



Kershaw County



AGENDA PACKET

PART 5 OF 8

**KERSHAW COUNTY
COUNCIL MEETING
TUESDAY, JULY 25, 2023**

ORDINANCES 8F

First Reading: Case 23-11: An Ordinance To Amend The Kershaw County, South Carolina Unified Code Of Zoning And Land Development Regulations, To Amend Article 2 To Delete “Conservation Design” As A Defined Term; To Amend Section 3:1.3 By Repealing Table 3-5; To Amend Section 3:1.3, Table 3-6 By Removing References To Non-Residential Conservation Design Developments; To Amend Section 3:5.4-4 By Repealing Provisions Related To Conservation Design Subdivision And Group Development Projects; To Amend Section 3:5.4-5 By Repealing Provisions Relating To Open Space In A Conservation Design Subdivision And Group Development Design Project; To Amend Section 5:2.1-2, Table 5-4 To Remove Reference To Conservation Design Projects; To Repeal Section 5:3.3 To Remove All Provisions Related To Conservation Subdivision And Group Development Designs; And To Amend The Table Of Contents For Articles 3 And 5 By Removing All References To Ordinance Provisions Repealed By This Ordinance.

**Kershaw County,
South Carolina Unified Code
of
ZONING AND
LAND DEVELOPMENT
REGULATIONS**

**KERSHAW COUNTY PLANNING AND ZONING
COMMISSION**

**REQUEST FOR TEXT AMENDMENT BY
KERSHAW COUNTY (CASE 23-11)**

PROPOSAL: To amend the Kershaw County, South Carolina Unified Code of Zoning and Land Development Regulations, to amend Article 2 to delete “Conservation Design” as a defined term; to amend Section 3:1.3 by repealing Table 3-5; to amend Section 3:1.3, Table 3-6 by removing references to non-residential conservation design developments; to amend Section 3:5.4-4 by repealing provisions related to Conservation Design Subdivision and Group Development projects; to amend Section 3:5.4-5 by repealing provisions relating to open space in a Conservation Design Subdivision and Group Development design projects; to amend Section 5:2.1-2, Table 5-4 to remove reference to Conservation Design projects; to repeal Section 5:3.3 to remove all provisions related to Conservation Subdivision and Group Development designs; and to amend the Table of Contents for Articles 3 and 5 by removing all references to ordinance provisions repealed by this Ordinance.

July 10, 2023 **(See page 3 for Planning and Zoning Commission Action Summary)**

Kershaw County Planning & Zoning 515 Walnut St. Camden, SC 29020

STAFF REPORT

KERSHAW COUNTY PLANNING AND ZONING COMMISSION (July 10, 2023 Meeting)

Request #: 23-11

Applicant: Kershaw County

Proposal: To amend the Kershaw County, South Carolina Unified Code of Zoning and Land Development Regulations, to amend Article 2 to delete “Conservation Design” as a defined term; to amend Section 3:1.3 by repealing Table 3-5; to amend Section 3:1.3, Table 3-6 by removing references to non-residential Conservation Design developments; to amend Section 3:5.4-4 by repealing provisions related to Conservation Design Subdivision and Group Development projects; to amend Section 3:5.4-5 by repealing provisions relating to open space in a Conservation Design Subdivision and Group Development design projects; to amend Section 5:2.1-2, Table 5-4 to remove reference to Conservation Design projects; to repeal Section 5:3.3 to remove all provisions related to Conservation Subdivision and Group Development designs; and to amend the Table of Contents for Articles 3 and 5 by removing all references to ordinance provisions repealed by this Ordinance.

Background Summary:

- By affirmative vote of Kershaw County Council at its meeting of June 13, 2023, Kershaw County staff were directed to review allowed densities of single-family development in the ZLDR and propose text amendments to the ZLDR increasing the minimum lot size for single-family residential development to 15,000 sq. ft. per unit.
- In furtherance of decreasing the density of residential development in Kershaw County and reducing potential impacts of high-density residential development, the Kershaw County, South Carolina Unified Code of Zoning and Land Development Regulations (ZLDR) was reviewed for density allowances associated with the conservation design district.
- During review of the provisions of the ZLDR governing conservation design subdivision and group development design projects it was revealed that the provisions related to

conservation design subdivisions are flawed such that the design requirements are unachievable in practice.

