

Family Compound and Family Subdivision LMO Amendments

Chapter 16-2: Administration

Sec. 16-2-101. Summary Table of Review Procedures

Table 16-2-101: Summary Table of Development Review Procedures						
R = Recommendation D = Decision A = Appeal < > = Hearing < > * = Public Hearing E = Encouraged						
Procedure	Pre-Application Conference	Review and Decision-Making Authorities				
		Official	Design Review Board	Planning Commission	Board of Zoning Appeals	Town Council
DEVELOPMENT APPROVALS AND PERMITS						
Special Exception (Sec. 16-2-103.E)		R			<D>*	
Subdivision Review (Sec. 16-2-103.F)	Minor	E	D		<A>	
	Major	E	D		<A>	
Development Plan Review (Sec. 16-2-103.G)	Minor	E	D		<A>	
	Major	E	D		<A>	
Small Residential Development Review (Sec. 16-2-103.H)			D		<A>	
Corridor Review (Sec. 16-2-103.I)	Minor		D	<A>		
	Major		R	<D>		
Traffic Impact Analysis Plan Review (Sec. 16-2-103.J)	Without Mitigation		D		<A>	
	With Mitigation		R		<D>	
Natural Resources Permit (Sec. 16-2-103.K)			D		<A>	
Wetlands Alteration Permit (Sec. 16-2-103.L)			D		<A>	
Sign Permit (Sec. 16-5-114.E)	Administrative Review		D	<A>		
	DRB Review			<D>		
Development Project Name Review (Sec. 16-2-103.N)			D		<A>	
	New name		R		<D>	

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Street/Vehicular Access Easement Name Review (Sec. 16-2-103.O)	Modified name		R		<D>*		
Certificate of Compliance (Sec. 16-2-103.P)			D			<A>	
Public Project Review (Sec. 16-2-103.Q)		E	R		<D>*		
Utility Project (Sec. 16-2-103.W)			D		<A>		
<u>Family Compound (Sec. 16-2-103.X)</u>		<u>E</u>	<u>D</u>		<u><A></u>		
<u>Family Subdivision (Sec. 16-2-103.Y)</u>		<u>E</u>	<u>D</u>		<u><A></u>		
<p>Notes: All meetings of the Town Council, Planning Commission, Board of Zoning Appeals and Design Review Board are public meetings, and any "Hearing" or "Public Hearing" designated above takes place at a public meeting. See Sec. 16-2-102.E.1.</p>							

16-2-102. Standard Review Procedures

J. Vesting and Expiration of Development Approval or Permit

1. Vested Rights for Approvals of Site Specific Development Plans
 - a. General

Approval or conditional approval of an **application** for a **Special Exception, Major or Minor Subdivision Review, Major or Minor Development Plan Review, Small Residential Development Review, Variance, Family Compound and Family Subdivision** shall constitute approval of a site specific **development** plan that establishes a **vested right** in accordance with the Vested Rights Act, S.C. Code Ann. § 6-29-1510 et seq. The **vested right** shall expire two years after the approval unless the **vested right** period is extended in accordance with subparagraph b below.

16-2-103. Application Specific Review Procedures

U. Appeal of Official's Decision to Planning Commission

1. Purpose

The purpose of this subsection is to establish procedures and standards for the review and decision on appeals to the **Planning Commission** from decisions of the **Official** to approve, approve with conditions, or deny **applications** for Family Compound, Family Subdivision, Subdivision Review, Development Plan Review, Small Residential Development Review, or Development Project Name Review.

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2. Who May File Appeal

The **Official's** decision on an **application** for Family Compound, Family Subdivision, Subdivision Review, Development Plan Review, Small Residential Development Review or Development Project Name Review may be appealed to the **Planning Commission** by the **applicant** for the decided **application**, the owner of **land** to which the decision specifically applies, or any other party in interest, who alleges that the **Official** erred in making the decision:

3. Types of Appeal

The following decisions made by the **Official** may be appealed to the **Planning Commission** in accordance with the procedures and standards in this subsection.

- a. Family Compound;
- b. Family Subdivision;
- c. Subdivision Review;
- d. Development Plan Review;
- e. Small Residential Development Review; and
- f. Development Project Name Review.

