TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2026-01

ADOPTED 4/28/26

AN ORDINANCE AMENDING THE TOWN OF SEABROOK ISLAND DEVELOPMENT STANDARDS ORDINANCE ("DSO") TO ESTABLISH A PLANNED DEVELOPMENT (PD) DISTRICT AND TO UPDATE VARIOUS DEVELOPMENT REGULATIONS, ADMINISTRATIVE PROCEDURES, AND DEFINITIONS

WHEREAS, the Development Standards Ordinance for the Town of Seabrook Island (the "DSO") was adopted by the Mayor and Council of the Town of Seabrook Island on June 29, 2022, with the passage of Ordinance No. 2022-04; and

WHEREAS, the DSO was amended by the Mayor and Council on October 25, 2022, with the passage of Ordinance No. 2022-06; and

WHEREAS, the DSO was again amended by the Mayor and Council on June 26, 2024, with the passage of Ordinance No. 2024-03; and

WHEREAS, the DSO was most recently amended by the Mayor and Council on December 17, 2024, with the passage of Ordinance No. 2024-06; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to further amend the DSO to:

- Update references to various local, state, and federal agencies **(Throughout)**;
- Update requirements for fences, walls, and swimming pools **(Article 2)**;
- Update procedures for the establishment of zoning on annexed property **(Article 3)**;
- Establish a Planned Development (PD) District **(Article 7)**;
- Update conditional use requirements for short-term rental units related to the duties of authorized agents and qualified local contacts, and to amend the items to be included in the annual rental activity report **(Article 9)**;
- Update landscaping and buffering requirements for certain zoning districts **(Article 11)**;
- Update requirements for temporary signage **(Article 13)**;
- Clarify procedures for the issuance of certificates of occupancy and establish a procedure for the issuance of temporary certificates of occupancy **(Article 18)**;
- Update policies and procedures for text and map amendments **(Article 19)**;
- Update policies and procedures for appeals **(Article 20)**;
- Amend policies for certain nonconforming buildings and structures **(Article 21)**;
- Clarify requirements for enforcement actions and corresponding penalties **(Article 22)**; and
- Update various definitions **(Appendix A – Definitions)**

WHEREAS, as required by law, the Town of Seabrook Island Planning Commission reviewed the proposed amendments during a regularly scheduled meeting on February 11, 2026, at which time members of the Planning Commission recommended in favor of approval of the proposed

amendments, with modifications; and

WHEREAS, as required by law, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on March 24, 2026, with public comments duly noted; and

WHEREAS, the Mayor and Council believe it is fitting and proper to amend the DSO to achieve the objectives stated herein;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND, S.C.:**

SECTION 1. Adopting Amendments to the DSO. The amended version of the DSO, a copy of which is attached hereto as "Exhibit A", is hereby adopted by reference as if fully set forth in this section.

SECTION 2. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 4. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this 21ST day of MAY, 2026, having been duly adopted by the Mayor and Council for the Town of Seabrook Island on the 28TH day of APRIL, 2026.

First Reading: March 31, 2026
Public Hearing: March 24, 2026
Second Reading: April 28, 2026

TOWN OF SEABROOK ISLAND

Bruce Kleinman, Mayor

LEGAL REVIEW

Stafford J. McQuillin, Town Attorney

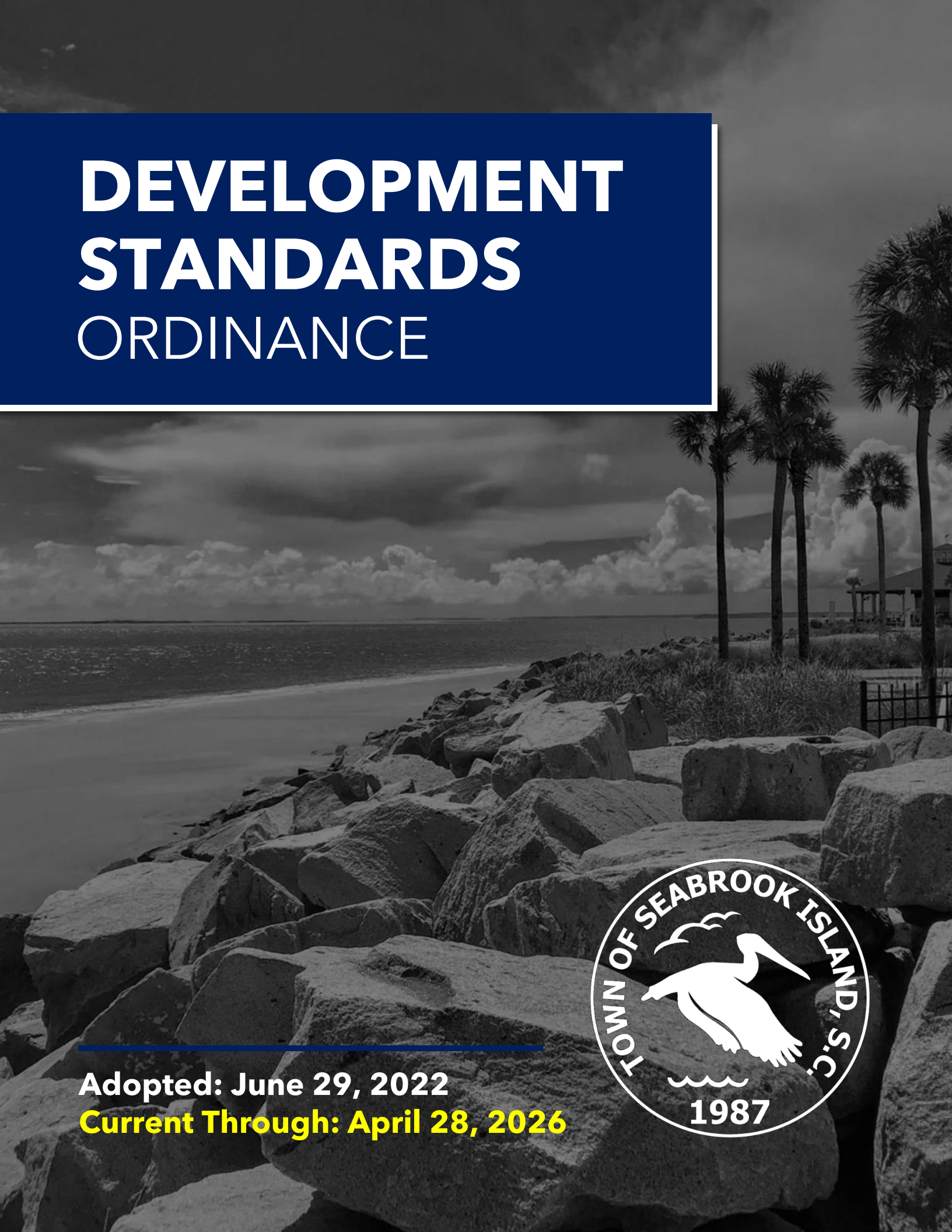
ATTEST

Peter D. Wiggins II, Town Clerk

EXHIBIT A

To Ordinance No. 2026-01

Town of Seabrook Island
Development Standards Ordinance
(Amended)



DEVELOPMENT STANDARDS ORDINANCE

Adopted: June 29, 2022
Current Through: April 28, 2026

TOWN OF SEABROOK ISLAND, S.C.
1987

Town of Seabrook Island
Development Standards Ordinance

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Purpose, Organization, and Enactment

ARTICLE 1

Town of Seabrook Island

Development Standards Ordinance

Section 1.1 Title and Purpose

A. This ordinance shall be known as the "TOWN of Seabrook Island Development Standards Ordinance" and may also be referred to as the "DSO" or "this ordinance."

B. The purpose of this ordinance is to:

1. guide DEVELOPMENT in accordance with existing and future needs;

2. protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare;

3. preserve the environmental character of the community;

4. facilitate the timely and adequate provision of water, sewage disposal, other UTILITY services, parks, and other public infrastructure;

5. regulate the density and distribution of populations and the uses of BUILDINGs, STRUCTUREs and land for trade, residence, recreation, and conservation;

6. secure safety from fire, FLOOD, and other dangers; and

7. further the public welfare in any other regard specified by TOWN COUNCIL.

C. In accordance with the South Carolina Local Government Comprehensive Planning Enabling Act, this ordinance is based on a COMPREHENSIVE PLAN for the TOWN, which promotes safeguarding the character and unique resources of the community, while providing for a range of land uses in harmony with that character and the ability to provide public services.

Section 1.2 Enabling Authority

A. The TOWN COUNCIL is authorized to adopt this ordinance pursuant to the enabling authority contained in the S.C. Code of Laws, Sections 6-29-710, et. seq., and all other relevant laws of the State of South Carolina.

B. Whenever any provision of this ordinance refers to or cites a section of the S.C. Code of Laws and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1.3 Scope and Interpretation

A. This ordinance affects and regulates the use, DEVELOPMENT, preservation, and occupancy of all land, BUILDINGs, and STRUCTUREs within the TOWN.

B. In the interpretation and application of this ordinance, all provisions shall be considered as minimum requirements, liberally construed in favor of the TOWN COUNCIL, and deemed neither to limit nor repeal any other powers granted under state law. This ordinance is not intended to repeal, abrogate, or impair any existing EASEMENTs, covenants, or deed restrictions.

Section 1.4 Conflicting Regulations

This ordinance affects and regulates the use, DEVELOPMENT, preservation, and occupancy of all land, BUILDINGs, and STRUCTUREs within the TOWN. In those instances where the ordinance imposes greater limitations or restrictions than those imposed by the provisions of other ordinances, instruments of land conveyance, private restrictions or land use covenants, or other laws or instruments purporting to affect land use, the provisions of this ordinance shall control. Whenever the provisions of any other statute or regulation require more restrictive standards than are required by this ordinance, the provisions of such statute or regulation shall govern.

Section 1.5 Effect of this Ordinance

No land, BUILDING, STRUCTURE, or other premises shall be used, developed, or occupied and no BUILDING or STRUCTURE shall be constructed, reconstructed, moved, removed, extended, enlarged, or altered except in compliance with the provisions of this ordinance.

Section 1.6 Vested Rights

A. **Findings**.

1. The General Assembly of the State of South Carolina, by Act 287 of 2004, amended the South Carolina Local Government Comprehensive Planning Enabling Act (Title 6, Chapter 29 of the S.C. Code of Laws) to add Article 11 cited as the "Vested Rights Act."

2. TOWN COUNCIL has determined that it is in the best interest of the TOWN to avoid the default provisions and to maintain and allow for local government control and flexibility of local planning and zoning functions to the extent allowed by law.

B. **Establishment and Conditions of Vested Rights**.

1. Vested Rights Established. A vested right to develop property in accord with a site-specific development plan is triggered upon the final approval of the site-specific development plan by the reviewing authority authorized to approve the site-specific development plan, and the payment to the TOWN of all applicable established fees. While the TOWN may approve grading, installation of utilities, streets, or other infrastructure under separate permits in anticipating site-specific development plan approval, any such construction or any expenditure in preparing documents for further permits is done at risk, since rights are not vested in the site-specific development plan until it is approved and fees paid.

2. Subject to the South Carolina Code of Laws and Legislative Joint Resolutions. Except as hereinafter set forth, a vested right established by this ordinance is subject to the conditions and limitations set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004, and subsequent joint resolutions so long as they are in effect.

3. Expiration and Extension.

    a. A vested right for an approved site-specific development plan expires two (2) years after the date of final approval by the review authority authorized to approve a site-

specific development plan. A vested site-specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the then current provisions of this ordinance, municipal code sections, or other applicable regulations. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right.

b. No sooner than three (3) months, and no later than 45 days prior to the expiration of the two-year vested right period for an approved site-specific development plan, the landowner of property with a vested right may apply to the ZONING ADMINISTRATOR for an annual extension of the vested right. The ZONING ADMINISTRATOR must approve the vested right extension, unless an amendment to the land development ordinance or regulations has been adopted that prohibits approval. No more than five (5) annual extensions of the vested right may be approved.

4. Phased DEVELOPMENT Plans. No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and those plans applicable to lands proposed for annexation, unless approved under a DEVELOPMENT agreement or such development conditions as may be adopted pursuant to Section 7.4(c)(4). An approved or conditionally approved site-specific development plan, meeting the requirements of Article 14, is required prior to approval with respect to each phase of a phased development plan.

Section 1.7 Rules of Construction

A. The words, terms, and phrases used in this ordinance shall have the meaning assigned to them in Appendix A - Definitions, except where the context clearly indicates a different meaning.

B. The following rules shall apply for construing or interpreting the terms and provisions of this ordinance:

1. Meanings and Intent. All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the purpose statements set forth throughout this ordinance. When a specific section of this ordinance gives a different meaning than the general definition provided in Appendix A, the specific section's meaning and application of the term shall control.

2. Headings, Illustrations, and Text. In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

3. Lists and Examples. Unless otherwise specifically indicated, lists of items, or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

4. Computation of Time. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the TOWN, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the TOWN. References to days are calendar days unless otherwise stated.

5. References to Other Regulations/Publications. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

6. Delegation of Authority. Any act authorized by this ordinance to be carried out by the TOWN ADMINISTRATOR, ZONING ADMINISTRATOR, or other TOWN employee may be carried out by a designee of that employee.

7. Technical and Non-Technical Terms. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

8. Public Officials and Agencies.

   a. All public officials, bodies, ~~and~~ agencies, and departments to which references are made are those of the TOWN, unless otherwise indicated.

   ~~a.~~b. In the event this ordinance makes reference to a specific official, body, agency, department, or political subdivision of the county, state, or federal government, which is subsequently renamed, consolidated, or eliminated following the effective date of this ordinance, it is the intent of this ordinance that such reference shall apply to the lawful successor having jurisdiction over the subject matter, as applicable.

~~8.~~9. Mandatory and Discretionary Terms. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

~~9.~~10. Conjunctions. Unless the context clearly suggests to the contrary, conjunctions shall be interpreted as follows:

   a. "And" indicates that all connected items, conditions, provisions, or events apply; and

   b. "Or" indicates that one (1) or more of the connected items, conditions, provisions, or events apply.

~~10.~~11. Tenses, Plurals, and Gender. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

~~11.~~12. Measuring Distance. Unless specified otherwise, in those provisions that require separation between uses or properties, measurement of distance shall be from nearest property line to nearest property line.

Section 1.8 Repeal of Ordinances

A. The repeal of any language within this ordinance, or any expiration by virtue of any provision contained within the ordinance, shall not affect any right accrued, any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the regulation expired.

B. When any language which repealed another provision shall itself be repealed, the previous language shall not be revived without being approved as a text amendment to this ordinance, as detailed in Article 19.

Section 1.9 Severability

If any section, subsection, clause, or provision of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision. or portion of these regulations which is not invalid or unconstitutional.

Section 1.10 Enactment and Effective Date

A public hearing having been held as required by the S.C. Code of Laws, Sections 6-29-710, et. seq., as amended, and all other relevant laws of the state of South Carolina, the provisions of this ordinance are hereby adopted, and shall take effect on July 1, 2022. Whenever used in this ordinance, the term "effective date of this Ordinance" shall mean July 1, 2022.

ARTICLE 2

General Provisions

Town of Seabrook Island

Development Standards Ordinance

Section 2.1 General Compliance

A. **Ordinance Compliance**.

1. Except as otherwise provided in this ordinance, no BUILDING, STRUCTURE, or premises shall be used or occupied; and no BUILDING or part of any BUILDING or other STRUCTUREs shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the provisions of this ordinance.

2. No LOT may be altered or diminished in size to less than the minimum requirements of this ordinance; provided, a LOT may be reduced below the requirements of this ordinance to meet the needs of a PRIVATE or PUBLIC UTILITY (e.g., a pumping station or electrical substation).

B. **Unlawful BUILDINGs and Uses**. Any BUILDING, use, or LOT which has been unlawfully constructed, occupied, or created prior to the date of adoption of this ordinance shall continue to be unlawful, unless expressly permitted by this ordinance. Such unlawful BUILDINGs, uses, or LOTs shall not be considered to be NONCONFORMING BUILDINGs, uses, or LOTs of record and shall not be afforded any protections or allowances otherwise granted to legally NONCONFORMING BUILDINGs, uses, or LOTs.

C. **Withholding Approval**. The TOWN COUNCIL, PLANNING COMMISSION, Board of Zoning Appeals, ZONING ADMINISTRATOR, or other authorized board, commission, or administrative staff may, in its sole discretion, withhold approval of any plan, use, or permit request pending receipt of permits or approvals from other local, county, state, or federal departments or agencies.

D. **Excavations or Fill**.

1. The construction, MAINTENANCE, or existence within the TOWN of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, is hereby prohibited; provided, this subsection shall not apply to the following:

   a. any excavation under a permit issued by the ZONING ADMINISTRATOR where such excavation is properly protected and warning SIGNs are posted in such manner as approved by the TOWN; and

   b. natural water bodies, marshes, ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.

2. No property shall be increased in size by filling any CRITICAL AREA or WATERBODY by any method.

E. **Lighting**.

1. Purpose. The purpose of this subsection is to permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment, and commerce while minimizing the effects of excessive or uncontrolled light in order to:

a. Maintain consistent and uniform light levels for traffic and pedestrian safety along streets, sidewalks, and in PARKING LOTs;

b. Ensure uniform lighting for security and law enforcement;

c. Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary;

d. Curtail and reverse the degradation of the nighttime environment and the night sky;

e. Prevent impacts upon shoreline wildlife;

f. Minimize light pollution and light trespass from light sources onto adjacent properties; and

g. Conserve energy and resources to the greatest extent possible.

2. Applicability. These provisions shall apply to all new DEVELOPMENT subject to this ordinance, unless otherwise specified. When a BUILDING, STRUCTURE, or lighting fixture is extended, enlarged, or reconstructed after the effective date of this ordinance, the applicable lighting standards shall apply.

3. Exemptions. The following lighting types shall be exempt from the lighting standards of this subsection:

a. lighting within swimming pools or other water features that are governed by ~~SCDHEC~~SCDES regulations;

b. exit SIGNs, stairs, ramps, and other illumination required by BUILDING CODES;

c. holiday decorations;

d. lighting of the American and government flags; and

e. any lighting fixture that is exempt from the provisions of this subsection by state and/or federal law.

4. Prohibitions. The following types of lighting features shall be prohibited:

a. search lights,

b. strobe lights,

c. laser source lights,

d. any similar high-intensity or flashing light, except in emergencies by police and fire personnel or at their direction, and

e. Mercury Vapor fixtures.

5. Standards. Unless otherwise specified, the following standards shall apply to lighting fixtures in all zoning districts and applications, except those located within a street right-of-way and approved by the TOWN or SIPOA.

    a. General

        i. All exterior illuminating devices, except as may be specifically exempt, shall be hooded or shielded to prevent glare and light spill onto adjoining properties.

        ii. No light fixture shall exceed a height of 24 feet, measured from the ground to the top of the fixture; provided, the Planning Commission may approve taller fixtures for athletic fields where it is demonstrated that such fixtures will be properly positioned and shielded to prevent light trespass and glare onto adjoining properties; not impact shoreline wildlife; and not degrade the nighttime environment.

        iii. Light sources shall not be aimed at adjoining properties, streets, beaches, or upward, except in accordance with paragraph 5(d) below.

        iv. To control light spill and glare, lighting fixtures shall be properly aimed when installed, and proper aiming shall be maintained at all times.

        v. Canopy or under soffit fixtures shall be recessed into the soffit, shall not be visible from off-site, and shall not emit any glare.

        vi. No light fixture shall be permitted within 25 feet of the CRITICAL LINE or any BEACH TRUST property.

    b. Nonresidential Lighting

        i. Light levels in PARKING LOTs shall be reduced during non-business or non-use hours.

        ii. SIGNs shall not be illuminated between the hours of 11:00 PM and 6:00 AM or during any period of time when the establishment is not in use, whichever is more restrictive.

    c. Residential Lighting.

        i. Light fixtures in any residential district, including RESIDENTIAL USEs within the mixed-use district, shall not exceed 16 feet in height.

        ii. Light fixtures mounted on a BUILDING in a residential district may not be mounted above the 1st floor of the BUILDING.

        iii. Bollard lights are permitted to light driveways and pedestrian areas.

    d. Accent lighting. Accent lighting for sculptures, statues, trees, landscape features, flags, SIGNs, architectural features, and entrances may orient light upward, provided the directed light shall be substantially confined to the object intended to be illuminated

to minimize glare, sky glow, and light trespass. Accent lighting shall not shine directly into the window of a neighboring STRUCTURE or directly onto a street.

e. Gas lamp fixtures. Fixtures with clear, seeded, and/or translucent glass are permitted only when used with low wattage "flicker" bulbs that mimic gas lamps. Use of frosted bulbs is not a substitute for using Dark Sky compliant fixtures. Lamp types shall produce a light color that is in the color spectrum between 2700 and 3100 Kelvin. Lamp types producing a light color outside this range (e.g., mercury vapor, sodium vapor, CFL, and others) are prohibited. All lamps/light fixtures shall provide a color rendering index (CRI) of 85 or higher.

f. SIGN lighting. Illumination of SIGNs shall comply with the requirements of Article 13. Internally illuminated SIGNs are not permitted and light fixtures directed at a SIGN may only be permitted where the fixtures are shielded so not to cause visible glare to PERSONs on adjacent streets or adjacent property.

g. Decorative or aesthetic light fixtures. The ZONING ADMINISTRATOR may approve decorative or aesthetic lighting fixtures, including those that do not orient all light downward, if the following conditions are met:

i. The fixtures shall not exceed the maximum height specified in this subsection;

ii. The fixtures shall offer a design element that is complementary to the architectural style of the adjacent BUILDING(s); and

iii. The fixtures shall not negatively impact neighboring residential properties or any street right-of-way.

6. Photometric Plan. A photometric plan, prepared by a registered lighting engineer, is required as part of any development plan reviewed by the PLANNING COMMISSION. The photometric plan shall be overlain on the development plan illustrating the proposed layout of lighting fixtures and foot-candles of site lighting. The following are required for review:

a. Lighting plan showing light pole and fixture locations and type designations;

b. Photometric plan showing horizontal luminance levels in a point-by-point format with contour lines. Canopy lighting will also be included in luminance levels;

c. Lighting manufacturers' equipment specifications and data sheets on the photometric plan; and

d. Any other presentations required to convey the intent of the design.

Section 2.2 BUILDINGs

A. **ACCESSORY BUILDINGs**.

1. ACCESSORY BUILDINGs or GARAGEs shall be considered to be part of the main BUILDING if structurally and architecturally integrated into the main BUILDING, or if attached by an enclosed breezeway or similar enclosed STRUCTURE.

2. Detached ACCESSORY BUILDINGs shall not be located closer than 10 feet to the main BUILDING or any structural appurtenance attached to the main BUILDING, such as a PORCH or raised DECK.

3. No ACCESSORY BUILDING, other than detached GARAGEs, shall be located in a FRONT YARD.

4. Accessory STRUCTUREs, such as gazebos and similar roofed, but unenclosed, STRUCTUREs, shall not be permitted within a residential zoning district, except if attached to the principal dwelling.

5. No ACCESSORY BUILDING shall be constructed on a LOT before the principal BUILDING or use is constructed or established on the LOT.

6. Unless otherwise provided in this ordinance, ACCESSORY BUILDINGs and GARAGES shall meet the minimum SETBACK requirements for principal BUILDINGS in all zoning districts.

7. If a detached GARAGE is accessed from an alley, there shall be no rear SETBACK requirement.

8. The maximum total floor area of all ACCESSORY BUILDINGs on a SINGLE-FAMILY LOT shall not exceed 50 percent of the ground floor area of the dwelling or 600 sq. ft., whichever is less.

9. In the R-CL, R-TH, and R-MF districts, detached GARAGEs shall be exempt from limits on number and size. In addition, up to three (3) ACCESSORY BUILDINGs serving a DEVELOPMENT of multiple-family or TOWNHOME units may be permitted for MAINTENANCE and storage.

10. The area of ACCESSORY BUILDINGs shall be included in the maximum LOT COVERAGE.

11. The maximum BUILDING HEIGHT of an ACCESSORY BUILDING shall not exceed 14 feet.

12. No ACCESSORY BUILDING, except as may otherwise be permitted in this ordinance, shall be occupied or rented for RESIDENTIAL USE.

B. **Restoring Unsafe BUILDINGs**. Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any BUILDING or STRUCTURE declared unsafe by the BUILDING OFFICIAL or required to comply with his or her lawful order; provided, such restoration shall be subject to and completed in accordance with the applicable BUILDING CODES and all other applicable ordinances.

Section 2.3 LOTs

A. **CORNER LOTs**. On CORNER LOTs, the minimum FRONT YARD requirement shall be met on each street. Each CORNER LOT shall be comprised of two (2) FRONT YARDs and two (2) SIDE

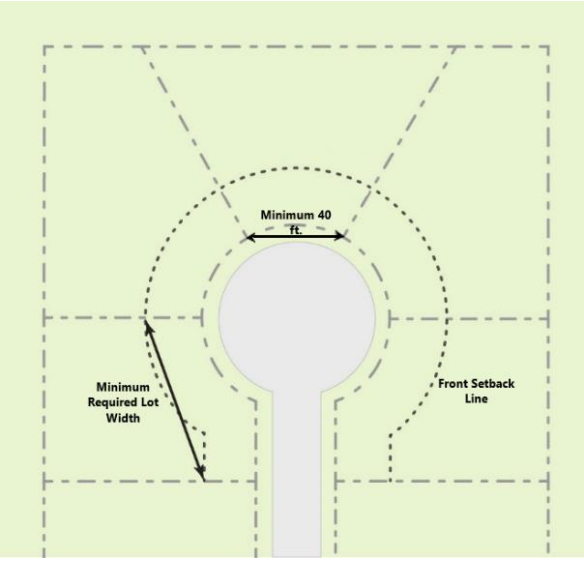
YARDs. CORNER LOTs shall have extra widths where necessary to permit the establishment of clear vision corners, as required at Section 2.4 A.

B. **CUL DE SAC Lots**. In the case of LOTs abutting CUL DE SAC streets, the minimum required LOT WIDTH shall be measured at the required front SETBACK line. CUL DE SAC lots shall have a minimum width of 40 feet at the front lot line.

C. **THROUGH LOTs**. On THROUGH LOTs, the minimum FRONT YARD requirement shall be met on each street.

D. **Minimum LOT FRONTAGE**. All LOTs and parcels created after the effective date of this ordinance shall have FRONTAGE upon and be accessed from a public or PRIVATE STREET right-of-way.

E. **Required Area or Space**. No LOT or LOTs in common ownership and no yard, court, parking area, or other space shall be so divided, altered, or reduced as to make the area or space smaller than the minimum required for the district under this ordinance in which it is located. If already less than the minimum size required, the area or space shall not be further divided or reduced.



Section 2.4 SETBACKs

A. **Clear Vision Corner**. In all zoning districts, SIGNs, FENCEs, walls, STRUCTUREs, benches, shrubbery, or other potential obstructions to vision, shall not be permitted to exceed a height of three (3) feet above the center line FINISHED GRADE of the road within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point where the right-of-way lines intersect; provided, UTILITY poles, street lights, and street signs shall be exempt from this requirement.

B. **Driveways**.

1. No part of a driveway for a SINGLE-FAMILY residence shall be closer than three (3) feet to the side property lines on NONCONFORMING lots and six (6) feet on all other LOTs.

2. Residential driveways shall be at least 12 feet wide.

3. No residential driveway shall be constructed within 50 feet of an intersecting street right-of-way.

4. A shared driveway for cluster, TOWNHOME, or MULTI-FAMILY LOTs or DEVELOPMENTs is permitted to cross property lines for those properties accessed by that driveway.

a. All such driveways shall be engineered on SITE DEVELOPMENT PLANs and presented to the ZONING ADMINISTRATOR at the time of application. With the approval of the PLANNING COMMISSION, shared driveways for cluster, TOWNHOME, and MULTI-FAMILY DEVELOPMENTs may be permitted.

b. In such instances, the driveway must be a minimum of 16 feet wide.

c. The ZONING ADMINISTRATOR must further certify that the proposed shared driveway does not in any manner affect proper ingress or egress to the properties sharing such driveway or other adjoining properties.

d. Where shared driveways are approved, REGIME covenants must clearly define ownership and MAINTENANCE responsibilities of the owners sharing the driveway.

C. **FRONT YARDs**. All yards abutting upon a street right-of-way, whether public or private, shall be considered as FRONT YARDs for SETBACK purposes, except as otherwise provided in this ordinance.

D. **Encroachments in Right-of-Way**. No BUILDINGs, STRUCTUREs, service areas, or off-street parking and loading facilities, except driveways, shall be permitted to encroach into street rights-of-way.

E. **Encroachments into Required Yards**. Certain STRUCTUREs and architectural features may project into the required yard SETBACKs, as shown in Table 2-4 E.

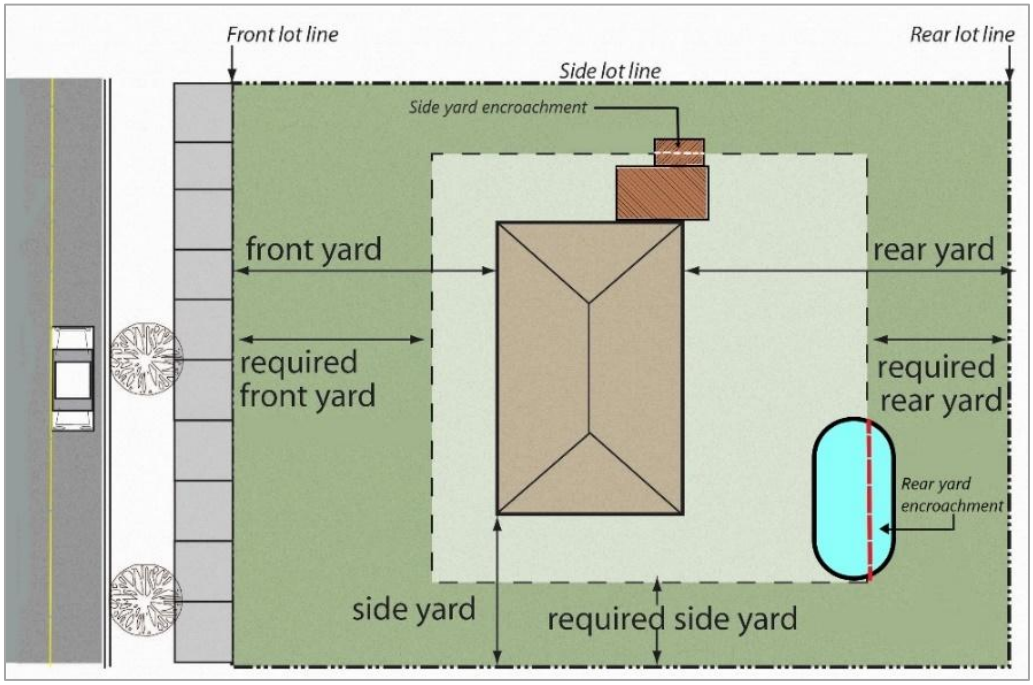
Table 2-4 E, Encroachments into Required SETBACKs

Type of Feature	Maximum Allowed Encroachments into a SETBACK		
	FRONT YARD	SIDE YARD	REAR YARD
Accessory STRUCTUREs	*See Section 2.2 A*		
Accessible ramps, wheelchair lifts and similar STRUCTUREs	Least encroachment necessary to provide a reasonable accommodation pursuant to the Federal Fair Housing Act (FHA) and Title II of the Americans with Disabilities Act (ADA)		
Air conditioning units, generators, and other mechanical equipment, including associated stands	None	None / 5 ft.[1]	None / 5 ft.[1]
DECKs and PERVIOUS PATIOs	None	None	None / 10 ft.[2]
Driveways	*See Section 2.4B*		
Eaves and gutters	None / 18 in.[3]	None / 18 in.[3]	None / 18 in.[3]
FENCEs and walls	*See Section 2.5 B.*		

[1] In the R-SF3, R-CL, R-TH, and R-MF districts only, air conditioning units, generators, and other mechanical equipment, including associated stands, may extend no more than five (5) feet from the outer wall of a residential BUILDING; provided, however, the equipment may be no closer than three (3) feet to an adjoining property line or six (6) feet from a neighboring STRUCTURE. Equipment shall not be located within any EASEMENT, except with written permission of the EASEMENT holder.
[2] Open DECKs and PERVIOUS PATIOs may encroach up to ten (10) feet into the required REAR YARD SETBACK on any residential zoned LOT which abuts a golf course or OPEN SPACE.
[3] For residential lots with less than 17,500 square feet of HIGH GROUND, eaves and gutters may encroach up to eighteen (18) inches into the required SETBACK.

Stairways and stoops, uncovered and unenclosed	None / 10 ft.[4]	None	None / 10 ft.[2]
SIGNs	*See Article 13*		

F. **SETBACK Requirements**. All SETBACKs shall be measured from the property lines; provided, if a beachfront jurisdictional line, CRITICAL AREA, or WATERBODY is present on the property, the SETBACK shall be the greater of the minimum yard SETBACK or the Oceanfront and North Edisto River SETBACK (Section 10.4 B), CRITICAL AREA SETBACK (Section 10.5 A) or WATERBODY SETBACK (Section 10.5 B) , as applicable. ~~If located on a PRIVATE STREET, the SETBACK shall be measured from the right-of-way line or 30 feet from the edge of pavement, whichever is greater.~~ A BUILDING shall not be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the SETBACK requirements of the district in which it is located.



G. ~~**SCDHEC-OCRM**~~**SCDES-BCM CRITICAL LINE**. Whenever this ordinance requires measurement from, or based on, the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE, the CRITICAL LINE shall have been reviewed and certified by ~~SCDHEC-OCRM~~SCDES-BCM within the previous five (5) years. Notwithstanding this requirement, CRITICAL AREAs by their nature are dynamic and subject to change over time. As such, in the event there is reason to believe a CRITICAL AREA has changed since its last review (even if the review occurred within five (5) years), the property owner may be required to have the CRITICAL LINE reviewed again and, if such a change has occurred, relocated before making any determinations requiring a measurement based on the CRITICAL LINE.