- Staff reports that developers have explored implementing the conservation design district standards for development projects, but staff does not believe any projects have been developed utilizing conservation design subdivision standards, despite the existence of the conservation design ZLDR provisions for approximately ten (10) years.
- While Kershaw County wishes to allow for development projects which carry out the purposes of the conservation design, the provisions as written are impractical and should be repealed in their entirety.
- Repealing all current provisions related to conservation design projects will serve to allow better efficiency in the creation of new ordinances which will seek to achieve the same goals and purposes of conservation design projects.

Planning Commission Options:

Reviewing a request for a text amendment the Planning and Zoning Commission may:

1. Forward a favorable recommendation to the Kershaw County Council
2. Forward an unfavorable recommendation to the Kershaw County Council
3. Continue to the review to the next Planning Commission Meeting

The Kershaw County Council makes all final decisions regarding text amendment applications. Kershaw County Council must also hold a public hearing for this text amendment prior to third reading of the amendment ordinance.

Attachments:

- Petition for Text Amendment
- Exhibit 1: Text amendment language
- Draft County Council Ordinance for reference

Planning and Zoning Commission Action Summary

On July 10, 2023 at the regular Planning and Zoning Commission meeting, members present were Claude Eichelberger, Kevin Scharf, George Harkins, Robert Andrews, and Robert Horton. Absent were members Fiona Martin and Libby Davis.

After the staff presentation, George Harkins made a motion that the Planning and Zoning Commission recommend approval of the text amendment, with a second by Mr. Scharf.

After discussion, the vote on the motion to recommend approval of the text amendment was (5-0) and therefore the matter has been referred to the Kershaw County Council with recommendation for approval.

CONSERVATION DESIGN DISTRICT APPLICATION

Kershaw County Planning and Zoning Department

515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233



**PETITION TO PLANNING AND ZONING COMMISSION FOR
A TEXT AMENDMENT TO THE UNIFIED CODE OF ZONING AND LAND
DEVELOPMENT REGULATIONS**

DATE: 6.28.2023	REQUEST NO.: Case 23-11
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APPLICANT			
NAME: Danny Templar, County Administrator	E-MAIL danny.templan@kershaw.sc.gov		
MAILING ADDRESS: 515 Walnut Street	CITY: Camden	STATE: SC	ZIP: 29020
TELEPHONE: (803) 425-1500	CELL:	FAX: (803) 425-1548	

<p>PURPOSE OF PROPOSED AMENDMENT: This application is made on behalf of, and at the direction of, Kershaw County Council. To remove and delete the Conservation Design (CD) zoning district from the Kershaw County ZLDR. The removal and deletion of CD district furthers the directive of Kershaw County Council to propose ZLDR text amendments to increase minimum lot size for residential development to 15,000 sq. ft. pursuant to motion passed at the June 13, 2023 Kershaw County Council meeting. Planning Department staff advise the CD district has not been utilized in the ten (10) years it has been available.</p>

<p>PROPOSED TEXT AMENDMENT: The applicant requests that Article 2, Table 3-5; Section 3:1.3, Table 3-8; Section 3:5. 4-4; Section 3:5 4-5; Section 5:2. 1-2; Table 5-4; Section 5:3.3; Table of Contents for Articles 3 and 5.</p> <p align="center">See attached draft text amendment</p>

SIGNATURE:	DATE: 6/28/2023
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Text Amendment Application 12.15.10



~~Indicates Matter Stricken~~

Indicates New Matter

ARTICLE 2 DEFINITIONS

~~Conservation Design~~ -- A type of residential or commercial development where sixty (60) percent or more of the development land area is designated as undivided permanent open space; thereby permanently protecting agriculturally, environmentally, or ecologically significant areas within the parcel. The remaining developable land is subdivided into buildable lots or utilized as a group development; typically with more density than would be found in a traditional development within the zoning district