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X. Family Compound

1. Purpose

The purpose in this section is to establish the procedures and standards for the review and decision on an *application* for Family Compound approval.

2. Applicability

a. General

- i. Applications for Family Compound Review are only permitted on property that meets these qualifications:
 1. located on a property within a historic neighborhood as shown in Appendix B-5. Historic Neighborhoods Map; and
 2. where a single member of the family, multiple members of the family, or an unbroken succession of family members have owned the property since 1956 or earlier; or
 3. where the property has been sold to a family who has owned property on Hilton Head Island since 1956 or earlier.
- ii. The owner of record of the property shall request the family compound.
- iii. For the purposes of this section family shall be defined as spouse, parent(s), biological or legally adopted child(ren), group of persons related by blood, and descended from common ancestor (as in extended family).
- iv. Family Compounds will be considered a single-family use.

3. Family Compound Review Procedure

a. Pre-Application Conference

Prospective *applicants* for Family Compound Review are encouraged to request and hold a *pre-application* conference with *Town* staff in accordance with Sec. 16-2-102.B.

b. Application Submittal

An *application* for Family Compound Review may be submitted by *persons* identified in Sec. 16-2-102.C.1 and shall be submitted in accordance with Sec. 16-2-102.C.

c. Accelerated Application Review

- i. All applications for Family Compounds will be expedited.
 - a. New submittals for Family Compounds will be reviewed prior to other submittals.

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- b. New building permit submittals related to Family Compounds will be reviewed prior to other submittals.
- c. Resubmittals for Family Compounds will be reviewed prior to other submittals.
- d. **Staff Review and Action**
 - i. On receiving an *application*, the *Official* shall review and make a final decision on the *application* in accordance with Sec. 16-2-102.D. The *Official's* decision shall be based on the standards in Sec. 16-2-103.X.4, Family Compound Review Standards, and shall be one of the following:
 - 1. Approve the *application*:
 - 2. Approve the *application* subject to conditions of approval; or
 - 3. Deny the *application*.
 - ii. The *Official* shall act on an *application* for Family Compound Review, in accordance with Sec. 16-2-102.D, within 7 business days after it is submitted or such extended time agreed to by the *applicant*. If the *Official* fails to take action on the *application* within this time period, the *application* shall be deemed approved, and the *Town* shall issue the *applicant* a letter of approval and written notice to proceed based on the submitted *application*.
- e. **Post- Decision Actions and Limitations**
 - i. **Notice of Decision**

The *Official* shall provide notice of the final decision on the *application* in accordance with Sec. 16-2-102.H.1.
 - ii. **Appeal**

Appeals from the final decision of the *Official* on an *application* for Family Compound Review are governed by Sec. 16-2-103.U, Appeal of *Official's* Decision to Planning Commission, and S.C. Code § 6-29-1150.

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4. Family Compound Review Standards

An *application* for Family Compound Review shall be approved if the *Official* finds the *applicant* demonstrates the proposed Family Compound complies with the following:

- a. All other applicable standards of this *Ordinance*.
- b. All other applicable requirements in the *Municipal Code*.

5. Effect of Approval

Approval of a Family Compound authorizes the submittal of any other subsequent *development applications* that may be required before *construction* or other *development* authorized by this *Ordinance*. Prior to the issuance of the approval, a restriction on the sale of the property to non-family members shall be recorded in the deed. The restriction shall state that the property cannot be sold to non-family members for three years after being established as a Family Compound.

6. Expiration

Approval of a Family Compound establishes a *vested right* in accordance with Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans.

7. Amendment

An approved Family Compound may be modified or amended only in accordance with procedures and standards established for its original approval.

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Y. Family Subdivision

1. Purpose

The purpose in this section is to establish the procedures and standards for the review and decision on an *application* for Family Subdivision approval. This section will allow the *subdivision* and transfer of familial owned property to future generations.

