

# **Ordinance 25-06**

## **An Ordinance Amending the Residential Detached (Limited) Approval Process and Certain Rules and Proceedings of the Board of Zoning Appeals**



**Whereas,** the current Residential Detached (Limited) land use activities requires approval from the Board of Zoning Appeals in the form of a special exception and the current Board of Zoning Appeals proceedings requires a two-thirds vote of voting members; and

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

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

### **ARTICLE 12 – Residential Detached (Limited) Developments**

#### **Chapter 1. General Provisions**

##### **121.00 General Provisions**

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

##### **121.10 Jurisdiction**

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

##### **121.20 Definition**

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

### **121.30 Application of Regulations**

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

### **~~121.40 Special Exception Review~~**

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

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

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

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

### **121.540 Zoning Permit**

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

### **121.650 Adherence to Other Regulations**

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

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

### **121.760 Approved Development Plans**

In the event the developer, or primary party, conveys lots to individual builders, it shall be his/her responsibility to ensure the lots are developed in conjunction with the approved plan. Approved Residential Detached (Limited) developments that either are abandoned and/or partially completed

shall be developed as originally approved by the new owner, developer and/or entity of the project, ~~unless favorable approval by the Board of Zoning Appeals through the Special Exception process outlined in this Article.~~ The re-development of approved Residential Detached (Limited) developments shall comply with the applicable provisions of this Ordinance, as well as other ordinances and laws.

## **Chapter 2. Regulations**

### **122.00 Development Area**

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

### **122.10 Density, Lot Size, and Lot Coverage**

#### **122.11 Density**

The maximum allowed density limits for Residential Detached (Limited) developments shall comply with Section 22.30 of this Ordinance for the permissible number of dwelling units per zoning district or street classification, adhering to the most restrictive allowance. Regardless of density, a secondary dwelling unit is prohibited within these developments.

#### **122.12 Lot Size**

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

#### **122.13 Lot Coverage**

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

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

#### **122.20 Structural Design Standards**

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

#### **122.30 Parking Standards**

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

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

## **122.40 Open Space**

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

## **122.50 Nonconformity**

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

# **ARTICLE 17 – Administration**

## **Chapter 2. The Board of Zoning Appeals**

### **172.30 Rules and Proceedings of the Board**

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

- a. The presence of five members shall constitute a quorum and motions shall pass or fail by ~~two-thirds~~ **the majority** vote of those members actually voting. Motions which receive an equal number of votes for and against shall be deemed to fail. Only members in attendance at a meeting shall be eligible to vote upon motions before the Board. Proxy votes shall not be used.
- b. No action shall be taken by the Board on any case until after a public hearing, which shall include the posting of the property involved, as applicable, and the publication of a legal notice in a newspaper of general circulation in Lexington County, both at least 15 days before the date set for a public hearing. Written notice of the public hearing shall be sent by mail to the appellant and all directly affected property owners postmarked at least five days before the hearing date. No appeal shall be considered and heard before the Board less than 15 days after filing such appeal. If, after action by the Board upon an appeal, pertinent new information is uncovered that could not have reasonably been made available to the Board during the relevant public hearing, the Board shall establish a date for the rehearing of the matter in accordance with the appropriate procedures herein.
- c. All hearings shall be open to the public.

- d. The Board may call upon any other agency of Lexington County for information in the performance of its duties and it shall be the duty of such other agency to render such information to the Board as may be reasonably required.
- e. The County Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board.
- f. An appeal must be filed within 30 days from the date of refusal by the Zoning Administrator to issue a zoning permit or certify compliance with this Ordinance.
- g. Any member of the Board who shall have a direct or indirect interest in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection with that case.

**Effective Date.** This Ordinance shall be effective from the date of its third reading and enactment.

**DONE IN MEETING DULY ASSEMBLED,** this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
M. Todd Cullum, Chairman  
Lexington County Council

ATTEST:

\_\_\_\_\_  
Jessica C. Hendrix, Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third & Final Reading: \_\_\_\_\_

Planning Commission: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Filed w/Clerk of Court: \_\_\_\_\_