

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XII. SUBDIVISION DESIGN (THAT REPLACE RURAL SUBDIVISION WITH RURAL SMALL-LOT SUBDIVISION); DIVISION 3, SECTION 106-2539. RURAL SMALL LOT SUBDIVISIONS; DIVISION 4, SUBDIVISION 2. SMALL LOT RURAL SUBDIVISIONS: SECTION 106-2596. MINIMUM DEVELOPMENT STANDARDS FOR SMALL LOT RURAL SUBDIVISION; AND SECTION 106-2597. CONDITIONS AND LIMITATIONS.

Whereas, Standards that are underscored shall be added text and Standards ~~lined through~~ shall be deleted text.

Adopted this 11th day of October, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 

Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:


Ladson F. Howell, Staff Attorney

ATTEST:


Suzanne M. Rainey, Clerk to Council

First Reading: September 13, 2010

Second Reading: September 27, 2010

Public Hearing: October 11, 2010

Third and Final Reading: October 11, 2010

(Amending 99/12)

DIVISION 3. TYPES OF SUBDIVISIONS

Sec. 106-2536. Scope.

There are three types of subdivisions permitted under this chapter: major, minor, and rural. Refer to article III of this chapter regarding review procedures for major or minor subdivisions. (Ord. No. 99-12, § 1 (div. 13.200), 4-26-1999)

Sec. 106-2537. Major subdivision.

Major subdivisions are land developments that include subdividing any tract or parcel of land into five or more lots. Refer to section 106-18 for a detailed explanation of major subdivision. Major subdivisions shall comply with this article and article XIII and other applicable sections of this chapter. Administration for major subdivisions begins with the ZDA and receives final approval by the DRT. Refer to articles II and III of this chapter for review responsibility and procedures for major subdivisions. (Ord. No. 99-12, § 1 (13.210), 4-26-1999)

Sec. 106-2538. Minor subdivision.

Minor subdivisions are land developments that include subdividing any tract or parcel of land into four or less lots. Refer to section 106-1 for a detailed explanation of minor subdivisions. Minor subdivisions shall comply with this article XII and article XIII and other applicable sections of this chapter. Administration for minor subdivisions begins and ends with the ZDA, who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for minor subdivisions. Refer to section 106-7 for exemption options for certain types of subdivisions. (Ord. No. 99-12, § 1 (13.220), 4-26-1999)

Sec. 106-2539. Rural small lot subdivision.

(a) The Rural Small Lot Subdivision is designed to allow owners of small rural lots greater flexibility to subdivide land that would normally be restricted with the application of the rural density as prescribed in Table 106-1526. The Rural Small Lot Subdivision allows a designated number of "by-right lots" to be subdivided from a parent parcel with the rural density as prescribed in Table 106-1526 applying to the remainder of the parent parcel. The number of by-right lots that can be subdivided from a parent parcel are limited by the following geographic restrictions:

~~(a) The rural subdivision is a minor subdivision designed to allow rural families to subdivide their land as simply as possible without providing open space or creating multiple access problems on rural roads and, thus, has specific standards that do not apply to the other types of subdivision. This subdivision provides limited development opportunity in the rural (R) district if the landowner desires to continue agricultural operations, house family members, or raise income to supplement agricultural operations. It may also be used in areas where growth potential is limited by facilities capacity. This subdivision permits development at minimal cost, while providing protection from multiple access points along existing rural streets.~~

- (1) Port Royal Island. For land zoned rural on Port Royal Island outside of the Airport Overlay District, parcels of record are permitted to have 2 by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.
- (2) Sheldon Township. For land zoned rural located north of the Whale Branch and Coosaw Rivers parcels of record are permitted to have 3 by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.
- (3) St. Helena Island. For land zoned rural located on St. Helena Island east of Chowan Creek and the Beaufort River and south of Morgan River, parcels of record are permitted to have 3 by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.
- (4) The small lot rural subdivision option does not apply to rural and rural residential properties located south and west of the Broad River, on Lady's Island, and in the Airport Overlay District for MCAS Beaufort.

~~(b) The rural subdivision permits a landowner to subdivide a large tract into four residential lots, for a total of five lots making up the entire original tract or parcel; the four newly subdivided lots are designated the "residential lots." The remaining parcel is designated as the "residual lot." The residual lot shall be included as part of the final plat for recordation purposes. The residual lot shall be used in part for access and as a reserve for future development that promotes sound land use patterns.~~

~~(c) All rural subdivisions permit development with special treatment of local streets. No parcel in existence on the effective date of the ordinance from which this chapter derives shall use this rural subdivision process more than one, regardless of change in ownership. No further subdivision of a lot or the residual lot created by a rural subdivision shall be permitted except as a major subdivision meeting the requirements of this chapter. The requirements in subdivision II of division 4 of this chapter must be met for a development to qualify as a rural subdivision. Administration for rural subdivision begins and ends with the ZDA who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for rural subdivisions.~~

(b) Use of the Small Lot Rural Subdivision option is limited to parcels of record at July 1, 2010 and cannot be transferred to any other parcel. The requirements in subdivision II of division 4 of this chapter must be met for a development to qualify as a rural small lot subdivision. Administration for rural small lot subdivisions begins and ends with the ZDA who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for rural small lot subdivisions.

(Ord. No. 99-12, § 1 (13.230), 4-26-1999)

Secs. 106-2540--106-2565. Reserved.

DIVISION 4. SUBDIVISION LAYOUT

Subdivision I. In General

Sec. 106-2566. Scope.