2. Applicability

a. General

- i. Approval of a Family Subdivision in accordance with the procedures and standards of this subsection is required before any plat of a Family Subdivision may be recorded in the Office of the Register of Deeds for Beaufort County, South Carolina. No *land* in any proposed Family Subdivision may be sold, transferred, or offered for sale until a final plat for the Family Subdivision has been approved in accordance with this *Ordinance* and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina.
- ii. Approval of a Family Subdivision requires that a person(s) living in a Family Subdivision must be related to the property owner by blood, marriage, or legal adoption. For the purposes of this section family shall be defined as spouse, parent(s), biological or legally adopted child(ren), group of persons related by blood, and descended from common ancestor (as in extended family).
- iii. Applications for Family Subdivision Review are only permitted on property that meets these qualifications:
 - a. located on a property within a historic neighborhood as shown in Appendix B-5. Historic Neighborhoods Map; and
 - b. where a single member of the family, multiple members of the family, or an unbroken succession of family members have owned the property since 1956 or earlier; or
 - c. where the property has been sold to a family who has owned property on Hilton Head Island since 1956 or earlier.

3. Family Subdivision Review Procedure

a. Pre-Application Conference

Prospective *applicants* for Family Subdivision Review are encouraged to request and hold a pre-*application* conference with *Town* staff in accordance with Sec. 16-2-102.B.

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b. Application Submittal

An *application* for Family Subdivision Review may be submitted by *persons* identified in Sec. 16-2-102.C.1 and shall be submitted in accordance with Sec. 16-2-102.C.

c. Accelerated Application Review

i. All applications for Family Subdivisions will be expedited.

- a. New submittals for Family Subdivisions will be reviewed prior to other submittals.
- b. New building permit submittals related to Family Subdivisions will be reviewed prior to other submittals.
- c. Resubmittals for Family Subdivisions will be reviewed prior to other submittals.

d. Staff Review and Action

i. On receiving an *application*, the *Official* shall review and make a final decision on the *application* in accordance with Sec. 16-2-102.D. The *Official's* decision shall be based on the standards in Sec. 16-2-103.Y.4, Family Subdivision Review Standards, and shall be one of the following:

1. Approve the *application*;
2. Approve the *application* subject to conditions of approval; or
3. Deny the *application*.

ii. The *Official* shall act on an *application* for Family Subdivision Review, in accordance with Sec. 16-2-102.D, within 60 business days after it is submitted, or such extended time agreed to by the *applicant*. If the *Official* fails to take action on the *application* within this time period, the *application* shall be deemed approved, and the *Town* shall issue the *applicant* a letter of approval and written notice to proceed based on the submitted *application*.

e. Post- Decision Action and Limitations

i. Notice of Decision

The *Official* shall provide notice of the final decision on the *application* in accordance with Sec. 16-2-102.H.1.

ii. Appeal

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Appeals from the final decision of the *Official* on an *application* for Family Subdivision Review are governed by Sec. 162-103.U, Appeal of *Official's* Decision to Planning Commission, and S.C. Code § 6-29-1150.

4. Family Subdivision Review Standards

An *application* for Family Subdivision Review shall be approved if the *Official* finds the *applicant* demonstrates the proposed Family Subdivision complies with the following:

- a. A notarized affidavit shall be submitted that shows a familial relationship (a person(s) living in a Family Subdivision must be related to the property owner by blood, marriage, or legal adoption, see 16-2-103.Y.2.a.ii) to those purchasing/deeding properties within the *subdivision*.
- b. A notarized affidavit shall be submitted stating that all infrastructure including the *access* must be installed and inspected prior to the sale of property within the *subdivision* to non-family members.
- c. All other applicable requirements in the *Municipal Code*.

5. Effect of Approval

1. Approval of a Family Subdivision constitutes approval of a final plat for the *subdivision*. Recording of the final plat in the Office of the Register of Deeds for Beaufort County, South Carolina creates developable *lots* that may be conveyed and may be developed in accordance with *development applications* authorized by this *Ordinance*. No further *subdivision* of a Family Subdivision shall be permitted. Prior to the issuance of the approval, a restriction on the sale of the property to non-family members shall be recorded in the deed. The restriction shall state that prior to the sale of the property within the Family Subdivision to non-*family* members, a *subdivision application* shall be submitted in accordance with 16-2-103.F, Subdivision Review.

6. Expiration

Approval of a Family Subdivision establishes a *vested right* in accordance with Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans.

7. Amendment

An approved Family Subdivision may be modified or amended only in accordance with procedures and standards established for its original approval.