Section 2.5 STRUCTUREs

[4] In the R-SF3 district, uncovered and unenclosed stairways and stoops may encroach up to ten (10) feet into the required FRONT YARD SETBACK, but shall be no closer than twenty (20) feet from the street right-of-way.

A. **Awnings**.

1. All awnings shall be securely attached to and supported by a BUILDING wall. No other means of support will be approved.

2. No part of the awning or its supporting frame shall be less than seven (7) feet above the surface over which it is erected.

3. No advertising shall be placed on any awning, unless specifically authorized in Article 13 as an awning SIGN and duly permitted by the town.

B. **FENCEs and Walls**.

1. FENCEs and walls, including retaining walls, shall be permitted in all zoning districts; provided, they conform with the following:

   a. Any open spaces or non-solid areas shall be evenly spaced.;

   b. Walls must be made of stucco, cypress, pressure-treated wood, wood composite, brick, stone, architectural concrete masonry units (CMU), or similar materials;

   c. FENCEs must be ~~made~~ constructed of stucco, cypress, pressure-treated wood, wood composite, iron, powder coated aluminum, or similar materials approved by the ZONING ADMINISTRATOR. Permanent chain link FENCES may be permitted only in the Agricultural (AGR), Recreation (RC), Camp St. Christopher (CSC), and Community Facilities (CF) districts. Temporary chain link fences may be permitted in any zoning district for the purpose of securing a property or STRUCTURE subject to an active building or zoning permit; provided, such fences shall be removed within ten (10) calendar days following the earliest of: (i) final inspection approval; (ii) issuance of a certificate of occupancy; (iii) expiration of the associated permit; or (iv) cessation of construction activity. ~~B~~The use of barbed wire, concertina wire, razor wire, ~~chain link,~~ poultry wire and vinyl are strictly prohibited in all zoning districts;

   d. Walls and FENCEs shall be constructed with quality materials and workmanship in accordance with prevailing BUILDING industry standards for appearance, soundness, safety, and resistance to decay and weather, and shall be maintained in good REPAIR;

   e. Walls and FENCEs shall be located no closer to a side or rear property line than fifty percent (50%) of the required side or rear setback for principal structures;

   f. No wall or FENCE shall be permitted within a required CRITICAL AREA or beachfront SETBACK area;

   g. No wall or FENCE shall be taller than six (6) feet in height, except in the Agricultural (AGR), Recreation (RC), Camp St. Christopher (CSC), and Community Facilities (CF) districts, where the maximum height shall be twelve (12) feet. Height shall be measured from the finished elevation at ~~its~~ the base of the wall or FENCE to ~~the~~ its highest point ~~of the wall or FENCE~~. The maximum height limitation shall not apply to walls and FENCEs which are located on property owned by the TOWN or any other unit of government; ~~provided, however, the PLANNING COMMISSION may allow a~~

~~wall or FENCE to exceed six (6) feet in height when the wall or FENCE is used to screen a public BUILDING or storage yard, UTILITY STRUCTUREs or equipment, or an approved outdoor storage area in a district zoned for conservation, business, community facility, or recreation uses.~~

h. Walls and FENCEs shall not exceed a height of three (3) feet within any sight EASEMENT or clear vision corner;

i. When a wall or FENCE has both a finished side and an unfinished side, the finished side shall face the adjoining property or, if on the interior of the site, shall face outward toward the perimeter of the site;

j. Plant materials, where required, shall be installed on the exterior side of the wall or FENCE; and

k. Walls and FENCEs shall not be constructed in a way that negatively impacts drainage on the site or on adjacent properties.

2. The requirements of this section shall not apply to the REPAIR, replacement, or reconstruction of any wall or FENCE which was legally in existence as of the effective date of this ordinance. Any such wall or FENCE may be REPAIRed, REPLACEd, or reconstructed, provided:

   a. The extent of any NONCONFORMING element shall not be increased. For the purpose of this section, the term "element" shall include the design, materials, height and/or location of the existing FENCE;

   b. The extent of any previously NONCONFORMING element may not be re-established once that element has been brought into conformity, or made less NONCONFORMING, with the provisions of this ordinance;

   c. In the case of replacement or reconstruction, installation of the new wall or FENCE shall be completed no more than 120 days following demolition or destruction of the wall or FENCE which it will REPLACE. The ZONING ADMINISTRATOR may authorize a one-time 60-day extension in the event he or she finds, in writing, that installation may not be completed within 120 days due to circumstances which are beyond the applicant's control; and

   d. Nothing in this paragraph shall be interpreted to conflict with or supersede the requirements of the applicable BUILDING CODES.

3. The provisions of this section shall not apply to the construction and/or MAINTENANCE of any wall, revetment, riprap, or similar STRUCTURE which has been duly permitted by the ~~SCDHEC-OCRM~~SCDES-BCM.

4. Whenever a hedge is used in landscaping BUILDINGs other than SINGLE-FAMILY homes, the hedge shall be installed with plants of sufficient size and spacing as to attain the height required and opacity of at least seventy-five percent (75%) within two (2) years of planting. If a hedge is not in compliance with the above height and opacity requirements within two

(2) years after planting, the hedge must be completed with mature plants at the developer's expense.

C. **Height Exceptions**. The maximum BUILDING HEIGHT for any BUILDING in the Town shall be thirty-six (36) feet above the DESIGN FLOOD ELEVATION, as required by Section 20-22 of the Town Code; provided, however, the following exceptions shall apply:

1. MULTI-FAMILY and commercial buildings may increase the maximum allowable height by one (1) additional foot for each three (3) feet of additional FRONT YARD SETBACK, with a maximum BUILDING HEIGHT of 40 feet above the required DESIGN FLOOD ELEVATION.

2. The maximum BUILDING HEIGHT for residential structures permitted on or after January 29, 2021, may be measured from the ALTERNATE DESIGN FLOOD ELEVATION; provided, 1) the ALTERNATE DESIGN FLOOD ELEVATION is higher than the DESIGN FLOOD ELEVATION required at the time of permitting; and 2) the lowest floor elevation of the residential structure also complies with the ALTERNATE DESIGN FLOOD ELEVATION requirement.

3. Unless otherwise expressly stated, the height limitations of this ordinance shall not apply to any of the following:

    a. Farm buildings in the AGR zoning district;

    b. Electrical power transmission lines;

    c. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or

    d. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33 1/3 percent of the area of the roof.

D. **Mechanical Equipment**.

1. Mechanical equipment located on the ground shall be located in the rear or SIDE YARD in accordance with the requirements of Table 2-4 E.

2. When attached to a BUILDING, the mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing so as not to be visible from neighboring property and to provide sound BUFFERing. Screening shall comply with the requirements of Section 11.3 B.

3. If located on the roof of a BUILDING or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the BUILDING where it is located.

4. Mechanical equipment shall not be placed within any EASEMENT, except with written permission of the EASEMENT holder.

5. The mechanical equipment shall be elevated to meet the requirements of Section 20-22 of the Town Code and all applicable BUILDING CODES.

6. All such equipment shall be located to have the least adverse impact on surrounding property owners.

7. A permit shall be obtained from the ZONING ADMINISTRATOR.

E. **Swimming Pools, Spas, Reflecting Ponds, and Hot Tubs**. Any swimming pool, spa, hot tub, reflecting pond, or similar STRUCTURE whose depth at any point exceeds 24 inches shall be subject to the following regulations and shall be fenced securely, in accordance with the applicable requirements of the BUILDING CODES.

1. Swimming pools, spas, hot tubs, reflecting ponds, and similar STRUCTUREs, including changing rooms and mechanical equipment, shall only be permitted in the REAR YARD; provided, on CORNER LOTs they may be located within a SIDE YARD.

2. Swimming pools, spas, hot tubs, reflecting ponds, and similar STRUCTUREs, whether above or below ground, shall be subject to the minimum SETBACK requirements for principal BUILDINGs.

3. ~~As~~When required by the currently adopted South Carolina BUILDING CODES, all in-ground pools must be fenced.

   a. The FENCE must be at least forty-eight (48) inches in height, with an opening in one direction that does not exceed five and one-half (5½) inches.

   b. The FENCE must be accented with landscaping on all exterior sides not abutting a BUILDING so as to minimize its visual impact.

   c. In lieu of fencing, certified mechanical pool covers may be approved by the ZONING ADMINISTRATOR.

   ~~c.~~d. In lieu of a fence, a pool wall, structure wall, natural barrier, or other allowable structure or feature may be permitted to serve as the required barrier when authorized by the BUILDING CODES administrator.

   ~~d.~~e. Fencing material around community pools must be approved by the ZONING ADMINISTRATOR. Only materials that are harmonious and architecturally compatible with surrounding areas and DEVELOPMENTs shall be approved.

F. **TEMPORARY STRUCTUREs or BUILDINGs**.

1. TEMPORARY STRUCTUREs and Tents.

   a. No STRUCTURE of a temporary nature shall be authorized or allowed to remain on any property; and no trailer, camper, shack, tent, or other similar STRUCTURE shall be used as a residence or for any other purpose, except for construction trailers and temporary sanitary facilities as provided for elsewhere in this ordinance.

b. The erection of large tents and other TEMPORARY STRUCTUREs associated with recreational activities and temporary events may be authorized by the ZONING ADMINISTRATOR. In making such determination, the ZONING ADMINISTRATOR shall consider traffic patterns to and from the STRUCTURE, its proximity to nearby residences, potential noise from amplified music or other sources, the hours of the event for which the tent or STRUCTURE is being erected, and the number of days it will be present.

c. All such STRUCTUREs or tents shall meet the minimum SETBACK requirements of the zoning district in which they are located.

2. Temporary Storage Units.

a. It shall be unlawful to place or permit the placement of a temporary storage unit on any property for more than seven (7) consecutive days; provided, a longer period may be approved by the ZONING ADMINISTRATOR for BUILDING construction or remodeling projects.

b. Temporary storage units shall only be placed upon or within a driveway, parking area or, if access exists to the rear of the LOT, the REAR YARD.

c. No temporary storage unit shall be placed upon or within public property or a public place including, without limitation, a street, sidewalk, or out lawn.

d. The temporary storage unit shall not exceed eight (8) feet in height, eight (8) feet in width and 16 feet in length.

e. The temporary storage unit shall be secured in a manner that does not endanger the safety of PERSONs or property in the vicinity of the unit.

f. The temporary storage unit shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.

g. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, or goods for property other than the property where the storage unit is located or any illegal or hazardous material. Upon reasonable notice, the ZONING ADMINISTRATOR may inspect the contents of any temporary storage unit at any reasonable time to ensure compliance with these requirements.

h. Any temporary storage unit which is not removed at the end of the time for which it may lawfully remain in place, may be removed by the TOWN immediately, without notice, and the violation shall be enforced in accordance with Article 22 of this ordinance.

i. A SIGN identifying the storage unit supplier, mounted on the temporary storage unit, shall not require a SIGN permit; provided, the storage unit complies with the requirements of this subsection and all other applicable ordinances.

A. **Illegal Dwellings**. The use of any floor area below BASE FLOOD ELEVATION for dwelling purposes is prohibited in all zoning districts unless the floor area meets the applicable BUILDING code requirements. BUILDINGs erected as GARAGEs or ACCESSORY BUILDINGs, except approved ACCESSORY DWELLING UNITs, shall not be occupied for dwelling purposes.

B. **PRINCIPAL USE**. A LOT or parcel shall not be devoted to more than one (1) PRINCIPAL USE, or contain more than one (1) principal BUILDING; except for groups of multiple family BUILDINGs, TOWNHOMEs, business establishments, or other BUILDINGs which are determined by the ZONING ADMINISTRATOR to be a PRINCIPAL USE collectively, based on the following considerations:

1. individual BUILDINGs share common parking areas;

2. access to the BUILDINGs/uses is provided via shared access drives or streets;

3. BUILDINGs are under single ownership;

4. individual activities support one another (such as MARINA/convenience store or cycle rental/RETAIL sporting goods); or

5. The BUILDING or USE is located within the MU Mixed Use zoning district.

C. **Domestic Animals**.

1. The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals commonly considered household pets is permitted in any residential district; provided, no more than three (3) dogs or cats, six (6) months of age or older, in any combination shall be kept or housed in or at one (1) dwelling.

2. The keeping of animals not generally considered to be household pets, including, but not limited to, exotic animals and LIVESTOCK, ~~horses, pigs, sheep, cattle, goats, and poultry~~ is prohibited in all zoning districts~~, except within~~ ; provided, the keeping of LIVESTOCK is permitted in the AGR, RC and CSC Districts when accessory to a permitted USE.

D. **Outdoor Storage**. Outdoor storage of merchandise, equipment, supplies, products, or other materials shall only be permitted as a CONDITIONAL USE within those districts and under such conditions as specifically authorized by this ordinance.

E. **Parking, Storage, and REPAIR of Vehicles**.

1. In order to prevent nuisance effects within the community including, but not limited to, noise, soil contamination, unsightly conditions, and diminution of property values, it shall be unlawful for the owner, tenant, or lessee of any BUILDING or land within the TOWN to permit the open storage or parking of any inoperable motor vehicle, machinery, or equipment, or parts thereof, outside of an enclosed GARAGE or enclosed BUILDING. Inoperable, for purposes of this subsection, shall mean motor vehicles, machinery, or equipment which, by reason of dismantling, disrepair, or other cause, are incapable of

being propelled under their own power, operated or used, are unsafe for operation on the streets and highways of this state because of the inability to comply with the South Carolina Motor Vehicle Code, or do not have a current license and registration as required for operation by the South Carolina Motor Vehicle Code.

2. The REPAIR, restoration, and MAINTENANCE of vehicles in any district shall be conducted entirely within an enclosed BUILDING, except for vehicle cleaning, tire changing, or replacement of a battery.

3. It shall be unlawful for the owner, tenant or lessee of any LOT or BUILDING in a residential district or on property containing a DWELLING UNIT to permit the open storage or parking outside of a BUILDING of semi-truck tractors and/or semi-truck trailers, box trucks, bulldozers, earth carriers, cranes, or any other similar equipment or machinery, unless parked for purposes of construction, MAINTENANCE, moving, or similar purpose being conducted on that LOT.

F. **RECREATIONAL VEHICLE Storage**. RECREATIONAL VEHICLEs shall only be stored within areas specifically designated for that purpose as allowed by this ordinance.

G. **Similar Uses**. Every type of potential use cannot be addressed in this ordinance, each district provides for "similar uses" referencing this section. All requests for a use not specifically addressed in any zoning district shall be submitted to the ZONING ADMINISTRATOR for review, based on the following standards.

1. A finding has been made by the ZONING ADMINISTRATOR that the proposed use is not listed as a permitted or CONDITIONAL USE in any zoning district.

2. If the use is not addressed in this ordinance, the ZONING ADMINISTRATOR shall select the use listed which most closely approximates the proposed use, using criteria such as the nature of the use, conformance with the purpose of the zoning district in which it is proposed, aesthetics, traffic characteristics, and potential nuisance effects including, but not limited to, noise, vibration, dust, smoke, odor, glare, and hours of operation).

3. Once a similar use is determined, the use shall comply with any conditions and review procedures that may apply to that use, including the CONDITIONAL USE requirements of Article 9, as applicable.

4. If the ZONING ADMINISTRATOR determines a proposed use is not similar to any use addressed in this ordinance, the applicant may petition TOWN COUNCIL for an amendment to this ordinance, as described in Article 19.

5. The determination as to whether a proposed use is similar in nature and class to another permitted or CONDITIONAL USE within a district shall be considered as an expansion of the use regulations, not a VARIANCE applying to a particular situation. Any use determined by the ZONING ADMINISTRATOR to be similar shall thereafter be included in the enumeration of the uses.

H. **Voting Place**. The provisions of this ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal, or other public election.

Section 2.7 Utilities and Services

A. **Essential Public Services**. The erection, construction, alteration, or MAINTENANCE of essential public services shall be permitted in any zoning district and shall be exempt from the application of this ordinance; provided, BUILDINGs, parking areas, and other uses or STRUCTUREs accessory to the essential service shall not be exempt and shall conform to all applicable ordinance requirements and procedures. This provision, however, shall not be construed to waive the rights of the TOWN to require that specific services be installed underground.

B. **Water and Sanitary Sewer Service**. No STRUCTURE for human occupancy shall, after the effective date of this ordinance, be erected, altered, or moved upon any LOT or premises and used, in whole or in part, for dwelling, business, industrial, institutional, or recreational purposes unless provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial, and industrial waste. Such installations and facilities shall conform to the minimum requirements for such facilities as established by the State of South Carolina, Charleston County, the TOWN, and other relevant government codes, ordinances, and standards.

C. **Underground Storage Tanks**. All underground storage tanks utilized for the storage of propane gas, oil, fuel, or other substances shall be secured in place by straps, bands, or other fastening devices sufficient to keep the tanks securely in place and to prevent them from rising above ground level. Any underground storage tank already in place at the time this ordinance is adopted shall be brought into compliance within two (2) years. Installing or allowing the installation of an underground tank in violation of this ordinance shall be a misdemeanor and prosecuted in accord with Article 22 of this ordinance. No underground storage tank shall be located closer than 25 feet to a CRITICAL AREA or WATERBODY.

Zoning Districts and Map

ARTICLE 3

Town of Seabrook Island

Development Standards Ordinance

Section 3.1 Districts Established

The following zoning districts are established by this ordinance:

Table 3-1, Zone Districts Established		
Category	**Designation**	**District Name**
Conservation / Recreation Districts	CP	Conservation
	AGR	Agricultural
	RC	Recreation
	CSC	Camp St. Christopher
Residential Districts	R-SF1	Large LOT SINGLE-FAMILY
	R-SF2	Medium LOT SINGLE-FAMILY
	R-SF3	Small LOT SINGLE-FAMILY
	R-CL	SINGLE-FAMILY Cluster
	R-TH	TOWNHOME
	R-MF	MULTI-FAMILY
Support Districts	LC	Limited Commercial
	CF	Community Facilities/Services
Mixed Use Districts	MU	Mixed Use
	PD	Planned Development
OVERLAY DISTRICT	SIR	Seabrook Island Road

Section 3.2 ZONING MAP

A. **General**. The official ZONING MAP designates the location and boundaries of the various districts established in this ordinance within the TOWN. The official ZONING MAP shall be kept on file in the office of the ZONING ADMINISTRATOR and be available for public inspection during normal business hours. The original official version of the map shall be identified by the signature of the mayor and attested by the TOWN clerk. Copies of the map may be kept in hardcopy and digital form. The official ZONING MAP, together with any amendments approved pursuant to Article 19, but not yet incorporated into the map, shall be the final authority as to the status of the current zone district classification of all land within the TOWN.

B. **Amendments**. The TOWN COUNCIL may, at its discretion or upon formal application, amend the ZONING MAP, in accordance with the amendment procedures of Article 19.

Section 3.3 District Boundaries Interpreted

A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following TOWN boundaries shall be construed as following TOWN boundaries.

D. Boundaries indicated as approximately following the centerline of creeks, streams or rivers shall be construed as following such creeks, streams, or rivers, or in the event of change in the

location of creeks, streams, or rivers, shall be construed as moving with the creek, stream, or river.

E. Boundaries indicated as approximately following the edge of a marsh or the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE shall be construed as following that marsh or ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE, or in the event of change in location of that marsh edge or CRITICAL LINE, shall be construed as moving with the marsh edge or CRITICAL LINE.

F. Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines, or other lines of government survey as they exist as of the effective date of this ordinance or applicable amendments thereto.

Section 3.4 LOTs Divided by a Zoning Line

Where a zoning line divides a LOT or where two (2) LOTs in different districts are combined, the entire LOT shall be considered to be wholly within the less intense zoning district. Where two (2) LOTs are combined and one of the LOTs is within an OVERLAY DISTRICT, the entire LOT shall be considered to be wholly within the OVERLAY DISTRICT. Table 2-1 lists districts from least intense to most intense.

Section 3.5 Zoning of Vacated Areas

Whenever any street, alley, or other public way within the TOWN is vacated by official governmental action, and when the lands within those vacated lands attach to and become a part of lands adjoining the street, alley, or public way, those lands shall automatically be subjected to the same zoning regulations as are applicable to the adjoining lands.

Section 3.6 Zoning of Annexed Property

Each annexation petition shall be accompanied by an application for ZONING MAP amendment. The purpose of the ZONING MAP amendment is to amend the official ZONING MAP of the TOWN to assign a zoning designation to the subject property upon its annexation into the corporate limits of the TOWN. The ZONING MAP amendment shall be considered concurrently with the annexation petition; provided, the ZONING MAP amendment shall be processed and considered in accordance with the provisions set forth in Article 19 of this ordinance.~~When land is annexed into the TOWN, its zoning designation shall be as established by the annexation ordinance. In instances when the zoning designation of land annexed into the TOWN is not established by the annexation ordinance, it shall be zoned R-SF1 until or unless the TOWN COUNCIL takes action to classify it as another zone district.~~

Conservation / Recreation Districts

ARTICLE 4

Town of Seabrook Island

Development Standards Ordinance

Section 4.1 Purpose

A. **CP, Conservation District**. This district is established for the purpose of protecting and conserving CRITICAL AREAS and WETLANDs, wildlife habitats, other sensitive environmental areas, and those areas otherwise encumbered by conservation EASEMENTs. In addition, all areas within the corporate limits of the TOWN lying seaward of the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE are included.

B. **AGR, Agricultural District**. The purpose of this district is to provide for and protect traditional, low intensity agricultural, farming, and recreational activities, together with very low-density single-family residential development.

C. **RC, Recreation District**. This district provides for designated active and passive leisure amenities, both public and private, that contribute to the enjoyment and relaxation of life on Seabrook Island.

D. **CSC, Camp St. Christopher District**. This district is established to preserve the historically significant and environmentally sensitive property occupied by the non-profit camp and conference center and to support its continued operation. The district allows those uses that currently exist, along with others that may be added in support of the camp's mission and are commonly associated with such facilities, but not including for-profit commercial uses.

Section 4.2 Schedule of Uses

BUILDINGs or land shall not be used; and BUILDINGs shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or BUILDINGs in the districts indicated at the top of Table 4-2 may be used for the purposes denoted by the following abbreviations:

A. PERMITTED USE (P). Land and/or BUILDINGs in this district may be used by right.

B. CONDITIONAL USE (C). Land and/or BUILDINGs in this district may be used by right, provided the specific conditions related to that use, as found in Article 9 are met.

C. Specific Conditions. Indicates the relevant section outlining the specific requirements or conditions applicable to the CONDITIONAL USE which must be satisfied, in addition to the general criteria of Section 9.3.

Table 4-2 Schedule of Uses: Conservation/Recreation Districts					
USE	**CP**	**AGR**	**RC**	**CSC**	**Specific Conditions**
ACCESSORY USEs					
ACCESSORY USEs and STRUCTUREs	P	P	P	P	
Agriculture and Conservation					
Agriculture		P			
Bulkhead and EROSION control devices	P	P	P	P	
Community gardens	P	P	P	P	
Open space preserves such as WETLANDs and wildlife habitat refuge areas	P	P	P	P	
Entertainment, Hospitality, and Leisure					
Boat docks, landings and launches		P			
Classroom and lecture facilities				P	
Community swimming pools			P		
Dormitories, cabins, and cafeterias for campers and conference attendees, not including for-profit HOTELs				P	
Equestrian facilities		P	P	P	
Fitness club/health spa		P	P		
Golf course/country club, including ACCESSORY USEs such as MAINTENANCE facilities, pro shops, lounges, banquet facilities, and RESTAURANTs.		P	P		
Greenways, boardwalks, and non-motorized trails/pathways	P	P	P	P	
Gymnasium and indoor recreation facilities		P	P	P	
MARINA			C		Section 9.4 H
OPEN AIR RECREATION uses	C	C	C	C	Section 9.4 I
Office					
Government offices			P		
Residential					
ACCESSORY DWELLING UNITs		C			Section 9.4 A
HOME OCCUPATIONs		C			Section 9.4 F
SHORT-TERM RENTAL UNITs		C			Section 9.4 O
SINGLE-FAMILY DWELLINGs		P			
VACATION CLUB UNIT		C			Section 9.4 Q
Services					
Cemetery				P	
PLACES OF PUBLIC WORSHIP				P	
UTILITY substation or subinstallation	C		C	C	Section 9.4 P
Wireless communication antennas or towers	C			C	Section 9.4 T
Other					
Similar Uses	C	C	C	C	Section 2.6 G

Section 4.3 Spatial Requirements

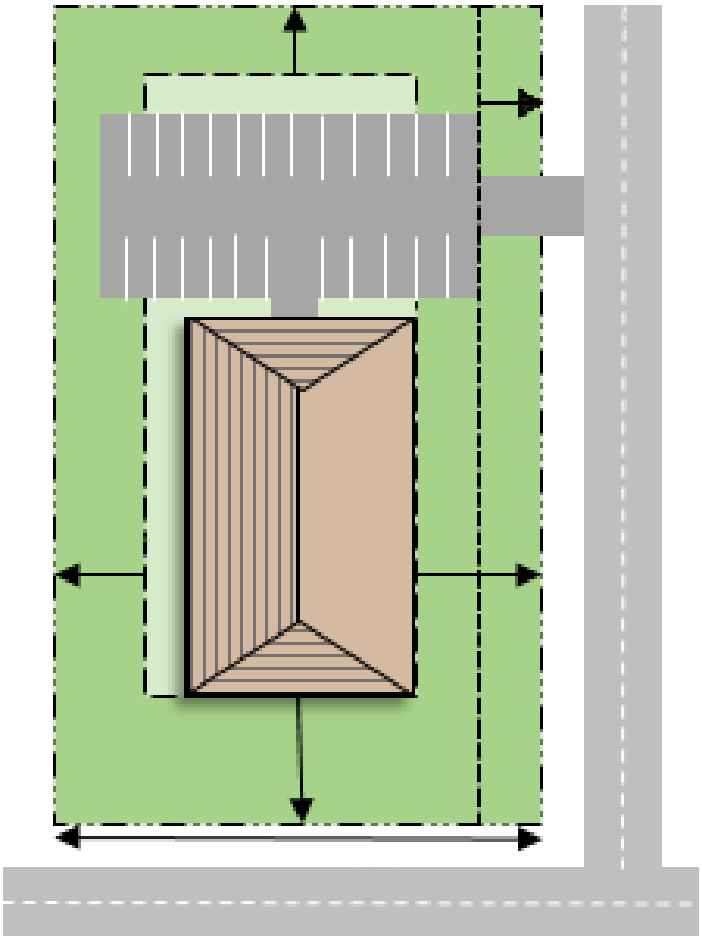
A. All LOTs and BUILDINGs shall meet the minimum area and width requirements of Table 4-3. New LOTs shall not be created, except in conformance with these requirements.

Table 4-3. LOT and Width Requirements, Conservation/Recreation Districts			
Zoning District	**Minimum LOT AREA (sq. ft)**	**Minimum LOT WIDTH (ft.)**	**Maximum Residential Density (units/acre)**
CP	-	-	-
AGR	5 acres	-	0.2
RC	-	-	-
CSC	250 acres	-	-

B. All STRUCTUREs and their placement on a LOT shall conform to the minimum dimensional requirements listed in Table 4-3a.

Table 4-3a. Dimensional Requirements, Conservation/Recreation Districts					
Zoning District	**Maximum BUILDING HEIGHT (ft./stories)**	**Minimum Yard SETBACKs (ft.)**			
		Front		**Side**	**Rear**
		Parking	**BUILDING**		
CP	36	50	50	30	50
AGR	No max. for farm buildings; 36 for all other uses	100	100	50	50
RC	36	30	20	20	30
CSC	36	30[5]	30[5]	[5]	[5]

[5] Front setbacks shall only apply along perimeter streets, not including interior streets within a development. No minimum SIDE YARD shall be required; provided, a minimum separation distance of 15 feet shall be maintained between all buildings. No REAR YARD shall be required; provided, a minimum setback of 20 feet shall be required from the development's perimeter property boundary.



Section 4.4 Site Development Regulations

In addition to the requirements of this article, all DEVELOPMENT in the Conservation/Recreation Districts shall meet the applicable requirements as listed elsewhere in this ordinance:

A. General Provisions – Article 2

B. Overlay Districts – Article 8

~~B.~~C. CONDITIONAL USE Requirements – Article 9

~~C.~~D. Environmental Performance Standards – Article 10

~~D.~~E. Trees, Landscaping and BUFFERing – Article 11

~~E.~~F. Parking and Loading – Article 12

~~F.~~G. SIGNs – Article 13

~~G.~~H. Site Plan Review – Article 14

ARTICLE 5

Residential Districts

Town of Seabrook Island

Development Standards Ordinance

Section 5.1 Purpose

The purposes of the residential districts, in general, are to: provide for quiet, low-density residential neighborhoods; discourage unwarranted encroachment by regulating commercial and other uses which would interfere with the development or continuation of residential uses; minimize nonconformities; and discourage uses which would generate traffic on minor streets other than required to serve residences on those streets.

A. **R-SF1, Large LOT SINGLE-FAMILY**. This district is created to retain the character of established large-LOT SINGLE-FAMILY neighborhoods and to provide a district that would allow for the creation of future estate-sized home sites. Other uses are also permitted that are compatible with and supportive of the character of the homes in this district.

B. **R-SF2, Moderate LOT SINGLE-FAMILY**. It is the purpose of this district to encompass those early SUBDIVISIONs that were developed prior to the incorporation of the TOWN and to establish DEVELOPMENT standards based on the existing moderate density conditions that will minimize nonconformities to the extent practical. Other uses are also permitted that are compatible with, and supportive of, the character of the homes in this district.

C. **R-SF3, Small LOT SINGLE-FAMILY**. This district is intended to support established DEVELOPMENT patterns of those existing SUBDIVISIONs containing SINGLE-FAMILY homes on small LOTs and to reduce existing nonconformities to the extent practical.

D. **R-CL, SINGLE-FAMILY Cluster**. This district is intended to accommodate SINGLE-FAMILY detached dwellings which are situated in a "cluster" style arrangement within a PLANNED COMMUNITY, rather than on traditional SINGLE-FAMILY LOTs, and to provide greater flexibility for their IMPROVEMENT and expansion.

E. **R-TH, TOWNHOME**. This district is established specifically to accommodate TOWNHOME DEVELOPMENT at a reasonable density to afford an alternate form of residence within the community.

F. **R-MF, MULTI-FAMILY**. This district is intended to support MULTI-FAMILY dwellings, including CONDOMINIUMs and apartments, at moderate density as another residential option within the community.

Section 5.2 Schedule of Uses

BUILDINGs or land shall not be used; and BUILDINGs shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or BUILDINGs in the districts indicated at the top of Table 5-2 may be used for the purposes denoted by the following abbreviations:

A. **PERMITTED USE (P)**. Land and/or BUILDINGs in this district may be used by right.

B. **CONDITIONAL USE (C)**. Land and/or BUILDINGs in this district may be used by right, provided the specific conditions related to that use, as found in Article 9, are met.

C. **Specific Conditions**. Indicates the relevant section outlining the specific requirements or conditions applicable to the CONDITIONAL USE which must be satisfied, in addition to the general criteria of Section 9.3.

Table 5-2 Schedule of Uses: Residential Districts							
USE	**R-SF1**	**R-SF2**	**R-SF3**	**R-CL**	**R-TH**	**R-MF**	**Specific Conditions**
ACCESSORY USEs							
ACCESSORY USEs and STRUCTUREs	P	P	P	P	P	P	
Agriculture and Conservation							
Open space preserves such as WETLANDs and wildlife habitat refuge areas	P	P	P	P	P	P	
Entertainment, Hospitality, and Leisure							
Greenways, boardwalks, and non-motorized trails/pathways	P	P	P	P	P	P	
Non-commercial community or neighborhood activity uses such as, park/playground, swimming pool, storage STRUCTUREs, and off-street parking	p	p	p	p	p	p	
Residential							
ACCESSORY DWELLING UNITs	C	C					Section 9.4 A
HOME OCCUPATIONs	C	C	C	C	C	C	Section 9.4 F
SHORT-TERM RENTAL UNITs	C	C	C	C	C	C	Section 9.4 O
MULTI-FAMILY DWELLINGs						P	
SINGLE-FAMILY DWELLINGs	P	P	P	P			
TOWNHOMEs					P		
TWO-FAMILY DWELLINGs					P		
VACATION CLUB UNIT	C	C	C	C	C	C	Section 9.4 Q
Services							
UTILITY substation or subinstallation	C	C	C	C	C	C	Section 9.4 P
Other							
Similar Uses	C	C	C	C	C	C	Section 2.6 G

Section 5.3 Spatial Requirements

A. **Area and Width**. All LOTs and BUILDINGs shall meet the minimum area and width requirements of Table 5-3 based on the date on which they were recorded.

Table 5-3. LOT and Width Requirements for LOTs Recorded Prior to or After July 1, 2022						
Zoning District	Lots Recorded Prior to July 1, 2022			Lots Recorded On/After July 1, 2022		
	Minimum LOT AREA (sq. Ft.)	Minimum LOT WIDTH (ft.)	Maximum Density (units/acre)	Minimum LOT AREA (sq. Ft.)	Minimum LOT WIDTH (ft.)	Maximum Density (units/acre)
R-SF1	32,670	100	1	65,340[6,7]	125[6,7]	0.6
R-SF2	17,500	85	2	21,780[7]	85[7]	2
R-SF3	6,000	45	5	10,890[7]	45[7]	4
R-CL	2 acres[8]	-	8[9]	5 acres[8]	-	5[9]
R-TH	2 acres[8,10]	-	14[9]	5 acres[8,10]	-	7[9]
R-MF	2 acres[8]	-	20[9]	5 acres[8]	-	12[9]

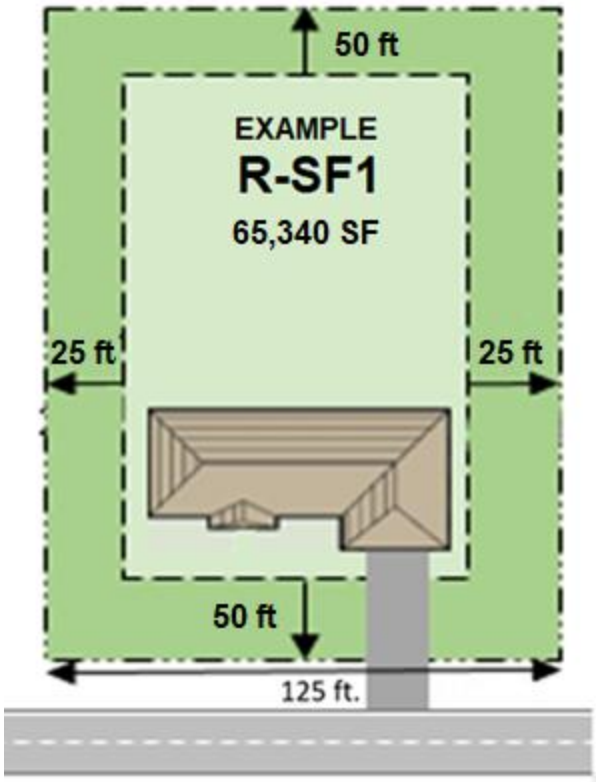
B. **SETBACKs and Related Standards**. All STRUCTUREs and their placement on a LOT recorded prior to the adoption of this ordinance shall conform to the minimum dimensional requirements listed in Table 5-3a. STRUCTUREs erected on new LOTs, recorded on or after the adoption of this ordinance, shall conform with the requirements of Table 5-3b.