The sections in this division provide design guidance in laying out blocks, lots, open spaces and streets in a subdivision development. The subdivision development shall be designed with a system of major and minor streets creating blocks of land.
(Ord. No. 99-12, § 1 (div. 13.300), 4-26-1999)

Secs. 106-2567--106-2595. Reserved.

Subdivision II. Small Lot Rural Subdivisions

Sec. 106-2596. Minimum layout standards.

~~The parcel upon which a rural subdivision is proposed shall have at least two and no more than four residential lots, in addition to the residual lot. No parcel shall be able to use the rural subdivision standards unless it meets the minimum area standards in table 106-2596. Newly subdivided lot sizes shall be no smaller than one acre.~~

~~TABLE 106-2596. MINIMUM AREA STANDARDS FOR RURAL SUBDIVISIONS~~

Number of Lots	Acreage
2	30
3	45
4	60

~~(Ord. No. 99 12, § 1 (13.310), 4 26 1999)~~

Sec. 106-2596. Minimum Development Standards for Small Lot Rural Subdivisions

(a) Minimum lot size for by-right lots is $\frac{1}{2}$ acre.

(b) Once the permitted number of by-right lots is subdivided from the parent parcel in compliance with Table 106-2596, the Open Space and Density Standards in Table 106-1526 shall apply to the remaining acreage of the parent parcel with the following exception. Where by-right lots are less than 1 acre, 1 acre per subdivided by-right lot will be subtracted from the original acreage of the parent parcel before applying the density standards in Table 106-1526 to the parent parcel.

**TABLE 106-2596. MAXIMUM NUMBER OF LOTS THAT CAN BE SUBDIVIDED FROM
A PARCEL OF RECORD UTILIZING THE SMALL LOT RURAL SUBDIVISION**

<u>Parcel Size (base site density) in Acres</u>	<u>Maximum Number of Lots with no "By-Right" Lot Splits (Lady's Island, Southern Beaufort County, Airport Overlay District)</u>	<u>Maximum Number of Lots with 2 "By-Right" Lot Splits (Port Royal Island outside of Airport Overlay District)</u>	<u>Maximum Number of Lots with 3 "By-Right" Lot Splits (Sheldon Township, St. Helena Island)</u>
<u>2</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>3</u>	<u>1</u>	<u>3</u>	<u>3</u>
<u>4</u>	<u>1</u>	<u>3</u>	<u>4</u>
<u>5</u>	<u>1</u>	<u>3</u>	<u>4</u>
<u>6</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>7</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>8</u>	<u>2</u>	<u>4</u>	<u>4</u>
<u>9</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>10</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>12</u>	<u>4</u>	<u>5</u>	<u>6</u>
<u>15</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>20</u>	<u>6</u>	<u>8</u>	<u>8</u>
<u>25</u>	<u>8</u>	<u>9</u>	<u>10</u>
<u>30</u>	<u>10</u>	<u>11</u>	<u>12</u>
<u>40</u>	<u>13</u>	<u>14</u>	<u>15</u>
<u>50</u>	<u>16</u>	<u>18</u>	<u>18</u>
<u>100</u>	<u>33</u>	<u>34</u>	<u>35</u>

Sec. 106-2597. Conditions and limitations.

~~Rural~~ Small lot rural subdivisions shall meet the following conditions and limitations. Where the adjoining public right-of-way is an arterial or collector street, the required right-of-way of such streets shall be dedicated to standards as designated by the county or SCDOT.

- (1) *Access easement.* All lots shall take direct access from an access easement or right-of-way having a minimum ~~right-of-way~~ width of 50 feet ~~located on the residual parcel~~. The access easement shall be improved with gravel and ditches for drainage. A 40-foot access easement may be permitted to serve no more than four lots with documentation provided to the ~~DRT~~ ZDA if emergency vehicles can be accommodated. Landowners with private accesses are exempt from the width and improvement (gravel and ditches) requirements with documentation that emergency vehicles can be accommodated.
- (2) *Access limitations.* Any lot abutting a public right-of-way classified as an arterial, collector, or emergency evacuation route shall have an accompanying plat note prohibiting direct access to that lot from the abutting arterial, collector, or emergency evacuation route. ~~The DRT may require such limitations on other roads where there exists the possibility of upgrading that road to the above status.~~
- (3) *Improvements.* The responsibility of the ~~residual lot parent parcel~~ owner to pave install, in accordance with the requirements of Section 106-2597(1), roads and install all public utilities, water, sewer, and storm drainage for the initial lots shall be noted on the final plat.
- (4) ~~Residual lot requirement. A note shall appear on all plans for rural subdivisions specifying that the residual lot cannot be further subdivided until all public improvements for water, sewer, and roads are satisfied or when infrastructure improvements and a zoning amendment take the land out of the rural district. The note on the plan shall specify that the developer of the residual lot shall be responsible to improve all streets, utilities, and drainage for the subdivision's initial residential lots in accordance with this chapter, in conjunction with the subsequent planning of the residual parcel. When the residual lot is developed, the 40percent open space requirement must be met and calculated on total acreage.~~
- (4) Restrictions on future subdivisions. A note shall appear on all plans for rural small lot subdivisions specifying the number of remaining by-right lots that can be subdivided from the parent tract. If all by-right lots are subdivided, the note shall state that remaining subdivisions of the parent tract shall meet the density requirements prescribed in Table 106-1526.

(Ord. No. 99-12, § 1 (13.311), 4-26-1999)