



Jasper County Planning Department

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Jasper County Planning Commission Staff Report

Meeting Date:	August 11, 2009
Project:	Traditional Family Settlement Ordinance
Submitted For:	Discussion and Information Only
Recommendation:	N/A

Background: Staff is currently researching various family compound oriented regulations to draft a “Traditional Family Settlement Ordinance.” The current Jasper County Zoning Ordinance is inflexible in regard to support for traditional family settlements and the strict required subdivision construction standards. This ordinance would allow for the placement of addition dwelling units on a lot of record without subdivision or adherence to typical subdivision regulation. The goal of this ordinance is to: support traditional family way of life; and to respect cultural and historical settlement patterns in Jasper County.

The development of the Traditional Family Settlement Ordinance is one section of a two-part strategy to address heirs’ property issues and family land:

1. Traditional Family Settlement Ordinance;
2. Partnerships for Education, Outreach and Legal Assistance for Heirs’ Property Owners.

While support for traditional settlement patterns is valuable, it is of great importance to ensure titles are cleared to eliminate the threat of development pressure. It should be noted that the proposed ordinance does nothing to prevent development pressures to family land and heirs’ property.

Description: There may be several methods to incorporate Traditional Family Settlement into the Zoning Ordinance. Allowing this type of land use as a conditional use in Article 6 may be an ideal approach. With this approach, Tradition Family Settlement could be added as a land use and allowed conditionally in the Residential and Rural Preservation Zoning Districts.

Once the use table is amended, “conditions” are necessary to protect public health, safety and welfare; the intent of the State of South Carolina enabling legislation allowing zoning. In order for Staff to recommend approval of an ordinance to support Traditional Family Settlements, several items must be addressed during conditional review.

Access: Emergency access plans must be reviewed and approved at time of application for conditional review. Prior to zoning and building permitting, appropriate access must be provided will be subject to Fire Marshal and Planning Department review. International Fire Code sections 503.2.1 and 504.3 deal with unobstructed vertical and horizontal width of access road and driveways. County conditional review must ensure that adequate access is provided for safe access and to be consistent with these noted outside agency regulations (examples- Beaufort County, Wakefield-NH)

Family Use: To prevent abuse of this provision, traditional family settlements will be restricted to family use only. The person for whom the family dwelling unit is to be built must be an heir to the property or related to the owner by blood, marriage, or adoption (examples- Beaufort County, Wakefield-NH)

Density and Setbacks: While traditional settlement is generally a cluster design in nature, gross density (units per overall acreage) must be addressed so as not to exceed density allowed within the County. Setbacks requirements must balance clustering with adequate space for septic systems and emergency access between dwelling units (examples- Beaufort County, Berkeley County, Wakefield-NH)

Public Health and Sanitation: As most traditional family settlement will depend on septic systems and wells, SC DHEC will have a great influence on density and system approvals. Shared septic systems are not an allowed practice under County regulations as well as SC DHEC. Any modification to these standards would need SC DHEC review and authorization.

Conclusion: The intent of this Staff Report is to provide examples from other jurisdictions and to begin the process of determining the best method to support traditional family settlement patterns. Staff will continue research and preparation of a model Traditional Family Settlement Ordinance. The planning process could include workshops and outside review and expertise to finalize this Zoning Ordinance amendment.

Attachments:

1. Ordinance Examples