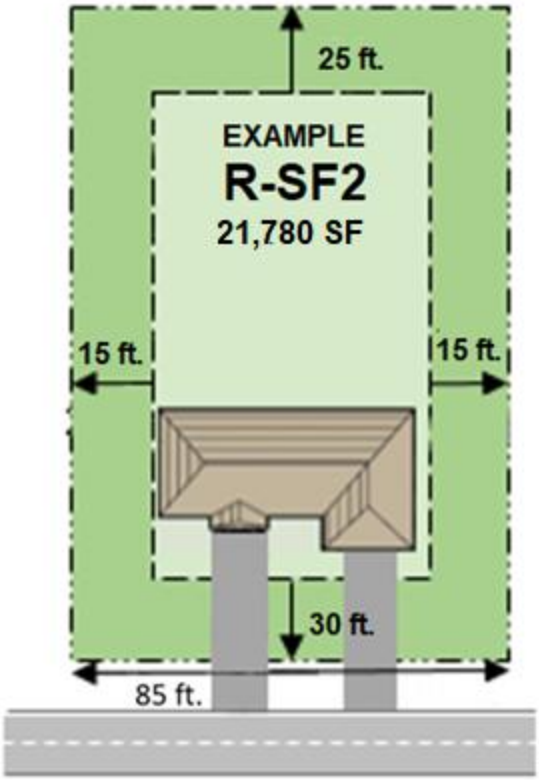
[6] The spatial requirements for R-SF1-zoned LOTs developed as part of a CONSERVATION SUBDIVISION shall be as provided in Section 5.4.
[7] Any LOT which was created by the combination of two or more smaller LOTS by PLAT recorded prior to July 1, 2022, may be re-subdivided on or after July 1, 2022, even if the resulting LOTs do not conform to the minimum LOT AREA and/or LOT WIDTH requirements specified herein, provided: 1) the property line(s) may only be re-established in the same location(s) that existed immediately prior to the combination; and 2) no BUILDING, STRUCTURE, or other site IMPROVEMENT may be made nonconforming with the current SETBACK or LOT COVERAGE requirements as a result of the re-subdivision.
[8] Minimum acreage applies to the GROSS ACREAGE of the development parcel.
[9] Maximum density for CLUSTER UNITS, townhomes, and multiple family shall be calculated based on NET ACREAGE.
[10] Minimum LOT AREA and width for a two-family dwelling shall be the same as required for R-SF2.

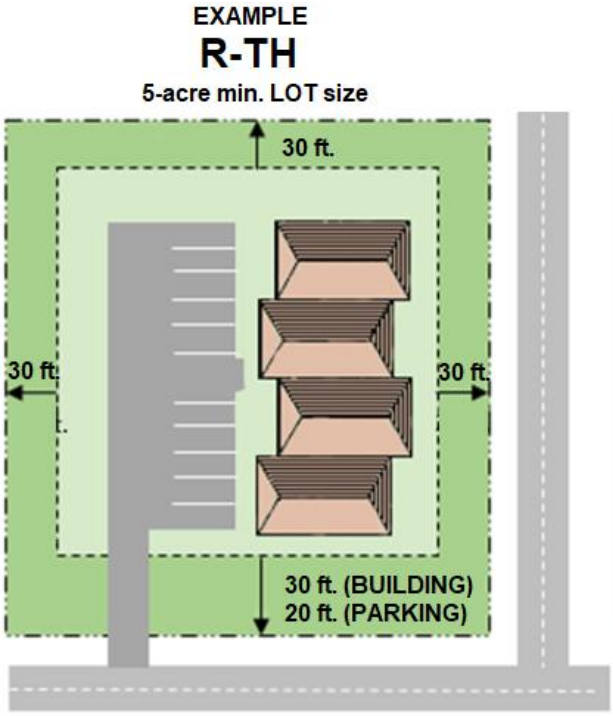
Table 5-3a. Dimensional Requirements for LOTs Recorded Prior to July 1, 2022								
Zoning District	Maximum BUILDING HEIGHT (ft.)	Minimum Yard SETBACKs (ft.)					LOT COVERAGE (%)	Min. Floor Area[11] (sq. ft.)
		Front		Side		Rear		
		Park'g.	Bldg.[12]	Min.	Sep.			
R-SF1	36	-	30	15	-	25	35	1,200
R-SF2	36	-	30	15[13]	-	25	40	1,000
R-SF3	36	-	30[14]	7.5[15]	15[15]	25	50	850
R-CL	36	-	20[16]	-	15[15]	[17]	40	[11]
R-TH	36	20[16]	20[16]	-	15[15]	[17]	50	[11]
R-MF	36	20[16]	30[16]	-	15[15]	[17]	60	[11]

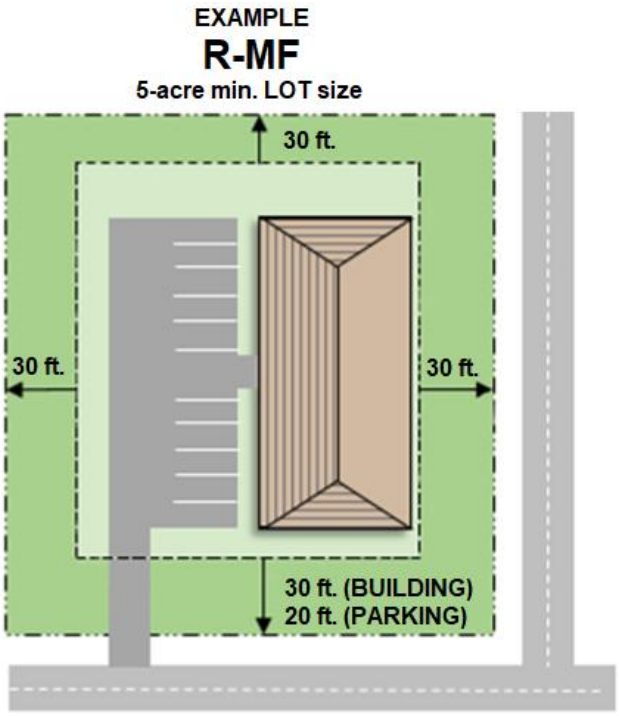
Table 5-3b. Dimensional Requirements for LOTs Recorded On/After July 1, 2022								
Zoning District	Maximum BUILDING HEIGHT (ft.)	Minimum Yard SETBACKs (ft.)					LOT COVERAGE (%)	Min. Floor Area[11] (sq. ft.)
		Front		Side		Rear		
		Park'g.	Bldg.[12]	Min.	Sep.			
R-SF1	36	-	50[6]	25[6]	-	50[6]	25[6]	1,500
R-SF2	36	-	30	15	-	25	40	1,000
R-SF3	36	-	30	7.5	-	25	50	850
R-CL	36	-	30[16]	-	25[18]	[19]	40	[11]
R-TH	36	20[16]	30[16]	-	25[18]	[19]	50	[11]
R-MF	36	20[16]	30[16]	-	25[18]	[19]	60	[11]

[11] Minimum LIVABLE FLOOR AREA requirements are for single family detached dwellings in the R-SF1, R-SF2, and R-SF3 districts. The minimum required LIVABLE FLOOR AREA for units in the R-CL, R-TH and R-MF districts shall be determined by the number of bedrooms, as follows: efficiency unit – 650, 1 bedroom – 800, 2 bedroom – 1,000, 3 bedroom – 1,200. An additional 100 square feet shall be provided for each bedroom over 3.
[12] Average established setback shall apply, as applicable, in R-SF1, R-SF2, and R-SF3 Districts, per *Section 5.3 C.*
[13] For lots with less than 13,500 square feet of HIGH GROUND, the minimum SIDE YARD SETBACK shall be 10 feet. For lots with greater than 13,500 square feet, but less than 17,500 square feet, of HIGH GROUND, the minimum SIDE YARD SETBACK shall be 12.5 feet.
[14] Where a LOT zoned R-SF3 fronts two intersecting streets wherein one street contains a CUL-DE-SAC, the required FRONT YARD SETBACK from the street containing the CUL-DE-SAC shall be 30 feet, and the required FRONT YARD SETBACK from the street which does not contain the CUL-DE-SAC shall be 20 feet.
[15] In instances where an existing structure on a neighboring lot is situated less than 7.5 feet from the shared property line in the R-SF3 district, a larger SIDE YARD SETBACK shall be required in order to ensure a minimum separation of at least 15 feet between structures. In the R-CL, R-TH and R-MF districts, no minimum SIDE YARD shall be required; provided, a minimum separation distance of 15 feet shall be maintained between all buildings.
[16] Front setbacks shall only apply along perimeter streets, not including interior streets within a DEVELOPMENT.
[17] No REAR YARD shall be required; provided, a minimum SETBACK of 20 feet shall be required from the DEVELOPMENT's perimeter property boundary.
[18] No minimum SIDE YARD shall be required; provided, a minimum separation distance of 25 feet shall be maintained between all buildings.
[19] No REAR YARD shall be required; provided, a minimum setback of 30 feet shall be required from the development's perimeter property boundary.


50 ft
EXAMPLE
R-SF1
65,340 SF
25 ft
25 ft
50 ft
125 ft.


25 ft.
EXAMPLE
R-SF2
21,780 SF
15 ft.
15 ft.
30 ft.
85 ft.


EXAMPLE
R-TH
5-acre min. LOT size
30 ft.
30 ft.
30 ft.
30 ft. (BUILDING)
20 ft. (PARKING)


EXAMPLE
R-MF
5-acre min. LOT size
30 ft.
30 ft.
30 ft.
30 ft. (BUILDING)
20 ft. (PARKING)

Section 5.4 CONSERVATION SUBDIVISIONS

A. **Purpose**. The purpose of this section is to encourage the voluntary preservation of OPEN SPACE by permitting limited design flexibility for new residential DEVELOPMENT within designated zoning districts. This section is intended to:

1. Provide for the permanent preservation of OPEN SPACE;

2. Permit flexibility of design in order to promote environmentally sensitive design and the efficient use of land;

3. Preserve unique or sensitive natural resources such as groundwater, floodplains, WETLANDS, streams, steep slopes, woodlands, and wildlife habitats;

4. Permit the clustering of dwellings and accessory structures, at densities consistent with neighboring DEVELOPMENT, to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;

5. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development; and

6. Conserve scenic views and reduce perceived density.

B. **General Requirements**.

1. *Applicability*. The CONSERVATION SUBDIVISION is an available option, though not a requirement, for new residential DEVELOPMENT within the R-SF1 zoning district.

2. *Size and ownership requirements*. Any property which is proposed to be subdivided as a CONSERVATION SUBDIVISION must contain a minimum of ten (10) contiguous acres of HIGH GROUND. The land may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common responsibility.

3. *Minimum OPEN SPACE required*. To qualify as a CONSERVATION SUBDIVISION, at least twenty-five percent (25%) of the developable ~~HIGH GROUND~~ NET ACREAGE shall be preserved as OPEN SPACE pursuant to the provisions of this section.

C. **Procedures**.

1. *Review and approval*. All requests to develop a CONSERVATION SUBDIVISION shall be reviewed and approved by the Planning Commission, pursuant to the requirements of this section and those specified in Article 15.

2. *Plan required*. Any PERSON seeking to subdivide property as a CONSERVATION SUBDIVISION shall prepare and submit an OPEN SPACE plan concurrent with the application for a preliminary PLAT. The OPEN SPACE plan shall include the following:

   a. Dedicated OPEN SPACE shall be shown on the preliminary PLAT and shall be labeled to specify that the land is to be permanently dedicated as OPEN SPACE. For purposes

of this section, credit shall be granted only for developable ~~HIGH GROUND~~ NET ACREAGE which is dedicated as OPEN SPACE.

b. As a condition of approval, the applicant shall specify how the dedicated OPEN SPACE shall be conveyed. The conveyance may be trough any of the following means, subject to approval by the PLANNING COMMISSION:

   i. Deeded in perpetuity to the TOWN, subject to prior approval by TOWN COUNCIL;

   ii. Reserved for common use or ownership of all property owners within the DEVELOPMENT by covenants in the deeds approved by the TOWN attorney. A final copy of the proposed covenants shall be submitted with the application for final PLAT approval;

   iii. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted for conservation purposes under terms and conditions that ensure the perpetual protection and management of the property for conservation purposes. A copy of the proposed deed and relevant corporate documents of the land trust shall be submitted with the application for final PLAT approval;

   iv. Deeded to a property owner's association or REGIME within the DEVELOPMENT upon terms and conditions approved by the TOWN attorney that will ensure the continued use and management of the land for the intended purposes. If this option is selected, the formation and incorporation by the applicant of one or more appropriate property owners' associations or REGIMEs shall be required prior to approval. A copy of the proposed property owner's deed and the by-laws and other relevant documents of the property owner's association or REGIME shall be submitted with the application for final PLAT approval. The following shall be required if OPEN SPACE is to be dedicated to a property owners' association or REGIME:

      (a) Covenants providing for mandatory membership in the association/REGIME and setting forth the owner's rights, interests, and privileges in the association and the common land, must be included in the deed for each LOT or unit;

      (b) The property owners' association or REGIME shall have the responsibility of maintaining the OPEN SPACE and shall operate and maintain any recreational facilities which may be provided within the OPEN SPACE;

      (c) The association or REGIME shall have the authority to levy charges against all property owners to defray the expenses connected with the operation and MAINTENANCE of OPEN SPACE and recreational facilities; and

      (d) The applicant shall maintain control of dedicated OPEN SPACE and be responsible for its MAINTENANCE until DEVELOPMENT sufficient to support the association or REGIME has taken place.

3. OPEN SPACE to be dedicated to the TOWN shall have shape, dimension, character, location, and topography to ensure appropriate access and usability, and to accomplish at least two (2) of the following OPEN SPACE purposes:

    a. natural resource conservation,

    b. WETLAND and water course conservation,

    c. selective forestry,

    d. wildlife habitat,

    e. recreation,

    f. civic purposes, or

    g. scenic preservation.

4. Dedicated OPEN SPACE features that are not dedicated to the TOWN may be open to the public or restricted to the residents or property owners within the DEVELOPMENT.

5. All approved OPEN SPACE shall be dedicated in accordance with the provisions of this section, and as approved by PLANNING COMMISSION, prior to commencing any construction, regardless of whether or not the project will be completed in phases.

D. **Spatial Requirements for CONSERVATION SUBDIVISIONS**.

1. *Standards*. The following spatial requirements shall apply to all LOTs created on or after July 1, 2022, within a duly authorized CONSERVATION SUBDIVISION:

Table 5-4. Spatial Requirements for CONSERVATION SUBDIVISION LOTs			
Maximum Density	The maximum NET DENSITY of any CONSERVATION SUBDIVISION shall not exceed 0.6 dwelling units per acre, multiplied by the total acreage of HIGH GROUND within the DEVELOPMENT. Any calculation which results in a fraction shall be rounded down to the nearest whole number.		
Minimum LOT AREA	65,340 sf (1.5 acre). The minimum LOT AREA specified herein may be reduced by one percent (1%) for each one percent (1%) of HIGH GROUND within the DEVELOPMENT which is dedicated as OPEN SPACE; provided, the minimum LOT AREA shall not be less than 32,670 square feet (0.75 acre)		
Minimum LOT WIDTH	If min. LOT AREA is 43,560 sf (1 acre) or more	125	
	If min. LOT AREA is less than 43,560 sf (1 acre)	100	
Minimum YARD SETBACKS	If min. LOT AREA is 43,560 sf (1 acre) or more	Front	50
		Side	25
		Rear	50
	If min. LOT AREA is less than 43,560 sf (1 acre)	Front	30
		Side	15
		Rear	25
Maximum LOT COVERAGE (%)	If min. LOT AREA is 43,560 sf (1 acre) or more	35	
	If min. LOT AREA is less than 43,560 sf (1 acre)	30	

2. *Other requirements*. Except for those modifications expressly authorized herein, the applicant shall comply with all other provisions of this ordinance, including, specifically, all other requirements of Tables 5-3 and 5-3b, and all other applicable laws and regulations, except those which are incompatible with the provisions contained herein.

Section 5.5 Site Development Regulations

In addition to the requirements of this article, all DEVELOPMENT in the Residential Districts shall meet the applicable requirements as listed elsewhere in this ordinance:

A. General Provisions – Article 2

B. Overlay Districts – Article 8

~~B.~~C. CONDITIONAL USE Requirements – Article 9

~~C.~~D. Environmental Performance Standards – Article 10

~~D.~~E. Trees, Landscaping and BUFFERing – Article 11

~~E.~~F. Parking and Loading – Article 12

~~F.~~G. SIGNs – Article 13

~~G.~~H. Site Plan Review – Article 14

ARTICLE 6

Support Districts

Town of Seabrook Island

Development Standards Ordinance

Section 6.1 Purpose

A. **CF, Community Facilities District**. It is the purpose of this district to provide suitable locations for those facilities that generally comprise the public and quasi-public infrastructure for the community.

B. **LC, Limited Commercial District**. This district is intended to provide a concentrated location for various businesses of a type, scale, and character that are in harmony with the residential nature of the Seabrook Island community and support the daily needs of its residents and visitors.

Section 6.2 Schedule of Uses

BUILDINGs or land shall not be used; and BUILDINGs shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or BUILDINGs in the districts indicated at the top of Table 6-2 may be used for the purposes denoted by the following abbreviations:

A. **PERMITTED USE (P)**. Land and/or BUILDINGs in this district may be used by right.

B. **CONDITIONAL USE (C)**. Land and/or BUILDINGs in this district may be used by right, provided the specific conditions related to that use, as found in Article 9 are met.

C. **Specific Conditions**. Indicates the relevant section outlining the specific requirements or conditions applicable to the CONDITIONAL USE which must be satisfied, in addition to the general criteria of Section 9.3.

Table 6-2 Schedule of Uses: Support Districts

USE	LC	CF	Specific Conditions
ACCESSORY USEs			
ACCESSORY USEs and STRUCTUREs	P	P	
Drive-in and drive-through facilities for automated teller machines, banks, pharmacies, and similar uses (not including DRIVE-THROUGH RESTAURANTs)	C		Section 9.4 B
Outdoor display areas for RETAIL ESTABLISHMENTs	C		Section 9.4 J
Outdoor seating at eating/drinking establishments	C		Section 9.4 K
Outdoor storage facilities		C	Section 9.4 L
Entertainment, Hospitality, and Leisure			
Boat docks, landings and launches		P	
Classroom and lecture facilities	P		
Community swimming pools		P	
Establishments serving alcoholic beverages	C		Section 9.4 D
Fitness club/health spa		P	
Greenways, boardwalks, and non-motorized trails/pathways	P	P	
Gymnasium and indoor recreation facilities	P	P	
HOTELs	P		
MARINA	C	C	Section 9.4 H

Non-commercial community or neighborhood activity uses such as, park/playground, swimming pool, storage STRUCTUREs, and off-street parking		P	
OPEN AIR RECREATION uses		P	Section 9.4 I
RESTAURANTs (not including DRIVE-THROUGH facilities)	P		
Office			
Banks, savings & loans, and similar financial institutions	P		
Government offices	P	P	
Medical, dental or chiropractic office, including clinics and/or laboratory	P		
Offices, general and professional	P		
Veterinary offices and clinics	C		Section 9.4 R
RETAIL			
Establishments, not exceeding 5,000 square feet, selling goods at RETAIL within a fully enclosed BUILDING	P		
Establishments larger than 5,000 square feet but not more than 10,000 square feet, selling goods at RETAIL within a fully enclosed BUILDING	C		Section 9.4 N
Services			
Helipad	C		Section 9.4 E
KENNELs	C		Section 9.4 G
Government facilities, including storage and MAINTENANCE facilities	P	P	
PERSONAL SERVICEs	P		
Photographic studios	P		
PLACES OF PUBLIC WORSHIP		P	
RECREATIONAL VEHICLE storage	C	C	Section 9.4 M
UTILITY substation or subinstallation	C	C	Section 9.4 P
Water or wastewater treatment facilities		C	Section 9.4 S
Wireless communication antennas or towers	C	C	Section 9.4 T
Other			
Similar Uses	C	C	Section 2.6 G

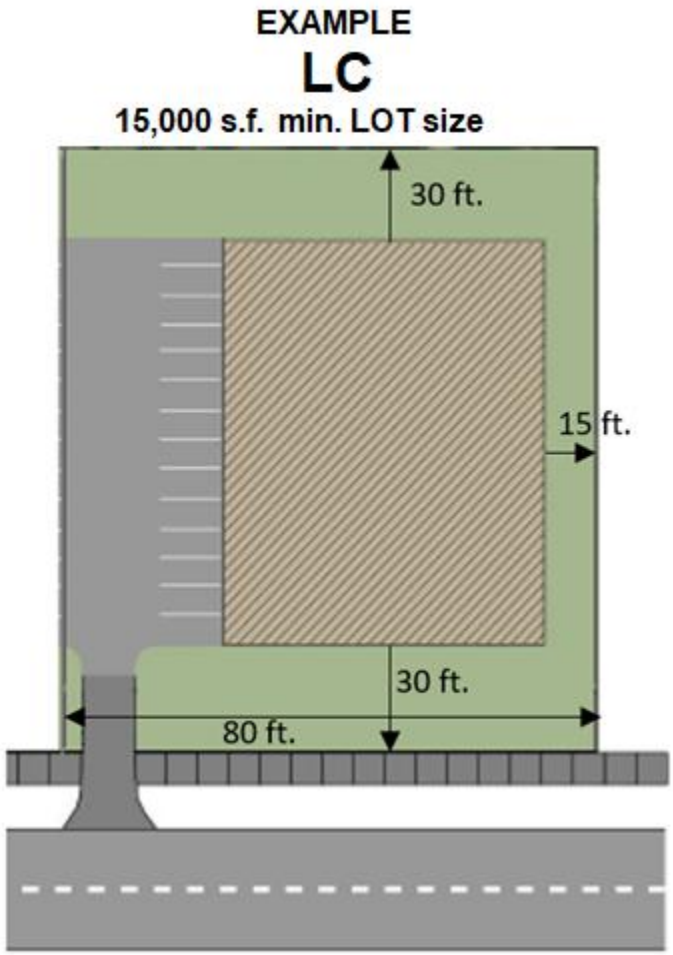
Section 6.3 Spatial Requirements

A. All LOTs and BUILDINGs shall meet the minimum area and width requirements of Table 6-3. New LOTs shall not be created, except in conformance with these requirements.

Table 6-3. LOT and Width Requirements, Support Districts		
Zoning District	**Minimum Area**	**Minimum Width (ft.)**
LC	15,000	80
CF	15,000	80

B. All STRUCTUREs and their placement on a LOT shall conform to the minimum dimensional requirements listed in Table 6-3a.

Table 6-3a. Dimensional Requirements, Support Districts					
Zoning District	Maximum BUILDING HEIGHT (ft./stories)	Minimum Yard SETBACKs (ft.)			
		Front		Side	Rear
		Parking	BUILDING		
LC	36	[20]	30	15	30
CF	36	-	30	-	-



Section 6.4 Site Development Regulations

In addition to the requirements of this article, all DEVELOPMENT in the LC and CF Districts shall meet the applicable requirements as listed elsewhere in this ordinance:

A. General Provisions – Article 2

B. Overlay Districts – Article 8

~~B.~~C. CONDITIONAL USE Requirements – Article 9

~~C.~~D. Environmental Performance Standards – Article 10

[20] Parking shall not be permitted within the required FRONT YARD.

~~D.~~E. Trees, Landscaping and BUFFERing – Article 11

~~E.~~F. Parking and Loading – Article 12

~~F.~~G. SIGNs – Article 13

~~G.~~H. Site Plan Review – Article 14

ARTICLE 7

Mixed-Use Districts

Town of Seabrook Island

Development Standards Ordinance

Section 7.1 ~~Purpose~~Mixed Use (MU) District

A. **Purpose**. The Mixed Use (MU) district is established for the purpose of offering a tool that permits a combination of residential and non-RESIDENTIAL USEs within a cohesive integrated DEVELOPMENT. A variety of housing types is encouraged at moderate densities, along with complementary office, RETAIL, and service uses in scale with the character of the district and surrounding area. Size limits are imposed to ensure that NONRESIDENTIAL USEs remain appropriate to the district intent.

B. **Schedule of Uses**. BUILDINGs or land shall not be used; and BUILDINGs shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or BUILDINGs in the districts indicated at the top of Table 7-1 may be used for the purposes denoted by the following abbreviations:

1. PERMITTED USE (P). Land and/or BUILDINGs in this district may be used by right.

2. CONDITIONAL USE (C). Land and/or BUILDINGs in this district may be used by right, provided the specific conditions related to that use, as found in Article 9 are met.

3. Specific Conditions. Indicates the relevant section listing the requirements or conditions applicable to the CONDITIONAL USE which must be satisfied, in addition to the general criteria of Section 9.3.

Table 7-1 Schedule of Uses: Mixed-Use District

USE	MU	Specific Conditions
ACCESSORY USEs		
ACCESSORY USEs and STRUCTUREs	P	-
Drive-in and drive-through facilities for automated teller machines, banks, pharmacies, and similar uses (not including DRIVE-THROUGH RESTAURANTs)	C	Section 9.4 B
Outdoor display areas for RETAIL ESTABLISHMENTs	C	Section 9.4 J
Outdoor seating at eating/drinking establishments	C	Section 9.4 K
Outdoor storage facilities	C	Section 9.4 L
Agriculture and Conservation		
Bulkhead and EROSION control devices	P	-
Community gardens	P	-
Open space preserves such as WETLANDs and wildlife habitat refuge areas	P	-
Entertainment, Hospitality, and Leisure		
Boat docks, landings and launches	P	-
Classroom and lecture facilities	P	-
Establishments serving alcoholic beverages	C	Section 9.4 D
Fitness club/health spa	P	-
Greenways, boardwalks, and non-motorized trails/pathways	P	-
Gymnasium and indoor recreation facilities	P	-
HOTELs	P	-
MARINA	C	Section 9.4 H

Non-commercial community or neighborhood activity uses such as, park/playground, swimming pool, storage STRUCTUREs, and off-street parking	P	-
OPEN AIR RECREATION uses	P	Section 9.4 I
RESTAURANTs (not including DRIVE-THROUGH facilities)	P	-
Office		
Banks, savings & loans, and similar financial institutions	P	-
Government offices	P	-
Medical, dental or chiropractic office, including clinics and/or laboratory	P	-
Offices, general and professional	P	-
Residential		
DWELLINGS on upper floors above businesses	C	Section 9.4 C
HOME OCCUPATIONs	C	Section 9.4 F
SHORT-TERM RENTAL UNITs	C	Section 9.4 O
MULTI-FAMILY DWELLINGs	P	-
SINGLE-FAMILY DWELLINGs	P	-
TOWNHOMEs	P	-
TWO-FAMILY DWELLINGs	P	-
VACATION CLUB UNIT	C	Section 9.4 Q
RETAIL		
Establishments, not exceeding 5,000 square feet, selling goods at RETAIL within a fully enclosed BUILDING	P	-
Establishments larger than 5,000 square feet but not more than 10,000 square feet, selling goods at RETAIL within a fully enclosed BUILDING	C	Section 9.4 N
Services		
Government facilities, including storage and MAINTENANCE facilities	P	-
PERSONAL SERVICEs	P	-
Photographic studios	P	-
PLACES OF PUBLIC WORSHIP	P	-
UTILITY substation or subinstallation	C	Section 9.4 P
Wireless communication antennas or towers	C	Section 9.4 T
Other		
Similar Uses	C	Section 2.6 G

C. Spatial Requirements

1. Area and Density. All LOTs and BUILDINGs shall meet the minimum area and width requirements of Table 7-1a. New LOTs shall not be created, except in conformance with these requirements.

Table 7-1a. LOT AREA, Width, and Density Requirements, Mixed-Use District						
Zoning District	Size		Area Occupied by Non-RESIDENTIAL USES (%)		Min. Width (ft.)	Density (max. units/ NET Resid. ACRE
	Project Area (acres) Minimum	Min. OPEN SPACE (%)	Minimum	Maximum		
MU	5	20	20	50	200	15

2. Density Bonus. A residential density bonus over and above the density otherwise allowed in the mixed-use district may be approved by TOWN COUNCIL provided the applicant increases the percentage of the total project area dedicated for OPEN SPACE. This bonus may be granted only if specifically requested by the applicant. Such bonus shall consist of an additional one (1) unit per NET ACRE of allowable density for every additional five (5) percent of HIGH GROUND land area devoted to dedicated OPEN SPACE beyond the minimum requirement; provided, the maximum bonus shall not exceed an additional five (5) units per NET ACRE.

3. SETBACKs. All STRUCTUREs and their placement on a LOT shall conform to the minimum dimensional requirements listed in Table 7-1b.

Table 7-1b. Dimensional Requirements, Mixed-Use District					
Zoning District	Maximum BUILDING HEIGHT (ft./stories)	Minimum Yard SETBACKs (ft.)[21]			
		Front		Side	Rear
		Parking	BUILDING		
MU	36	20	20	20	40

4. OPEN SPACE. Dedicated OPEN SPACE shall be provided in accordance with the following standards:

   a. A minimum of 20 percent of the NET ACREAGE, as specified in Table 7-1, shall be dedicated OPEN SPACE.

   b. Dedicated OPEN SPACE shall be shown on the concept plan and preliminary PLAT, if applicable, and shall be labeled to specify that the land is to be dedicated for OPEN SPACE purposes. The OPEN SPACE land is to be permanently reserved for OPEN SPACE purposes. The applicant shall convey the dedicated OPEN SPACE as a condition of approval through any of the following means, as approved by the TOWN COUNCIL:

      i. Deeded in perpetuity to the TOWN;

      ii. Reserved for common use or ownership of all property owners within the DEVELOPMENT by covenants in the deeds approved by the TOWN attorney. A

[21] Setbacks apply to the perimeter boundary of the project area. Individual setbacks within the mixed-use development shall be determined during the development plan review process, based on the setback requirements for the zoning district corresponding with the proposed use.

copy of the proposed covenants shall be submitted with the application for final site plan approval;

iii. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted for conservation purposes under terms and conditions that ensure the perpetual protection and management of the property for conservation purposes. A copy of the proposed deed and relevant corporate documents of the land trust shall be submitted with the final site plan application;

iv. Deeded to a property owner's association or REGIME within the DEVELOPMENT upon terms and conditions approved by the TOWN attorney that will ensure the continued use and management of the land for the intended purposes. If this option is selected, the formation and incorporation by the applicant of one or more appropriate property owners' associations or REGIMEs shall be required prior to approval. A copy of the proposed property owner's deed and the by-laws and other relevant documents of the property owner's association or REGIME shall be submitted with the final site plan application. The following shall be required if OPEN SPACE is to be dedicated to a property owners' association or REGIME:

(a) Covenants providing for mandatory membership in the association/REGIME and setting forth the owner's rights, interests, and privileges in the association and the common land, must be included in the deed for each LOT or unit;

(b) The property owners' association or REGIME shall have the responsibility of maintaining the OPEN SPACE and shall operate and maintain any recreational facilities which may be provided within the OPEN SPACE;

(c) The association or REGIME shall have the authority to levy charges against all property owners to defray the expenses connected with the operation and MAINTENANCE of OPEN SPACE and recreational facilities; and

(d) The applicant shall maintain control of dedicated OPEN SPACE and be responsible for its MAINTENANCE until DEVELOPMENT sufficient to support the association or REGIME has taken place.

c. OPEN SPACE to be dedicated to the TOWN shall have shape, dimension, character, location, and topography to ensure appropriate public access and usability, and to accomplish at least two (2) of the following OPEN SPACE purposes:

i. natural resource conservation,

ii. WETLAND and water course conservation,

iii. selective forestry,

iv. wildlife habitat,

v. recreation,

vi. civic purposes, or

vii. scenic preservation.

d. Dedicated OPEN SPACE features that are not dedicated to the TOWN may be open to the general public or restricted to the residents or property owners within the DEVELOPMENT.

e. Streets, sidewalks, PARKING LOTs and other IMPERVIOUS SURFACEs shall be excluded from the calculation of required OPEN SPACE. However, lands occupied by bike paths, tennis courts, or similar common recreational amenities may be counted as dedicated OPEN SPACE; provided, such IMPERVIOUS SURFACEs shall not constitute more than 10 percent of the total required OPEN SPACE.

f. Up to 50 percent of the dedicated OPEN SPACE requirement may be satisfied with land covered by water or by stormwater detention or retention basins if the TOWN determines that such a water body or basin constitutes an amenity that contributes to the character of the mixed-use DEVELOPMENT and offers an active or passive leisure experience.

g. At least 50 percent of the dedicated OPEN SPACE within a mixed-use DEVELOPMENT shall be usable for active and passive recreation including, but not limited to, walking, biking, playfields, picnicking, playgrounds, relaxation, and boating.

h. The dedicated OPEN SPACE shall not be included in SUBDIVISION LOTs designated for DEVELOPMENT or in LOT size calculations.

i. All approved OPEN SPACE shall be dedicated in accordance with the provisions of this section and as approved by TOWN COUNCIL prior to commencing any construction, regardless of whether or not the project will be completed in phases.

