

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS
AMENDED: CHAPTER 2, REVIEW AND DECISION-MAKING BODIES;
CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES; CHAPTER 4
BASE ZONING DISTRICTS; AND CHAPTER 8, SUBDIVISION
REGULATIONS.**

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 1976, as amended, authorizes the County of Charleston to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed amendments of the text of various chapters of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in South Carolina law and the ZLDR and has recommended that the Charleston County Council (County Council) adopt the proposed amendments of the text of the ZLDR as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR; and

WHEREAS, County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the

challenge of a changing condition; and

- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, be ordained it by the Charleston County Council of Charleston, in meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. AMENDMENTS OF THE TEXT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments attached hereto as Exhibit "A" and made part of this Ordinance by reference.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 29th day of September,
2015.

CHARLESTON COUNTY COUNCIL

By:

J. Elliott Summey
Chairman of Charleston County Council

ATTEST:

By: _____
Beverly T. Craven
Clerk to Charleston County Council

First Reading: August 25, 2015
Second Reading: September 15, 2015
Third Reading: September 29, 2015

EXHIBIT "A"

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 2, REVIEW AND DECISION-MAKING BODIES; CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES; CHAPTER 4 BASE ZONING DISTRICTS; AND CHAPTER 8, SUBDIVISION REGULATIONS.

CHAPTER 2 REVIEW AND DECISION-MAKING BODIES

§2.4.2 DECISION MAKING AUTHORITY

The Director of the Planning Department shall have final decision-making authority on the following matters:

- A. Written Interpretations;
- B. Zoning Permits;
- C. Preliminary Subdivision Plats;
- D. Final Subdivision Plats; and
- E. All other sections of this ordinance and applications that require approval and/or interpretation by the Planning Director.

CHAPTER 3 DEVELOPMENT REVIEW PROCEDURES

§3.1.12 SUCCESSIVE APPLICATIONS

A. Time Limit

If a final Decision-Making Body denies an application for a Zoning Map Amendment, Planned Development or Special Exception use, an application for the same or more intensive zoning, development or use on the subject parcel, whether the parcel is in its original configuration, expanded or reduced in area, shall not be accepted for 12 months from the date that the Decision-Making Body acted to deny the application.

B. Waivers

The time limit of Section 3.1.12A notwithstanding, Decision-Making Bodies may, after receipt of written petition by the property owner, waive the waiting period requirement by a 2/3 vote of members present and voting. If the time limit is waived, the Decision-Making Body shall give written notice to the Planning Director, directing staff to process the application. All resubmissions shall be processed as new applications, with prescribed fees. All documents and fees required for the respective type of application shall be included with the new application. Denial of the application shall be final and the 12-month waiting period shall be met before further consideration of a similar application on the subject property.

C. Applications Withdrawn Before Public Hearing Notice

Withdrawal of an application by the applicant before advertisement of any public hearing and before any required signs have been posted on the subject property shall be considered a termination of the application.

Although no fees shall be refunded, reapplication in such cases shall not be subject to the 12-month waiting period.

D. Applications Withdrawn After Public Hearing Notice

Withdrawals of applications that occur after advertisement of any public hearing or after any required signs have been posted on the subject property shall be treated the same as a denied application. Application processing shall terminate upon receipt of written notice from the applicant or owner. Reapplication shall be subject to a 12-month waiting period unless a waiver is granted in accordance with Section 3.1.12B of this Chapter.

E. Requests for Postponements of Applications, Reconsiderations of Applications, and Reconsiderations of Conditions of Approval to the Board of Zoning Appeals

Requests for postponements of applications from Board of Zoning Appeals Public Hearings must be made in writing by the applicant. Such requests received after advertisement of any public hearing or after any required signs have been posted on the subject property shall be subject to all applicable application fees as listed in the fee schedule approved by County Council. For requests for reconsiderations of applications or reconsiderations of conditions of approval to the Board of Zoning Appeals the applicant must file a reconsideration application and letter stating the reason for the reconsideration request. If the BZA decides to reconsider an application or conditions of approval, the applicant shall file the applicable Appeal, Special Exception or Zoning Variance application fee prior to being scheduled for a BZA Public Hearing.