ARTICLE 3.....ZONING REGULATIONS

3:1.3 Uses of Tables

{Table 3-5 on following page}

Table 3-5 SCHEDULE OF LOT AREA, YARD, SETBACK, HEIGHT, DENSITY, FLOOR AREA, AND IMPERVIOUS SURFACE REQUIREMENTS BY DISTRICT FOR RESIDENTIAL USES - CONSERVATION DESIGN

Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area, and Impervious Surface Requirements by District RESIDENTIAL USES-CONSERVATION DESIGN									
DISTRICT	AREA (SQ. FT.) (A)	STREET FRONTAGE WIDTH (FT.) (B)	SETBACKS (FT. FROM PROPERTY LINE) (C)			MAXIMUM BUILDING HEIGHT (FT.) (D)	MAXIMUM IMPERVIOUS SURFACE RATIO (E)	MAXIMUM DENSITY DEVELOPABLE AREA (F)	MAXIMUM DENSITY ENTIRE PROJECT AREA (F)
			FRONT	SIDE	REAR				
R-15-CD	6,000 (-13-acre) 6,000 (-13-acre) 8,000 (-18-acre) duplex	50	25	5	20	35	60	7.26	2.9
R-10-CD		50	25	5	20	35	60	10.89	4.25
RD-1, RD-2 MRD-1-CD	10,500 (-25-acre)	50	25	25	20	35	60	4.0	1.6

NOTES

SQ. FT. = square feet FT. = feet (NA) = Not Applicable

- (A) Conservation design development requires utilization of public sewer or community onsite sewage treatment and disposal systems and public water for these areas to apply.
- (B) As measured on street frontage units on cul-de-sacs or on curbs less than ninety (90) degrees.
- (C) Refer to yard and setback modification provisions of this Ordinance.
- (D) Measurement from average elevation of finished grade within twenty (20) feet of the structure to the bottom of the eave. Refer to exceptions.
- (E) Measured as a percent of total lot area. Impervious surface ratios in conservation design (CD) projects refer only to lots located in the developable area (max 40%) of the project.
- (F) Measurement in units per gross acre. Density of conservation design developments expressed in density of the maximum 40% project site developable area and the overall density of the entire project site.
Example: RD-1, RD-2, MRD-1 Conservation Design 100-acre tract maximum 40% developable land and minimum 60% in land preservation. Density of 4 units per acre on maximum 40 acres = 4 units/acre x 40 acres = 160 Units
Density of 1.6 units per acre on entire 100 acres = 160 units / 100 acres = 1.6 units per acre

Table 3-6 SCHEDULE OF LOT AREA, YARD SETBACK, HEIGHT, DENSITY, FLOOR AREA, AND IMPERVIOUS SURFACE REQUIREMENTS BY DISTRICT FOR NON-RESIDENTIAL USES

Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area, and Impervious Surface Requirements by District

NON-RESIDENTIAL USES

DISTRICT	AREA (SQ. FT.) (A)	STREET FRONTAGE WIDTH (FT.) (B)	SETBACKS (FT. FROM PROPERTY LINE) (C)			MAXIMUM BUILDING HEIGHT (FT.) (D)	MAXIMUM IMPERVIOUS SURFACE RATIO (E)	MAXIMUM FLOOR/AREA RATIO (F)
			FRONT	SIDE	REAR			
R-15	30,000 (.68 acres)	80	35	25	40	35	.50	.40
R-10	20,000 (.45 acres)	75	25	25	40	35	.60	.50
R-6	20,000 (.45 acres)	50	25	25	40	35	.60	.50
O-1	6,000 (.22 acre)	50	35	10	20	35	.75	.40
B-2	6,000 (.13 acre)	40	35	10. If adjacent to residential district, 40.	20. If adjacent to residential district, 40.	4 stories	.75	NONE
B-3	6,000 (.13 acre)	40	35	10. If adjacent to residential district, 40.	20. If adjacent to residential district, 40.	35	.75	NONE
I-1	10,000 (.45 acres)	75	35	10. If adjacent to residential district, 40.	20. If adjacent to residential district, 40.	NONE	.75	NONE
GD	6,000 (.13 acre)	50	35	10	10	4 stories	.75	NONE
RD-1, RD-2, and MRD-1	21,760 (.5 acre)	100	35	20	30	35	.40	.20