D. **Review Procedures**. All requests for approval of a mixed-use zoning district shall be subject to the review and approval procedures of this section. Mixed-use zoning may be established on any property at the initiation of the TOWN or by rezoning application submitted by the property owner. If initiated by the TOWN, DEVELOPMENT of the property shall be subject to review and approval of concept and final DEVELOPMENT plans, in accordance with the applicable provisions of this section.

1. Approval Authority.

a. The ZONING ADMINISTRATOR and PLANNING COMMISSION shall have review and recommendation authority for the concept plan.

b. The TOWN COUNCIL shall have final approval authority for the concept plan.

c. The ZONING ADMINISTRATOR shall have approval authority for a final plan/site-specific plan where no major changes to the approved concept plan, as defined in Article 14.8, are required.

2. Pre-application Review.

a. All applicants seeking mixed-use zoning approval shall schedule a pre-application conference with the ZONING ADMINISTRATOR to discuss the proposed DEVELOPMENT prior to applying. The ZONING ADMINISTRATOR may include representatives from any outside agency, department, entity, or consultant as he or she deems appropriate. At the pre-application conference, the ZONING ADMINISTRATOR shall review a proposed sketch plan.

b. At minimum, the sketch plan shall contain the following information:

i. Location map of the proposed site;

ii. General description of proposed land uses, including approximate location and acreage; and

iii. Proposed GROSS DENSITY of the DEVELOPMENT, type of dwellings proposed, proposed GROSS FLOOR AREA to be devoted to non-RESIDENTIAL USEs and activities and NET DENSITY of individual areas or parcels within the DEVELOPMENT.

c. A narrative description shall also accompany the sketch plan. The narrative shall describe how the proposed mixed-use zoning and uses relate to the goals and recommendations of the TOWN's COMPREHENSIVE PLAN. The narrative shall also describe any anticipated inconsistencies between the proposed DEVELOPMENT and the provisions of this article.

d. The ZONING ADMINISTRATOR shall review the sketch plan and narrative and advise the applicant regarding conformance or inconsistencies with the requirements of this article and any modifications that may be required to comply with the ordinance. Once the pre-application process is complete, if the applicant wishes to proceed with the zoning application, a concept plan of the entire mixed-use DEVELOPMENT shall be prepared and submitted with a formal application.

3. Concept Plan.

a. *Application requirements*.

i. A complete application shall be filed on a form provided by the ZONING ADMINISTRATOR, along with the application fee, a concept plan meeting all requirements of this section, and any DEVELOPMENT conditions proposed by the applicant. Incomplete applications or concept plans shall be returned to the applicant without further processing.

ii. Unless specifically modified by DEVELOPMENT conditions accepted by the TOWN COUNCIL, a mixed-use DEVELOPMENT shall comply with all regulations in effect at the time of rezoning approval.

iii. The mixture of uses shall be limited to those specified in Table 7-1.

b. *Concept plan requirements*. At minimum, the concept plan shall contain the following information in schematic form, unless specifically waived by the ZONING ADMINISTRATOR:

i. A title, giving the names of the developers and property owners, the date, scale, and the PERSON or firm preparing the plan.

ii. A vicinity map and north arrow.

iii. The location and size of the project site, including the total GROSS ACREAGE and total HIGH GROUND

iv. The current zoning of the subject property and surrounding properties.

v. The landowners and general land use of adjoining properties.

vi. Location of proposed uses assigned to sub-areas.

vii. A tabulation of total DWELLING UNITs and gross residential densities and the GROSS FLOOR AREA to be devoted to non-RESIDENTIAL USEs and activities.

viii. Location of existing FLOOD zones, CRITICAL AREAS, WATERBODIES, WETLANDS, and other riparian areas, and significant environmental features.

ix. General layout of transportation routes including streets and major pedestrian ways.

x. The location of existing infrastructure (examples include roadways, sidewalks, and proximity of nearest water and/or sewer mains).

xi. Conceptual location for any proposed public uses including schools, parks, fire, and medical emergency services, etc.

xii. General areas to be designated for common OPEN SPACE.

xiii. Tree survey, if applicable, in accordance with Section 11.5 B.

xiv. A TRAFFIC IMPACT ANALYSIS shall be required. The analysis must be prepared by a professional transportation engineer with expertise in the preparation of TRAFFIC IMPACT ANALYSES and shall follow the requirements of Section 8.4.

xv. A phasing plan, if applicable.

c. *Review and approval*.

i. *Staff review.*

(a) Upon receipt of a complete mixed-use DEVELOPMENT application, the ZONING ADMINISTRATOR shall distribute the application materials to the

appropriate TOWN staff, as well as representatives from any outside agency, department, entity, or consultant as he or she deems appropriate.

(b) The ZONING ADMINISTRATOR shall prepare a staff report based on the comments provided by other reviewers. The report and recommendations shall be forwarded to the PLANNING COMMISSION for review and recommendation.

(c) The ZONING ADMINISTRATOR shall provide notice as required by Section 19.2 and schedule consideration of the mixed-use application on the next available PLANNING COMMISSION agenda. The ZONING ADMINISTRATOR will then inform the applicant/agent when the request will appear on the PLANNING COMMISSION agenda for action on the application. The applicant or authorized representative must be present at the meeting or the matter will not be heard.

ii. *Optional joint work session*. The applicant may request a joint work session with the TOWN COUNCIL and PLANNING COMMISSION to provide an opportunity to present the application and respond to any initial questions that members may have regarding the proposed DEVELOPMENT.

(a) If the request is granted, the ZONING ADMINISTRATOR shall schedule the joint work session and notify the applicant when the session will occur.

(b) No decision or final action may be taken at a joint work session.

iii. *PLANNING COMMISSION review and recommendation.*

(a) The ZONING ADMINISTRATOR shall present the staff report to the PLANNING COMMISSION.

(b) After allowing time for presentation from the applicant and public comments, if any, the PLANNING COMMISSION shall consider the application for conformance with the requirements of this ordinance and the review criteria in Section 7.5.

(c) The PLANNING COMMISSION shall then make a recommendation to the TOWN COUNCIL to approve or deny the application.

iv. *TOWN COUNCIL hearing and final decision.*

(a) The staff report and PLANNING COMMISSION recommendations shall be forwarded to the TOWN COUNCIL for review and final decision.

(b) The ZONING ADMINISTRATOR shall provide notice, as required by Section 19.2 C, for a public hearing and schedule the mixed-use application on the next available TOWN COUNCIL agenda.

(c) The ZONING ADMINISTRATOR shall present the staff report and PLANNING COMMISSION recommendation.

(d) After allowing time for presentation from the applicant and holding the required public hearing, the TOWN COUNCIL shall consider the application for conformance with the requirements of this ordinance and the review criteria in Section 7.5.

(e) Following the rezoning procedures, as specified in Section 19.2, the TOWN COUNCIL shall approve, deny, or refer the application back to the PLANNING COMMISSION for further consideration.

d. *DEVELOPMENT conditions*. The applicant may offer conditions to be attached to the rezoning. Proposed conditions shall be submitted as part of the application and concept plan.

i. Conditions may be more restrictive than the requirements of this article but shall not alter the intent of the applicable mixed-use district nor permit uses not otherwise authorized by Table 7-1.

ii. The conditions shall be described in writing.

iii. The DEVELOPMENT conditions shall be binding upon the property, unless amended in conformance with the requirements of this section. Upon approval of the rezoning application, the approved DEVELOPMENT conditions shall be recorded in the Register of Deeds Office.

iv. If phasing is proposed, the applicant shall provide a general breakdown showing the various phases and the estimated schedule of construction.

4. Final Plan or Site-Specific Plan.

a. *Phasing*. The mixed-use DEVELOPMENT may be completed in multiple phases. If the DEVELOPMENT is to be completed in a single phase, the applicant shall prepare and submit a final development plan. If the DEVELOPMENT is to be completed in more than one phase, the applicant shall prepare and submit a site-specific plan prior to construction of each phase of the project. In either case, the final plan/site-specific plan shall contain the elements required in Section 14.5 for final development plans and conform to the previously approved concept plan.

b. *Timing*. An application for approval of the final plan for the mixed-use DEVELOPMENT or a site-specific plan for the initial phase(s) shall be submitted to the ZONING ADMINISTRATOR within 12 months of the date of TOWN COUNCIL's approval of the concept plan and rezoning.

c. *ZONING ADMINISTRATOR review and approval*.

i. The ZONING ADMINISTRATOR shall distribute the final plan/site-specific plan application to the appropriate TOWN staff, as well as representatives from any outside agency, department, entity, or consultant as he or she deems appropriate.

ii. Once the plan has been received and reviewed by the appropriate reviewers and the applicant has met all of the required elements of this ordinance, any other applicable regulations, and the approved concept plan and DEVELOPMENT conditions, the ZONING ADMINISTRATOR shall issue a final approval.

iii. If the plan is inconsistent in any aspect with the approved concept plan, the ZONING ADMINISTRATOR shall follow the procedure specified in this section for amending an approved plan.

5. Amendments. Any and all amendments to the concept plan, development conditions and/or final/site-specific plans for the mixed-use shall be subject to the following review procedures:

a. The ZONING ADMINISTRATOR shall have the authority to approve:

i. Changes which result in a decrease in approved density or BUILDING size, either residential or non-residential.

ii. Change in land use designation from MULTI-FAMILY, TWO-FAMILY, or TOWNHOME to SINGLE-FAMILY or a change from any other use to OPEN SPACE/passive recreation; provided, the minimum required proportion of non-RESIDENTIAL USEs shall be retained.

iii. Change in infrastructure features (i.e., roads/access, sewer, water, storm drainage) internal to the mixed-use area which are clearly beneficial to the occupants of the mixed-use area and will have no impact on adjoining or off-site properties.

iv. Movement of BUILDINGs within the same general vicinity as shown on the approved plan.

v. Internal rearrangement of a PARKING LOT that does not affect the number of PARKING SPACEs or alter access locations or design.

b. All other changes shall be considered as a new application and processed in accordance with the provisions of Section 7.4 C and D.

E. **Development Review Criteria**. Applications for mixed-use DEVELOPMENT shall only be approved upon a finding of compliance with the following criteria:

1. Rezoning Criteria. The criteria of Article 19.3 B for rezonings shall be satisfied.

2. Development Plan Standards. The standards of Section 14.6 for development plans shall be satisfied.

3. Consistency with COMPREHENSIVE PLAN. All mixed-use DEVELOPMENT shall be designed, constructed, and maintained in conformance with the applicable guidelines and standards established by the TOWN's COMPREHENSIVE PLAN.

4. Integration with Transportation System. Mixed-use DEVELOPMENTs shall be designed to integrate into the adjacent transportation system relative to:

a. Pedestrian connections to ensure accessibility to current or future DEVELOPMENT, if applicable;

b. Connectivity to existing and future roadways, sidewalks, and pathways;

c. Complete streets roadway design that accommodates vehicular, pedestrian, and bicycle transportation modes;

d. Strategic locations of PARKING LOTs and STRUCTUREs to facilitate shared parking; and

e. Access management to provide internal connections between uses and minimize individual driveway access to perimeter roads.

5. Impact on Infrastructure. The DEVELOPMENT is staged in a manner that allows for and facilitates the timely provision of public utilities, facilities, and services.

6. Compatibility of Uses and STRUCTUREs. The mixed-use DEVELOPMENT is planned so land uses and densities create an appropriate transition to existing or planned uses and densities on adjoining properties.

7. DEVELOPMENT Balance. If constructed in phases, each phase shall include a mixture of residential types and/or residential and non-RESIDENTIAL USEs to ensure that each phase contributes to the mixed-use concept.

8. General Site Design: The following characteristics shall be incorporated into the mixed-use DEVELOPMENT:

a. Pedestrian accessibility/concentration of DEVELOPMENT (critical mass) in a compact, walkable area.

i. Uses are concentrated to promote convenient pedestrian access.

ii. Pedestrian circulation is clearly defined and connects all uses.

iii. Bicycle and pedestrian access are provided to adjacent DEVELOPMENTs.

iv. Sidewalks are provided on each side of rights-of-way or PRIVATE STREETs throughout the DEVELOPMENT.

v. Strip commercial DEVELOPMENT characterized by single story uncoordinated, unconnected BUILDINGs with large street FRONTAGE PARKING LOTs is specifically prohibited. Strip malls with uncoordinated, unconnected out-parcels are prohibited. All STRUCTUREs are fully integrated into the mixed-use project through common design themes (including, but not limited to, lighting, benches, landscaping, other decorative features but not necessarily BUILDING design), integration with a variety of uses, nonlinear arrangement, common spaces, pedestrian walkways, vehicular access connections, and other features.

b. Plazas, courtyards, and other common areas are provided for public gathering and interaction. Amenities, such as benches, planters, lighting, fountains, art, and landscaping that further the design theme of the project and encourage interaction shall be provided.

c. Mixed-use projects require special attention to BUILDING design because of the relationship of land uses in close proximity. Functional integration of residential and commercial uses shall be considered during design of mixed-use projects. The following standards are intended to guide DEVELOPMENT of mixed-use projects:

i. The mixed-use DEVELOPMENT shall be designed and developed to provide an appropriate interrelationship between the various uses and STRUCTUREs within the DEVELOPMENT through the use of complementary materials, unified streetscape treatment, BUFFERing, connectivity for vehicular and pedestrian movement, BUILDING orientation, parking location and height transition.

ii. Residential and commercial uses may be located within the same or adjoining STRUCTUREs, provided applicable health and safety regulations are followed.

iii. STRUCTUREs shall provide architectural relief and interest, with emphasis at BUILDING entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. STRUCTUREs shall have consistent scale and massing to create a unified project. Compatibility with the immediate context is required. However, gradual transitions in scale and massing are permitted.

(a) Blank walls shall be avoided by including ground floor windows, recesses, extensions and breaks in roof elevation.

(b) Design shall provide differentiation between ground level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies, or other similar treatments for lower levels can provide differentiation. Variation in BUILDING materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.

(c) Design shall ensure privacy in residential sectors through effective window placement, soundproofing, landscape screening, or orientation of outdoor living areas (e.g., balconies, PORCHes, and PATIOs). Opposite facing windows at close distances should be offset vertically or horizontally or employ appropriate materials (e.g., glazed or tinted) to protect privacy.

d. Residential uses and diversity of housing types may be required.

i. Subject to approval by TOWN COUNCIL, a mixed use development may be required to incorporate one or more types of residential uses (SINGLE-FAMILY, MULTI-FAMILY, TOWNHOME, cluster, or TWO-FAMILY) at densities not to exceed those permitted within the MU district, where recommended by the PLANNING COMMISSION to comply with the recommendations of the TOWN's COMPREHENSIVE PLAN.

ii. Where incorporated into the mixed-use DEVELOPMENT, SINGLE-FAMILY LOT sizes shall be varied to provide a mixture of LOT sizes.

iii. Minimum LIVABLE FLOOR AREA requirement for SINGLE-FAMILY detached units shall be 850 sq. ft. All other residential types shall adhere to area per number of bedrooms, as listed in the Residential District Table 5-3c.

e. Permitted flexibility in LOT sizes, SETBACKs, street widths and landscaping shall result in a more livable DEVELOPMENT, preservation of natural features, and creation of OPEN SPACE consistent with the policies of the COMPREHENSIVE PLAN and this ordinance.

F. **Timing**. Approval of the final plan or site-specific plan shall be vested in accordance with the provisions of Section 1.6 B. of this ordinance.

G. **Site Development Regulations**. In addition to the requirements of this article, all DEVELOPMENT in the Mixed-Use District shall meet the applicable requirements as listed elsewhere in this ordinance:

1. General Provisions – Article 2

2. Overlay Districts – Article 8

3. CONDITIONAL USE Requirements – Article 9

4. Environmental Performance Standards – Article 10

5. Trees, Landscaping and BUFFERing – Article 11

6. Parking and Loading – Article 12

7. SIGNs – Article 13

8. Site Plan Review – Article 14

Section 7.2 Planned Development (PD) District

A. **Purpose**. The Planned Development (PD) district is established to:

1. Allow for a coordinated and compatible mix of land USEs, where appropriate, in a manner consistent with the TOWN's COMPREHENSIVE PLAN;

2. Encourage innovative site planning, architectural design, and DEVELOPMENT flexibility that cannot be achieved under conventional zoning districts;

3. Enhance the quality, functionality, and overall character of new mixed-USE DEVELOPMENTs;

4. Ensure high-quality DEVELOPMENT through a UNIFIED DEVELOPMENT PLAN that establishes clear, enforceable, and site-specific standards and conditions;

5. Protect and preserve environmentally sensitive areas, OPEN SPACEs, historic resources, and the established character of the community;

6. Promote the efficient and coordinated use of land and public infrastructure, including transportation systems, utilities, stormwater systems, and public services; and

7. Provide a clear, predictable, and equitable regulatory framework that balances DEVELOPMENT flexibility with the protection of public health, safety, and general welfare.

B. **Applicability**. A PD district may be established for any parcel, or combination of contiguous parcels, by rezoning in accordance with the procedures, standards, and criteria set forth in this section. PD districts are intended to accommodate mixed-USE DEVELOPMENTs containing one or more of the following:

1. Residential DWELLINGs of varying types and densities, together with compatible commercial USES;

2. BUSINESS CENTERS, shopping centers, and similar multi-tenant commercial DEVELOPMENTs;

3. Office parks and professional or campus-style office DEVELOPMENTs; and

4. Any other mixture of two or more USEs deemed acceptable by TOWN COUNCIL.

C. **Minimum Area**. To be eligible for rezoning as a PD district, a parcel, or combination of contiguous parcels, shall contain a minimum of five (5) acres of HIGH GROUND.

D. **UNIFIED DEVELOPMENT PLAN.** Each PD district is anticipated to be unique and shall be subject to a site-specific UNIFIED DEVELOPMENT PLAN, which shall be adopted concurrently with rezoning approval. The UNIFIED DEVELOPMENT PLAN shall consist of two components: the PD district map and PD district text.

1. PD District Map. Each PD district shall include a map depicting the general layout of the proposed DEVELOPMENT and the permitted location(s) of authorized land USEs. Upon adoption by TOWN COUNCIL, the PD district map shall become the official zoning district map for the subject property.

2. PD District Text. The PD district text shall expressly enumerate the allowable USEs and applicable DEVELOPMENT standards for the PD district. Upon adoption by TOWN COUNCIL, the PD district text shall constitute the official zoning ordinance text governing the USE and DEVELOPMENT of the subject property.

a. *General Requirements*.

i. The PD district shall demonstrate innovative site planning for a coordinated mixture of USEs, as reflected in the PD district map.

ii. Overall site design shall be harmonious with respect to landscaping; the placement and enclosure of PRINCIPAL and ACCESSORY USEs; BUILDING size,

height and orientation; street patterns; vehicular and pedestrian connectivity; and relationships among USEs. Variety in BUILDING types, BUILDING HEIGHTs, façades, SETBACKS, and the size and location of OPEN SPACEs is encouraged.

b. *PERMITTED and CONDITIONAL USEs*.

i. Each PD district shall contain a list of PERMITTED and CONDITIONAL USEs authorized within the district. Only USEs expressly authorized in the PD district text shall be permitted. All other uses shall be prohibited.

ii. Any USE proposed by an applicant and approved by TOWN COUNCIL may be authorized in the PD district text, including USEs not expressly listed in Appendix B: Consolidated Table of USEs.

iii. When necessary to mitigate potential adverse impacts – including, but not limited to, traffic, noise, hours of operation, and similar factors – or to protect the public health, safety, and general welfare, the TOWN COUNCIL may impose reasonable conditions, limitations, or additional requirements on any authorized USE. Such conditions shall be in addition to all other standards otherwise applicable to the authorized USE.

c. *Required DEVELOPMENT Standards*. The DEVELOPMENT standards identified in Table 7-2 shall be established in the PD district text, as applicable. If a specific DEVELOPMENT standard is not expressly identified in the PD district text, the corresponding standard of the RSF-1 district shall apply.

Table 7-2. Required DEVELOPMENT Standards

Category	Standard to be Enumerated in PD District Text
Residential Density	Maximum Number of DWELLING UNITs (By DWELLING Type)
	Maximum Number of DWELLING UNITs (Total Project)
	Maximum DENSITY (DWELLING UNITS Per NET ACREAGE)
Non-Residential Density	Maximum USABLE FLOOR AREA (Per BUILDING or USE Type)
	Maximum USABLE FLOOR AREA (Total Project)
REQUIRED SETBACKS	Minimum FRONT YARD SETBACK
	Minimum SIDE YARD SETBACK
	Minimum REAR YARD SETBACK
	Minimum BUILDING Separation (For Multiple BUILDINGs on the Same LOT)
BUFFERs	Minimum BUFFER Width
	BUFFER Zone Specifications and Standards
BUILDING Design Standards	Maximum BUILDING HEIGHT
	Minimum LIVABLE FLOOR AREA (By DWELLING Type)
LOT AREA & WIDTH	Minimum LOT AREA
	Minimum LOT WIDTH
LOT COVERAGE	Maximum LOT COVERAGE (Per LOT)
	Maximum LOT COVERAGE (Total Project)
OPEN SPACE	Minimum OPEN SPACE Required (Total Project)
	OPEN SPACE Design Standards
	OPEN SPACE Conveyance & Management Plan

Phasing	Project Phasing Plan (If Applicable)

d. *Other DEVELOPMENT Standards*. The PD district text may provide for variations from other DEVELOPMENT standards to allow flexibility in the arrangement of USEs and to promote and protect the public health, safety, and general welfare. Except as expressly modified in the PD district text, all DEVELOPMENT within a PD district shall comply with all other applicable requirements of this ordinance, including:

i. General Provisions – Article 2

ii. Overlay Districts – Article 8

iii. CONDITIONAL USE Requirements – Article 9

iv. Environmental Performance Standards – Article 10

v. Trees, Landscaping and BUFFERing – Article 11

vi. Parking and Loading – Article 12

vii. SIGNs – Article 13

viii. Site Plan Review – Article 14

E. **Procedures; Adoption; Effect**.

1. Rezoning Required. Establishment of a PD district shall require approval of a rezoning ordinance by TOWN COUNCIL.

2. Pre-Application Requirements. Prior to submitting an application to establish a PD district, the applicant shall complete each the following pre-application requirements:

a. *Pre-Application Meeting*. The applicant or their authorized agent(s) shall attend a pre-application meeting with the ZONING ADMINISTRATOR. Requests for a pre-application meeting shall be directed to the ZONING ADMINISTRATOR, who shall coordinate the date, time, and location of the meeting. The ZONING ADMINISTRATOR may invite representatives from any town department; local, state, or county agency; utility provider; special purpose district; or other reviewing agency that may be affected by the request. Prior to the meeting, the applicant shall provide the ZONING ADMINISTRATOR with a copy of the proposed UNIFIED DEVELOPMENT PLAN and any other materials deemed relevant to the rezoning request. While a complete application is not required at this stage, the materials submitted shall contain sufficient detail to allow for an initial review of the proposed PD district. The purpose of the pre-application meeting is to familiarize the applicant with the applicable procedures, requirements, and criteria, and to familiarize town staff with the proposed PD district. Town staff may provide preliminary comments, answer questions, and offer recommendations. The pre-application meeting is for informational purposes only and no formal decisions shall be made. Nothing herein is intended to prohibit or preclude additional meetings or correspondence between the applicant and town staff during the rezoning process.

b. *Pre-Application Presentation*. The applicant or their authorized agent(s) shall present the proposed UNIFIED DEVELOPMENT PLAN to the PLANNING COMMISSION at a duly advertised meeting. The purpose of the presentation is to familiarize the PLANNING COMMISSION with the proposed PD district and to allow members to ask questions and provide feedback prior to formal submittal. The presentation is for informational purposes only and no action shall be taken.

3. Application. Upon completion of the pre-application requirements, the applicant may submit a formal application. In addition to the requirements set forth in Section 19.2 A, each application to establish a PD district shall be accompanied by a proposed UNIFIED DEVELOPMENT PLAN consisting of a PD district map and PD district text.

4. Review Procedure. Applications to establish a PD district shall be processed in accordance with the pre-application requirements set forth herein and the general procedures for map amendments set forth in Section 19.2.

5. Criteria for Review. Applications to establish a PD district shall be evaluated using the map amendment criteria set forth in Sections 19.3 B, C and D.

6. Binding Effect. Upon adoption, the approved PD ordinance and UNIFIED DEVELOPMENT PLAN shall be binding upon the subject property, and all future development shall conform thereto. Any substantial deviation shall require amendment of the PD ordinance in accordance with subsection F.

7. Enforcement. The TOWN may enforce the provisions of a PD district using all remedies authorized by law.

F. **Amendments**.

1. Major Amendments. Major amendments to a PD district shall require adoption of an ordinance of TOWN COUNCIL following review and recommendation by the PLANNING COMMISSION. Major amendments constitute zoning ordinance amendments and shall be processed as follows:

   a. Amendments to the PD district map shall be processed as map amendments in accordance with Section 19.2 and evaluated using the criteria set forth in Sections 19.3 B, C and D.

   b. Amendments to the PD district text shall be processed as text amendments in accordance with Section 19.2 and evaluated using the criteria set forth in Sections 19.3 A, C and D.

2. Minor Amendments. The PD district text may authorize a procedure for the review and approval of minor amendments to the UNIFIED DEVELOPMENT PLAN. When expressly authorized in the PD district text, the ZONING ADMINISTRATOR may approve minor amendments subject to any conditions or limitations imposed by TOWN COUNCIL. Any amendment which is not expressly authorized in the PD district text as a minor amendment shall be treated as a major amendment.

G. **Approved PD Districts**.

1. Adopted. The PD districts listed in Table 7-2a are hereby adopted by reference as if fully set forth in this ordinance:

Table 7-2a. Adopted PD Districts					
PD #	PD Name	Adopted		Amended	
		Ordinance	Date	Ordinance	Date
[RESERVED]					

2. Records. Copies of all PD district ordinances and amendments thereto shall be maintained on file in the office of the ZONING ADMINISTRATOR.

~~**MU, Mixed-Use District**. This district is established for the purpose of offering a tool that permits a combination of residential and non-RESIDENTIAL USEs within a cohesive integrated DEVELOPMENT. A variety of housing types is encouraged at moderate densities, along with complementary office, RETAIL, and service uses in scale with the character of the district and surrounding area. Size limits are imposed to ensure that NONRESIDENTIAL USEs remain appropriate to the district intent.~~

~~Section 7.2 Schedule of Uses~~

~~BUILDINGs or land shall not be used; and BUILDINGs shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or BUILDINGs in the districts indicated at the top of Table 7-2 may be used for the purposes denoted by the following abbreviations:~~

~~A. **PERMITTED USE (P)**. Land and/or BUILDINGs in this district may be used by right.~~

~~B. **CONDITIONAL USE (C)**. Land and/or BUILDINGs in this district may be used by right, provided the specific conditions related to that use, as found in Article 9 are met.~~

~~C. **Specific Conditions**. Indicates the relevant section listing the requirements or conditions applicable to the CONDITIONAL USE which must be satisfied, in addition to the general criteria of Section 9.3.~~

~~Table 7-2 Schedule of Uses: Mixed-Use District~~		
~~USE~~	~~MU~~	~~Specific Conditions~~
~~**ACCESSORY USEs**~~		
~~ACCESSORY USEs and STRUCTUREs~~	~~P~~	~~-~~
~~Drive-in and drive-through facilities for automated teller machines, banks, pharmacies, and similar uses (not including DRIVE-THROUGH RESTAURANTs)~~	~~C~~	~~Section 9.4 B~~
~~Outdoor display areas for RETAIL ESTABLISHMENTs~~	~~C~~	~~Section 9.4 J~~
~~Outdoor seating at eating/drinking establishments~~	~~C~~	~~Section 9.4 K~~
~~Outdoor storage facilities~~	~~C~~	~~Section 9.4 L~~
~~**Agriculture and Conservation**~~		
~~Bulkhead and EROSION control devices~~	~~P~~	~~-~~
~~Community gardens~~	~~P~~	~~-~~

Open space preserves such as WETLANDs and wildlife habitat refuge areas	P	-
Entertainment, Hospitality, and Leisure		
Boat docks, landings and launches	P	-
Classroom and lecture facilities	P	-
Establishments serving alcoholic beverages	C	Section 9.4 D
Fitness club/health spa	P	-
Greenways, boardwalks, and non-motorized trails/pathways	P	-
Gymnasium and indoor recreation facilities	P	-
HOTELs	P	-
MARINA	C	Section 9.4 H
Non-commercial community or neighborhood activity uses such as, park/playground, swimming pool, storage STRUCTUREs, and off-street parking	P	-
OPEN AIR RECREATION uses	P	Section 9.4 I
RESTAURANTs (not including DRIVE-THROUGH facilities)	P	-
Office		
Banks, savings & loans, and similar financial institutions	P	-
Government offices	P	-
Medical, dental or chiropractic office, including clinics and/or laboratory	P	-
Offices, general and professional	P	-
Residential		
DWELLINGS on upper floors above businesses	C	Section 9.4 C
HOME OCCUPATIONs	C	Section 9.4 F
SHORT-TERM RENTAL UNITs	C	Section 9.4 O
MULTI-FAMILY DWELLINGs	P	-
SINGLE-FAMILY DWELLINGs	P	-
TOWNHOMEs	P	-
TWO-FAMILY DWELLINGs	P	-
VACATION CLUB UNIT	C	Section 9.4 Q
RETAIL		
Establishments, not exceeding 5,000 square feet, selling goods at RETAIL within a fully enclosed BUILDING	P	-
Establishments larger than 5,000 square feet but not more than 10,000 square feet, selling goods at RETAIL within a fully enclosed BUILDING	C	Section 9.4 N
Services		
Government facilities, including storage and MAINTENANCE facilities	P	-
PERSONAL SERVICEs	P	-
Photographic studios	P	-
PLACES OF PUBLIC WORSHIP	P	-
UTILITY substation or subinstallation	C	Section 9.4 P
Wireless communication antennas or towers	C	Section 9.4 T
Other		
Similar Uses	C	Section 2.6 G

~~Section 7.3 Spatial Requirements~~

~~A. **Area and Density**. All LOTs and BUILDINGs shall meet the minimum area and width requirements of Table 7-3. New LOTs shall not be created, except in conformance with these requirements.~~

Table 7-3. LOT AREA, Width, and Density Requirements, Mixed-Use District						
Zoning District	Size		Area Occupied by Non-RESIDENTIAL USES (%)		Min. Width (ft.)	Density (max. units/ NET Resid. ACRE
	Project Area (acres) Minimum	Min. OPEN SPACE (%)	Minimum	Maximum		
MU	5	20	20	50	200	15

B. **Density Bonus**. A residential density bonus over and above the density otherwise allowed in the mixed-use district may be approved by TOWN COUNCIL provided the applicant increases the percentage of the total project area dedicated for OPEN SPACE. This bonus may be granted only if specifically requested by the applicant. Such bonus shall consist of an additional one (1) unit per NET ACRE of allowable density for every additional five (5) percent of HIGH GROUND land area devoted to dedicated OPEN SPACE beyond the minimum requirement; provided, the maximum bonus shall not exceed an additional five (5) units per NET ACRE.

C. **SETBACKs**. All STRUCTUREs and their placement on a LOT shall conform to the minimum dimensional requirements listed in Table 7-3a.

Table 7-3a. Dimensional Requirements, Mixed-Use District					
Zoning District	Maximum BUILDING HEIGHT (ft./stories)	Minimum Yard SETBACKs (ft.)[22]			
		Front		Side	Rear
		Parking	BUILDING		
MU	36	20	20	20	40

D. **OPEN SPACE**. Dedicated OPEN SPACE shall be provided in accordance with the following standards:

1. A minimum 20 percent of the gross land area, as specified in Table 7-3, shall be dedicated OPEN SPACE.

2. Dedicated OPEN SPACE shall be shown on the concept plan and preliminary PLAT, if applicable, and shall be labeled to specify that the land is to be dedicated for OPEN SPACE purposes. The OPEN SPACE land is to be permanently reserved for OPEN SPACE purposes. The applicant shall convey the dedicated OPEN SPACE as a condition of approval through any of the following means, as approved by the TOWN COUNCIL:

   a. Deeded in perpetuity to the TOWN;

   b. Reserved for common use or ownership of all property owners within the DEVELOPMENT by covenants in the deeds approved by the TOWN attorney. A copy of the proposed covenants shall be submitted with the application for final site plan approval;

[22] Setbacks apply to the perimeter boundary of the project area. Individual setbacks within the mixed-use development shall be determined during the development plan review process, based on the setback requirements for the zoning district corresponding with the proposed use.

c. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted for conservation purposes under terms and conditions that ensure the perpetual protection and management of the property for conservation purposes. A copy of the proposed deed and relevant corporate documents of the land trust shall be submitted with the final site plan application;

d. Deeded to a property owner's association or REGIME within the DEVELOPMENT upon terms and conditions approved by the TOWN attorney that will ensure the continued use and management of the land for the intended purposes. If this option is selected, the formation and incorporation by the applicant of one or more appropriate property owners' associations or REGIMEs shall be required prior to approval. A copy of the proposed property owner's deed and the by-laws and other relevant documents of the property owner's association or REGIME shall be submitted with the final site plan application. The following shall be required if OPEN SPACE is to be dedicated to a property owners' association or REGIME:

i. Covenants providing for mandatory membership in the association/REGIME and setting forth the owner's rights, interests, and privileges in the association and the common land, must be included in the deed for each LOT or unit;

ii. The property owners' association or REGIME shall have the responsibility of maintaining the OPEN SPACE and shall operate and maintain any recreational facilities which may be provided within the OPEN SPACE;

iii. The association or REGIME shall have the authority to levy charges against all property owners to defray the expenses connected with the operation and MAINTENANCE of OPEN SPACE and recreational facilities; and

iv. The applicant shall maintain control of dedicated OPEN SPACE and be responsible for its MAINTENANCE until DEVELOPMENT sufficient to support the association or REGIME has taken place.