F. Requests for Postponements of Applications to the Planning Commission

Requests for postponements of all applications from Planning Commission meetings, with the exception of subdivision applications, must be made in writing and the letter must be signed by both the property owner(s) and the applicant(s). Postponement requests received within ten (10) calendar days of the Planning Commission meeting for which the application is scheduled shall be considered withdrawals. In the event an application is withdrawn for failure to meet the ten (10) day provision, the applicant must submit a new application in compliance with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid. The Planning Commission may waive the required fees when the request for postponement is made due to extenuating circumstances as determined in the sole discretion of the Planning Commission.

§3.6.1 APPLICATION FILING

- A. Applications for Special Exceptions shall be submitted to the Planning Director on forms available in the Planning Department.
- B. Upon submission of a Special Exception application, no additional Special Exception applications shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refiling have expired.
- C. Special Exception applications shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.
- D. No application for a Special Exception shall be accepted as complete unless it includes the required fee and the following information:
 1. Completed Special Exception application signed by the current property owner(s).
 2. Applicant's letter of intent explaining the proposed use and how it meets the Approval Criteria of Section 3.6.5.
 3. Site plan drawn to an engineer's scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, Grand trees, wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat), holding basins and buffers when applicable. However, if the property was developed before April 21, 1999, no site improvements have been made since April 21, 1999, and the proposed use does not require site improvements, as determined by the Planning Director, the applicant may submit an aerial photograph printed to engineer's scale showing the property lines, locations of existing structures and improvements, parking areas, etc. as the site plan. One 24 x 36 copy and twenty (20) reduced 11 x 17 copies shall be submitted.
 4. A copy of a legible approved and recorded plat.
 5. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with State law.
 6. Any other information that the Planning Director determines is necessary to make an informed decision as to whether the application complies with the standards required by Article 3.6.

CHAPTER 4 BASE ZONING DISTRICTS

Section 4.2.3.A. Exceptions to Setbacks

H. One Time Subdivision of a Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed if each lot resulting from the subdivision meets the minimum lot area of the zoning district. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the side setback required for the zoning district. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.3 RM, Resource Management District

Section 4.3.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the RM Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.4 AG-15, Agricultural Preservation District

Section 4.4.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-15 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.5 AG-10, Agricultural Preservation District

Section 4.5.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-10 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.6 AG-8, Agricultural Preservation District

Section 4.6.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-8 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.7 AGR, Agricultural/Residential District

Section 4.7.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AGR Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.8 RR-3, Rural Residential District

Section 4.8.5. One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets

the minimum lot area requirement of the RR-3 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.9 S-3, Special Management 3 District

Section 4.9.5. One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the S-3 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.10 R-4, Single Family Residential 4 District

Section 4.10.5. One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the R-4 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.13 MHS, Low-Density Manufactured Housing Subdivision District

Section 4.13.5. One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the MHS Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

CHAPTER 8 SUBDIVISION REGULATIONS

ARTICLE 8.15 CONSERVATION SUBDIVISIONS

§8.15.1 PURPOSE AND INTENT

Conservation subdivisions implement the Charleston County Comprehensive Plan by encouraging residential development in the Rural Areas to maintain rural character and conserve land, promoting compact development form, and preserving natural features. The guidelines for site development emphasize setting aside and conserving the most sensitive areas of a site, with the development of building lots on the remaining less sensitive areas.

§8.15.2 COMPLIANCE WITH THE CHARLESTON COUNTY COMPREHENSIVE PLAN

Conservation subdivisions implement Rural Guideline 3 of the Comprehensive Plan, which states “Develop gross densities at the higher range of the recommended future land use when Clustering or Conservation Design is used, as exhibited in Figure 3.1.3, to offset the provision of significant amounts of preserved land, especially in the Rural Residential and Rural Agricultural Future Land Use categories.” Conservation subdivisions shall comply with the applicable Rural Area Purpose and Intent and Rural Guidelines contained in Chapter 3 of the Charleston County Comprehensive Plan.

§8.15.3 APPLICABILITY

Conservation subdivisions shall be allowed within the RR-3, Rural Residential, and AG-8, Agricultural Preservation, Zoning Districts. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special Conservation Subdivision regulation is stated in this Article, the regulations of the applicable underlying Zoning District and all other applicable provisions of this Ordinance shall apply.