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Chapter 16-3: Zoning Districts

Section 16-3-104. Residential Base Zoning Districts

Section 16-3-104.E Low to Moderate Density Residential (RM-4) District, 16-3-104.F Moderate Density Residential (RM-8) District and 16-3-104.G Moderate to High Density Residential (RM-12)

2. Allowable Principal Uses			
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
<u><i>Family Compound</i></u>	<u>PC</u>	<u>Sec. 16-4-102.B.1.e</u>	<u>2 per du</u>
<u><i>Family Subdivision</i></u>	<u>PC</u>	<u>Sec. 16-4-102.B.1.f</u>	<u>2 per du</u>

Section 16-3-105. Mixed-Use Zoning Districts

Section 16-3-105.D Light Commercial (LC) District and Section 16-3-105.F Main Street (MS) District, Section 16-3-105.G Marshfront (MF) District, Section 16-3-105.I Mitchelville (MV) District, Section 16-3-105.J Neighborhood Commercial (NC) District and Section 16-3-105.L Resort Development (RD) District, Section 16-3-105.N Stoney (S) District, and Section 16-5-105.O Waterfront Mixed Use (WMU) District

2. Allowable Principal Uses			
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
<u><i>Family Compound</i></u>	<u>PC</u>	<u>Sec. 16-4-102.B.1.e</u>	<u>2 per du</u>
<u><i>Family Subdivision</i></u>	<u>PC</u>	<u>Sec. 16-4-102.B.1.f</u>	<u>2 per du</u>

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Chapter 16-4: Use Standards

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																					
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																					
SE = Allowed as a Special Exception Blank Cell = Prohibited																					
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS					MIXED-USE AND BUSINESS DISTRICTS										USE-SPECIFIC CONDITIONS			
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SP	CC	MS	WM	US	MF	MV	NC		LC	RD	MED
RESIDENTIAL USES																					
<u>Family Compound</u>						PC	PC	PC					PC	PC	PC	PC	PC	PC	PC		Sec. 16-4-102.B.1.e
<u>Family Subdivision</u>						PC	PC	PC					PC	PC	PC	PC	PC	PC	PC		Sec. 16-4-102.B.1.f

Sec. 16-4-102. Principal Uses

B. Use-Specific Conditions for Principal Uses

1. Residential Uses

e. Family Compound

- i. Applications for Family Compound Review are only permitted on property that meets these qualifications:
 - a. located on a property within a historic neighborhood as shown in Appendix B-5. Historic Neighborhoods Map; and
 - b. where a single member of the family, multiple members of the family, or an unbroken succession of family members have owned the property since 1956 or earlier; or
 - c. where the property has been sold to a family who has owned property on Hilton Head Island since 1956 or earlier.
- ii. The owner of record of the property shall request the family compound.
- iii. For the purposes of this section family shall be defined as spouse, parent(s), biological or legally adopted child(ren), group of persons related by blood, and descended from common ancestor (as in extended family).

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f. Family Subdivision

- i. Applications for Family Subdivision Review are only permitted on property that meets these qualifications:
 - a. located on a property within a historic neighborhood as shown in Appendix B-5. Historic Neighborhoods Map; and
 - b. where a single member of the family, multiple members of the family, or an unbroken succession of family members have owned the property since 1956 or earlier; or
 - c. where the property has been sold to a family who has owned property on Hilton Head Island since 1956 or earlier.

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Chapter 16-5: Development and Design Standards

Sec. 16-5-102. Setback Standards

C. Adjacent Street Setback Requirements

TABLE 16-5-102.C: ADJACENT STREET SETBACK REQUIREMENTS				
PROPOSED USE		MINIMUM SETBACK DISTANCE ¹ / MAXIMUM SETBACK ANGLE ²		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
Single-Family³	Structure > 24 in high	50 ft ^{3,4} /75°	40 ft ^{3,4} / 70°	20 ft ^{3,4} /60°
	Structure ≤ 24 in high	50 ft ^{3,4} /n/a	30 ft ^{3,4} /n/a	10 ft ^{3,4} /n/a
All Other Uses		50 ft ^{3,4} /75°	40 ft ^{3,4} /70°	20 ft ^{3,4} /60°
<p>NOTES: in = inches ft = feet ° = degrees</p> <p>1. Measured from the adjacent street right-of-way or easement line to the closest portion of a structure. A 5' setback is required from an access easement for Family Compounds and Family Subdivisions. A street setback from an easement line is not required for non-single-family properties.</p> <p>2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above the base flood elevation or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.C, Street Setback Angle).</p> <p>3. The adjacent street setback shall be a minimum of five (5) feet on any parcel abutting a Town right of way acquired under the Town's Dirt Road Paving Program. See Section 16-5-105.D for additional details.</p> <p>4. For corner lots, reduced to 10 feet from the right-of-way of the street with the lowest average daily vehicle traffic count (ADT). If both streets have equal ADT, the lot owner may choose which street shall be subject to the reduced setback distance.</p> <p>5. May be reduced by up to 30 percent in the S District, 20 percent in the RD and IL Districts, and 15 percent in all other districts, on demonstration to the Official that:</p> <p style="margin-left: 20px;">a. The reduction is consistent with the character of development on surrounding land;</p>				