NOTES

SQ. FT. = square feet FT. = feet (NA) = Not Applicable

- (A) The minimum lot size in all zoning districts for lots without access to public sewer or community onsite sewage treatment and disposal systems and public water (lots on septic tank and well) shall be three quarters (¾) of an acre (.75 acre). The minimum lot size in R-15, R-10, R-6, O-1, B-2, B-3, I-1, and GD zoning districts for lots without access to public sewer or Community Onsite Sewage Treatment and Disposal Systems but on public water shall be one half (½) an acre (.50 acre).
- (B) As measured on street frontage unless on cul-de-sacs or on curbs less than 90 degrees.
- (C) Refer to yard and setback modification provisions of this Ordinance. Zero lot lines are allowed on common wall buildings.
- (D) Measurement from average elevation of finished grade within 20 feet of the structure to the bottom of the eave. Refer to exceptions.
- (E) Measured as a percent of total lot area. ~~Non-residential conservation design developments (CD) in R-15, R-10, R-6, and RD-zones impervious surface area may be increased to .75 of the developable area of the project.~~

(F) Measured as a percent of total lot area. Non-residential conservation design developments (CD) -- all floor (building footprint) areas to be located in developable areas: (maximum 40% of total site area).

3:5.4-4 Types of Common Open Space and Required Maintenance

The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

- A. **Natural Areas** - Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
- B. **Recreational Areas** - Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ball fields, and similar uses. Recreational area shall be accessible to all residents of the development. Maintenance shall ensure that there exist no hazards, nuisances, or unhealthy conditions.
- C. **Greenways** - Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.
- D. **Landscaped areas, lawns, and required buffer areas**, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two (2) percent of the required open space. Lawns, with or without trees and shrubs, shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be pruned, cleaned, kept free of weeds, and watered regularly.
- ~~E. **Conservation Design Subdivision and Group Development Projects** - Open space areas identified as agriculturally, environmentally, or ecologically significant shall be governed per the conservation design subdivision and group development provisions of this Ordinance.~~

3:5.4-5 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided, or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

- A. Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
- B. Deed restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.
- ~~C. Open space in a conservation design subdivision and group development design project must be held in a conservation easement.~~

In the event that any private owner of open space fails to maintain same, the County may in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

ARTICLE 5 LAND DEVELOPMENT REGULATIONS

5:2 LAND DEVELOPMENT SUBMITTAL REQUIREMENTS AND APPROVAL PROCESS

5:2.1 General Application Process

5:2.1-1 Purpose

The purpose of this section is to establish the procedure for processing land development applications.

5:2.1-2 Application Process

The application process consists of the pre-application conference, application, review, and approval.

A. **Pre-Application Conference and Sketch Plan Review** - For the purpose of securing advice in the formative stages of development design, expediting applications, and reducing development costs, the developer may request a pre-application conference and/or sketch plan review in accordance with the following requirements:

1. **Pre-Application Conference** - At the request of the applicant, the County Planning Official shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the Comprehensive Plan, and related matters. The Planning Official shall invite all affected or interested agencies.
2. **Sketch Plan Review**- In addition, or as an alternative to the pre-application conference, the applicant may request an informal review of a sketch plan for the proposed subdivision or development. Applications for a major subdivision require a formal sketch plan for Planning and Zoning Commission review and approval. Similarly, applications for a planned development district (PDD) require a formal PDD site plan for Planning and Zoning Commission review and approval.