3. OPEN SPACE to be dedicated to the TOWN shall have shape, dimension, character, location, and topography to ensure appropriate public access and usability, and to accomplish at least two (2) of the following OPEN SPACE purposes:

a. natural resource conservation;

b. WETLAND and water course conservation;

c. selective forestry;

d. wildlife habitat;

e. recreation;

f. civic purposes, or

g. scenic preservation.

4. Dedicated OPEN SPACE features that are not dedicated to the TOWN may be open to the general public or restricted to the residents or property owners within the DEVELOPMENT.

5. Streets, sidewalks, PARKING LOTs and other IMPERVIOUS SURFACEs shall be excluded from the calculation of required OPEN SPACE. However, lands occupied by bike paths, tennis courts, or similar common recreational amenities may be counted as dedicated OPEN SPACE; provided, such IMPERVIOUS SURFACEs shall not constitute more than 10 percent of the total required OPEN SPACE.

6. Up to 50 percent of the dedicated OPEN SPACE requirement may be satisfied with land covered by water or by stormwater detention or retention basins if the TOWN determines that such a water body or basin constitutes an amenity that contributes to the character of the mixed-use DEVELOPMENT and offers an active or passive leisure experience.

7. At least 50 percent of the dedicated OPEN SPACE within a mixed-use DEVELOPMENT shall be usable for active and passive recreation including, but not limited to, walking, biking, playfields, picnicking, playgrounds, relaxation, and boating.

8. The dedicated OPEN SPACE shall not be included in SUBDIVISION LOTs designated for DEVELOPMENT or in LOT size calculations.

9. All approved OPEN SPACE shall be dedicated in accordance with the provisions of this section and as approved by TOWN COUNCIL prior to commencing any construction, regardless of whether or not the project will be completed in phases.

Section 7.4 Review Procedures

All requests for approval of a mixed-use zoning district shall be subject to the review and approval procedures of this section. Mixed-use zoning may be established on any property at the initiation of the TOWN or by rezoning application submitted by the property owner. If initiated by the TOWN, DEVELOPMENT of the property shall be subject to review and approval of concept and final DEVELOPMENT plans, in accordance with the applicable provisions of this section.

A. **Approval Authority**.

1. The ZONING ADMINISTRATOR and PLANNING COMMISSION shall have review and recommendation authority for the concept plan.

2. The TOWN COUNCIL shall have final approval authority for the concept plan.

3. The ZONING ADMINISTRATOR shall have approval authority for a final plan/site-specific plan where no major changes to the approved concept plan, as defined in Article 14.8, are required.

B. **Pre-application Review**.

1. All applicants seeking mixed-use zoning approval shall schedule a pre-application conference with the ZONING ADMINISTRATOR to discuss the proposed DEVELOPMENT prior to applying. The ZONING ADMINISTRATOR may include representatives from any

outside agency, department, entity, or consultant as he or she deems appropriate. At the pre-application conference, the ZONING ADMINISTRATOR shall review a proposed sketch plan.

2. At minimum, the sketch plan shall contain the following information:

a. Location map of the proposed site;

b. General description of proposed land uses, including approximate location and acreage; and

c. Proposed GROSS DENSITY of the DEVELOPMENT, type of dwellings proposed, proposed GROSS FLOOR AREA to be devoted to non-RESIDENTIAL USEs and activities and NET DENSITY of individual areas or parcels within the DEVELOPMENT.

3. A narrative description shall also accompany the sketch plan. The narrative shall describe how the proposed mixed-use zoning and uses relate to the goals and recommendations of the TOWN's COMPREHENSIVE PLAN. The narrative shall also describe any anticipated inconsistencies between the proposed DEVELOPMENT and the provisions of this article.

4. The ZONING ADMINISTRATOR shall review the sketch plan and narrative and advise the applicant regarding conformance or inconsistencies with the requirements of this article and any modifications that may be required to comply with the ordinance. Once the pre-application process is complete, if the applicant wishes to proceed with the zoning application, a concept plan of the entire mixed-use DEVELOPMENT shall be prepared and submitted with a formal application.

C. **Concept Plan**.

1. Application requirements.

a. A complete application shall be filed on a form provided by the ZONING ADMINISTRATOR, along with the application fee, a concept plan meeting all requirements of this section, and any DEVELOPMENT conditions proposed by the applicant. Incomplete applications or concept plans shall be returned to the applicant without further processing.

b. Unless specifically modified by DEVELOPMENT conditions accepted by the TOWN COUNCIL, a mixed-use DEVELOPMENT shall comply with all regulations in effect at the time of rezoning approval.

c. The mixture of uses shall be limited to those specified in Table 7-2.

2. Concept plan requirements. At minimum, the concept plan shall contain the following information in schematic form, unless specifically waived by the ZONING ADMINISTRATOR:

a. A title, giving the names of the developers and property owners, the date, scale, and the PERSON or firm preparing the plan.

b. A vicinity map and north arrow.

c. The location and size of the project site, including the total GROSS ACREAGE and total HIGH GROUND

d. The current zoning of the subject property and surrounding properties.

e. The landowners and general land use of adjoining properties.

f. Location of proposed uses assigned to sub-areas.

g. A tabulation of total DWELLING UNITs and gross residential densities and the GROSS FLOOR AREA to be devoted to non-RESIDENTIAL USEs and activities.

h. Location of existing FLOOD zones, CRITICAL AREAS, WATERBODIES, WETLANDS, and other riparian areas, and significant environmental features.

i. General layout of transportation routes including streets and major pedestrian ways.

j. The location of existing infrastructure (examples include roadways, sidewalks, and proximity of nearest water and/or sewer mains).

k. Conceptual location for any proposed public uses including schools, parks, fire, and medical emergency services, etc.

l. General areas to be designated for common OPEN SPACE.

m. Tree survey, if applicable, in accordance with Section 11.5 B.

n. A TRAFFIC IMPACT ANALYSIS shall be required. The analysis must be prepared by a professional transportation engineer with expertise in the preparation of TRAFFIC IMPACT ANALYSES and shall follow the requirements of Section 8.4.

o. A phasing plan, if applicable.

3. Review and approval.

a. Staff review.

i. Upon receipt of a complete mixed-use DEVELOPMENT application, the ZONING ADMINISTRATOR shall distribute the application materials to the appropriate TOWN staff, as well as representatives from any outside agency, department, entity, or consultant as he or she deems appropriate.

ii. The ZONING ADMINISTRATOR shall prepare a staff report based on the comments provided by other reviewers. The report and recommendations shall be forwarded to the PLANNING COMMISSION for review and recommendation.

iii. The ZONING ADMINISTRATOR shall provide notice as required by Section 19.2 and schedule consideration of the mixed-use application on the next available

PLANNING COMMISSION agenda. The ZONING ADMINISTRATOR will then inform the applicant/agent when the request will appear on the PLANNING COMMISSION agenda for action on the application. The applicant or authorized representative must be present at the meeting or the matter will not be heard.

b. *Optional joint work session.* The applicant may request a joint work session with the TOWN COUNCIL and PLANNING COMMISSION to provide an opportunity to present the application and respond to any initial questions that members may have regarding the proposed DEVELOPMENT.

i. If the request is granted, the ZONING ADMINISTRATOR shall schedule the joint work session and notify the applicant when the session will occur.

ii. No decision or final action may be taken at a joint work session.

c. *PLANNING COMMISSION review and recommendation.*

i. The ZONING ADMINISTRATOR shall present the staff report to the PLANNING COMMISSION.

ii. After allowing time for presentation from the applicant and public comments, if any, the PLANNING COMMISSION shall consider the application for conformance with the requirements of this ordinance and the review criteria in Section 7.5.

iii. The PLANNING COMMISSION shall then make a recommendation to the TOWN COUNCIL to approve or deny the application.

d. *TOWN COUNCIL hearing and final decision.*

i. The staff report and PLANNING COMMISSION recommendations shall be forwarded to the TOWN COUNCIL for review and final decision.

ii. The ZONING ADMINISTRATOR shall provide notice, as required by Section 19.2 C, for a public hearing and schedule the mixed-use application on the next available TOWN COUNCIL agenda.

iii. The ZONING ADMINISTRATOR shall present the staff report and PLANNING COMMISSION recommendation.

iv. After allowing time for presentation from the applicant and holding the required public hearing, the TOWN COUNCIL shall consider the application for conformance with the requirements of this ordinance and the review criteria in Section 7.5.

v. Following the rezoning procedures, as specified in Section 19.2, the TOWN COUNCIL shall approve, deny, or refer the application back to the PLANNING COMMISSION for further consideration.

4. DEVELOPMENT conditions. The applicant may offer conditions to be attached to the rezoning. Proposed conditions shall be submitted as part of the application and concept plan.

a. Conditions may be more restrictive than the requirements of this article but shall not alter the intent of the applicable mixed-use district nor permit uses not otherwise authorized by Table 7-2.

b. The conditions shall be described in writing.

c. The DEVELOPMENT conditions shall be binding upon the property, unless amended in conformance with the requirements of this section. Upon approval of the rezoning application, the approved DEVELOPMENT conditions shall be recorded in the Register of Deeds Office.

d. If phasing is proposed, the applicant shall provide a general breakdown showing the various phases and the estimated schedule of construction.

D. **Final Plan or Site-Specific Plan**.

1. Phasing. The mixed-use DEVELOPMENT may be completed in multiple phases. If the DEVELOPMENT is to be completed in a single phase, the applicant shall prepare and submit a final development plan. If the DEVELOPMENT is to be completed in more than one phase, the applicant shall prepare and submit a site-specific plan prior to construction of each phase of the project. In either case, the final plan/site-specific plan shall contain the elements required in Section 14.5 for final development plans and conform to the previously approved concept plan.

2. Timing. An application for approval of the final plan for the mixed-use DEVELOPMENT or a site-specific plan for the initial phase(s) shall be submitted to the ZONING ADMINISTRATOR within 12 months of the date of TOWN COUNCIL's approval of the concept plan and rezoning.

3. ZONING ADMINISTRATOR review and approval.

a. The ZONING ADMINISTRATOR shall distribute the final plan/site-specific plan application to the appropriate TOWN staff, as well as representatives from any outside agency, department, entity, or consultant as he or she deems appropriate.

b. Once the plan has been received and reviewed by the appropriate reviewers and the applicant has met all of the required elements of this ordinance, any other applicable regulations, and the approved concept plan and DEVELOPMENT conditions, the ZONING ADMINISTRATOR shall issue a final approval.

c. If the plan is inconsistent in any aspect with the approved concept plan, the ZONING ADMINISTRATOR shall follow the procedure specified in this section for amending an approved plan.

E. **Amendments**. Any and all amendments to the concept plan, development conditions and/or final/site-specific plans for the mixed-use shall be subject to the following review procedures:

1. The ZONING ADMINISTRATOR shall have the authority to approve:

   a. Changes which result in a decrease in approved density or BUILDING size, either residential or non-residential.

   b. Change in land use designation from MULTI-FAMILY, TWO-FAMILY, or TOWNHOME to SINGLE-FAMILY or a change from any other use to OPEN SPACE/passive recreation; provided, the minimum required proportion of non-RESIDENTIAL USEs shall be retained.

   c. Change in infrastructure features (i.e., roads/access, sewer, water, storm drainage) internal to the mixed-use area which are clearly beneficial to the occupants of the mixed-use area and will have no impact on adjoining or off-site properties.

   d. Movement of BUILDINGs within the same general vicinity as shown on the approved plan.

   e. Internal rearrangement of a PARKING LOT that does not affect the number of PARKING SPACEs or alter access locations or design.

2. All other changes shall be considered as a new application and processed in accordance with the provisions of Section 7.4 C and D.

Section 7.5 Development Review Criteria

Applications for mixed-use DEVELOPMENT shall only be approved upon a finding of compliance with the following criteria:

A. **Rezoning Criteria**. The criteria of Article 19.3 B for rezonings shall be satisfied.

B. **Development Plan Standards**. The standards of Section 14.6 for development plans shall be satisfied.

C. **Consistency with COMPREHENSIVE PLAN**. All mixed-use DEVELOPMENT shall be designed, constructed, and maintained in conformance with the applicable guidelines and standards established by the TOWN's COMPREHENSIVE PLAN.

D. **Integration with Transportation System**. Mixed-use DEVELOPMENTs shall be designed to integrate into the adjacent transportation system relative to:

   1. Pedestrian connections to ensure accessibility to current or future DEVELOPMENT, if applicable;

   2. Connectivity to existing and future roadways, sidewalks, and pathways;

   3. Complete streets roadway design that accommodates vehicular, pedestrian, and bicycle transportation modes;

   4. Strategic locations of PARKING LOTs and STRUCTUREs to facilitate shared parking; and

5. Access management to provide internal connections between uses and minimize individual driveway access to perimeter roads.

E. **Impact on Infrastructure**. The DEVELOPMENT is staged in a manner that allows for and facilitates the timely provision of public utilities, facilities, and services.

F. **Compatibility of Uses and STRUCTURES**. The mixed-use DEVELOPMENT is planned so land uses and densities create an appropriate transition to existing or planned uses and densities on adjoining properties.

G. **DEVELOPMENT Balance**. If constructed in phases, each phase shall include a mixture of residential types and/or residential and non-RESIDENTIAL USEs to ensure that each phase contributes to the mixed-use concept.

H. **General Site Design**: The following characteristics shall be incorporated into the mixed-use DEVELOPMENT:

1. Pedestrian accessibility/concentration of DEVELOPMENT (critical mass) in a compact, walkable area.

a. Uses are concentrated to promote convenient pedestrian access.

b. Pedestrian circulation is clearly defined and connects all uses.

c. Bicycle and pedestrian access are provided to adjacent DEVELOPMENTs.

d. Sidewalks are provided on each side of rights-of-way or PRIVATE STREETs throughout the DEVELOPMENT.

e. Strip commercial DEVELOPMENT characterized by single story uncoordinated, unconnected BUILDINGs with large street FRONTAGE PARKING LOTs is specifically prohibited. Strip malls with uncoordinated, unconnected out-parcels are prohibited. All STRUCTUREs are fully integrated into the mixed-use project through common design themes (including, but not limited to, lighting, benches, landscaping, other decorative features but not necessarily BUILDING design), integration with a variety of uses, nonlinear arrangement, common spaces, pedestrian walkways, vehicular access connections, and other features.

2. Plazas, courtyards, and other common areas are provided for public gathering and interaction. Amenities, such as benches, planters, lighting, fountains, art, and landscaping that further the design theme of the project and encourage interaction shall be provided.

3. Mixed-use projects require special attention to BUILDING design because of the relationship of land uses in close proximity. Functional integration of residential and commercial uses shall be considered during design of mixed-use projects. The following standards are intended to guide DEVELOPMENT of mixed-use projects:

a. The mixed-use DEVELOPMENT shall be designed and developed to provide an appropriate interrelationship between the various uses and STRUCTUREs within the

DEVELOPMENT through the use of complementary materials, unified streetscape treatment, BUFFERing, connectivity for vehicular and pedestrian movement, BUILDING orientation, parking location and height transition.

b. Residential and commercial uses may be located within the same or adjoining STRUCTUREs, provided applicable health and safety regulations are followed.

c. STRUCTUREs shall provide architectural relief and interest, with emphasis at BUILDING entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. STRUCTUREs shall have consistent scale and massing to create a unified project. Compatibility with the immediate context is required. However, gradual transitions in scale and massing are permitted.

i. Blank walls shall be avoided by including ground floor windows, recesses, extensions and breaks in roof elevation.

ii. Design shall provide differentiation between ground level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies, or other similar treatments for lower levels can provide differentiation. Variation in BUILDING materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.

iii. Design shall ensure privacy in residential sectors through effective window placement, soundproofing, landscape screening, or orientation of outdoor living areas (e.g., balconies, PORCHes, and PATIOs). Opposite facing windows at close distances should be offset vertically or horizontally or employ appropriate materials (e.g., glazed or tinted) to protect privacy.

4. Residential uses and diversity of housing types may be required.

a. Subject to approval by TOWN COUNCIL, a mixed use development may be required to incorporate one or more types of residential uses (SINGLE-FAMILY, MULTI-FAMILY, TOWNHOME, cluster, or TWO-FAMILY) at densities not to exceed those permitted within the MU district, where recommended by the PLANNING COMMISSION to comply with the recommendations of the TOWN's COMPREHENSIVE PLAN.

b. Where incorporated into the mixed-use DEVELOPMENT, SINGLE-FAMILY LOT sizes shall be varied to provide a mixture of LOT sizes.

c. Minimum LIVABLE FLOOR AREA requirement for SINGLE-FAMILY detached units shall be 850 sq. ft. All other residential types shall adhere to area per number of bedrooms, as listed in the Residential District Table 5-3c.

5. Permitted flexibility in LOT sizes, SETBACKs, street widths and landscaping shall result in a more livable DEVELOPMENT, preservation of natural features, and creation of OPEN SPACE consistent with the policies of the COMPREHENSIVE PLAN and this ordinance.

~~Section 7.6 Timing~~

~~Approval of the final plan or site-specific plan shall be vested in accordance with the provisions of Section 1.6 B. of this ordinance.~~

~~Section 7.7 Site Development Regulations~~

~~A. In addition to the requirements of this article, all DEVELOPMENT in the Mixed-Use District shall meet the applicable requirements as listed elsewhere in this ordinance:~~

~~B. General Provisions – Article 2~~

~~C. CONDITIONAL USE Requirements – Article 9~~

~~D. Environmental Performance Standards – Article 10~~

~~E. Trees, Landscaping and BUFFERing – Article 11~~

~~F. Parking and Loading – Article 12~~

~~G. Signs – Article 13~~

~~H. Site Plan Review – Article 14~~

ARTICLE 8

Overlay Districts

Town of Seabrook Island

Development Standards Ordinance

Section 8.1 Seabrook Island Road Overlay District

A. **Purpose**. As the only public right-of-way providing access to and from the TOWN, it is essential that Seabrook Island Road be maintained as a safe, efficient, functional, and attractive corridor. The Seabrook Island Road OVERLAY DISTRICT is established for that purpose. Regulations are established by this section to manage access to and from abutting properties, create an inviting and unified appearance along the corridor, protect the corridor's prized natural features, promote alternate modes of transportation, and preserve the value of abutting properties.

B. **Applicability**.

1. An OVERLAY DISTRICT is hereby established for a portion of Seabrook Island Road lying between its intersection with Long Bend Drive and the roundabout located at its intersection with Betsy Kerrison Parkway, Kiawah Island Parkway and Village Green Lane, and extending 250 feet in both directions from the outer edge of the right-of-way or property line. The boundaries of the Seabrook Island Road OVERLAY DISTRICT shall be as illustrated on the official ZONING MAP referenced in Section 3.2.

2. The requirements of the Seabrook Island Road OVERLAY DISTRICT shall apply only to property located within the corporate limits of the TOWN. Property within the boundaries of the Seabrook Island Road OVERLAY DISTRICT, but located outside the corporate limits of the TOWN, as of the effective date of this ordinance, shall become subject to the requirements of this section only upon annexation into the TOWN; provided, any construction or other DEVELOPMENT activity within the right-of-way, including but not limited to encroachment permits, stormwater impacts, UTILITY construction, or other IMPROVEMENTs or impacts occurring within the right-of-way shall be subject to the requirements of this section.

3. The requirements of this section are in addition to, and shall supplement, those imposed on the same lands by any underlying zoning provisions of this ordinance or other ordinances of the TOWN. To the extent a conflict exists, these regulations shall supersede all conflicting regulations, unless otherwise specified.

C. **District Requirements**.

1. PERMITTED and CONDITIONAL USEs. All PERMITTED and CONDITIONAL USEs allowed within the underlying zoning district shall be permitted within the Seabrook Island Road OVERLAY DISTRICT, subject to the applicable requirements of the underlying district, unless superseded by this section.

2. Spatial Requirements. Except as otherwise specified, the spatial requirements of the underlying zoning district shall control.

3. Permits.

   a. A permit shall be required for any project within the Seabrook Island Road OVERLAY DISTRICT (whether within or outside the corporate limits of the TOWN) which:

      i. is proposed to have access to Seabrook Island Road via driveway or street;

ii. which in any manner may impact drainage to, from, under, or within the Seabrook Island Road right-of-way;

iii. which in any manner may impact utilities (whether owned and/or operated by the TOWN or others) located above, below, or within the Seabrook Island Road right-of-way; and/or

iv. which involves any other construction, change, or alteration of land within the Seabrook Island Road right-of-way.

b. Applicants shall furnish a SITE DEVELOPMENT PLAN, as required by Article 14. and such additional information concerning the proposed project, as may be required by the TOWN, including the following, at no expense to the TOWN, before a permit is considered:

i. a TRAFFIC IMPACT ANALYSIS, prepared to the TOWN's specifications, in accordance with the requirements of subsection 8.4 D, by a qualified transportation engineer registered in the State of South Carolina;

ii. a drainage study, prepared to the TOWN's specifications, which identifies and quantifies drainage from the proposed DEVELOPMENT, including its impact on existing roadway drainage systems and compliance with all applicable provisions of the TOWN's stormwater program; and

iii. a UTILITY impact study, prepared to the TOWN's specifications, which identifies and quantifies the impact of the proposed DEVELOPMENT on any public or private utilities located above, below or within the Seabrook Island Road right-of-way.

c. Completed permit applications, including any required studies, shall be submitted to the ZONING ADMINISTRATOR for review and approval by the PLANNING COMMISSION prior to issuance of a permit. At its sole discretion, the PLANNING COMMISSION may request independent consultant review of studies, plans, and other documents submitted as part of the application. The applicant shall bear the cost of such review.

d. The PLANNING COMMISSION may attach such conditions of approval as it deems necessary to protect the interests of the TOWN, PUBLIC STREET or right-of-way, and drainage system and utilities, including without limitation requiring the applicant to:

i. construct IMPROVEMENTs and/or erect traffic signs and/or signals determined to be necessary to mitigate traffic impacts from the proposed DEVELOPMENT, or alternatively, make payment to the TOWN to defray the entire cost of such IMPROVEMENTs;

ii. install replacements and/or modifications to existing roadway drainage systems, as specified by the TOWN, or alternatively, make payment to the TOWN to defray the entire cost of such replacements and/or modifications; and

iii. REPAIR and/or REPLACE utilities, as specified by the TOWN, or alternatively, make payment to the TOWN to defray the entire cost of doing the same or reach agreement regarding the costs with any UTILITY not controlled by the TOWN.

4. Access. Control over the number and location of access points along Seabrook Island Road, as specified in this section, is necessary to reduce congestion, improve safety, maintain acceptable traffic flow, and minimize confusion. Therefore, the standards of this section shall apply to all property having FRONTAGE on and direct access to that segment of Seabrook Island Road. It shall be the policy of the TOWN to minimize the number of new points of access. The use of feeder streets and neighborhood road networks is encouraged in order to minimize the number of roads and driveways intersecting with Seabrook Island Road or other ARTERIAL STREETs.

   a. *Access in General*.

      i. For purposes of this section, points of vehicular access shall be defined to include streets and driveways intersecting with (i.e., providing ingress to and egress from) Seabrook Island Road.

      ii. To the extent feasible, properties abutting Seabrook Island Road shall not have direct access to that street, but shall provide street FRONTAGE on interior, collector roads.

      iii. To the extent feasible, tract property abutting Seabrook Island Road shall be provided with one (1) point of vehicular access to the tract. SUBDIVISION of property subsequent to the effective date of this section shall not entitle the owner(s) to direct access if alternative access through interior roads is either available or feasible.

      iv. To the extent feasible, vehicular access to Seabrook Island Road shall be limited to no more than one (1) point of access per every 600 ft. when the proposed access point is located within or adjacent to the public right-of-way.

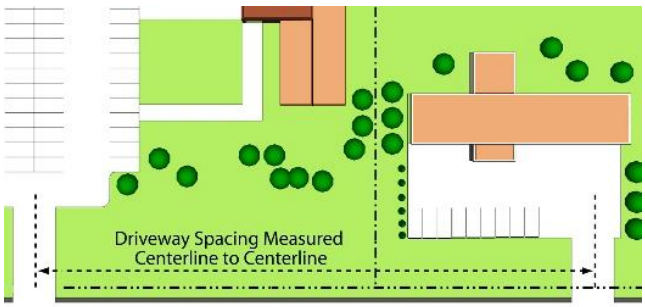
   b. *Driveway Location*.

      i. Driveways shall be positioned to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

      ii. Driveways, including the radii, but not including right turn lanes, passing lanes, and tapers, shall be located entirely within the right-of-way FRONTAGE of the property being served, unless otherwise approved by the PLANNING COMMISSION, and upon written certification from the adjacent property owner agreeing to such encroachment.

   c. *Driveway Spacing*.

i. Minimum spacing between two driveways, between a driveway and a street intersection, or between two street intersections, on the same side of the street, shall be 600 feet. The minimum spacing shall be measured from centerline to centerline for all driveways and street intersections.



ii. To reduce left-turn conflicts, new driveways shall be aligned with those across the street, where possible. If alignment is not possible, driveways shall be offset from those on the opposite side of the street by at least 200 feet, measured from centerline to centerline. The PLANNING COMMISSION may reduce this requirement, as provided in paragraph (d) below, where there is insufficient FRONTAGE and shared access with an adjacent site is not feasible. Greater offsets may be required depending on the expected inbound and outbound turn volumes to and from both driveways.



d. *Modification of Requirements*.

i. Modification to the spacing and other requirements above may be permitted by the PLANNING COMMISSION under the following conditions, provided the requirements of paragraph d(ii) are also satisfied.

(a) The modification will allow an existing driveway to remain that does not meet the standards of this section but that has, or is expected to have, very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to impact safe traffic operations.

(b) The use is expected to generate a relatively high number of trips (exceeding 200/peak hour) and an additional driveway will improve overall traffic operations.

(c) Practical difficulties exist on the site (sight distance limitations, existing DEVELOPMENT, soil conditions, the presence of CRITICAL AREAS, WATERBODIES, or WETLANDs, or unique site configuration) that make compliance unreasonable; or existing off-site driveways make it impractical to fully comply with the standards.

(d) Because of restricted turning movements or the presence of a median that restricts turning movements, the driveway will not contribute to congestion or create an unsafe situation.

ii. The PLANNING COMMISSION may waive or modify certain requirements of this section upon consideration of the following:

(a) The proposed modification is consistent with the general intent of the standards of this section and the recommendations of the TOWN's COMPREHENSIVE PLAN.

(b) Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.

(c) Shared access has been provided, or the applicant has demonstrated it is not practical.

(d) Such modification is the minimum necessary to provide reasonable access, will not impair public safety, will not prevent the logical DEVELOPMENT or redevelopment of adjacent sites, and is not simply for convenience of the DEVELOPMENT.

e. *Driveways Permitted*.

i. In the case of a CORNER LOT or parcel, access shall only be provided from the intersecting street, not from Seabrook Island Road.

ii. One (1) driveway may be permitted to serve an individual LOT or parcel; provided, the minimum spacing requirements of this section shall be maintained.

iii. The use of shared driveways or access roads is encouraged.

iv. One (1) additional driveway may be permitted for a property only as follows:

(a) The PLANNING COMMISSION determines that, based on a TRAFFIC IMPACT ANALYSIS, the projected traffic volumes will warrant an additional access point and traffic operations will be improved along the road as a result; and

(b) The minimum spacing requirements of this section will be met.

f. *Driveway Design*.

i. All driveways shall be designed according to the standards of the TOWN, including the provision of necessary turn radii, clear vision corners, drainage facilities, and utilities.

ii. For high traffic generators or where high left-turn demand is expected, the PLANNING COMMISSION may require separate right- and left-turn egress lanes.

iii. Where a boulevard entrance is proposed by the applicant or required by the PLANNING COMMISSION, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will use the driveway. The minimum area of the island shall be 180 square feet. For aesthetic purposes, the PLANNING COMMISSION may require landscaping, tolerant of street conditions, on the section outside the public right-of-way.

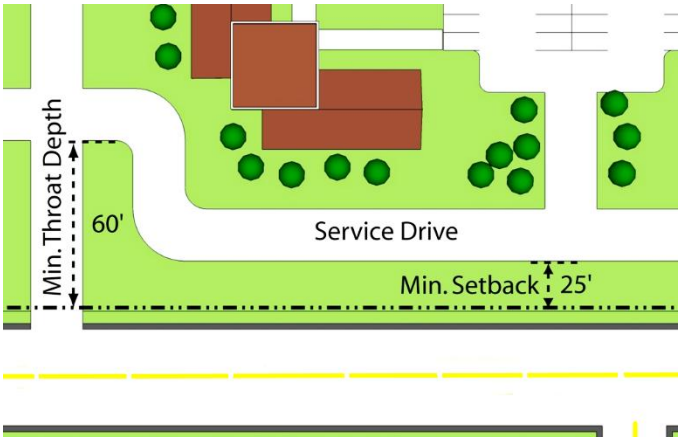
g. *Shared Driveways and Service Roads*.

i. Where the PLANNING COMMISSION determines that traffic operations and safety along the Seabrook Island Road corridor will be benefitted, a shared driveway or service road connecting two (2) or more properties or uses may be required.

ii. A shared driveway or service road shall be within a recorded access EASEMENT. A draft of the access EASEMENT shall be provided to the TOWN for review prior to filing.

iii. The number of access points along a service road shall be according to the standards of this section. The PLANNING COMMISSION may allow temporary access where the service road is not completed if a financial guarantee is provided which assures elimination of the temporary access upon completion of the service road. BUILDING permits shall not be issued until the financial guarantee has been submitted to the TOWN.

h. *Service Road Design Standards*. Service roads shall generally be parallel to the front property line and may be located either in front of, adjacent to, or behind principal BUILDINGs. In considering the most appropriate alignment for a service road, the PLANNING COMMISSION shall consider the SETBACKs of existing and proposed BUILDINGs and anticipated traffic flow for the site. However, placement of the service road intersection with the driveway providing access to Seabrook Island Road shall be as far as possible from the street for safe and efficient operation. The separation distance between the nearest edge of the street and the nearest edge of a service road or drive aisle shall be equal to at least one-fifth of the LOT DEPTH, but no less than 60 feet.



i. *Access EASEMENT*. The service road shall be within an access EASEMENT permitting traffic circulation between properties. This EASEMENT shall be 40 feet wide, except an access EASEMENT parallel to the PUBLIC STREET right-of-way may be 30 feet wide, if approved by the PLANNING COMMISSION. The required width shall remain free and clear of obstructions, unless otherwise approved.

ii. *Construction and materials.* Service roads shall have a base, pavement, and gutter in accordance with TOWN standards for PUBLIC STREETs, except the service road shall have a minimum pavement width of at least 24 feet.

iii. *Parking*. The service road is intended to be used exclusively for circulation, not as a parking or maneuvering aisle. The posting of "no parking" SIGNs may be required along the service road. In reviewing the site plan, the PLANNING COMMISSION may permit temporary parking in the EASEMENT area where a continuous service road is not yet available; provided, the layout allows removal of the parking in the future to permit extension of the service road.

iv. *Access to service road*. The PLANNING COMMISSION shall approve the location of all access points to the service road; provided, a minimum separation distance of 125 feet shall be maintained between driveways along the service road.

v. *MAINTENANCE*. Each property owner shall be responsible for MAINTENANCE of the EASEMENT and service road.

i. *DOUBLE FRONTAGE Lots (Through Lots)*. LOTs which have DOUBLE FRONTAGE shall not be permitted, except where essential to provide separation of residential DEVELOPMENT from Seabrook Island Road. An EASEMENT of at least 10 feet in width, across which there shall be no right of access, shall be required along the lot lines abutting Seabrook Island Road. No right of access shall be granted except by the PLANNING COMMISSION.

5. Landscaping. The area between any service road or driveway and the Seabrook Island Road right-of-way shall be planted as a level A BUFFER, as specified in Section 11.3.

6. SIGNs. The SIGN requirements of Article 13 shall apply; provided, however, only one (1) monument SIGN shall be permitted per parcel and shall comply with the following requirements:

   a. Maximum area: 12 square feet

   b. Maximum height: six (6) feet

   c. Minimum SETBACK from road right-of-way: 10 feet

   d. External illumination only

   e. Design, color, materials, and lettering shall conform to the standards adopted by the PLANNING COMMISSION for such SIGNs.

7. Lighting. Lighting shall meet the requirements of subsection 2.1 E.

8. Non-motorized Connectivity. All properties subject to the Seabrook Island Road OVERLAY DISTRICT shall provide paved connections to existing pathways for pedestrians and cyclists.

D. **Traffic Impact Analysis.**

1. Applicability.

    a. *TIA Required*. Unless exempted, a TRAFFIC IMPACT ANALYSIS (TIA) shall be required for any DEVELOPMENT anticipated to generate more than 100 peak hour in-bound or out-bound trips, based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).

    b. *Redevelopment*. In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the current or previous use, unless the previous use has been discontinued for more than 12 months.

    c. *Other Circumstances*. The review authority may waive the requirement to complete a TIA, or may require a TIA to be submitted for DEVELOPMENTs generating less than 100 peak hour directional trips, if deemed warranted based upon localized safety, operational, or street capacity issues, including levels of service (LOS) of existing roadways.

2. Exemptions. Previously approved DEVELOPMENTs for which a TIA was submitted in conjunction with a preliminary PLAT for SUBDIVISION, final site plan, or mixed-use DEVELOPMENT shall be exempt from the requirements of this section; provided, the TIA is less than two (2) years old.

3. Procedure. The TIA shall be submitted along with an application for a preliminary PLAT, preliminary SITE DEVELOPMENT PLAN review, or mixed-use concept plan. The TIA shall be prepared by a professional transportation engineer, licensed in the State of South Carolina, and shall, at a minimum:

    a. Estimate the traffic that will be generated as a result of the proposed DEVELOPMENT in addition to current (background) traffic volumes and proposed DEVELOPMENTs in the immediate vicinity. The ZONING ADMINISTRATOR, Charleston County, and/or SCDOT may also specify annual growth factors to be used in the TIA, as well as multipliers which may be reasonably necessary to account for seasonal variation in traffic volumes;

    b. Evaluate site access and internal circulation;

    c. Evaluate the ability of the surrounding road network to support the proposed DEVELOPMENT and the cumulative traffic of current (background) and other projected uses;

    d. Consider planned roadways or IMPROVEMENTs identified in relevant plans; and

    e. Identify specific IMPROVEMENTs to the surrounding road network that are necessary in order to support the traffic anticipated to be generated.