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b. **Development** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;

c. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the extension of a wall or fence that screens an existing **outdoor storage** area);

d. The reduction will not pose a danger to the public health or safety;

e. Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of **buildings** to a **street** are mitigated by a wider or more densely screened adjacent street buffer along that **street**);

f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts; and

g. In the S, RD, and IL districts, there are no reasonable options to the reduction that allow **development** of the site to be designed and located in a way that complies with LMO standards.

6. For **Family Compounds** and **Family Subdivisions**, the minimum setback from a minor arterial shall be 25' and the minimum setback from all other streets shall be 10'.

7. Any further reductions to the adjacent street setbacks for Family Compounds and Family Subdivisions will require a **variance** from the BZA.

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D. Adjacent Use Setback Requirements

TABLE 16-5-102.D: ADJACENT USE SETBACK REQUIREMENTS¹				
PROPOSED USE³	MINIMUM SETBACK DISTANCE¹/MAXIMUM SETBACK ANGLE²			
	USE OF ADJACENT DEVELOPMENT PROPERTY³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, RD, SPC, LC, MF, MV, MS, NC, MED	IL
Single-Family⁷	20 ft ^{4,5,6} /75°	20 ft ^{4,5,6} /75°	30 ft ^{4,5,6} /60°	40 ft ^{4,5,6} /45°
<ul style="list-style-type: none"> Any Other Residential Uses Commercial Recreation 	20 ft ⁶ /75°	20 ft ⁶ /75°	25 ft ⁶ /75°	30 ft ⁶ /60°
<ul style="list-style-type: none"> Public, Civic, Institutional, and Education Resort Accommodation Offices Commercial Services Vehicle Sales 	30 ft ⁶ /60°	25 ft ⁶ /75°	20 ft ⁶ /75°	20 ft ⁶ /75°

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and Services • Boat Ramps, Docking Facilities, or Marinas				
Industrial <i>Uses</i>	40 ft ^{4,5,6} /45°	30 ft ⁶ /60°	20 ft ⁶ /75°	20 ft ⁶ /75°
<p>1. Measured from the common property line to the closest portion of a structure.</p> <p>2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above the base flood elevation or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Use Setback Angle).</p> <p>3. See Sec. 16-10-103 for a description or definition of the listed use classification and types.</p> <p>4. Single family subdivision exterior boundary only.</p> <p>5. For all Minor Subdivisions and Small Residential Developments, the entire single family exterior boundary setback may be reduced by 50% in area. The setback area shall not be reduced to less than 5 feet wide at any point; it may be reduced to 5 feet where adjoining another single-family dwelling lot in the same subdivision; may be reduced to less than 5 feet if it, when combined with the platted setback distance for the adjoining lot, is at least 10 feet.</p> <p>6. May be reduced by up to 10 percent in any district on demonstration to the Official that:</p> <ul style="list-style-type: none"> a. The reduction is consistent with the character of development on surrounding land; b. Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards; c. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed development, or (2) results in improved site conditions for a development with nonconforming site features (e.g., allows the extension of a wall or fence that screens an existing outdoor storage area); d. The reduction will not pose a danger to the public health or safety; e. Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of buildings to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent. <p><u>7. For Family Compounds and Family Subdivisions, the minimum setback from an adjacent property shall be reduced by 10' from what is required in Table 16-5-102.D</u></p>				

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	<u>except that an adjacent use setback of 5’ shall be required between single-family uses.</u>
	<u>8. Any further reductions to the adjacent use setbacks for Family Compounds and Family Subdivisions will require a variance from the BZA.</u>