B. **Applications** - Applications will be assigned to one (1) of the following seven categories, as determined by the Planning Official, and processed accordingly:

1. Exempt subdivision.
2. Minor subdivision.
3. Major subdivision.
4. Large acreage residential developments on private roads.
5. Minor group development.
6. Major group development.
7. Planned development district.

C. **Review** - The designated responsibility for reviewing and approving each of the above is as follows:

Table 5-4 LAND DEVELOPMENT REVIEW AND APPROVAL RESPONSIBILITIES					
Development Type	Planning Official	County Engineer	Building Official	Planning Commission	County Council
Exempt Subdivision	✓				

Minor Subdivision	✓				
Major Subdivision	✓	✓		✓	
Large Acreage	✓	✓			
Minor Group Development	✓	✓	✓		
Major Group Development	✓	✓	✓	✓	
Planned Development District	✓	✓		✓	✓
<small>Note: Subdivisions or group developments may be developed under the conservation subdivision and group development design provisions of this Ordinance. All respective land development submittal requirements are applicable to conservation design projects.</small>					

~~5:3.3 Conservation Subdivision and Group Development Design~~

~~5:3.3-1 Conservation Design~~

~~Conservation design is a type of residential or commercial development where sixty (60) percent or more of the developable land area is designated as undivided permanent open space; thereby permanently protecting agriculturally, environmentally, or ecologically significant areas within the parcel. The remaining developable land is subdivided into buildable lots or utilized as a group development; typically with more density than would be found in a traditional development within the zoning district. Kershaw County encourages the use of conservation design on all suitable land in all development projects.~~

~~5:3.3-2 Purpose~~

~~The use of conservation subdivision and group development design seeks to optimize land use in Kershaw County while maintaining a balance between the preservation of agriculturally, environmentally, and ecologically significant areas and allowing for reasonable and sustainable growth. New development shall avoid disturbance of areas or elements identified as "sensitive" or "significant." In seeking to achieve this and the goals defined in Kershaw County's Comprehensive Plan, the purpose of this Article shall be to:~~

- ~~A. Preserve the unique rural character of Kershaw County.~~
- ~~B. Permit reasonable development that is in accordance with the principles of open space conservation.~~
- ~~C. Accommodate the development of sustainable communities while protecting and preserving areas of agricultural, environmental, and ecological significance.~~
- ~~D. Maintain separation of non-compatible land uses.~~
- ~~E. Preserve the scenic and natural character of the County.~~
- ~~F. Promote an interconnected network of open space that promotes livable, sustainable subdivision development and wildlife habitat and corridors.~~
- ~~G. Economize in the installation of infrastructure and the provision of public services.~~
- ~~H. Direct development away from wetlands, floodplains, areas of highly erodible topography, and soil types unsuitable for development.~~

~~To achieve these objectives, clustering is allowed on the developable portion of the land. Clustering is a subdivision and group development design method that concentrates development in specific areas on the proposed site. The purpose of clustering is to allow increased density on a portion of the parcel,~~

while preserving the rest as permanent open space. The overall density of the entire development property remains comparable to a traditional development within the zoning district. The concept of clustering provides for flexibility in subdivision design that fits the natural characteristics of the land and permits more useable open space, the preservation of prime agricultural land, and land containing one or more sensitive areas. Refer to Table 3:5, Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area, and Impervious Surface Requirements by District to see how residential clustering applies in conservation design areas in a specific zoning district. (Note that Table 3:5 is duplicated at the end of this section.) For commercial and other non-residential developments, increased density in the developed portion of the project can be accomplished utilizing zero lot line buildings.

5:3.3-3 Applicability

The Planning and Zoning Commission encourages the use of conservation subdivision and group development design where residential subdivisions, commercial subdivisions, and group developments are proposed on a parcel where fifty (50) percent or more of the parcel has been identified by the appropriate oversight agency as agriculturally, environmentally, or ecologically significant.