4. TIA Submission for Projects with Cumulative Impacts. A TIA shall be required for DEVELOPMENT projects that do not otherwise meet the thresholds of a TIA if the application is for a project that:

a. Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property for which future DEVELOPMENT can reasonably be anticipated; and

b. The cumulative impact of the overall DEVELOPMENT can be expected to exceed the threshold for preparation of a TIA.

E. **Site Development Regulations**.

1. In addition to the requirements of this section, all DEVELOPMENT in the Seabrook Island Road OVERLAY DISTRICT shall meet the applicable requirements as listed elsewhere in this ordinance:

a. General Provisions – Article 2

b. CONDITIONAL USE Requirements – Article 9

c. Environmental Performance Standards – Article 10

d. Trees, Landscaping and BUFFERing – Article 11

e. Parking and Loading – Article 12

f. SIGNs – Article 13

g. Site Plan Review – Article 14

Section 8.2 SHORT-TERM RENTAL Overlay District

A. **Purpose**. The purpose of the SHORT-TERM RENTAL OVERLAY DISTRICT is to relax certain restrictions related to SHORT-TERM RENTAL UNITs operating in areas having a disproportionately high concentration of rental properties, a disproportionately low concentration of owner-occupied residences, and a history of tourism-related activities, compared to other residential areas of the TOWN. Areas within the SHORT-TERM RENTAL OVERLAY DISTRICT will generally feature higher residential densities, greater variation in USE types, and close proximity to community amenities, including beaches and recreational facilities. Outside of the SHORT-TERM RENTAL OVERLAY DISTRICT, the TOWN seeks to preserve the residential character of SINGLE-FAMILY neighborhoods by further limiting the number of SHORT-TERM RENTAL UNITS permitted to operate. It is intended that the provisions of this section shall be further implemented in concert with the CONDITIONAL USE requirements for SHORT-TERM RENTAL UNITs, as set forth in subsection 9.4 O.

B. **Applicability**.

1. A SHORT-TERM RENTAL OVERLAY DISTRICT is hereby established. The boundaries of the SHORT-TERM RENTAL OVERLAY DISTRICT shall be as illustrated on the official ZONING MAP referenced in Section 3.2, and shall apply to all the following:

a. All LOTS or parcels of land within the TOWN which are zoned as follows:

i. R-MF MULTI-FAMILY;

ii. R-TH TOWNHOME; and

iii. R-CL SINGLE-FAMILY Cluster.

b. All LOTS or parcels of land within the TOWN which are zoned R-SF3 Small LOT SINGLE-FAMILY and located on the following streets:

i. Oyster Catcher Court; and

ii. Rolling Dune Road.

c. All LOTS or parcels of land within the TOWN which are zoned R-SF2 Medium LOT SINGLE-FAMILY and located on the following streets:

i. Amberjack Court;

ii. Beach Court;

iii. Beachcomber Run;

iv. Bonita Court;

v. Catesbys Bluff;

vi. Cobia Court;

vii. Loggerhead Court;

viii. Oyster Catcher Court;

ix. Pompano Court;

x. Rolling Dune Road;

xi. Seabrook Island Road (#3500 through #3773 only);

xii. Sealoft Drive;

xiii. Seascape Court; and

xiv. Seaview Drive.

2. Any LOT or parcel of land which is annexed or rezoned after the effective date of this ordinance shall become subject to the SHORT-TERM RENTAL OVERLAY DISTRICT if the LOT or parcel of land meets any one or more of the provisions set forth in paragraph (1) of this subsection.

3. The requirements of this section are in addition to, and shall supplement, those imposed on the same lands by any underlying zoning provisions of this ordinance or other ordinances of the TOWN. To the extent a conflict exists, these regulations shall supersede all conflicting regulations, unless otherwise specified.

C. **District Requirements**.

1. PERMITTED and CONDITIONAL USEs.

   a. All PERMITTED and CONDITIONAL USEs allowed within the underlying zoning district shall be permitted within the SHORT-TERM RENTAL OVERLAY DISTRICT, subject to the applicable requirements of the underlying district, unless superseded by this section.

   b. SHORT-TERM RENTAL UNITs shall be allowed as a CONDITIONAL USE within the SHORT-TERM RENTAL OVERLAY DISTRICT, subject to the conditions set forth in subsection 9.4 O, including, without limitation, the SHORT-TERM RENTAL permit caps imposed pursuant to subsection 9.4 O(3)(a)(ix).

2. Spatial Requirements. Except as otherwise specified, the spatial requirements of the underlying zoning district shall control.

D. **Site Development Regulations**.

1. In addition to the requirements of this section, all DEVELOPMENT in the SHORT-TERM RENTAL OVERLAY DISTRICT shall meet the applicable requirements as listed elsewhere in this ordinance:

   a. General Provisions – Article 2

   b. CONDITIONAL USE Requirements – Article 9

   c. Environmental Performance Standards – Article 10

   d. Trees, Landscaping and BUFFERing – Article 11

   e. Parking and Loading – Article 12

   f. SIGNs – Article 13

   g. Site Plan Review – Article 14

Conditional Use Requirements

ARTICLE 9

Town of Seabrook Island

Development Standards Ordinance

Section 9.1 Scope

CONDITIONAL USEs are identified within each of the zoning districts established by this ordinance. These uses are generally compatible with other uses within the district but may have the potential to adversely impact adjacent districts or uses unless conditions are imposed to mitigate potential nuisance effects. For example, there may be operational characteristics such as excessive traffic, noise, late hours of operation, or other factors that warrant the imposition of requirements, conditions, or limitations, in addition to the base requirements applicable to all uses allowed within the respective district. This article specifies those added requirements for the CONDITIONAL USEs identified in each district's schedule of uses.

Section 9.2 Application and Review

A. The ZONING ADMINISTRATOR shall be responsible for reviewing and deciding upon all requests for CONDITIONAL USEs.

B. Requests for approval of a CONDITIONAL USE shall be submitted to the ZONING ADMINISTRATOR on a form made available for that purpose, along with the required application fee and a SITE DEVELOPMENT PLAN, as specified in Article 14. The ZONING ADMINISTRATOR shall review the application and SITE DEVELOPMENT PLAN for completeness, as well as conformance with the requirements of the zoning district in which the property is located and the applicable requirements for the use specified in this article.

C. Based on conformance of the request with the general requirements of Section 9.3 and the specific requirements of Section 9.4 applicable to the proposed CONDITIONAL USE, the ZONING ADMINISTRATOR shall approve, approve with conditions, or deny the application.

D. If an application for CONDITIONAL USE is found to meet all applicable requirements, it shall be approved.

E. If denied, the applicant may appeal the ZONING ADMINISTRATOR's decision to the Board of Zoning Appeals.

Section 9.3 General Requirements

The following general requirements shall be satisfied for all CONDITIONAL USEs:

A. The proposed use shall comply with all applicable requirements of this ordinance such as, but not limited to, district requirements, parking, SIGNs, and landscaping, unless modified by this article for a specific use.

B. The SITE DEVELOPMENT PLAN for the proposed use shall be complete and satisfy the SITE DEVELOPMENT PLAN review criteria of Section 14.6. Where required, the SITE DEVELOPMENT PLAN shall be reviewed and approved by the reviewing authority, pursuant to the provisions of Article 14, prior to the commencement of any DEVELOPMENT activities.

C. Where minimum separation distances are required between a CONDITIONAL USE and other uses or district boundaries, the separation distance shall not apply retroactively if the specified condition did not exist at the time of approval.

Section 9.4 Specific Use Requirements

A. **ACCESSORY DWELLING Units**.

1. The parcel containing the ACCESSORY DWELLING unit shall be at least 1.5 acres in area.

2. The ACCESSORY DWELLING unit shall be located within, or permanently attached to, the principal dwelling.

3. No more than one (1) ACCESSORY DWELLING unit may exist on any parcel.

4. The total floor area of the ACCESSORY DWELLING unit shall not exceed the lesser of 50 percent of the heated square footage of the principal dwelling, or 900 square feet.

5. The applicant shall submit detailed construction plans and obtain all required permits in accordance with the requirements of this ordinance prior to establishing an ACCESSORY DWELLING unit.

6. Non-paying guests of the owners or residents of the principal dwelling may occupy an ACCESSORY DWELLING unit, but the unit may not be rented or leased, or offered for rent or lease, as a standalone SHORT-TERM RENTAL UNIT.

B. **Drive-in and Drive-Through Facilities**.

1. Stacking space for at least four (4) vehicles shall be provided at each window or machine.

2. Stacking spaces shall be located so as not to interfere with vehicular circulation, PARKING SPACEs, and egress from the property by vehicles not using the drive-through portion of the facility.

3. Vehicular access to the site shall comply with the driveway spacing standards of the Seabrook Island Road OVERLAY DISTRICT, if applicable, but, in no case shall an access driveway be located closer than 200 feet to any intersection or other driveway on the same side of the street, as measured from centerline to centerline.

4. Internal circulation and access to/egress from the site shall not impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

C. **Dwellings on Upper Floors Above Businesses**.

1. DWELLING UNITs shall not be located on the street level.

2. NONRESIDENTIAL USEs, including storage, shall not be located on the same floor as a DWELLING UNIT.

3. One (1) on-site PARKING SPACE shall be provided per bedroom for each DWELLING UNIT.

D. **Establishments Serving Alcoholic Beverages**.

1. The establishment shall meet all requirements of and be licensed by the State of South Carolina.

2. Live entertainment or other forms of amplified sound shall not be permitted outdoors unless the establishment is at least 1,000 feet from any residential district boundary or residential DWELLING UNIT; provided, this separation requirement shall not apply to DWELLING UNITs located within the MU District or to any TEMPORARY EVENT or TEMPORARY USE which is duly permitted by the TOWN.

3. The requirements related to outdoor seating, as specified in Subsection K, shall also apply.

E. **Helipads**.

1. The proposed helipad and all appurtenant facilities and equipment shall be constructed, operated, and maintained in accordance with the published rules, regulations, and guidelines of the Federal Aviation Administration and the South Carolina Aeronautics Commission.

2. The proposed helipad and all appurtenant facilities and equipment shall conform to National Fire Protection Association Standard 418, Standards for Heliports, as amended; provided, portable fire extinguishers shall be required at all helipads at a location and stored in a manner approved by the St. Johns Fire District.

3. The touchdown and lift-off area (TLOF), as defined in Federal Aviation Administration Advisory Circular 150/5390-2B, or any successor advisory circular, shall be a minimum of:

    a. 300 feet from any adjoining property boundary,

    b. 500 feet from any BUILDING on property in the surrounding area, other than property owned by the applicant, and

    c. 2,640 feet from the TLOF of any other helipad.

4. The use shall be located on a LOT or LOTs in common ownership having a minimum LOT AREA of five (5) acres.

5. The facility shall not be used for arrival or departure of a helicopter between the hours of 10:00 p.m. and 7:00 a.m.

6. The facility shall be limited to private, not-for-hire personal use, and shall not be used for any commercial or business purpose.

7. The facility shall be accessory to and ordinarily located on a LOT occupied by, or contiguous with, a PRINCIPAL USE of the facility owner. The ZONING ADMINISTRATOR may approve a location on a LOT that is separated by a public or PRIVATE STREET right-of-way from the PRINCIPAL USE LOT, if it is determined that such a location best conforms with the CONDITIONAL USE standards of this section and the SITE DEVELOPMENT PLAN criteria of Section 14.6.

8. A helicopter shall not remain in operation on the ground for a period of time greater than necessary for startup/shutdown, loading, and otherwise essential ground operations (generally no longer than five (5) minutes).

9. As a condition of approval, the ZONING ADMINISTRATOR may impose limits on:

    a. The size and type of rotorcraft permitted to use the facility;

    b. The frequency of helicopter operations permitted at the facility; and

    c. The location, design, type, size, and use of any exterior lighting, BUILDINGs, fuel storage or other equipment or facilities associated with the heliport.

10. The provisions of this subsection shall not apply to emergency operations conducted by law enforcement and public safety agencies or emergency medical service providers.

F. **HOME OCCUPATIONs**.

1. The HOME OCCUPATION shall be undertaken entirely within the principal DWELLING UNIT and shall not occupy more than 25 percent of the LIVABLE FLOOR AREA of the dwelling. No business shall be conducted in an ACCESSORY BUILDING.

2. RETAIL or service uses that require customers or clients to visit the business shall not be permitted.

3. There shall be no change to the exterior appearance of the dwelling or premises.

4. Only PERSONs residing in the DWELLING UNIT shall be engaged in the HOME OCCUPATION.

5. Equipment used in the conduct of the HOME OCCUPATION shall be limited to that customarily found in a home. No mechanical equipment or activity shall create dust, noise, odor, or electrical disturbance beyond the confines of the LOT on which the occupation is conducted.

6. No outdoor display of articles, merchandise, or products shall be permitted.

7. Trash disposal shall not exceed typical quantities of household trash.

8. Traffic shall not be generated in greater volume than would normally be expected in a residential neighborhood.

G. **KENNELs, Commercial**.

1. If KENNELs, pens, runs, exercise yards, or other areas for the outdoor confinement of animals are provided, the minimum LOT size shall be two (2) acres.

2. Outdoor areas in which animals are kept shall not be located within any front or SIDE YARD and not within any required REAR YARD.

3. Outdoor areas in which animals are kept shall not be nearer than one hundred (100) feet to any residential district or DWELLING UNIT.

4. Outdoor areas in which animals are kept shall be enclosed by a wall or FENCE at least six (6) feet high.

H. **MARINA**.

1. Minimum LOT AREA shall be two (2) acres measured at mean high tide and excluding WETLANDs, CRITICAL AREAS, lands under water, and surface water.

2. Minimum LOT WIDTH shall be 100 feet.

3. Fuel-dispensing shall be for use only by boats and other types of watercraft.

4. Fuel-dispensing shall be located on the same LOT as the PRINCIPAL USE and shall be no closer than 100 feet to any residential zoning district boundary.

5. Enclosed boat storage facilities may be constructed to a maximum BUILDING HEIGHT of 40 feet above the DESIGN FLOOD ELEVATION. Unenclosed boat storage shall not exceed the height of any enclosed boat storage building and shall be measured to the top of the highest boat.

I. **OPEN AIR RECREATION**.

1. Unlighted athletic fields, athletic courts, and pools shall provide a level "B" BUFFER, as specified in Section 11.3 A, adjacent to any residential zoning boundary.

2. Lighted athletic fields, athletic courts, and pools shall provide a level "C" BUFFER, as specified in Section 11.3 A, adjacent to any residential zoning boundary.

J. **Outdoor Display for RETAIL ESTABLISHMENTS**.

1. The outdoor storage and display area shall not impede safe pedestrian and vehicular circulation and emergency access. Maneuvering aisles shall be kept free of all obstruction.

2. The sale or outdoor display of merchandise shall not be permitted within the required SETBACK areas.

3. Outdoor storage and display areas located on PARKING LOTs shall not reduce the available PARKING SPACEs to fewer than those required by Section 12.3 for the PRINCIPAL USE.

4. No outdoor display area or parking serving an outdoor display area shall be located within 50 feet of any residential district or dwelling, not including dwellings in the MU District.

5. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties. The outdoor

storage of fertilizers, pesticides, and other hazardous materials, unless packaged in approved containers, is prohibited.

6. All outdoor display and sales areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.

7. All loading and truck maneuvering shall be accommodated on-site. Maneuvering in the public right-of-way or PRIVATE STREET is prohibited.

8. Lighting for security purposes may be required, as determined by the ZONING ADMINISTRATOR. All lighting shall be shielded from adjacent residential districts and dwellings.

9. Permanent outdoor storage areas shall be attached to and be considered part of the principal BUILDING relative to all SETBACK requirements. The storage area shall be fenced with a decorative FENCE or wall at least six (6), but no more than eight (8), feet in height. Chain-link or similar style FENCEs are prohibited.

10. The ZONING ADMINISTRATOR may require a sight-obscuring screen that meets maximum FENCE height requirements for the zoning district around any storage or display area. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.

K. **Outdoor Seating for Eating/Drinking Establishments**.

1. The area devoted to outdoor service must be ancillary to the main use of an indoor RESTAURANT, bakery, delicatessen, specialty food store, tavern, or similar establishment.

2. The area devoted to outdoor service may be covered, but not enclosed. As such, the outdoor service area may encroach into the required rear or side setback area, but no closer than 15 feet to the property line; provided, all other special use requirements of this subsection are met.

3. The area devoted to outdoor service shall not encroach upon or extend over any public walkway, street, alley, or right-of-way.

4. The outdoor service area shall not obstruct visibility of on-coming pedestrians or vehicular traffic.

5. The type and style of furniture to be used shall be shown in conjunction with the SITE DEVELOPMENT PLAN submittal for the CONDITIONAL USE request.

6. The sale of alcoholic beverages is subject to the rules and regulations of the State of South Carolina.

7. The area devoted to such outdoor dining area shall be maintained in a safe, clean, and sanitary manner.

8. If located within 100 ft. of a residential zoning district or residential DWELLING, the outdoor seating area shall not be opened past midnight.

L. **Outdoor Storage Facilities**.

1. Outdoor storage facilities shall comply with the SETBACK requirements for principal BUILDINGs within the applicable district.

2. Outdoor storage in the MU District shall be located in the REAR YARD or between STRUCTUREs only.

3. Outdoor storage in the CF District may be located in the REAR YARD or SIDE YARD only.

4. All outdoor storage yards shall be paved or have another type of hard surface.

5. Screening of outdoor storage yards shall be provided along all sides in accordance with the requirements of Section 11.3 B.

6. Outdoor storage yards shall only be permitted in conjunction with a PRINCIPAL USE on the property.

7. No flammable or explosive liquids, solids, or gases shall be stored in bulk, not including individual propane tanks, above ground.

M. **RECREATIONAL VEHICLE Storage**.

1. The perimeter of the storage yard shall be enclosed by a FENCE or wall, at least six (6) feet but no more than eight (8) feet high, in accordance with the requirements of Section 2.5 B.

2. All vehicles, equipment, and materials stored on the property shall be SETBACK from the respective property line as follows:

   a. Front: 30 ft.

   b. Rear: 30 ft.

   c. Side: 15 ft.

3. A BUFFER shall be installed as applicable in accordance with the requirements of Section 11.3 A.

4. The storage yard shall be hard surfaced which may include paving and/or PERVIOUS material approved by the ZONING ADMINISTRATOR.

N. **RETAIL ESTABLISHMENTs Larger than 5,000 Sq. Ft**.

1. The minimum LOT AREA shall be 20,000 sq. ft.

2. The minimum LOT WIDTH shall be 100 ft.

3. No individual RETAIL ESTABLISHMENT shall exceed 10,000 sq. ft. and no BUILDING containing multiple establishments shall exceed 50,000 sq. ft.

4. Outdoor storage shall not be permitted.

O. **SHORT-TERM RENTAL**.

1. *Definitions*. For purposes of this subsection, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

   a. *Authorized agent*. A PERSON meeting the minimum qualifications of a qualified local contact who is designated by the owner of a SHORT-TERM RENTAL UNIT to ensure compliance with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code, on the owner's behalf. Any agent so designated shall be authorized to:

      i. Apply for a SHORT-TERM RENTAL permit on behalf of the property owner;

      ii. Advertise, manage, and otherwise operate the SHORT-TERM RENTAL UNIT on behalf of the property owner;

      iii. Ensure that the SHORT-TERM RENTAL UNIT complies with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code;

      iv. Ensure that renters of the SHORT-TERM RENTAL UNIT comply with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code;

      v. Serve as the qualified local contact for the SHORT-TERM RENTAL UNIT; and

      vi. Accept service of process on behalf of the property owner, pursuant to Rule 4(d)(1) of the South Carolina Rules of Civil Procedures.

   b. *Fossil fuels*. Any energy source which is formed in the Earth's crust from decayed organic material, including petroleum, coal, and natural gas. The term shall also include products which are derived from the refinement or fractionation of fossil fuels, including, without limitation, propane, butane, ethane, gasoline, and diesel.

   c. *Host*. Any PERSON who uses, rents, or advertises for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT for consideration within the TOWN. By default, the owner of the SHORT-TERM RENTAL UNIT shall be considered the host unless he or she designates an authorized agent to act on his or her behalf, in which case the authorized agent shall be considered the host; provided, the designation of an authorized agent shall not relieve the property owner from any personal responsibility and personal liability for violations of this subsection, or any other applicable provision set forth in this ordinance or the TOWN Code.

   d. *License year*. The period beginning May 1st of each year and ending April 30th of the following year.

e. *Negligible rental activity*. A SHORT-TERM RENTAL UNIT shall be deemed to have had "negligible rental activity" if the required rental activity report submitted by the host demonstrates that:

   i. The SHORT-TERM RENTAL UNIT was occupied by renters for fifteen (15) days or less during the preceding license year; or

   ii. The SHORT-TERM RENTAL UNIT generated less than five thousand dollars ($5,000.00) in gross income from rental activities during the preceding license year.

f. *Overnight hours*. The period between 11:00 pm and 7:00 am.

g. *Passenger vehicle*. Any type or class of passenger car, sport utility vehicle (SUV), pickup truck, or van with a maximum seating capacity of 10 or fewer passengers (including the driver); passenger van with a maximum seating capacity of 15 or fewer passengers (including the driver); moped; motorcycle; golf cart; or low-speed vehicle (LSV); which is manufactured primarily for the purpose of carrying passengers.

h. *Personal USE*. A lawfully permitted SHORT-TERM RENTAL UNIT is deemed to be occupied for personal USE when the DWELLING UNIT is occupied exclusively by:

   i. The property owner(s) of record;

   ii. The property owner(s) of record and members of their immediate family;

   iii. The property owner(s) of record and their non-paying guests;

   iv. Non-paying guests where at least one of the occupants is related by blood, adoption, or marriage to the property owner(s) of record, including parents, siblings, spouses, children, grandparents, and/or grandchildren; or

   v. Long-term tenants who are occupying the DWELLING UNIT for a term of thirty (30) or more consecutive days.

i. *Qualified local contact*. A PERSON who:

   i. Is physically located, or has associates and/or employees who are physically located, within fifty (50) miles of the SHORT-TERM RENTAL UNIT;

   ii. Maintains a local 24-hour emergency contact number;

   iii. Is accessible and available, on behalf of the property owner, to respond to and resolve emergency situations, alleged violations, inquiries, or inspection requests from the TOWN, or any other entity having jurisdiction over the SHORT-TERM RENTAL UNIT, including the ability to be physically present and enter the SHORT-TERM RENTAL UNIT if presence and/or entry is required, within two (2) hours of receiving notification;

iv. Is capable, in the event of a water leak, of shutting off, or causing to be shut off, the main water valve serving the SHORT-TERM RENTAL UNIT;

v. Ensures, in the event of temporary absence or inability to respond, that all calls will be routed to another responsible PERSON who is capable of responding in the same manner as the qualified local contact; and

vi. Is authorized, on behalf of the property owner, to send and receive communication to and from the TOWN, as well as renters of the SHORT-TERM RENTAL UNIT, to ensure the property and its occupants maintain compliance with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code.

j. *Qualifying event*. The occurrence of any one (1) or more of the following:

i. Change of property ownership as a result of an exempt transfer;

ii. Change of address, unit number, or tax map number of the SHORT-TERM RENTAL UNIT;

iii. Change in legal name, mailing address, or contact information of the property owner(s), authorized agent, and/or qualified local contact for the SHORT-TERM RENTAL UNIT;

iv. Designation of a new authorized agent;

v. Designation of a new qualified local contact; and

vi. Change of overnight occupancy limit and/or maximum number of overnight vehicles as a result of the addition or deletion of code-compliant bedrooms within the SHORT-TERM RENTAL UNIT.

k. *Rental-related violation*.

i. A violation of any condition or requirement set forth in this subsection, or

ii. A violation of any other applicable provision set forth in this ordinance or the TOWN Code, at, within, or upon the premises of, a SHORT-TERM RENTAL UNIT, which is committed by a rental guest or while the SHORT-TERM RENTAL UNIT is occupied by rental guests.

l. *Renter*. Any PERSON or group of PERSONs, including their guests, who rents a SHORT-TERM RENTAL UNIT within the TOWN for a term of less than thirty (30) consecutive days in return for consideration.

m. *SHORT-TERM RENTAL permit*. A permit from the TOWN authorizing a DWELLING UNIT to be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT. When used in reference to a specific class of permit (standard, provisional, or temporary), the term is intended to apply only to that class of permit. Otherwise, the term is intended to apply generally to all classes of SHORT-TERM RENTAL permits.

n. *SHORT-TERM RENTAL permit caps*. The maximum number of DWELLING UNITs within designated areas of the TOWN which may be permitted as SHORT-TERM RENTAL UNITs at a given time, subject to any exemptions set forth in this subsection.

o. *SHORT-TERM RENTAL platform*. An online rental marketplace, such as a website or mobile application, which allows individuals and/or companies to advertise SHORT-TERM RENTAL UNITs to perspective renters for stays of less than thirty (30) consecutive days in return for consideration. Examples may include, but are not limited to: Airbnb, Booking.com, Expedia, Trip Advisor, and VRBO.

p. *Transfer, exempt*. The sale or transfer of ownership, in whole or in part, of any land and all improvements on the land, tenements, or other realty, from one PERSON to another PERSON, which meets the criteria set forth herein.

i. All sales or transfers of ownership which are completed between May 1, 2025, and April 30, 2027, shall be considered exempt transfers.

ii. Beginning May 1, 2027, only the following types of sales or transfers of ownership shall be considered exempt transfers:

(a) Sale or transfer of ownership to an individual, or group of individuals, where at least one of the grantees is related by blood, adoption, or marriage to the most recent owner(s) of record, including parents, siblings, spouses, children, grandparents, and/or grandchildren;

(b) Sale or transfer of ownership to the heir(s) of the most recent owner(s) of record following their death, including transfers by instrument or deed of distribution assigning, transferring, or releasing real property to the distributee of an estate pursuant to S.C. Code of Laws, Section 62-3-907, and transfers of ownership from a trust to a trust distributee upon the settlor's death, pursuant to the trust terms;

(c) Sale or transfer of ownership resulting from a court order;

(d) Sale or transfer of ownership to a trust, partnership, corporation, or similar entity in which the most recent owner(s) of record retained an ownership stake of at least fifty (50%) percent; and

(e) Any other sale or transfer of ownership which is exempt from the deed recording fee pursuant to S.C. Code of Laws, Section 12-24-40, and marked as "exempt from deed recording fee" on the Affidavit of Taxable or Exempt Transfer form recorded with the deed.

q. *Transfer, non-exempt*. The sale or transfer of ownership, in whole or in part, of any land and all improvements on the land, tenements, or other realty, from one PERSON to another PERSON, which does not meet the criteria set forth in subparagraph (p).

2. General provisions.

a. *In general*. Except as otherwise provided in this subsection, no BUILDING, STRUCTURE, DWELLING UNIT, or premises shall be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT, and no PERSON shall use, rent, or advertise for rent, any BUILDING, STRUCTURE, DWELLING UNIT, or premises, as a SHORT-TERM RENTAL UNIT, except in conformity with the conditions and requirements set forth in this subsection.

b. *Permit required*. Subject to the conditions, requirements, and procedures set forth in this subsection, a SHORT-TERM RENTAL permit shall be required for all residential DWELLING UNITs which are used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT within the TOWN. A separate permit shall be required for each SHORT-TERM RENTAL UNIT. Unless otherwise provided, a lawfully issued SHORT-TERM RENTAL permit shall remain valid indefinitely unless the permit is modified, suspended, revoked, abandoned, or cancelled, pursuant to the criteria and procedures set forth in this subsection.

c. *Inspections*. Subject to the notice requirements set forth in subsection 9.4 O(5)(f), all SHORT-TERM RENTAL UNITs shall be subject to inspection by the TOWN to verify compliance with the conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code.

d. *Property owner responsibility*. A property owner who uses, rents, or advertises for rent, any DWELLING UNIT within the TOWN as a SHORT-TERM RENTAL UNIT shall comply with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code. A property owner shall not be relieved from any personal responsibility and personal liability for violations of any applicable law, rule, or regulation which are committed, or allowed to be committed, at, within, or upon the premises of, a SHORT-TERM RENTAL UNIT which he or she owns, regardless of whether such violation was committed by the property owner, authorized agent, qualified local contact, or renters of the SHORT-TERM RENTAL UNIT.

e. *Authorized agent*. A property owner may designate an authorized agent to comply with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code, on the owner's behalf; provided, the designation of an authorized agent shall not relieve the property owner from any personal responsibility and personal liability. The authorized agent must sign an acknowledgement confirming that he or she understands the responsibilities of the authorized agent and agrees to perform those responsibilities on behalf of the property owner. Upon receipt of a signed acknowledgement, failure of the authorized agent to perform those responsibilities he or she has agreed to perform shall be deemed a violation of this ordinance. An authorized agent shall be jointly and severally liable for violations of any applicable law, rule or regulation which are committed, or allowed to be committed, at, within, or upon the premises of, a SHORT-TERM RENTAL UNIT which the agent is authorized to manage. Upon issuance of a SHORT-TERM RENTAL permit, any change to the authorized agent of record, including changes in contact information, shall be filed with the ZONING ADMINISTRATOR within five (5) business days by way of a permit modification.

f. *Qualified local contact.* If the property owner does not maintain a permanent place of residence within fifty (50) miles of the SHORT-TERM RENTAL UNIT, or if the property owner intends to rent his or her permanent place of residence, the property owner shall designate a qualified local contact. In the event a property owner designates an authorized agent, as provided in subparagraph (e) above, the authorized agent shall serve as the qualified local contact. The qualified local contact must sign an acknowledgement confirming that he or she understands the responsibilities of the qualified local contact and agrees to perform those responsibilities on behalf of the property owner. Upon receipt of a signed acknowledgement, failure of the qualified local contact to perform those responsibilities he or she has agreed to perform shall be deemed a violation of this ordinance. Upon issuance of a SHORT-TERM RENTAL permit, any change to the qualified local contact of record, including changes in contact information, shall be filed with the ZONING ADMINISTRATOR within five (5) business days by way of a permit modification.

3. Specific conditions for SHORT-TERM RENTAL UNITs.

a. *General requirements.*

i. *Allowable DWELLING UNIT types*. A SHORT-TERM RENTAL permit may only be issued for a conforming or legally NONCONFORMING residential DWELLING UNIT. ACCESSORY BUILDINGS and STRUCTURES, including, but not limited to, ACCESSORY DWELLINGs, pool houses, storage sheds, GARAGEs, and finished rooms over a GARAGE, shall not be permitted as a stand-alone SHORT-TERM RENTAL UNIT. No vehicle, boat, RECREATIONAL VEHICLE, storage unit, or non-residential BUILDING or STRUCTURE may be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT.

ii. *Allowable rental types*. A DWELLING UNIT which is permitted to operate as a SHORT-TERM RENTAL UNIT may only be used, rented, or advertised for rent, as an entire unit. A permit holder shall not use, rent, or advertise for rent, less than an entire DWELLING UNIT, such as an individual bed or bedroom, or a BUILDING or STRUCTURE which is accessory to the principal DWELLING UNIT. Nothing herein is intended to prohibit or limit a property owner's ability to lock or otherwise restrict renter access to individual rooms, closets, or ACCESSORY BUILDINGS or STRUCTURES, within, or upon the premises of, a lawfully permitted SHORT-TERM RENTAL UNIT.

iii. *Limitations on other uses*.

(a) *Commercial activities*. No host or renter shall conduct, or allow to be conducted, any commercial activities at, within, or upon the premises of, a SHORT-TERM RENTAL UNIT while renters are occupying the unit. Notwithstanding the foregoing, the following activities shall be expressly permitted:

(i) Commercial activities undertaken by a host or renter which are clearly incidental to the RESIDENTIAL USE and which do not affect the residential character of the DWELLING UNIT, including, by way of example, professional services which are provided remotely, remote processing of

payments or other business transactions, engaging in remote meetings or electronic communications, and similar activities; and

(ii) Duly licensed vendors and contractors who are providing goods or services to the host or renters, or who are providing goods or services necessary for the continued operation and MAINTENANCE of the SHORT-TERM RENTAL UNIT.

iv. *Rental activity report.* Beginning May 1, 2025, each host shall maintain a log of all SHORT-TERM RENTAL stays. No later than April 30th of each year, the host shall submit to the TOWN an annual rental activity report for the preceding license year. The annual rental activity report shall be provided on a form made available by the ZONING ADMINISTRATOR for that purpose and shall be submitted with the annual business license renewal application. At a minimum, the annual rental activity report shall include the check-in and check-out date for each rental stay, ~~the zip code of the lead booker for each rental stay,~~ the total number of occupants for each rental stay, and the total gross revenue collected (excluding taxes) for each rental stay.

v. *Restrictions for DWELLING UNITS following unlawful rental activity*. In the event a host is found guilty, either by admission or by the municipal judge, of using, renting, or advertising for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT without first applying for and obtaining a valid SHORT-TERM RENTAL permit, the DWELLING UNIT shall not be eligible for issuance of a SHORT-TERM RENTAL permit for one (1) year following the date of conviction. The one (1) year waiting period shall not apply in instances where the DWELLING UNIT is sold or transferred via a non-exempt transfer.

vi. *Restrictions for DWELLING UNITs following work by an unlicensed residential builder or specialty contractor*. If a property owner has obtained an exemption from the Charleston County Building Inspections Department, pursuant to S.C. Code of Laws, Section 40-59-260, to undertake work on a DWELLING UNIT which would otherwise be required to be completed by a licensed residential builder or specialty contractor, the DWELLING UNIT may not be permitted or operated as a SHORT-TERM RENTAL UNIT until two (2) years after the work has been completed or a certificate of occupancy has been issued.

vii. *Restrictions for DWELLING UNITs which are under construction or renovation*. Except as otherwise provided in this subsection, a DWELLING UNIT which is actively under construction or renovation may not be permitted or operated as a SHORT-TERM RENTAL UNIT until the construction or renovation work has been completed or a certificate of occupancy has been issued.

viii. *Restrictions for unsafe STRUCTUREs*. Except as otherwise provided in this subsection, a DWELLING UNIT which has been damaged beyond REPAIR, destroyed, or condemned by the Charleston County Building Inspections Department as unfit for human occupancy, or which is rendered unsafe due to damage (other than damage beyond REPAIR), disrepair, or neglect, may not be permitted or operated as a SHORT-TERM RENTAL UNIT until the work necessary to

reconstruct, REPAIR, or restore the DWELLING UNIT to a safe condition has been completed or a certificate of occupancy has been issued.

ix. *SHORT-TERM RENTAL permit caps*.