Sec. 16-5-103 Buffer Standards

D. Adjacent Street Buffer Requirements

TABLE 16-5-103.D: ADJACENT STREET BUFFER REQUIREMENTS			
PROPOSED USE	ADJACENT STREET (BY CLASSIFICATION)		
	MAJOR ARTERIAL	MINOR ² ARTERIAL	ALL OTHER STREETS ²
All <i>uses</i>	E	B	A
<p>NOTES:</p> <p>1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.</p> <p>2. There shall be no adjacent street buffer required on any parcel abutting a Town right of way acquired under the Town’s Dirt Road Paving Program. See Section 16-5-105.D for additional details.</p> <p><u>3. For Family Compounds and Family Subdivisions, only the Option 1 screening requirements apply.</u></p>			

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E. Adjacent Use Buffer Requirements

TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS ¹				
PROPOSED USE ²	REQUIRED BUFFER TYPE ²			
	USE OF ADJACENT DEVELOPED PROPERTY ³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATIONS; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS; AGRICULTURAL	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, SPC, RD, MS, MV, MF, LC, NC, MED, PD-1	IL
Single-Family ⁵	A ⁴	A ⁴	C ⁴	D ⁴
<ul style="list-style-type: none"> All Other Residential Uses Commercial Recreation 	A	n/a	B	D
<ul style="list-style-type: none"> Public, Civic, Institutional, and Education Resort Accommodations Offices Commercial Services Vehicle Sales and 	C	B	n/a	A

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Services • Boat Ramps, Docking Facilities, or Marinas				
Industrial Uses	D ⁴	D	A	n/a

NOTES: n/a = not applicable

1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.
2. When a shared **access easement** is located along a common property line, any required buffer shall be provided to the interior of the **access easement**. An adjacent use buffer from an easement line is not required for non-single-family properties.
3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.
4. Single family subdivision exterior boundary only.
5. For **Family Compounds** and **Family Subdivisions**, the **adjacent use** buffers shall include the minimum planting requirements per Table 16-5-103.F.
6. Any further reductions to the adjacent use buffers for Family Compounds and Family Subdivisions will require a **variance** from the BZA.

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Section 16-5-107. Parking and Loading Standards

D. Parking Space Requirements

1. Minimum Number of Parking Spaces

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY/USE TYPE	MINIMUM NUMBER OF PARKING SPACES ^{1,2,3,4}	
	CR DISTRICT	ALL OTHER DISTRICTS
RESIDENTIAL USES		
<u>Family Compound</u>	<u>n/a</u>	<u>2 per du</u>
<u>Family Subdivision</u>	<u>n/a</u>	<u>2 per du</u>

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Chapter 16-10: Definitions, Interpretations, and Measurement

Sec. 16-10-105. General Definitions:

Family Compound

Single parcel of *land* with multiple *dwelling units* owned by one family defined for these purposes as spouse, parent(s), biological or legally adopted child(ren), group of persons related by blood, and descended from common ancestor (as in extended family).

Family Subdivision

Ownership of subdivided *lots* within a *single-family*, defined for these purposes as spouse, parent(s), biological or legally adopted child(ren), group of persons related by blood, and descended from common ancestor (as in extended family), without requiring the installation of supporting infrastructure.

Family Compound and Family Subdivision LMO Amendments

D-26. Family Compound

A. Application Form

An *application* form as published by the *Official*.

B. Certificate of Owner's Consent

If the *applicant* is someone other than the owner, notarized certification, written and signed by the *development site* owner of record that such owner formally consents to the proposed *development*.

C. Eligibility

Written, signed, and notarized statement that the household(s) within the Family Compound is a family member as stated in Sec. 16-2-103.X.2.a.iii.

D. Property Deed

Copy of property deed to the *lot of record* or portions thereof which constitute the proposed *development site*.

E. Boundary Survey Plat

One copy of the boundary survey plat of the *lot* of record or portions thereof which constitute the proposed *development site* at a minimum scale of 1"=50 or other appropriate scale acceptable to the *Official*. Upon such plat shall appear:

1. Location of primary control points used in the survey, with ties to such control points to which all dimensions, angles, bearing, distances, block numbers and similar data shall be referred.
2. Computed acreage of the surveyed *tract*.
3. Seal and signature of a South Carolina registered *land* surveyor.
4. Date of survey and date of any revisions.
5. Notation of specific reference plats, if applicable.
6. Graphic scale and reference meridian.
7. Beaufort County Tax Map and Parcel Number.