Those areas deemed to be of agricultural, environmental, or ecological significance, as defined below, shall, for the purposes of this Ordinance, be referred to as "significant." The specific characteristics of these areas are defined as follows:

- A. **Agriculturally Significant Land** - Prime farmland soils as defined and delineated by the U.S. Department of Agriculture, and soils classified as "Soils of Statewide Importance" by the State Food and Agriculture Council comprised of the USDA State agency heads of the Natural Resource Conservation Service, the Farm Service Agency, and Rural Development.
- B. **Erodable Lands** - Areas of incline, whether natural or man-made, lacking sufficient vegetation to prevent instability, erosion, or
 - C. greater are subject to review by the USDA Natural Resources Conservation Service (NRCS). The NRCS will make the final determination regarding the area's erodability.
- D. **Environmentally Significant Areas** - Any tract of land that contains one (1) or more of the following sensitive areas as defined by the SC Department of Natural Resources:
 - 1. Critical wildlife habitats - Areas containing elements vital to the survival of endangered or threatened species including, but not limited to, food sources and cover.
 - 2. Scenic natural areas.
- E. **Flood Hazard Areas** - Areas at high risk of inundation by water as a result of a flood. Known areas of flood hazard are indicated on the Flood Insurance Rate Map for Kershaw County.
- F. **Scenic Natural Areas** - Any area which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, scenic rivers, mature tree stands, and/or any other feature deemed to be significant by the SC Department of Natural Resources or as demonstrated to the Kershaw County Planning and Zoning Commission.
- G. **Stream Corridors** - The primary channel of a river or stream and any portions of the floodplain adjoining the channel that is reasonably required to carry and discharge its water. Refer to the water quality buffer regulations of this Article.
- H. **Outstanding Natural Resource Waters** - Waters of high water quality as designated by the SC Department of Health and Environmental Control (SCDHEC) which are protected from any discharges.
- I. **Wetlands** - An area saturated by surface water or ground water such that it supports the growth and existence of vegetation suited to such areas. The key indicator for wetlands is the presence of hydric soils. Hydric soils are soils susceptible to saturation by water, as defined by the USDA Natural

~~Resources Conservation Service. Areas containing hydric soils will be subject to review by the USDA Natural Resources Conservation Service. The United States Army Corps of Engineers will make the final determination regarding the existence of a wetland.~~

- ~~J. **Old-Growth Forests** – An area containing contiguous wooded parcels of significant size, containing a rich diversity of native flora species in associations typical of pre-European settlement ecosystems; areas with rare, threatened, endangered, or special species, or with ancient individuals, when in combination with understory species typical of pre-European settlement ecosystems.~~

5:3.3-4 Process

~~A qualified conservation design development shall consist of a parcel in which a minimum of sixty (60) percent of the parcel is designated as permanent open space. The portion of the parcel designated as permanent open space shall not be further subdivided and must be protected by a conservation easement held by the homeowners' association, local conservation commission, or land trust which is recorded with the Kershaw County Register of Deeds.~~

~~Kershaw County encourages the use of conservation design on all suitable land in all development projects. All landowners and developers are encouraged to work closely with the County Planning and Zoning Staff in the design and platting process.~~

~~The developer/applicant shall supply a completed application to the Kershaw County Planning and Zoning Department which includes a draft of the conservation easement for the portion of the property that will remain as permanent open space or agricultural land, and a fully dimensioned site plan, drawn to scale, which shall demonstrate, delineate, and label all of the following:~~

- ~~A. The site plan submittal shall include all sketch plan, planned development district, or group development site plan elements per the requirements of this Article.~~
- ~~B. The location and type of sensitive areas deemed to be of agricultural, environmental, or ecological significance, as defined in this section.~~
- ~~C. The location and type of all proposed areas to be preserved as open space or agricultural land, including areas of mitigation and preservation.~~
- ~~D. For areas of agricultural preservation, a buffer strip of at least seventy-five (75) feet must be delineated. When possible, existing woodlands should be used. If not, a variety of rapidly growing indigenous trees and shrubs should be planted thickly in the buffer strip.~~
- ~~E. Any other provisions not specifically required or excluded herein, as required by the zoning and land development provisions of this Ordinance and all other applicable County ordinances.~~
- ~~F. All elements of the site plan shall be readily evident upon site inspection.~~
- ~~G. Elements not readily evident shall be marked for identification upon site inspection.~~
- ~~H. Areas designated to remain as open space or agricultural land, or areas of conservation shall be marked for identification upon site inspection.~~
- ~~I. All construction contracts shall include language protecting sensitive areas, agricultural land, areas of conservation, and areas containing sensitive elements.~~

