

Attachment 1
Ordinance Examples

Beaufort County
Sec. 106-2105. Family compounds.

- (a) The purpose of this section is to allow longtime rural residents to protect a traditional way of life and provide affordable housing for family members which in turn will help stabilize and preserve the county's rural communities. Family compounds are approved uses in the rural, rural residential, and community preservation districts. In the rural residential district, only parcels of record may apply for the family compound option.

- (b) The family compound option allows property owners a density bonus for family dwelling units, which can be built either on the applicant's property or on property subdivided and conveyed by the applicant.

- (c) Upon application by a property owner, the county shall permit additional family dwelling units and/or permit a subdivision upon a determination that both of the following are satisfied:
 - (1) Either a single member of the family, multiple members of the family, or an unbroken succession of family members have owned the property for no less than 50 years.
 - (2) The person for whom the family dwelling unit is to be built and/or the property subdivided is related to the owner of the property by blood, marriage, or adoption.

- (d) Dwelling unit design is as follows:
 - (1) Family dwelling units may be built at the densities set forth in table 106-2105 as limited by subsection (f) of this section. As the table indicates, the property owner will be permitted more family dwelling units if the new units are arranged in a traditional cluster with two or more existing units. For the purposes of this section, the term "traditional cluster" means that the average distance between units is not more than 50 feet.

TABLE 106-2105. FAMILY COMPOUND DENSITY

Minimum Site Area (acres)	Number of Units with Traditional Clustering	Number of Units without Traditional Clustering
Up to 1.99	2	1
2	4	2
3	6	3
4	7	3
5	8	4

6	9	4
7	9	4
8	10	5
9	10	5
10	11	5
11	11	5
12	12	6
13	12	6
14	13	6
15	13	6
16 or more	14	7

(2) For traditional clustering, a site plan shall be submitted. The site plan must be drawn to scale and clearly indicate all property lines and the location of all existing and proposed structures.

(3) In order to facilitate traditional clustering, there shall be no minimum lot size required for that option; otherwise, the minimum lot size shall be one-half acre.

(4) No family dwelling unit shall be built unless the appropriate agency has determined that septic systems and reserve areas in the family compound are sufficient to serve all units in the compound.

(5) In order to facilitate traditional clustering, the minimum separation between family dwelling units shall be 15 feet.

(6) Rural subdivision standards do not apply. Improved roads are not required. Any subdivision under this section shall be accompanied by covenants and cross easements, or similar restrictions and reservations, guaranteeing essential infrastructure and 50 feet of vehicular access for each family subdivided lot.

(e) No family dwelling unit shall be leased for five years from the date of approval unless the lessee is related to the property owner by blood, marriage, or adoption.

(f) No portion of a tract of land granted a density bonus under this section shall be conveyed for five years from the date of approval unless the grantee is related to the property owner by blood, marriage, or adoption. This limitation on conveyance shall:

(1) Be recorded on the plat of the applicant's property, on the plats of any property subdivided and conveyed by the applicant under this section, and in a database accessible to county staff.

(2) Not operate to prohibit actions in foreclosure brought by lenders that are participating in the secondary mortgage market.

(3) Not operate to prohibit sale by the county of the entire tract or a portion of it for nonpayment of property taxes.

- (g) Violations and penalties for violation of this section are as follows:
- (1) Any person found in violation of this section may be assessed a fine of the maximum allowed by state law for each dwelling unit in violation.
 - (2) A violation of this section shall consist of the following:
 - a. Intentional misrepresentation during the application process;
 - b. Lease of a family dwelling unit to a nonfamily member within five years of approval; or
 - c. Conveyance of any portion of a tract of land granted a density bonus under this section to a nonfamily member within five years of approval.
 - (3) The fine may be waived if it can be shown that lease or conveyance to a nonfamily member was absolutely necessary to avoid foreclosure on either a family dwelling unit or any portion of a tract granted a density bonus under this section.
 - (4) Until the fine has been paid, the ZDA shall not permit additional family dwelling units or further subdivision under this section in the violator's family compound.
 - (5) As a condition of approval, the applicant and the person for whom the family dwelling unit is to be built or the property subdivided shall read and sign disclosure forms describing violations of this section and applicable penalties.
 - (6) A violation shall not have the effect of clouding the title of a parcel subdivided under this section.
- (h) Applicants must submit a sworn affidavit with the following information:
- (1) Certification that the parcel in question has been in the family for at least 50 years as required by this section.
 - (2) An agreement that all new parcels subdivided from the parent parcel shall be owned or used by family members or as otherwise provided for in this section.
 - (3) Acknowledgment that resale of any parcel approved as part of a family compound shall be restricted for five years as provided for in this section.

