARGE-SCALE (R5)

§5.6.9. *Density regulations.*

- A. Maximum density: Ten dwelling units per acre, based on gross acreage.
- B. Innovative site design, qualifying for density bonus, may be permitted as subject to the conditions and requirements established in §13.2, for subdivision of attached units or buildings into lots, or §13.11 for *Multi-Family Single Site Development*, as applicable.

§5.6.12. *Building Requirements.*

- A. Impervious coverage: 50 percent maximum.

- B. Building height will be governed by the current adopted Building Codes of Berkeley County and as stated herein. After the height limitations are reviewed, the Building and/or Zoning Official may impose additional restrictions. During the required planning and code review, the Official will give consideration to the design of the structure(s) and the County's abilities to gain adequate access for firefighting personnel and that such building is designed or is equipped to provide adequate protection against the dangers of fire, and/or that such building is served by an internal fire service organization. The applicant shall incorporate building techniques and safety features as necessary to demonstrate capacity to handle unforeseeable emergencies (such as fires) to the satisfaction of the Fire Marshall or designee. Building height will be held to a base height of 40 feet.

1. Height Bonus: Increases in height may be issued at the discretion of the Zoning Administrator or his/her designee in the increments specified below to a maximum building height of 55 feet in accordance with the following parameters. Proposals for height bonuses shall be evaluated as part of site and building plans review; the Zoning Administrator or his/her designee, retains the ability to request any supporting documentation necessary to complete his/her review.
 - a. Where perimeter bufferyards are required, if the applicant provides perimeter bufferyards that are twice the width and contain twice the quantity of plantings minimally required along each perimeter lot line or, in cases where no perimeter bufferyards are required, if the applicant provides perimeter bufferyards along the adjoining lot line(s) that are equivalent to the Type C bufferyard per Article 17.7, add 2.5 feet in allowable height.
 - b. Should the proposed structure be designed to LEED Certification, add 3 feet to allowable height; LEED Silver Certification, add 6 feet to the allowable height; LEED Gold Certification, add 9 feet to the allowable height; and LEED Platinum Certification, add 12 feet to the allowable height. Assurances of certification eligibility will be required before the Single-Site Development (Site) Plans are approved, and applicable building permits issued.
 - c. For every 10% reduction in impervious surface coverage below the required maximum impervious coverage threshold, through creative site design, land setbacks, and/or installation of bona fide Low-Impact Development (LID) techniques based on the *Low Impact Development in Coastal South Carolina: A Planning and Design Guide* or otherwise acceptable technical guidance, add 4 feet to the allowable height to a maximum of 12 feet. The Zoning Administrator or his/her designee retains the ability to request assurances to ensure perpetual maintenance, preservation, and functionality of said improvements and/or setbacks.

- d. If pedestrian facilities, constructed to a minimum unobstructed width of five feet and compliant to ADA specifications, are provided throughout and connect the intended use(s) to existing and/or proposed sidewalk facilities within the public right of way and adjoining properties, add 2.5 feet to the allowable height.
 - e. If cross accesses and/or shared accesses are provided to neighboring properties, allowing access to adjoining properties without utilizing adjoining public roadways, add 2.5 feet to the allowable height.
 - f. If street trees are provided and maintained in accordance with the Berkeley County Street Tree Planting Standards Manual along all streets or primary access drives proposed to serve the development, add 2.5 feet to the allowable height.
2. The height limits contained in the airport overlay district, as regulated by article 10, may apply additional height limitations to a specific piece of property.

§5.6.15. *Subdivision of Multifamily Units.* Where attached units, patio homes, and/or duplex, triplex, and/or quadraplex buildings are to be subdivided into individual lots, the following provisions shall apply:

- A. Preliminary Plan shall be prepared, submitted, and reviewed in accordance with the standards and requirements set forth in Chapter 59, The Land Development and Subdivision Regulations of Berkeley County.
- B. Where dwelling units are subdivided into individual lots, lot lines shall conform to centerline walls dividing individual units.
- C. Townhouses, patio homes, duplexes, triplexes, and quadraplexes shall have front and rear yards.
- D. Streets must meet the requirements of Chapter 59, The Land Development and Subdivision Regulations of Berkeley County.
- E. Publicly maintained streets must be designed with limited access (no individual driveways) and have common parking areas located outside the right-of-way, or have typical lot widths of 40 feet or greater.

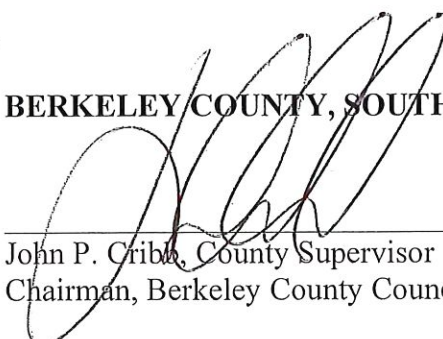
§5.6.17. *Single-Site Development (Site) Plan.* A Single-Site Development (Site) Plan, prepared and submitted in accordance with the processes and requirements established in Chapter 59, *The Land Development and Subdivision Regulations of Berkeley County*, is required to be reviewed and, and upon demonstrated conformance to all applicable standards, approved prior to commencement of development and/or redevelopment activities. The plan shall also include, at a minimum, the following information.

- A. The *Single-Site Development (Site) Plan* shall also demonstrate conformance to applicable conditional use standards contained herein or specified in Article 11.
- B. The *Single-Site Development (Site) Plan* shall accompany any necessary supporting documentation or materials required for submittal, review, and/or approval per Chapter 59.

ADOPTED this 24th day of May, 2021.


[SEAL]

BERKELEY COUNTY, SOUTH CAROLINA




John P. Cribb, County Supervisor
Chairman, Berkeley County Council

Attest:



Shelley R. Forest
Interim Clerk to County Council



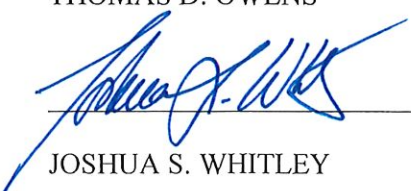



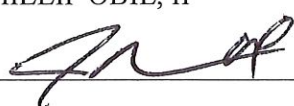
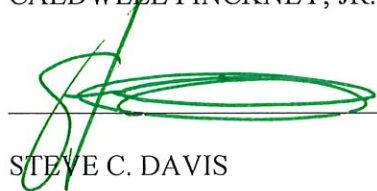
Approved as to form:



John O. Williams, II
County Attorney

First Reading: March 22, 2021
Second Reading: April 26, 2021
Public Hearing: May 24, 2021
Third Reading: May 24, 2021

MEMBERS OF COUNTY COUNCIL

 _____ THOMAS D. OWENS	Voting <u>Aye</u>	 _____ BRANDON COX	Voting <u>Aye</u>
 _____ JOSHUA S. WHITLEY	Voting <u>Aye</u>	 _____ JACK H. SCHURLKNIGHT	Voting <u>Aye</u>
 _____ PHILLIP OBIE, II	Voting <u>Aye</u>	 _____ CALDWELL PINCKNEY, JR.	Voting <u>Aye</u>
 _____ JOE T. NEWELL	Voting <u>Aye</u>	 _____ STEVE C. DAVIS	Voting <u>Aye</u>