§8.15.4 PROCEDURES

The preliminary plat and final plat subdivision regulations outlined in Chapter 8 of this Ordinance shall apply to conservation subdivisions. A pre-application Sketch Plan review meeting with County staff shall be required prior to preliminary plat submittal.

§8.15.5 PROCESS

The conservation subdivision process shall include:

A. RESOURCE ANALYSIS/MAPPING

The applicant shall identify and map significant natural and cultural resources within the development boundaries. The resource analysis shall identify two categories of resources: primary Conservation Areas and secondary Conservation Areas. Primary Conservation Areas include bodies of water, wetlands, floodplains, wildlife habitat, significant vegetation (particularly Grand Trees and Protected Trees), historic buildings, and any historical or archaeological sites. Secondary Conservation Areas include, but are not

limited to, areas of active agricultural use(s), scenic vistas, and lands with recreational opportunities. The resource analysis may also show any resources and protected open space on neighboring parcels, through aerial photography and other readily accessible documentation, which may enhance the proposed conservation subdivision. All conservation subdivision applications shall include a resource analysis map and calculations for the Conservation Area.

B. SKETCH PLAN REVIEW

The applicant shall schedule a pre-application sketch plan review meeting with County staff. At that time, the applicant shall submit a detailed sketch plan delineating Conservation Areas and cluster lot development areas based on the resource analysis map. Significant cultural and natural resources identified on the resource analysis map shall be included in Conservation Areas. The sketch plan review is intended to ensure that the property improvements are in compliance with conservation subdivision requirements of this Ordinance and the Comprehensive Plan.

C. PRELIMINARY PLAT REVIEW AND APPROVAL

Based on the resource analysis map and sketch plan review, the applicant shall submit a plat for preliminary plat review and approval, in compliance with the requirements of this Article and with Chapter 8 of this Ordinance. The preliminary plat shall identify the Conservation Areas and cluster lot development areas.

D. FINAL PLAT REVIEW AND APPROVAL

The applicant shall submit a conservation subdivision plat for Final Plat review and approval, in compliance with the requirements of this Article and with Chapter 8 of this Ordinance. The final plat shall identify the Conservation Areas and cluster lot development areas.

§8.15.6 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

Conservation subdivisions shall be subject to the following density/intensity and dimensional standards:

CONSERVATION SUBDIVISION DEVELOPMENT INTENSITY STANDARDS		
See also §		
	RR-3 Zoning District	AG-8 Zoning District
MINIMUM CONTIGUOUS SITE AREA	3 acres	30 acres
MAXIMUM DENSITY Note: Maximum density shall be calculated based on the total highland acreage and shall not include freshwater wetland or OCRM Critical Line area acreage.	1 dwelling unit per 2 acres when 30% to 49.9% of total site area is delineated as a Conservation Area	1 dwelling unit per 6 acres when 30% to 49.9% of total site area is delineated as a Conservation Area
	1 dwelling unit per acre	1 dwelling unit per 4 acres

	when 50% or more of total site area is delineated as a Conservation Area	when 50% or more of total site area is delineated as a Conservation Area
WATERFRONT DEVELOPMENT STANDARDS	See §8.15.7 for lots abutting an OCRM Critical Line	
MINIMUM LOT AREA	Variable but must establish min. 40' x 40' buildable area and meet all Zoning, SCDHEC, Building Services, and Fire Department requirements	
MINIMUM LOT WIDTH: DEPTH RATIO	Depth of the Lot shall not exceed 5 times the width of the lot (1:5 ratio)	
MINIMUM SETBACKS AND BUFFERS		
Front Yard	25 feet	
Side Yard	10 feet	
Rear Yards	10 feet	
Perimeter Buffers	See §8.15.9.C	
OCRM Critical Line Setbacks and Buffers	See §8.15.7 for lots abutting an OCRM Critical Line	
MAXIMUM LOT COVERAGE (includes all impervious surfaces)		
Lot less than 15,000 square feet in size	25%	
Lot 15,000 square feet or greater in size	3,750 square feet	
MAXIMUM HEIGHT	35 feet	

§8.15.7 WATERFRONT LOT STANDARDS

One of the following standards must be utilized to determine the lot configuration and number of lots to be located along an OCRM Critical Line.