Family Compound and Family Subdivision LMO Amendments

F. Written Narrative

A written narrative outlining:

1. The nature and details of the proposed Family Compound.
2. The specifically contemplated form of ownership of *development* and detailed provisions for *maintenance* responsibility for all *improvements*, including, but not limited to: *streets*, parking areas, storm drainage facilities, water and sewer systems, and the like, up to the point of *development*.

G. Site Development Plan

One black line print of a final *site plan* or set of plans, at a minimum scale of 1"=30' or other appropriate scale acceptable to the *Official*, showing the following:

1. Name of Family Compound.
2. Graphic scale and reference meridian.
3. Beaufort County Tax Map and Parcel Number.
4. Date of drawing and date of any revisions.
5. Topographic survey at 1-foot contour intervals, or other topographic information acceptable to the *Town Engineer*, unless waived by the *Town Engineer*.
6. Proposed *site development*, including current and future *land uses*, any *building* or other *structure* locations, *street*, *driveway*, and parking area layouts, and interconnections with *off-site* facilities, if applicable.
7. Location of proposed drainage system, including *off-site* area of interconnection.
8. Location of proposed water and sewer system, including *off-site* areas of interconnection.
9. Location of other proposed waste disposal systems, including solid waste collection areas.
10. Location and dimensions for parking.
11. Location of other utilities such as electrical, telephone, gas lines service and cable TV to the *development*.
12. Minimum *building* setback or buffer lines as required by Tables 16-5-102.C, 16-5-102.D, 16-5-103.D and 16-5-103.E.
13. Tables indicating calculations for *impervious cover* and required parking.
14. Delineation of any *zoning district* boundary which traverses or is *contiguous* to the *development site*, including overlay zones.
15. Where applicable, surveyed delineation of any *wetland* area and required buffers or other delineation of a natural feature on the *site* which is protected or defined under provisions of this Title.

Family Compound and Family Subdivision LMO Amendments

16. Notation as to FEMA/FIRM *flood* zones covering the *site* , and proposed first floor elevation of all *buildings* .
17. Where applicable, surveyed delineation of any known archaeological or historical resource feature, as defined by this Title, located on or *contiguous* with the proposed *development tract* .
18. Fire hydrant and fire protection water supply in conformance with Sec. 16-5-111, Fire Protection Water Supply.

H. Approvals, Certifications, and Recommendations

Copy of approvals, certifications and recommendations required by all appropriate *Town, County, State* and federal regulations for the proposed *development* , and documentation of compliance with such, as applicable. Failure of the *Official* to request an approval or certification required does not relieve the *applicant* of responsibility for compliance. This includes but is not limited to:

1. South Carolina Department of Health and Environmental Control approval of water and sewer system design, where applicable.
2. South Carolina Department of Health and Environmental Control air, water quality, or solid waste permit.
3. Public Service District approvals related to the provision of water and sewer service.
4. Electric, gas, telephone, or cable television provided approval of the appropriate utility service and layout as shown on the *site development* plan.
5. U.S. Army Corps of Engineers permits related to dredging, *filling, wetlands* , or other elements of the *development* .
6. Encroachment permit from appropriate agency, if necessary for proposed or required work.
7. For properties located within the Airport Overlay District (A-O), a Federal Aviation Administration (FAA) Advisory Form 7460-1 must be submitted to the FAA. The *applicant* must receive a determination from the FAA prior to the issuance of any approvals from the *Town* .

I. Other Requirements

1. *Access* and infrastructure must be installed to serve each *structure* in the order each *structure* is constructed.
 - a. *Access to dwelling units* within a Family Compound via a minimum 20 foot wide *access easement* constructed of an *all-weather driving surface* .
2. Any other items specifically required of a *development plan application* by any other provisions of this Title.

Family Compound and Family Subdivision LMO Amendments

D-27. Family Subdivision

A. Application Form

An *application* form as published by the *Official*.