~~Upon receipt of the application, the review process for the conservation subdivisions and group developments shall be the same as outlined in the procedures for plat and land development approval of this Ordinance. Included with the final plat, the developer shall submit an agreement regarding the liability for and maintenance of the open space. In addition, the developer must include a conservation easement/open space covenant protecting the open space from any further development.~~

~~The homeowners' association, local conservation commission, or land trust shall administer the~~

permanent open space, and is responsible for upkeep, insurance, and any other responsibilities associated with ownership and/or administration of the land. The terms and conditions of the conservation easement shall be approved by the Planning and Zoning Commission.

5:3.3-5 Compliance

Failure to comply with the requirements of the conservation subdivision and group development design shall be cause for a "Stop Work" order on applicable permits. New permits or "Resume Work" orders shall not be issued until all requirements of this Ordinance are met and the required fines are paid through the courts as provided for in the Administration article of this Ordinance.

Table 3-5 SCHEDULE OF LOT AREA, YARD, SETBACK, HEIGHT, DENSITY, FLOOR AREA, AND IMPERVIOUS SURFACE REQUIREMENTS BY DISTRICT FOR RESIDENTIAL USES - CONSERVATION DESIGN

ack, Height, Density, Floor Area, and Impervious Surface Requirements by District RESIDENTIAL USES CONSERVATION DESIGN									
DISTRICT	AREA (Sq.-Ft.)	STREET FRONTAGE WIDTH (FT) (B-)	SETBACKS (FT. FROM PROPERTY LINE)			MAXIMUM BUILDING HEIGHT (FT.) (D-)	MAXIMUM IMPERVIOUS SURFACE RATIO	MAXIMUM DENSITY DEVELOPED AREA	MAXIMUM DENSITY ENTIRE PROJECT AREA (F.)
			FRONT	SIDE	REAR				
R-15 CD	6,000 .13 acres	50	25	5	20	35	.60	7.26	2.9z
R-10 CD	6,000 .13 acre; Single-Family y 8,000 .18 acre; Duplex	50	25	5	20	35	.60	10.89	4.35
RD-1 RD-2 MRD-1 CD	10,890 .25 acre	50	25	25	20	35	.60	4.0	1.6

NOTES

- SQ. FT. = square feet FT. = feet (NA) = Not Applicable
- (A) Conservation design development requires utilization of public sewer or community onsite sewage treatment and disposal systems and public water for these areas to apply.
- (B) As measured on street frontage unless on cul-de-sacs or on curbs less than ninety (90) degrees.
- (C) Refer to yard and setback modification provisions of this Ordinance.
- (D) Measurement from average elevation of finished grade within twenty (20) feet of the structure to the bottom of the eave. Refer to exceptions.
- (E) Measured as a percent of total lot area. Impervious surface ratios in conservation design (CD) projects refer only to lots located in the developable area (max 40%) of the project.
- (F) Measurement in units per gross acre. Density of conservation design developments expressed in density of the

~~maximum 40% project site developable area and the overall density of the entire project site:~~

~~Example: RD-1, RD-2, MRD-1 Conservation Design 100-acre tract maximum 40% developable land and minimum 60% in land preservation:~~

~~Density of 4 units per acre on maximum 40 acres = 4 units/acre x 40 acres = 160 Units~~

~~Density of 1.6 units per acre on entire 100 acres = 160 units ÷ 100 acres = 1.6 units per acre~~

~~Indicates Matter Stricken~~Indicates New Matter

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