(Ord. No. 99-12, § 1 (07.250), 4-26-1999)

**Berkeley County
Agricultural District**

6.4.10. Density regulations.

- A. When not subdividing, there shall be no more than two principal dwelling units per one acre (43,560 square feet) of platted land, lot, or parcel.
- B. In no case shall there be more than four units placed on one parcel.
- C. In the situation whereby the parcel is legally designated to as "heirs" property the density of principal dwelling units when not subdividing may [be] no more than three units per one acre (43,560 square feet). In no case shall there be more than ten units placed on one parcel legally referred to as "heirs" property.

Wakefield, NH

ARTICLE 23C – FAMILY COMPOUND

A. PREFACE. It is recognized that the “family” is an integral part of society as a whole, and Wakefield in particular. Family businesses are commonplace, as too is family involvement in non-business activities, such as worship, recreation, and tending to the needs of the home. There are many forces at work that act to drive families apart, including the labor market, ease of travel, technology, cost of living, and societal pressures. We are living longer than ever. Families can often span 4 generations. The increase in real estate prices may make it difficult for families to spend blocks of time together, by interfering with the financial ability of families to buy separate parcels of land in close proximity to one another.

It is with the above observations as the backdrop that family compounds are provided a place in the Wakefield landscape. However, and as a caveat to the would-be owner(s) of a family compound, caution and prudence should be exercised. A family compound, which ceases to be used solely for “family,” may become subject to enforcement action in order to bring it into compliance with the Zoning Ordinance. Careful planning is separate lots of record that comply with the Zoning Ordinance in effect at the time the family compound ceases to qualify as such. Although no one knows what the requirements of the Zoning Ordinance will be at any time in the future, thoughtful planning in the present may soften or eliminate possible problems for future heirs or generations when the family compound is no longer a viable alternative.

This Article allows and provides standards for family compounds.

B. STANDARDS. It is encouraged, but not required, that each dwelling be located on the parcel in such a way that, if subdivided, each dwelling will be located on a conforming lot, to include required minimum lot size, road frontage, setbacks, etc.

1. Separate water supply and sewage disposal for each dwelling is not required. However, it is encouraged that each dwelling be located on the parcel in such a way that, if subdivided, each dwelling will have sufficient area available for separate water supply and sewage disposal.

2. A maximum of three (3) dwelling units per lot.

3. A shared driveway serving all the dwelling units on a lot is allowed. However, it is encouraged that each dwelling be located on the parcel in such a way that, if subdivided, each dwelling will have the ability for direct driveway access to a street.

4. Title to the property, to include the land and all dwelling units must be vested in the same owner, which shall be (1) an individual, (2) two or more persons related by blood or marriage, or (2) a New Hampshire entity whose shares or member interests are all held by one or more persons related by blood or marriage. “Related by blood or marriage” means persons who have a valid marriage or civil union certificate, or who are related by virtue

of being lineal ascendants or descendants, brother, sister, uncle, aunt, niece, nephew, or first cousin. When title is vested in 2 or more persons, either directly or through ownership in an entity, either the deed shall recite the nature of the familial relationships between the vested interests, or the holders of the vested interests shall provide a statement to the Town reciting the nature of the familial relationships between the vested interests signed by the holder of each vested interest.

5. Each dwelling must comply with the provisions of the Comprehensive Shoreland Protection Act (RSA Chapter 483-B). The key provisions are summarized as follows:

a. If the parcel is a shorefront parcel, only one dwelling unit per 150' of shoreland frontage (the average of the distances of the actual natural shoreline footage and a straight line drawn between property lines) is allowed (RSA 483-B:9, V(d)(2)(A)); and

b. For lots located within 250' of a shoreline that do not have direct frontage, only one dwelling unit per 150' of lot width, as measured parallel to the shoreland frontage, is permitted (RSA 483-B:9, V(d)(2)(B)).

6. The use of single-family dwellings in a family compound is limited to family members and occasional guests. No rent may be charged for any dwelling unit in the family compound.