(a) *Caps imposed*. There are hereby imposed caps on the total number of DWELLING UNITs which may be permitted as SHORT-TERM RENTAL UNITs within designated areas of the TOWN. Except as expressly authorized by this subsection, effective May 1, 2025, the maximum number of SHORT-TERM RENTAL permits issued by the TOWN shall not exceed the following:

(i) SHORT-TERM RENTAL OVERLAY DISTRICT: 557

(ii) All other areas of the TOWN: 110

(b) *Cap procedures*. The SHORT-TERM RENTAL permit caps imposed herein shall be implemented pursuant to the permitting procedures set forth in subsection 9.4 O(4).

b. *Advertising, posting, and signage requirements*.

i. *Advertising requirements*. When placing an advertisement for a SHORT-TERM RENTAL UNIT on any SHORT-TERM RENTAL platform, or within any print or online publication (such as brochures, classified ads, website listings, etc.), the host shall ensure that the following items are conspicuously posted within the content of each advertisement:

(a) The unit's SHORT-TERM RENTAL permit number;

(b) The unit's overnight occupancy limit; and

(c) The maximum number of passenger vehicles which may be parked at the unit during the overnight hours.

ii. *Truth in advertising*. It shall be a violation of this subsection for any PERSON to knowingly advertise false or misleading information, or information which conflicts with the provisions set forth in this subsection, when placing an advertisement for a SHORT-TERM RENTAL UNIT on any SHORT-TERM RENTAL platform or within any print or online publication (such as brochures, classified ads, website listings, etc.).

iii. *Posting requirements*. A SHORT-TERM RENTAL permit placard shall be provided by the ZONING ADMINISTRATOR to each host upon the issuance of a SHORT-TERM RENTAL permit. The permit placard shall contain, at a minimum, the unit's SHORT-TERM RENTAL permit number, overnight occupancy limit, maximum number of passenger vehicles which may be parked during the overnight hours, fire extinguisher location, and the name and phone number of the qualified local contact. The host shall post a copy of the permit placard in a conspicuous location on, or adjacent to, the inside of the door serving as the primary point of ingress and egress to and from the SHORT-TERM RENTAL UNIT at all times the unit is occupied by renters.

iv. *Information packets required*. A SHORT-TERM RENTAL information packet shall be provided by the ZONING ADMINISTRATOR to each host upon the issuance of a SHORT-TERM RENTAL permit. The information packet shall contain, at a minimum, a summary of the TOWN's SHORT-TERM RENTAL rules and regulations, a summary of other community rules and regulations, a list of local emergency resources and contacts, and such other information as may be deemed necessary and proper by the ZONING ADMINISTRATOR to protect the public health, safety, and welfare of renters and the public. The host shall provide a copy of the SHORT-TERM RENTAL information packet, either in printed or electronic format, to all renters prior to, or during, the check-in process. Alternatively, a printed copy of the SHORT-TERM rental packet may be maintained in a conspicuous location inside the rental unit at all times. From time to time, the ZONING ADMINISTRATOR may prepare and distribute an updated version of the SHORT-TERM RENTAL information packet. Upon receipt, each host shall replace the version provided to renters in a timely manner.

v. *Signage*. No signage which advertises or identifies a DWELLING UNIT as a SHORT-TERM RENTAL UNIT shall be allowed on the exterior or premises of any DWELLING UNIT which is permitted as a SHORT-TERM RENTAL UNIT; provided, this requirement shall not apply to letters or numbers which are used for addressing purposes, or for unit identification in a CLUSTER UNIT, TOWNHOME, or MULTI-FAMILY DEVELOPMENT.

c. *License and tax requirements*.

i. *TOWN business license*. The host shall possess a valid TOWN business license for the operation of a SHORT-TERM RENTAL UNIT, as required by Article 8 of the TOWN Code. The business license must be renewed on an annual basis.

ii. *South Carolina Retail License*. If the SHORT-TERM RENTAL UNIT will be rented for more than one (1) week in any calendar quarter, the host shall possess a valid South Carolina Retail License. Where required, the host shall furnish evidence of a valid South Carolina Retail License with the required SHORT-TERM RENTAL permit application.

iii. *Payment of state and local taxes and fees*. If the SHORT-TERM RENTAL UNIT will be rented for more than fifteen (15) days during any calendar year, the host shall collect and remit all required state and local taxes and fees on the gross proceeds derived from the rental of accommodations. The host shall annually furnish evidence of the payment of all required state and local taxes and fees, as specified below, at the time the annual business license renewal application is filed:

(a) State and local sales taxes (8%);

(b) State accommodations tax (2%);

(c) Charleston County accommodations fee (2%);

(d) Town of Seabrook Island local accommodations tax (1%); and

(e) Any other taxes or fees which may be imposed after the effective date of this subsection.

d. *Minimum stay*.

i. *Minimum stay required*. A host shall not use, rent, or advertise for rent, a SHORT-TERM RENTAL UNIT for stays of less than two (2) consecutive nights. Nothing herein is intended prohibit a host from extending an existing stay of two (2) or more consecutive nights by adding one (1) additional night, as long as the added night is consecutive to the initial stay. The minimum length of stay shall not apply in instances when the SHORT-TERM RENTAL UNIT is occupied exclusively for personal USE.

e. *Occupancy limits*.

i. *Overnight occupancy limit*. SHORT-TERM RENTAL UNITs shall be subject to a limit on the total number of occupants during the overnight hours, as provided herein.

(a) SHORT-TERM RENTAL UNITs shall be limited to two (2) occupants per code-compliant bedroom, plus two (2) additional occupants for the entire unit.

(b) Children under the age of two (2) shall not be counted toward the overnight occupancy limit specified herein.

(c) The overnight occupancy limit specified herein shall apply to the unit as a whole and is not intended to limit the number of individuals within any specific bedroom or other living area.

(d) The overnight occupancy limit shall not apply in instances when the SHORT-TERM RENTAL UNIT is occupied exclusively for personal USE.

(e) To determine the overnight occupancy limit of a SHORT-TERM RENTAL UNIT, the ZONING ADMINISTRATOR shall use the total number of bedrooms for the DWELLING UNIT, as shown on the current Charleston County tax records. Any host who wishes to appeal the total number of code compliant bedrooms within a SHORT-TERM RENTAL UNIT shall contact the Charleston County Building Inspections Department to verify the accuracy of the information shown on the current tax records. If the Charleston County Building Inspections Department determines that the actual number of bedrooms is different than the number shown on the current tax records, the host shall provide written confirmation of the county's findings to the ZONING ADMINISTRATOR. Upon receipt, the ZONING ADMINISTRATOR shall use the revised bedroom count from the Charleston County Building Inspections Department to adjust the overnight occupancy limit.

f. *Parking requirements*.

i. *Minimum OFF-STREET PARKING required*. A DWELLING UNIT which is permitted to operate as a SHORT-TERM RENTAL UNIT shall have a minimum of one (1) OFF-

STREET PARKING SPACE. The required OFF-STREET PARKING may be provided on the same premises as the SHORT-TERM RENTAL UNIT or, if the unit is located within a CLUSTER UNIT, TOWNHOME, or MULTI-FAMILY DEVELOPMENT with a common PARKING LOT, within that development's common PARKING LOT.

ii. *Maximum number of overnight vehicles*. The maximum number of passenger vehicles which may be parked on the premises of a SHORT-TERM RENTAL UNIT during the overnight hours shall be limited to one (1) per code-compliant bedroom; provided, in no instance shall the maximum number of passenger vehicles be less than two (2) or more than four (4). In the event the number of OFF-STREET PARKING spaces available on the premises of the SHORT-TERM RENTAL UNIT (including, where applicable, the number of assigned parking spaces within a common PARKING LOT) is less than would otherwise be allowed, then the maximum number of passenger vehicles allowed during the overnight hours shall be based on the actual number of spaces available. The maximum number of overnight vehicles shall not apply in instances when the SHORT-TERM RENTAL UNIT is occupied exclusively for personal USE.

g. *Safety requirements*.

i. *Fire extinguishers*. SHORT-TERM RENTAL UNITs shall be equipped with at least one (1) working fire extinguisher with a minimum rating of 1A:10B:C. The required fire extinguisher shall be located under the kitchen sink or in another location which is easily accessible to renters.

ii. *Smoke alarms*. SHORT-TERM RENTAL UNITs shall be equipped with a working smoke alarm inside each bedroom and outside of each sleeping area. At least one (1) smoke alarm shall be installed on each level of the unit.

iii. *Carbon monoxide detectors*. SHORT-TERM RENTAL UNITs shall be equipped with at least one (1) working carbon monoxide detector on each level if the DWELLING UNIT is equipped with any one (1) or more of the following:

(a) Any type of heater or appliance which burns fossil fuels;

(b) Any type of generator which burns fossil fuels;

(c) Any type of fireplace or stove which burns wood or fossil fuels; or

(d) An enclosed GARAGE which is attached to the SHORT-TERM RENTAL UNIT.

iv. *Sprinkler system*. If the DWELLING UNIT is equipped with a fire sprinkler system, the system shall be maintained in good working order. The host shall be responsible for having a qualified professional inspect the sprinkler system no less than once every twelve (12) months. Upon request, the host shall furnish documentation of this inspection to the ZONING ADMINISTRATOR within five (5) business days.

v. *General maintenance*. The host shall be responsible for ensuring that all structural elements (including the interior and exterior of the dwelling, associated DECKs,

stairs, handrails, guardrails, boardwalks, docks, and accessory structures), as well as all mechanical, electrical, and plumbing systems, are maintained in good working order, and safe means of ingress and egress to and from the unit shall be maintained at all times.

4. Permit classes, requirements, and procedures.

   a. *In general*. Between January 1, 2021, and April 30, 2025, the TOWN issued only one type or "class" of SHORT-TERM RENTAL permit. Upon issuance, each SHORT-TERM RENTAL permit was valid only during the license year for which it was issued, and any host wishing to operate a SHORT-TERM RENTAL UNIT across multiple license years was required to renew the SHORT-TERM RENTAL permit on an annual basis. Effective May 1, 2025, there shall be three (3) classes of SHORT-TERM RENTAL permits issued by the TOWN. Unless otherwise provided, each class of permit shall remain valid indefinitely, unless and until the permit is suspended, revoked, abandoned, or cancelled pursuant to the criteria and procedures set forth in this subsection. In addition, all SHORT-TERM RENTAL permits issued on or after May 1, 2025, shall be subject to the SHORT-TERM RENTAL permit caps imposed pursuant to subsection 9.4 O(3)(a)(ix), unless expressly provided herein.

   b. Permit required. Subject to the conditions, requirements, and procedures set forth in this subsection, any host who wishes to use, rent, or advertise for rent, any DWELLING UNIT within the TOWN as a SHORT-TERM RENTAL UNIT, shall first apply for and obtain an applicable class of SHORT-TERM RENTAL permit. A separate permit shall be required for each SHORT-TERM RENTAL UNIT. No DWELLING UNIT shall have more than one (1) class of permit at any time.

   c. *Permit classes. Effective May 1, 2025, there are hereby established the following classes of SHORT-TERM RENTAL permits:*

      i. *Standard SHORT-SHORT TERM RENTAL permit (Class A);*

      ii. *Provisional SHORT-TERM RENTAL permit (Class B); and*

      iii. *Temporary SHORT-TERM RENTAL permit (Class C).*

   d. *Permit eligibility, procedures, review criteria, and special conditions (by class).*

      i. *Standard SHORT-TERM RENTAL permits (Class A).*

         (a) *Purpose*. The purpose of the standard (Class A) SHORT-TERM RENTAL permit is to authorize a limited number of DWELLING UNITs, meeting all of the conditions and requirements set forth in this subsection, to be used, rented, and advertised for rent, as a SHORT-TERM RENTAL UNIT within the TOWN for up to three hundred and sixty-five (365) days per year. Subject to the SHORT-TERM RENTAL caps imposed pursuant to subsection 9.4 O(3)(a)(ix), the ZONING ADMINISTRATOR may issue a standard SHORT-TERM RENTAL permit for any DWELLING UNIT meeting the eligibility criteria set forth herein.

(b) *Eligibility*. Unless otherwise provided, any host meeting all of the conditions and requirements set forth in this subsection may apply for and obtain a standard SHORT-TERM RENTAL permit until the applicable SHORT-TERM RENTAL permit caps imposed pursuant to subsection 9.4 O(3)(a)(ix) have been reached.

(c) *Application required*. Standard SHORT-TERM RENTAL permit applications shall be submitted on a form made available by the ZONING ADMINISTRATOR for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Section 18.3, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each eligible DWELLING UNIT.

(d) *Permitting procedures; due dates*. For standard SHORT-TERM RENTAL permits issued on or after May 1, 2025, the ZONING ADMINISTRATOR shall process applications in the following order:

(i) *Exempt applications*. The ZONING ADMINISTRATOR shall give first priority to applications which are exempt from the applicable SHORT-TERM RENTAL permit caps. For purposes of this subsection, an application shall be entitled to a one-time exemption from the applicable SHORT-TERM RENTAL permit caps if the application meets all of the following criteria:

a. The DWELLING UNIT was lawfully permitted as a SHORT-TERM RENTAL UNIT as of April 30th of the preceding license year;

b. The DWELLING UNIT's prior SHORT-TERM RENTAL permit was in good standing as of April 30th of the preceding license year;

c. The DWELLING UNIT did not have a non-reported sale or transfer during the preceding license year;

d. If the DWELLING UNIT is located within the SHORT-TERM RENTAL OVERLAY DISTRICT, the host reported at least five thousand dollars ($5,000.00) in gross income from rental activities during the preceding license year, or, if the DWELLING UNIT is located within all other areas of the TOWN, the host reported at least ten thousand dollars ($10,000.00) in gross income from rental activities during the preceding license year; provided, in the event the SHORT-TERM RENTAL permit was active for less than the entirety of the preceding license year, the ZONING ADMINISTRATOR may reduce the minimum income requirements proportionate to the full number of months the permit was active; and further provided, if the SHORT-TERM RENTAL permit was issued during the final four (4) months of the preceding license year, the ZONING ADMINISTRATOR may alternatively allow the host to demonstrate that the SHORT-TERM RENTAL UNIT was available and advertised for rent while the permit was active;

e. The SHORT-TERM RENTAL UNIT continues to meet the criteria for approval, as set forth in subsection 9.4 O(4)(d)(i)(e); and

f. A completed SHORT-TERM RENTAL permit application was received on or before April 30, 2025.

(ii) *Provisional permits*. The ZONING ADMINISTRATOR shall reserve one (1) SHORT-TERM RENTAL PERMIT for each LOT or DWELLING UNIT which has applied for and obtained a provisional (Class B) SHORT-TERM RENTAL permit, as provided in subsection 9.4 O(4)(d)(ii). When eligible, as provided in subsection 9.4 O(4)(d)(ii)(h), a host possessing a provisional SHORT-TERM RENTAL permit may apply to convert the provisional permit to a standard SHORT-TERM RENTAL permit. For the purposes of this subsection, the holder of a provisional permit shall be entitled to a one-time exemption from the applicable SHORT-TERM RENTAL permit caps at such time as the provisional permit is converted to a standard SHORT-TERM RENTAL permit.

(iii) *New permits*. All other applications shall be processed as new permit applications. After processing those applications specified in (i) and (ii) above, the ZONING ADMINISTRATOR shall determine the total number of new SHORT-TERM RENTAL permits which are available pursuant to the applicable SHORT-TERM RENTAL permit caps. If additional permits are available, new permit applications shall be processed in the order they were received. The ZONING ADMINISTRATOR may approve the issuance of new SHORT-TERM RENTAL permits until the applicable SHORT-TERM RENTAL permit caps have been reached. Once the applicable SHORT-TERM RENTAL permit caps have been reached, new permit applications shall be added to the applicable waiting list until a new permit becomes available.

(iv) *Waiting list*. The ZONING ADMINISTRATOR shall establish separate waiting lists for properties located within the SHORT-TERM RENTAL OVERLAY DISTRICT and for properties located in all other areas of the TOWN. In the event the SHORT-TERM RENTAL permit cap is reached in either area, any remaining applications shall be added to the applicable waiting list in the order they were received. In the event a new permit becomes available in either area due to another permit being abandoned, revoked, or cancelled, the ZONING ADMINISTRATOR shall notify the applicant who has been on the applicable waiting list the longest. Upon receiving notice from the ZONING ADMINISTRATOR, the host shall have ten (10) business days to provide the TOWN with any and all information necessary to ensure the application is current and otherwise complies with the conditions and requirements of this subsection. If the applicant fails to respond and/or provide current information within ten (10) business days, the application shall be deemed withdrawn. The ZONING ADMINISTRATOR shall then remove the application from the waiting list and repeat the process until a new SHORT-TERM RENTAL permit is issued or the applicable waiting list is exhausted. In the event a host is found guilty, either by admission or by the municipal judge, of using, renting, or advertising for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT while his or her application is on a waiting list, the ZONING ADMINISTRATOR shall remove the application

from the applicable waiting list and the host shall not be eligible to re-apply until one (1) year following the date of conviction.

(e) *Criteria for review*.

(i) *Criteria for approval*. The ZONING ADMINISTRATOR shall approve the issuance of a SHORT-TERM RENTAL permit only if he or she finds that the application meets all of the conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code. Prior to acting on an application, the ZONING ADMINISTRATOR may inspect the property for compliance with the provisions of this subsection. The ZONING ADMINISTRATOR may also require the host to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions contained herein.

(ii) *Reasons for denial*. Except as otherwise provided in this subsection, the ZONING ADMINISTRATOR may deny the issuance of a SHORT-TERM RENTAL permit for any one (1) or more of the following reasons:

a. Submittal of an incomplete or inaccurate SHORT-TERM RENTAL permit application;

b. The application fails to meet any one (1) or more of the conditions or requirements set forth in this subsection;

c. The host was found guilty, either by admission or by the municipal judge, of renting the DWELLING UNIT without a valid SHORT-TERM RENTAL permit within the previous twelve (12) months;

d. The owner of the DWELLING UNIT obtained an exemption from the Charleston County Building Inspections Department, pursuant to S.C. Code of Laws, Section 40-59-260, to undertake work which would otherwise be required to be completed by a licensed residential builder or specialty contractor, within the previous two (2) years;

e. The DWELLING UNIT is actively under construction, reconstruction, or renovation;

f. The DWELLING UNIT has been damaged beyond REPAIR, destroyed, or condemned by the Charleston County Building Department as unfit for human habitation;

g. The DWELLING UNIT has been deemed by the ZONING ADMINISTRATOR to be unsafe due to damage (other than damage beyond REPAIR), disrepair, or neglect;

h. The host has not applied for or obtained, or is not eligible to apply for or obtain, a valid TOWN business license;

i. The host is delinquent in the payment of any fines, fees, or penalties imposed pursuant to this ordinance or the TOWN Code, including, without limitation, court fines, court assessments, and surcharges;

j. The host is delinquent in the payment of any taxes which are required to be paid pursuant to subsection 9.4 O(3)(c)(iii);

k. Unless the property has been sold or transferred via a non-exempt transfer, the prior SHORT-TERM RENTAL permit was revoked during the previous twelve (12) months due to:

1. Failure to submit the required annual rental activity report, as provided in subsection 9.4 O(6)(c)(iv);

2. Falsification or misrepresentation of material facts, as provided in subsection 9.4 O(6)(c)(v); or

3. The occurrence of one (1) or more rental-related violations, as provided in subsection 9.4 O(6)(c)(vii); and/or

l. The DWELLING UNIT is subject to recorded covenants of a duly authorized HOMEOWNERS' ASSOCIATION and/or HORIZONTAL PROPERTY REGIME which conflict with, or prohibit, the proposed use as a SHORT-TERM RENTAL UNIT.

(f) *Action on application*. The ZONING ADMINISTRATOR shall render a decision on each permit application within thirty (30) calendar days following receipt. If the ZONING ADMINISTRATOR requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information within ten (10) business days shall be deemed a withdrawal of the application. A SHORT-TERM RENTAL UNIT which was duly permitted and in good standing as of April 30, 2025, may continue to be used, rented, and advertised for rent, as a SHORT-TERM RENTAL UNIT beyond May 1, 2025, as long as a completed permit application was received by the TOWN on or before April 30, 2025.

(g) *Notification*. The ZONING ADMINISTRATOR's decision shall be communicated in writing to the host. For the purposes of this subsection, the issuance of a standard SHORT-TERM RENTAL permit shall constitute notice of approval.

(h) *Expiration*. Upon issuance, a standard SHORT-TERM RENTAL permit shall remain valid indefinitely, unless it is suspended, revoked, abandoned, or cancelled pursuant to the criteria and procedures set forth in this subsection.

ii. *Provisional SHORT-TERM RENTAL permits (Class B).*

(a) *Purpose*. The purpose of the provisional (Class B) SHORT-TERM RENTAL permit is to grant a one-time exemption from the applicable SHORT-TERM RENTAL permit caps for DWELLING UNITs and LOTs which are actively under construction as of April 30, 2025. Notwithstanding any conditions, requirements, or procedures to the contrary, the ZONING ADMINISTRATOR may issue a provisional SHORT-TERM RENTAL permit to the owner of any DWELLING UNIT or LOT which meets the eligibility criteria set forth herein. Subject to the conditions contained herein, the holder of a provisional permit shall be entitled to a one-time exemption from the applicable SHORT-TERM RENTAL permit caps at such time as the provisional permit is converted to a standard (Class A) or SHORT-TERM RENTAL permit.

(b) *Eligibility*. Any PERSON owning a DWELLING UNIT which is undergoing major renovation, or a vacant LOT upon which a DWELLING UNIT is under construction, as of April 30, 2025, may apply for a provisional SHORT-TERM RENTAL permit. For purposes of this paragraph, a DWELLING UNIT or LOT is deemed to be "undergoing major renovation" or "under construction" if:

(i) The PERSON owning the DWELLING UNIT or LOT has an active building permit from the Charleston County Building Inspections Department authorizing such construction or renovation activities as of April 30, 2025;

(ii) The PERSON owning the DWELLING UNIT or LOT has an approved zoning permit from the TOWN authorizing such construction or renovation activities as of April 30, 2025; or

(iii) The PERSON owning the DWELLING UNIT or LOT has initiated architectural plan review for such construction or renovation activities with any HOMEOWNERS' ASSOCIATION or HORIZONTAL PROPERTY REGIME having jurisdiction over the DWELLING UNIT or LOT as of April 30, 2025, as evidenced by a letter of confirmation from the applicable HOMEOWNERS' ASSOCIATION or HORIZONTAL PROPERTY REGIME.

(c) *Application required*. Provisional SHORT-TERM RENTAL permit applications shall be submitted on a form made available by the ZONING ADMINISTRATOR for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Section 18.3, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each eligible DWELLING UNIT or LOT.

(d) *Due date*. Any eligible property owner who wishes to obtain a provisional SHORT-TERM RENTAL permit must submit a completed application no later than April 30, 2025.

(e) *Criteria for review*. The ZONING ADMINISTRATOR shall approve the issuance of a provisional SHORT-TERM RENTAL permit only if he or she finds that the application meets all of the applicable conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance

and the TOWN Code. Prior to acting on an application, the ZONING ADMINISTRATOR may require the property owner to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions or requirements contained herein.

(f) *Action on application.* The ZONING ADMINISTRATOR shall render a decision on each application within ten (10) business days following receipt. If the ZONING ADMINISTRATOR requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information within ten (10) business days shall be deemed a withdrawal of the application.

(g) *Notification*. The ZONING ADMINISTRATOR's decision shall be communicated in writing to the applicant. For the purposes of this subsection, the issuance of a provisional SHORT-TERM RENTAL permit shall constitute notice of approval.

(h) *Conversion; expiration*. Upon issuance, a provisional SHORT-TERM RENTAL permit shall remain valid until the earlier of thirty (30) days following the completion of work or issuance of a certificate of occupancy, or thirty-six (36) months following the date upon which the provisional permit was issued. Following the issuance of a certificate of occupancy, the DWELLING UNIT or LOT shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the property owner or host applied to convert the provisional SHORT-TERM RENTAL permit to a standard (Class A) SHORT-TERM RENTAL permit. The application shall be submitted on a form made available by the ZONING ADMINISTRATOR for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Section 18.3, and any required supplemental materials. Only completed applications will be accepted. The application must be received no later than thirty (30) days following the issuance of a certificate of occupancy. If the property owner fails to submit the required application within thirty (30) days following the completion of work or issuance of a certificate of occupancy, or if the work is not completed within thirty-six (36) months following the date upon which the provisional permit was issued, the provisional permit shall automatically expire. Upon expiration, the DWELLING UNIT or LOT shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new standard (Class A) SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O(4)(d)(i).

iii. *Temporary SHORT-TERM RENTAL permits (Class C).*

(a) *Purpose*. Pursuant to S.C. Code of Laws, Section 27-50-250, the purchaser of any DWELLING UNIT which is sold subject to one or more pre-existing vacation rental agreements is required to honor those agreements which will commence no later than ninety (90) days after closing. The purpose of the temporary (Class C) SHORT-TERM RENTAL permit is to allow the purchaser of a duly permitted SHORT-TERM

RENTAL UNIT, upon taking title to the property, to lawfully satisfy the requirements of S.C. Code of Laws, Section 27-50-250, in the event the applicable SHORT-TERM RENTAL permit caps have been reached, or if the purchaser has no intention to use, rent, or advertise for rent, the DWELLING UNIT as a SHORT-TERM RENTAL UNIT after honoring the pre-existing agreements. Notwithstanding any conditions, requirements, or procedures to the contrary, the ZONING ADMINISTRATOR may issue a temporary SHORT-TERM RENTAL permit for any DWELLING UNIT which meets the eligibility criteria set forth herein.

(b) *Eligibility; conditions*. Following the sale or transfer of a duly permitted SHORT-TERM RENTAL UNIT, in lieu of applying for a standard (Class A) SHORT-TERM RENTAL permit, or if the applicable SHORT-TERM RENTAL permit caps have been reached, the new host may apply for and obtain a temporary SHORT-TERM RENTAL permit, subject to the following conditions:

(i) The prior SHORT-TERM RENTAL permit must have been in good standing on the date the property was sold or transferred;

(ii) The application for a temporary SHORT-TERM RENTAL permit must be received no later than five (5) business days following the date the property was sold or transferred;

(iii) The temporary SHORT-TERM RENTAL permit application must be accompanied by a fully executed copy of the SCLLR State of South Carolina Residential Property Condition Disclosure Statement showing that the DWELLING UNIT was subject to one (1) or more pre-existing SHORT-TERM RENTAL agreements which will commence no later than ninety (90) days following the date upon which the property was sold or transferred;

(iv) The new host may only honor those SHORT-TERM RENTAL agreements which were in place as of the date the property was sold or transferred;

(v) The new host shall not advertise or accept any new SHORT-TERM rental agreements without applying for and obtaining a standard (Class A) SHORT-TERM RENTAL permit; provided, in the event the applicable SHORT-TERM RENTAL permit caps have been reached, the new permit application shall be added to the waiting list;

(vi) The temporary SHORT-TERM RENTAL permit shall be subject to all other conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code; and

(vii) The temporary SHORT-TERM RENTAL permit shall automatically expire one hundred and twenty (120) days following the date of issuance.

(c) *Application required*. Temporary SHORT-TERM RENTAL permit applications shall be submitted on a form made available by the ZONING ADMINISTRATOR for that purpose. The application shall be accompanied by a non-refundable application

fee, as provided in Section 18.3, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each eligible DWELLING UNIT.

(d) *Due date*. Any eligible host who wishes to obtain a temporary SHORT-TERM RENTAL permit must submit a completed application no later than five (5) business days following the date upon which the property was sold or transferred.

(e) *Criteria for review*. The ZONING ADMINISTRATOR shall approve the issuance of a temporary SHORT-TERM RENTAL permit only if he or she finds that the application meets all of the applicable conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code. Prior to acting on an application, the ZONING ADMINISTRATOR may inspect the property for compliance with the provisions of this subsection. The ZONING ADMINISTRATOR may also require the host to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions or requirements contained herein.

(f) *Action on application.* The ZONING ADMINISTRATOR shall render a decision on each application within ten (10) business days following receipt. If the ZONING ADMINISTRATOR requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information within ten (10) business days shall be deemed a withdrawal of the application. A SHORT-TERM RENTAL UNIT which was duly permitted and in good standing as of the date the temporary permit application was received may continue to be rented while the application is under review by the ZONING ADMINISTRATOR.

(g) *Notification*. The ZONING ADMINISTRATOR's decision shall be communicated in writing to the host. For the purposes of this subsection, the issuance of a temporary SHORT-TERM RENTAL permit shall constitute notice of approval.

(h) *Expiration*. A temporary SHORT-TERM RENTAL permit shall remain valid for one hundred and twenty (120) following the date of issuance, at which time the permit shall automatically expire, unless it is earlier suspended, revoked, or cancelled pursuant to the criteria and procedures set forth in this subsection. Upon expiration, the DWELLING UNIT shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new standard (Class A) SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O(4)(d)(i).

e. *Permit modifications*.

i. *Purpose*. To maintain the accuracy of SHORT-TERM RENTAL permit records and to ensure timely response to emergencies and violations, each host shall be responsible for notifying the TOWN, by way of a permit modification, of any changes affecting their SHORT-TERM RENTAL permit following the occurrence of a qualifying event. A permit modification may only be used to update an existing

SHORT-TERM RENTAL permit; a permit modification may not be used to reclassify an existing SHORT-TERM RENTAL permit from one class to another class.

ii. *Eligibility*. An existing SHORT-TERM RENTAL permit may only be modified following the occurrence of a qualifying event.

iii. *Application required*. Any host who wishes to modify an existing SHORT-TERM RENTAL permit shall first apply for a permit modification. The application shall be submitted on a form made available by the ZONING ADMINISTRATOR for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Section 18.3, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each SHORT-TERM RENTAL permit which is proposed to be modified.

iv. *Due date*. Applications to modify an existing SHORT-TERM RENTAL permit must be received no later than five (5) business days following the occurrence of the qualifying event.

v. *Criteria for review*. The ZONING ADMINISTRATOR shall approve the issuance of a SHORT-TERM RENTAL permit modification only if he or she finds that a qualifying event has occurred, and the application continues to meet all of the conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the TOWN Code. Prior to acting on an application, the ZONING ADMINISTRATOR may inspect the property for compliance with the provisions of this subsection. The ZONING ADMINISTRATOR may also require the host to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions or requirements contained herein.

vi. *Action on application*. The ZONING ADMINISTRATOR shall render a decision on each modification request within ten (10) business days following receipt. If the ZONING ADMINISTRATOR requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information within ten (10) business days shall be deemed a withdrawal of the application. A SHORT-TERM RENTAL UNIT which was duly permitted and in good standing as of the date the modification request was received may continue to be used, rented, and advertised for rent, while the modification request is under review by the ZONING ADMINISTRATOR.

vii. *Notification*. The ZONING ADMINISTRATOR's decision shall be communicated in writing to the host. For purposes of this subsection, the issuance of a permit modification shall constitute notice of approval.

viii. *Expiration*. Unless otherwise provided, a modified SHORT-TERM RENTAL permit shall remain valid indefinitely, unless the permit is suspended, revoked, abandoned, or cancelled pursuant to the criteria and procedures set forth in this subsection.

f. *Appeals*. Any PERSON who is aggrieved by a decision of the ZONING ADMINISTRATOR to approve or deny the issuance of any class of SHORT-TERM RENTAL permit or permit modification may appeal the decision to the Board of Zoning Appeals, pursuant to Section 20.2 of this ordinance.