- A. When a 50 foot to 74.9-foot setback from the OCRM Critical Line is utilized on private lots in a Conservation Subdivision:
 - 1. The total number of waterfront lots created shall not exceed the total number of waterfront lots that could be developed based on a 135 foot lot width average.
 - 2. A thirty-five (35) foot buffer from the OCRM Critical Line must be maintained, as required by Section 8.15.9.C below.
 - 3. A private dock or joint use dock may be utilized.

- B. When a minimum 75 foot setback from the OCRM Critical Line is utilized on private lots in a Conservation Subdivision:
 - 1. The total number of waterfront lots created shall not exceed the total

number of waterfront lots that could be developed based on a 100 foot lot width average.

2. A 35 foot buffer from the OCRM Critical Line must be maintained, as required by Section 8.15.9.C below.
3. If a dock is desired, a joint use dock shall be utilized.

C. When a 100 foot setback from the OCRM Critical Line is utilized as protected open space through a Conservation Area in a Conservation Subdivision:

1. The total number of lots created shall only have to meet the dimensional standards listed in Section 8.15.6, above, and shall not be calculated based on any lot width average.
2. A 35 foot buffer from the OCRM Critical Line must be maintained, as required by Section 8.15.9.C below.
3. If a dock is desired, a community dock must be utilized; however, the community dock shall be exempt from the Special Exception requirement.

§8.15.8 CONSERVATION AREA STANDARDS

Conservation Areas shall be located to preserve significant resources and shall comply with the following requirements:

- A. Conservation Areas shall be detailed on each Sketch Plan and recorded with the Final Plat, Conditional Plat, or separate instrument.
- B. Conservation Areas may include unimproved land, agricultural lands, natural landscapes, landscaped areas, improved recreation areas, recreational buildings, and structures that are totally accessory to agricultural or recreational uses, as well as freshwater wetland areas and surface water. Conservation Areas shall not be occupied by streets, drives, parking areas, or structures, other than agricultural or recreational structures.
 - a. Conservation Areas shall be provided within each phase of the conservation subdivision in sufficient amounts to serve the expected population of that phase.
 - b. The applicant must have proof of commitment from the entity that will be responsible for the Conservation Area prior to the recording of a plat. Conservation Areas shall be conveyed prior to recording the final plat, in accordance with one of the methods listed below:
 1. By dedication to the County as publicly-owned open space. Parks,

conservation areas, and recreation facilities proposed for dedication to the County must be acceptable to the Parks and Recreation Commission, Planning Commission, County Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms; or

2. By leasing, conveying, or retaining title to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the Conservations Area(s) to open space and/or agricultural or recreational uses.

§8.15.9 CONSERVATION SUBDIVISION DESIGN STANDARDS

Generally, a conservation subdivision has three primary characteristics: smaller building lots; more open space; and protection of cultural and natural features and agricultural lands.

A. VEHICULAR ACCESS

The requirements of Appendix A Road Construction Standards of this Ordinance shall apply. Lots shall be configured to minimize the amount of roadway and driveway length. Shared driveways shall be utilized in order to minimize impervious surfaces through the reduction of pavement area. The use of pervious materials for driveway construction is required.

B. PEDESTRIAN ACCESS

Pedestrian access shall be provided from all residential lots to the Conservation Area(s) through a continuous system of pervious walkways and/or trails. Access corridors in an easement a minimum of 10' in width shall be utilized to separate clusters of contiguous lots and to connect the conservation area(s) to the right-of-way and trail system.

C. BUFFERS

The conservation subdivision development shall be designed to preserve existing non-invasive vegetation. A 35' minimum natural undeveloped buffer shall be preserved along the external perimeter and/or property line of the conservation subdivision development, as well as along all OCRM Critical Lines, in order to protect natural features and retain the rural community character. The buffer may be included within the Conservation Area(s) or within individual parcels.

§8.15.10 ACCESSORY DWELLING UNITS WITHIN A CONSERVATION SUBDIVISION

One (1) maximum 600 square foot detached accessory dwelling unit is allowed on lots that do not abut an OCRM Critical Line. Accessory dwelling units shall not be

permitted on private waterfront lots.