B. Subdivision Plat

One black line print of a *subdivision* plat at a scale of 1"= 50' or other scale acceptable to the *Official*, showing:

1. Date (including any revision dates), name and location of the *subdivision*, name of owner, north arrow, graphic scale and reference meridian.
2. Beaufort County Tax Map and Parcel Number.
3. Location and description of all primary control points and monuments used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers, and similar data shall be referred.
4. Existing and proposed *tract* boundary lines, *right-of-way* lines, proposed *street* names, *easements* and other *rights-of-way*, all *lot* lines and other *site* lines with accurate dimensions, bearing or deflecting angles or radii, arcs, and central angles of all curves.
5. The proposed *use* of *lots* shall be noted and the purpose of any *easement* or *land* reserved or dedicated to public or utility *use* shall be designated.
6. Each block shall be numbered, and the *lots* within each block shall be numbered consecutively.
7. Notation of specific reference plats, if applicable.
8. Computed acreage of each *lot* created by the *subdivision*.
9. Minimum *building* setback or buffer lines as required by Tables 16-5-102.C, 16-5-102.D, 16-5-103.D and 16-5-103.E.
10. The location of all lines and equipment for water, sewer, electric, telephone, and cable TV as approved by the appropriate utility, if applicable.
11. Certification by a South Carolina professional *land* surveyor as to the accuracy of the details of the plat, with seal and signature affixed.
12. Notation of the one-hundred-year storm *flood* elevation MSL and Flood Disclosure Statement (if in FEMA Zone A or V).
13. Surveyed delineation as appropriate of any *wetland* area within or *contiguous* to the *subdivision*.
14. Delineation of any airport hazard zone, as defined in Sec. 16-3-106.E, Airport Overlay (A-O) District.
15. All existing *structures* or other *improvements*.

Family Compound and Family Subdivision LMO Amendments

16. Location of *wetland buffer* area, where applicable.

17. For *subdivisions* where a portion is *adjacent* to a *wetland*, a statement that reads, “The only activities permitted in the *wetland buffer* shall be those listed in Wetland Buffers as per the LMO.”

18. Fire hydrant and fire protection water supply in conformance with Sec. 16-5-111, Fire Protection Water Supply.

C. Certificate of Owner’s Consent

If the *applicant* is someone other than the owner, notarized certification, written and signed by the *development site* owner of record that such owner formally consents to the proposed *subdivision*.

D. Eligibility

Written, signed, and notarized statement that the purchaser within the Family Subdivision is a family member as stated in Sec. 16-2-103.Y.2.a.ii.

E. Certification of Title Source

Certification signed by the surveyor setting forth the source of title of the owners of the *land* subdivided or a copy of the deed by which the property was conveyed to the owner.

F. Certificate of Title and Reference Plat

A current certificate of title referencing the proposed *subdivision* plat and if recorded, a copy of the last plat in the chain of title.

G. Street and Development Names

Appropriate approvals for all *street* and *development* names as listed in Sec. 16-2-103.O, Street/Vehicular Access Easement Name Review.

H. Subdivision in Phases

Whenever part of *tract* is proposed for platting and it is intended to subdivide additional parts in the future or *abutting land* is in the same ownership, a sketch plan for the entire *tract* shall be submitted with the plat.

J. Stormwater Management

Stormwater Management Plans and calculations as specified in Sec. 16-5-109, Stormwater Management, and Erosion and Sedimentation Control Standards are required.

K. Other Items

2. *Access* and infrastructure must be installed to serve each *structure* in the order each

Family Compound and Family Subdivision LMO Amendments

structure is constructed.

- a. Access to all *lots* within a Family Subdivision shall be provided to the point of *development* as follows:
 - i. For 5 or fewer *lots*, direct vehicular *access* to each *lot* shall be a minimum 20 foot wide *access easement* constructed of an *all-weather driving surface* or paved *street* with a minimum 30 foot right-of-way.
 - ii. For 6 or more *lots*, direct vehicular *access* to each *lot* shall be provided via a paved *street* with a minimum 30 foot right-of-way for two-way streets and a minimum 24 foot right-of-way for one-way streets.
3. Prior to the sale of the property within the Family Subdivision to non-*family* members, a *subdivision application* shall be submitted in accordance with 16-2-103.F.
4. Any applicable items as identified in D-26, Family Compound.