5. *Administration and enforcement*.

a. *Violations defined*. It shall be a violation of this subsection to use, rent, or advertise for rent, any BUILDING, STRUCTURE, DWELLING UNIT, or premises within the TOWN, as a SHORT-TERM RENTAL UNIT, except in conformity with the conditions and requirements set forth in this subsection.

b. *Authority*. The ZONING ADMINISTRATOR shall be vested with the authority to administer and enforce the provisions of this subsection. The ZONING ADMINISTRATOR may designate one or more individuals, including inspectors and code enforcement officers of the TOWN, to act on his or her behalf. For matters pertaining to building safety, including, without limitation, structural, mechanical, electrical, plumbing, and fire safety systems, the ZONING ADMINISTRATOR may consult with officials from any applicable governmental agency or department having jurisdiction over the property and/or engage such technical experts as he or she deems necessary, including, but not limited to, qualified consultants, contractors, engineers, and inspectors.

c. *Notice of violation*. Notwithstanding any provisions to the contrary, whenever the ZONING ADMINISTRATOR determines that a violation of this subsection has occurred, he or she shall contact the host or qualified local contact, as applicable, to indicate the nature of the violation and to direct the notified party to take such action as may be necessary and proper to correct the violation and/or prevent further violations from occurring. Any notice made in accordance with the foregoing may be communicated by phone, email, in writing, or in person, and shall include a reasonable time during which the notified party shall correct the violation.

d. *Ordinance summons*. If a notified party fails to correct a violation within the time specified by the ZONING ADMINISTRATOR, the ZONING ADMINISTRATOR may issue an ordinance summons. In the event the ZONING ADMINISTRATOR deems a violation to present a substantial threat to public health or safety, or in instances when a SHORT-TERM RENTAL UNIT has received multiple notices for the same violation, the ZONING ADMINISTRATOR may immediately issue an ordinance summons in lieu of, or in addition to, a notice of violation.

e. *Records*. The ZONING ADMINISTRATOR shall maintain a log of all SHORT-TERM RENTAL violations, regardless of whether or not a summons was issued.

f. *Inspections*. Subject to the notice requirements contained herein, all SHORT-TERM RENTAL UNITs shall be subject to inspection by the TOWN to verify compliance with the conditions and requirements set forth in this subsection. Failure to permit access to a SHORT-TERM RENTAL UNIT for the purposes of conducting an inspection shall be a violation of this subsection.

i. *Routine Inspections*. In instances when an inspector must access the interior of a SHORT-TERM RENTAL UNIT for the purpose of conducting a routine inspection, he or she shall provide a minimum of twenty-four (24) hours' notice to the host or qualified local contact, as applicable, and the notified party shall provide access to the unit at the appointed time. Except for emergency inspections and inspections undertaken prior to the issuance of a new SHORT-TERM RENTAL permit, routine inspections shall be avoided between Memorial Day and Labor Day when possible.

ii. *Emergency/safety inspections*. In instances when an inspector determines that a condition may exist within a SHORT-TERM RENTAL UNIT which substantially endangers public health or safety, he or she shall provide a minimum of two (2) hours' notice to the host or qualified local contact, as applicable, and the notified party shall provide access to the unit at the appointed time to verify whether such a condition exists and, if necessary, to abate that condition. If the inspector determines that the condition was caused by a violation of any provision of this subsection, he or she may initiate appropriate enforcement action.

iii. *Exceptions to notice requirements*. In instances when either a notified party or a renter waive the applicable notice requirements contained in items (i) or (ii) above, an inspector may enter the unit immediately upon authorization, or as soon as practicable thereafter.

iv. *Inspection of documents*. The ZONING ADMINISTRATOR shall have the authority to request copies of all licenses, permits, receipts, reports, and similar documents which may be necessary and proper to ensure compliance with the conditions and requirements set forth in this subsection. Upon request, the host shall furnish all requested documents to the ZONING ADMINISTRATOR within five (5) business days. Failure to provide any documents so requested shall be a violation of this subsection.

g. *Penalties*. Any PERSON found guilty of violating any provision of this subsection shall be subject to the penalties and fines set forth in Article 22. Punishment for any violation shall not relieve the offender of any liability for delinquent fines, fees, penalties, taxes, or any other costs. In addition to all applicable fines, fees, and penalties which may be imposed pursuant to this ordinance and the TOWN Code, the ZONING ADMINISTRATOR shall have the authority suspend or revoke a SHORT-TERM RENTAL permit, subject to the criteria and notification requirements set forth in subsection 9.4 O(6).

6. Suspension, abandonment, revocation, and cancellation of SHORT-TERM RENTAL permits.

a. *Permit suspension*.

i. *In general*. In addition to all other applicable fines, fees, and penalties imposed pursuant to this ordinance and the TOWN Code, the ZONING ADMINISTRATOR may suspend a SHORT-TERM RENTAL permit, subject to the criteria and notification requirements set forth herein.

ii. *Notification*. The ZONING ADMINISTRATOR shall provide a written notice of suspension to the host by certified mail or hand delivery. The notice shall include the reason(s) for the suspension, the effective date of the suspension, the criteria for reinstatement, the penalties for using, renting, or advertising for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT while the permit is suspended, and method of appeal. In the event the host may not be reached by mail or hand delivery, the ZONING ADMINISTRATOR may communicate the notice of suspension to the host by email and/or by posting a conspicuous notice upon the door serving as the primary point of ingress and egress to and from the SHORT-TERM RENTAL UNIT.

iii. *Cessation of operation*. Upon receipt of the notice of suspension, the host shall immediately cease operation of the SHORT-TERM RENTAL UNIT and remove all advertisements for future SHORT-TERM RENTAL reservations. Any host who continues to use, rent, or advertise for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT after receiving a notice of suspension shall be subject to the enforcement and penalty provisions of this ordinance. Failure to comply with the notice of suspension may also result in revocation of the SHORT-TERM RENTAL permit.

iv. *Reinstatement*. A host may apply for reinstatement of a suspended SHORT-TERM RENTAL permit by submitting a completed application for reinstatement along with a non-refundable reinstatement fee, as provided in Section 18.3. The ZONING ADMINISTRATOR shall not reinstate a suspended SHORT-TERM RENTAL permit unless the host has satisfied all criteria for reinstatement, as set forth in the notice of suspension, and corrected any applicable violations to the satisfaction of the ZONING ADMINISTRATOR.

v. *Abandonment*. If a host fails to apply for reinstatement of a suspended SHORT-TERM RENTAL permit within sixty (60) days of becoming eligible, the host shall be deemed to have abandoned the SHORT-TERM RENTAL permit. Upon abandonment of a SHORT-TERM RENTAL permit, a DWELLING UNIT shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsections 9.4 O(4)(d) for the applicable permit class.

vi. *Appeals*. Any PERSON who is aggrieved by a decision of the ZONING ADMINISTRATOR to suspend a SHORT-TERM RENTAL permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 20.2 of this ordinance.

b. *Permit revocation*.

i. *In general*. In addition to all other applicable fines, fees, and penalties imposed pursuant to this ordinance and the TOWN Code, the ZONING ADMINISTRATOR may revoke a SHORT-TERM RENTAL permit, subject to the criteria and notification requirements set forth herein.

ii. *Notification*. The ZONING ADMINISTRATOR shall provide a written notice of revocation to the host by certified mail or hand delivery. The notice shall include the reason(s) for the revocation, the effective date of the revocation, the requirements for obtaining a new SHORT-TERM RENTAL permit, the penalties for using, renting, or advertising for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT without a valid SHORT-TERM RENTAL permit, and method of appeal. In the event the host may not be reached by mail or hand delivery, the ZONING ADMINISTRATOR may communicate the notice of suspension to the host by email and/or by posting a conspicuous notice upon the door serving as the primary point of ingress and egress to and from the SHORT-TERM RENTAL UNIT.

iii. *Cessation of operation*. Upon receipt of the notice of revocation, the host shall immediately cease operation of the SHORT-TERM RENTAL UNIT and remove all advertisements for future SHORT-TERM RENTAL reservations. Any host who continues to use, rent, or advertise for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT after receiving a notice of revocation shall be subject to the enforcement and penalty provisions of this ordinance.

iv. *Re-establishment*. Upon revocation of a SHORT-TERM RENTAL permit, the DWELLING UNIT shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsections 9.4 O(4)(d) for the applicable permit class. Where provided in subparagraph (c) below, additional limitations on the issuance of new SHORT-TERM RENTAL permits shall also apply.

v. *Appeals*. Any PERSON who is aggrieved by a decision of the ZONING ADMINISTRATOR to revoke a SHORT-TERM RENTAL permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 20.2 of this ordinance.

c. *Criteria for suspension; revocation; additional limitations on re-establishment*.

i. *Condemnation; unsafe conditions*.

(a) *Suspension*. The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT which has been rendered unsafe due to damage (other than damage beyond REPAIR), disrepair, or neglect, or if the DWELLING UNIT has been condemned by the Charleston County Building Inspections Department as unfit for human occupancy. The suspension shall remain in place until the DWELLING UNIT is repaired or restored to a safe condition and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation*. If the property owner fails to obtain the permits necessary to REPAIR or restore the DWELLING UNIT to a safe condition within ninety (90) days following the effective date of the suspension, or if the building permit expires prior to completion of the work, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT. If the ZONING ADMINISTRATOR determines that the property owner is unable to

obtain the permits necessary to REPAIR or restore the DWELLING UNIT to a safe condition due to extraordinary or exceptional conditions which are outside the control of the property owner, the ZONING ADMINISTRATOR may grant a reasonable extension, not to exceed ninety (90) additional days, as long as the property owner is in the process of obtaining the necessary permits.

(c) *Additional limitations on re-establishment*. Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until the REPAIR or restoration work is completed and the unit is restored to a safe condition.

ii. *Damage beyond REPAIR*; destruction.

(a) *Suspension*. The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT which is damaged beyond REPAIR or destroyed. The suspension shall remain in place until the DWELLING UNIT is reconstructed or otherwise restored to a safe condition and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation*. If the property owner fails to obtain the permits necessary to reconstruct or otherwise restore the DWELLING UNIT to a safe condition within twelve (12) months following the effective date of the suspension, or if the building permit expires prior to completion of the work or issuance of a certificate of occupancy, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT. If the ZONING ADMINISTRATOR determines that the property owner is unable to obtain the permits necessary to reconstruct or otherwise restore the DWELLING UNIT to a safe condition due to extraordinary or exceptional conditions which are outside the control of the property owner, the ZONING ADMINISTRATOR may grant a reasonable extension, not to exceed six (6) additional months, as long as the property owner is in the process of obtaining the necessary permits.

(c) *Additional limitations on re-establishment*. Upon revocation, the DWELLING UNIT shall not be eligible for the issuance of a new SHORT-TERM RENTAL permit until the reconstruction or restoration work is completed or a certificate of occupancy is issued.

iii. *Erroneous and unlawful permits*.

(a) *Revocation*. The ZONING ADMINISTRATOR may revoke any SHORT-TERM RENTAL permit which was issued in error or in violation of any of the provisions set forth in this subsection.

(b) *Additional limitations on re-establishment*. Not applicable.

iv. *Failure to submit annual rental activity report*.

(a) *Suspension*. The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the host fails to submit the annual

rental activity report pursuant to the requirements of subsection 9.4 O(3)(a)(iv). The suspension shall remain in place until the host submits the annual rental activity report and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation*. If the host fails to submit the annual rental activity report within thirty (30) days following the effective date of the suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(c) *Additional limitations on re-establishment*. Upon revocation, the unit shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until one (1) year after the effective date of the revocation. The one (1) year waiting period shall not apply in instances where the DWELLING UNIT is sold or transferred via a non-exempt transfer.

v. *Falsification or misrepresentation of material facts*.

(a) *Revocation*. In the event the ZONING ADMINISTRATOR determines that the host of a SHORT-TERM RENTAL unit falsified or misrepresented one (1) or more material facts on the SHORT-TERM RENTAL permit application, or provided false or misleading information on any license, permit, receipt, report, or other documentation provided in connection with the permitting or inspection provisions set forth in this subsection, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(b) *Additional limitations on re-establishment*. Upon revocation, the unit shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until one (1) year after the effective date of the revocation. The one (1) year waiting period shall not apply in instances where the DWELLING UNIT is sold or transferred via a non-exempt transfer.

vi. *Negligible rental activity*.

(a) *Revocation*. In the event the host of a SHORT-TERM RENTAL UNIT reports negligible rental activity during the preceding license year, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT; provided, in the event the SHORT-TERM RENTAL permit was active for less than the entirety of the preceding license year, the ZONING ADMINISTRATOR may reduce the minimum occupancy and income requirements proportionate to the full number of months the permit was active. If the SHORT-TERM RENTAL permit was issued during the final four (4) months of the preceding license year, the ZONING ADMINISTRATOR may alternatively allow the host to demonstrate that the SHORT-TERM RENTAL UNIT was available and advertised for rent while the permit was active. The provisions of this subparagraph shall not apply to any provisional (Class B) or Temporary (Class C) SHORT-TERM RENTAL permit, or to any standard (Class A) SHORT-TERM RENTAL permit which was suspended for all or part of the

preceding license year, pursuant to subsections 9.4 O(6)(c)(i)(a), 9.4 O(6)(c)(ii)(a), or 9.4 O(6)(c)(xiv)(a).

(b) *Additional limitations on re-establishment*. Not applicable.

vii. *Rental-related violations*.

(a) *Revocation*. In the event a property owner, authorized agent, qualified local contact, or renter is found guilty, either by admission or by the municipal judge, of committing, or allowing to be committed, a rental-related violation at, within, or upon the premises of, a SHORT-TERM RENTAL UNIT, the ZONING ADMINISTRATOR shall assess points against the SHORT-TERM RENTAL UNIT based the schedule set forth below. If a SHORT-TERM RENTAL UNIT accumulates six (6) or more points in any twenty-four (24) month period as a result of rental-related violations, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(i) For purposes of this subparagraph, the point values assigned to each type of violation shall be as follows:

a. Six (6) Points:

1. Any rental-related violation which results in death or gross bodily injury to any PERSON, which causes substantial damage to or destruction of property, or which creates a substantial threat to public health and safety;

2. Continuing to use, rent, or advertise for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT after receiving a notice of suspension; and

3. Failure to allow access to the SHORT-TERM RENTAL UNIT for the purpose of conducting a routine or emergency/safety inspection.

b. Three (3) Points:

1. Failure to modify a SHORT-TERM RENTAL permit due to a change of authorized agent or qualified local contact;

2. Failure to pay required fines, fees, and penalties;

3. Failure to pay required taxes;

4. Failure to possess a valid TOWN business license;

5. Failure to submit the annual rental activity report;

6. Missing or non-working carbon monoxide detector(s);

7. Missing or non-working fire extinguisher;

8. Missing or non-working smoke alarm(s);

9. Using, renting, or advertising for rent, a SHORT-TERM RENTAL UNIT in excess of the overnight occupancy limit;

10. Using, renting, or advertising for rent, a SHORT-TERM RENTAL UNIT for stays of less than two (2) consecutive days; and

11. Using, renting, or advertising for rent, less than an entire DWELLING UNIT as a SHORT-TERM RENTAL UNIT.

c. <u>One (1) Point</u>:

1. Any other rental-related violation which is not expressly listed in items (a), (b), or (c) above.

(ii) In instances when summonses are issued to multiple PERSONs for the same violation, occurring at the same SHORT-TERM RENTAL UNIT, and on the same date, it shall be considered a single violation for purposes of this subparagraph.

(b) *Additional limitations on re-establishment*. Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until one (1) year after the effective date of the revocation. The one (1) year waiting period shall not apply in instances where the DWELLING UNIT is sold or transferred via a non-exempt transfer.

viii. *Unlicensed business activities*.

(a) *Suspension*. The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the host fails to possess a valid TOWN business license for the operation of a SHORT-TERM RENTAL UNIT. The suspension shall remain in place until the host obtains a valid TOWN business license and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation*. If the host fails to obtain a valid TOWN business license within thirty (30) days following the effective date of the suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(c) *Additional limitations on re-establishment*. Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until the host obtains a valid TOWN business license.

ix. *Unpaid fines, fees, or penalties*.

(a) *Suspension*. The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the host is delinquent by sixty (60)

days or more in the payment of any required fines, fees, or penalties imposed pursuant to this ordinance or the TOWN Code, including, without limitation, court fines, court assessments, and surcharges. The suspension shall remain in place until all required fines, fees, and penalties have been paid in full and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation*. If the host fails to pay all required fines, fees, and penalties within thirty (30) days following the effective date of the suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(c) *Additional limitations on re-establishment*. Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until all required fines, fees, and penalties have been paid in full.

x. *Unpaid taxes*.

(a) *Suspension*. The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the host is delinquent by sixty (60) days or more in the payment of any taxes which are required to be paid pursuant to subsection 9.4 O(3)(c)(iii). The suspension shall remain in place until all required taxes, including late penalties (if applicable), have been paid in full and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation*. If the host fails to pay all required taxes, including late penalties (if applicable), within thirty (30) days following the effective date of the suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(c) *Additional limitations on re-establishment*. Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until all required taxes, including late penalties (if applicable), have been paid in full.

xi. *Unreported change of authorized agent or qualified local contact*.

(a) *Suspension*. The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the host fails to modify the SHORT-TERM RENTAL permit within five (5) business days following any change to the unit's authorized agent or qualified local contact of record, as required by subsections 9.4 O(2)(e) and 9.4 O(2)(f). The suspension shall remain in place until the SHORT-TERM RENTAL permit is duly modified, as provided in subsection 9.4 O(4)(e) and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation*. If the host fails to modify the permit with the new authorized agent or qualified local contact within thirty (30) days following the effective date of

the suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(c) *Additional limitations on re-establishment*. Not applicable.

xii. *Unreported sale or transfer of SHORT-TERM RENTAL UNIT*.

(a) *Revocation*. In the event a lawfully permitted SHORT-TERM RENTAL UNIT is sold or transferred, the host of record shall notify the ZONING ADMINISTRATOR within five (5) business days following the date of transfer. If the existing permit is not cancelled or modified on or before the fifth business day following the sale or transfer of the unit, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(b) *Additional limitations on re-establishment*. Not applicable.

xiii. *Work by an unlicensed residential builder or specialty contractor*.

(a) *Revocation*. In the event the owner of a lawfully permitted SHORT-TERM RENTAL UNIT obtains an exemption from the Charleston County Building Inspections Department, pursuant to S.C. Code of Laws, Section 40-59-260, to undertake work on the DWELLING UNIT which would otherwise be required to be completed by a licensed residential builder or specialty contractor, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT upon the issuance of the exempt building permit.

(b) *Additional limitations on re*-establishment. Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until two (2) years after the work is completed or a certificate of occupancy is issued.

xiv. *Voluntary suspension due to reconstruction or renovation*.

(a) *Suspension*. In instances when a property owner desires to reconstruct or substantially renovate a lawfully permitted SHORT-TERM RENTAL UNIT, the property owner or host may request a voluntary suspension of the unit's SHORT-TERM RENTAL permit by filing a written request with the ZONING ADMINISTRATOR at the time the reconstruction or renovation permits are filed with the TOWN. Upon approval by the ZONING ADMINISTRATOR, the voluntary suspension shall remain in place until the reconstruction or renovation work is completed or a certificate of occupancy has been issued and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation*. If the property owner fails to initiate construction activities within six (6) months following the effective date of the voluntary suspension, or if the property owner fails to complete the reconstruction or renovation work within twenty-four (24) months following the effective date of the voluntary suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT. If the ZONING ADMINISTRATOR

determines that the property owner is unable to initiate construction activities or complete the reconstruction or renovation due to extraordinary or exceptional conditions which are outside the control of the property owner, the ZONING ADMINISTRATOR may grant a reasonable extension, not to exceed six (6) additional months, as long as the property owner is in the process of initiating or completing construction activities, as applicable.

(c) *Additional limitations on re-establishment*. Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until the reconstruction or renovation work is completed or a certificate of occupancy has been issued.

d. *Permit cancellation*. A host may request the cancellation of a SHORT-TERM RENTAL permit at any time and for any reason. All requests for cancellation shall be submitted in writing to the ZONING ADMINISTRATOR. Upon receiving the request, the ZONING ADMINISTRATOR shall cancel the SHORT-TERM RENTAL permit and provide written confirmation to the host. Any host who cancels a permit while the permit is in good standing may reapply for a new permit at any time. New permit applications shall be subject to the permitting procedures set forth in subsections 9.4 O(4)(d) for the applicable permit class.

7. Special provisions applicable during states of emergency.

a. *Restriction or suspension by emergency order*. In the event a state of emergency is declared within the TOWN's corporate limits, the mayor, pursuant to the emergency powers vested by Section 2-205(D) of the TOWN Code, may restrict or prohibit trade and commercial activities within the TOWN, including the restriction or suspension of SHORT-TERM RENTAL activities. Any orders issued by the mayor to restrict or suspend SHORT-TERM RENTAL activities during a declared state of emergency shall be effective immediately or at such other time as the mayor shall specifically designate and shall remain in effect until ended by the mayor or by a majority vote of COUNCIL.

b. *Restriction or suspension by emergency ordinance*. Pursuant to Section 2-345 of the TOWN Code, COUNCIL may adopt emergency ordinances to meet public health emergencies affecting the life, health, safety, or the property of the people. Any emergency ordinance which suspends or restricts SHORT-TERM RENTAL activities shall be effective immediately upon enactment and shall expire automatically on the sixty-first (61st) day following the date of enactment.

c. *Notification*. In instances where SHORT-TERM RENTAL activities are restricted or suspended by the mayor or COUNCIL pursuant to paragraphs (a) or (b) above, the ZONING ADMINISTRATOR shall provide notification to all hosts and qualified local contacts, if applicable, using the most efficient and effective means possible.

d. *Cessation of operation*. Upon receiving notice from the ZONING ADMINISTRATOR, the host shall immediately comply with all emergency provisions imposed by the mayor or COUNCIL. Any host who continues to use, rent, or advertise for rent, a SHORT-TERM RENTAL UNIT in violation of such emergency provisions shall be subject to the enforcement and penalty provisions of this ordinance.

e. *Mandatory evacuation required*. If state or local authorities order a mandatory evacuation of an area that includes the SHORT-TERM RENTAL UNIT, any renters occupying the unit shall comply with the evacuation order.

P. **UTILITY SUBSTATIONS or Subinstallations**.

1. The owner or operator of the UTILITY shall provide documentation to the ZONING ADMINISTRATOR demonstrating that the UTILITY owns or possesses an EASEMENT for the subject property.

2. Fencing, landscaping, or screening may be required in order to minimize the visual impact of the facility or to improve its compatibility with adjoining properties. If required by the ZONING ADMINISTRATOR, the UTILITY SUBSTATION or subinstallation shall comply with the requirements of Article 11 of this ordinance.

Q. **VACATION CLUB UNIT**.

1. The vacation club and the property owner, if different from the vacation club, shall possess a valid town business license.

2. If the VACATION CLUB UNIT is rented for more than 15 days during any calendar year, the vacation club shall collect and remit all required state and local taxes as specified below based upon the gross receipts from the rental of the unit. Upon request, the vacation club shall furnish documentation of the payment of any state and local taxes to the Zoning Administrator within three (3) business days.

   a. State and local sales taxes (8%);

   b. State accommodations tax (2%);

   c. Charleston County accommodations tax (2%); and

   d. Any other tax which may be imposed after the effective date of this section.

3. The vacation club shall provide no other commercial services on the premises of the VACATION CLUB UNIT.

4. The VACATION CLUB UNIT shall meet all other requirements applicable to SHORT-TERM RENTAL UNITs, as specified in Section 9.4 O.

5. No LOT or other residential unit in the TOWN may be used for, be subject to, rented, leased, sold, or otherwise operated as a VACATION TIME SHARING PLAN.

R. **Veterinary Offices and Clinics**. (See requirements for KENNELs, Subsection G)

S. **Water and Wastewater Treatment**. STRUCTUREs, including but not limited to, accessory STRUCTUREs, and associated parking areas, walks, and roadways shall cover no more than fifty (50%) percent of any parcel containing a water or wastewater treatment facility.

T. **Wireless Communication ANTENNAs and Towers**.

1. Required Approvals. The placement of wireless communications facilities and towers shall meet the following approval requirements:

   a. *Installation of New Towers*. The construction and installation of any new tower shall only be in accordance with the review and approval procedures of this article. No tower or related STRUCTURE shall be permitted within the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE or on any beach.

   b. *Installation of Temporary Towers*. Notwithstanding any conflicting provisions set forth in this subsection, the ZONING ADMINISTRATOR may permit the installation or placement of a temporary tower, subject to the following conditions:

      i. The applicant has demonstrated, to the satisfaction of the ZONING ADMINISTRATOR, that the temporary tower is reasonably necessary to maintain uninterrupted wireless services while work is being performed to MAINTAIN, REPAIR, or REPLACE an existing tower or alternative STRUCTURE (such as a water tower, BUILDING, or steeple) to which ANTENNA(s) are affixed;

      ii. The temporary tower must be located on the same LOT as the existing tower or alternative STRUCTURE to which ANTENNA(s) are affixed;

      iii. No more than one (1) temporary tower may be permitted at a time on any LOT;

      iv. The temporary tower, including any ACCESSORY BUILDINGs and STRUCTUREs, must comply with the minimum SETBACK requirements for the zoning district in which it is located;

      v. The maximum height of the temporary tower may not exceed the height of the existing tower or alternative STRUCTURE to which ANTENNA(s) are affixed;

      vi. The applicant shall provide copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and all other applicable state and federal agencies, with the permit application;

      vii. The temporary tower must be removed no later than thirty (30) days following completion of the work to MAINTAIN, REPAIR, and/or REPLACE the existing tower or alternative STRUCTURE, or within ninety (90) days from the date upon which the temporary tower was permitted, which ever shall occur first; and

      viii. Following any major storm or disaster event, or when deemed necessary to preserve public health and safety, the ZONING ADMINISTRATOR may suspend any one or more of the provisions set forth herein for a period not to exceed one hundred and eighty (180) days.

   c. *Installation of New ANTENNA*. The installation of new ANTENNA(s) on existing towers, including legal NONCONFORMING towers, and existing alternative STRUCTUREs (such as water towers, BUILDINGs, or steeples) may be approved by the ZONING ADMINISTRATOR subject to all requirements of this section. Any new ANTENNA that will add either 10 percent or 20 feet, whichever is less, above the highest point of any

existing tower or alternative STRUCTURE shall be subject to the provisions of this section for the installation of new towers, as described below.

d. *Installation of New Accessory STRUCTUREs*. The installation of new accessory STRUCTURE(s), such as equipment BUILDINGs, to support the installation of additional ANTENNAs on existing towers or alternative STRUCTUREs may be approved by the ZONING ADMINISTRATOR.

e. *Installation of Small Wireless Facilities*. The installation of small wireless facilities within the right-of-way along any street under the jurisdiction of the TOWN shall comply with the provisions of the South Carolina Small Wireless Facilities Deployment Act (Act 179 of 2020}.

f. *Exemptions*. Amateur radio towers not exceeding a height of 75 feet and satellite dishes shall be exempt from the provisions of this section.

2. Removal. Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his or her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the ZONING ADMINISTRATOR, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.

3. Interference with Public Safety Facilities. No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.

4. Required Documentation for all Facilities. In addition to the requirements provided in this section for conditional approval, applications for new towers, new ANTENNA, and new related facilities, including equipment mounted on an existing BUILDING, shall include the following:

a. *Engineer's Report*. A report from a professional engineer licensed in the State of South Carolina that:

i. Describes the height and design of any new tower and/or ANTENNA including a cross-section, latitude, longitude, and elevation;

ii. Describes or updates (in the case of new ANTENNA) the tower's capacity, including the type and number of ANTENNAs it can accommodate;

iii. Certifies compliance of the construction specifications with all applicable BUILDING codes (including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces: flooding, wind, earth movements, etc.);

iv. Certifies that the facility will not interfere with established public safety telecommunication facilities; and

v. Includes the engineer's seal and registration number.

b. *Letter of Intent*. A binding letter of intent committing the tower owner, property owner, ANTENNA owners, and their successors to allow the shared use of the tower.

c. *Proof of Compliance*. Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other applicable state and federal agencies.

d. *Removal Affidavit*. A letter committing all parties, including the property owner and his or her successors, to remove the tower and all related accessory STRUCTUREs, FENCEs, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in Charleston County, with a copy of the recorded affidavit provided to the ZONING ADMINISTRATOR.

5. Determination of New Tower Need. Any proposal for a new COMMUNICATIONS TOWER shall only be approved if the applicant submits verification from a professional engineer licensed in the State of South Carolina that the ANTENNA (e) planned for the proposed tower cannot be accommodated on any existing or approved towers or other STRUCTUREs within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:

   a. *Existing Public Site*. There are no existing publicly owned towers or sites suitable to accommodate the proposed tower or ANTENNAs.

   b. *Inadequate Structural Capacity*. The ANTENNA(s) would exceed the structural capacity of an existing or approved tower or other STRUCTURE.

   c. *Interference*. The ANTENNAs would cause interference impacting the usability of other existing or planned equipment at the tower site.

   d. *Inadequate Height*. The existing or approved towers or STRUCTUREs within the search radius cannot accommodate the planned equipment at the height necessary.

   e. *Land Availability*. Additional land area is not available (when necessary).

6. Design Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following design requirements:

   a. *Lighting*. Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties and shall have 90-degree cut-off luminaries (shielded down lighting).

   b. *Co-Location*. All telecommunication towers shall be designed, and engineered structurally, electrically, and in all other respects to accommodate both the applicant's equipment and at least one (1) additional user for every 50 feet in total tower height in excess of 50 feet or fraction thereof.

      i. Each additional user shall be assumed to have an ANTENNA loading equal to that of the initial user.

ii. Towers must be designed to allow for rearrangement of ANTENNAs and to accept ANTENNAs mounted at varying heights.

c. *Height*. All towers and ANTENNA shall conform to FAA tall structure requirements. The maximum height of accessory STRUCTUREs shall be 15 feet.

d. *SIGNs*. SIGNs for all telecommunications facilities shall be permitted up to a total of four (4) square feet per user and mounted on the FENCE.

7. Site Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following site requirements:

a. *Vehicular Access*. Vehicle access drives may be gravel or paved and shall be located within an access EASEMENT that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way or street EASEMENT shall meet the applicable street design, construction, and pavement requirements for the TOWN.

b. *Site Area*. The LOT (or lease area) where the tower is located shall be large enough to accommodate all anticipated accessory STRUCTUREs needed by future ANTENNA users. The size of the site shall also be of sufficient area to allow the location of one (1) additional tower and associated support facilities.

i. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.

ii. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property so it is no closer to any LOT line than one-half (½) the tower height.

iii. All tower supporting and stabilizing wires shall be located within the site area.

c. *Setback*. The required SETBACKs for the tower and related facilities shall be as follows:

i. Side and rear SETBACK. The minimum side and rear SETBACK for all facilities, including the security FENCE, shall be 25 feet.

ii. Front SETBACK. The minimum front SETBACK for all facilities shall be as specified by this ordinance for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security FENCE, and any required guide wires or bracing shall be permitted in the required front SETBACK.

iii. Additional SETBACK from residential districts. No facility shall be placed closer than one and one-half (1½) times the total height of the tower or 200 feet, whichever is greater, to any property included in a residential district.

d. *Encroachment*. No part of any telecommunications facility nor associated lines, cables, equipment, wires, or braces shall at any time extend across or over any part of a public right-of-way, PRIVATE STREET EASEMENT, sidewalk, or property line.

e. *Fencing*. An eight (8) foot high security FENCE shall completely surround the tower and accessory equipment BUILDING site. Any deterrents, such as barbed wire, shall be at least eight (8) feet above grade.

   i. Required landscape screening shall be located outside of the required FENCE.

   ii. If adjacent to a residential district, the required security FENCE enclosing the facility shall be 100 percent opaque on the side facing the residential district. Chain link FENCE may be used; provided, it is covered by a green or black wind screen. Opaque, eight (8) foot tall gates shall be provided for access.

8. Landscape Screening. Evergreen BUFFER plantings shall be located and maintained around the outermost perimeter of the security FENCE of all wireless communications facilities. The landscape plan for the site shall specify plants in a number and arrangement sufficient to screen the FENCE, all equipment, and the base of the tower, as determined by the ZONING ADMINISTRATOR.

   a. If evergreen SHRUBs are used, they shall be planted a maximum of five (5) feet apart on center.

   b. If evergreen trees are used, they shall be planted as required by Section 11.3 B.2 of this ordinance.

   c. Landscape screening, in addition to the requirements of this section, may be provided within the SETBACK area.

Environmental Performance Standards

ARTICLE 10

Town of Seabrook Island

Development Standards Ordinance

Section 10.1 Purpose

Seabrook Island is a unique community offering uncommon living opportunities amidst a varied and sensitive natural environment. It is the intent of these regulations to preserve and protect those sensitive features and rare qualities that make this a prized community.

Section 10.2 Vegetation.

A. **Vegetation Removal**. It is the intent of this section to retain the natural character of lands within the TOWN and prevent the needless destruction or removal of trees and vegetation on any DEVELOPMENT site. Site clearance shall be the minimum necessary, as determined by the ZONING ADMINISTRATOR, to accommodate construction on property and only as a part of an approved plan, in accordance with Section 11.5 B of this ordinance.

B. **"Beaches as Trust" Sub-district**. It shall be unlawful for any PERSON to destroy, cut, or trim flora or trees in either (i) the Beach Conservation Trust Zone or (ii) that area lying seaward of the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE, without a written permit from the Trustee and, to the extent specified herein, ~~SCDHEC-OCRM~~SCDES-BCM.

1. If permission is obtained, in no event shall such pruning be at a height less than that as may be specified by the Trustee.

2. If the root system of the flora or trees will be disturbed or if complete removal thereof is contemplated, permission to cut or trim flora or trees in the Beach Conservation Zone must, to the extent required by state law, be obtained from ~~SCDHEC-OCRM~~SCDES-BCM.

3. Failure to obtain such permission shall be punishable as indicated under Article 22 of this ordinance.

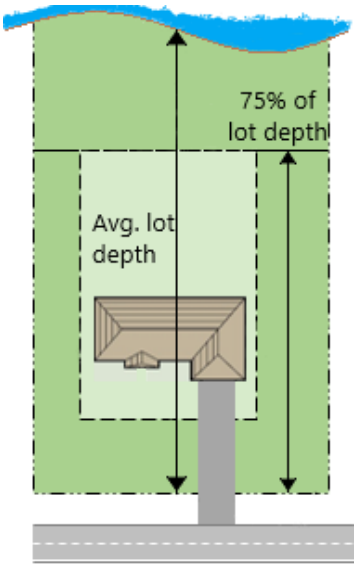
Section 10.3 Coastal Tidelands and WETLANDs.

Because of the environmentally sensitive area in which the TOWN is located, the TOWN hereby endorses S.C. Code of Laws, Sections 48-39-10 et seq. (Coastal Tidelands and WETLANDs) and related laws and shall embrace and enforce such provisions to the maximum extent feasible, in reviewing any construction application.

Section 10.4 Oceanfront and North Edisto River SETBACKs.

A. **Applicability**. The provisions of this section shall apply to all properties which are subject to any Beachfront Jurisdictional Line established by ~~SCDHEC-OCRM~~SCDES-BCM, pursuant to the provisions of S.C. Code of Laws, Sections 48-39-10 et seq., as amended.

B. **Minimum SETBACKs**. For properties which are subject to any Beachfront Jurisdictional Line established by ~~SCDHEC-OCRM~~SCDES-BCM, the minimum required SETBACK for any STRUCTURE shall be the greater (most landward) of:



1. The SETBACK line established by ~~SCDHEC-OCRM~~SCDES-BCM pursuant to S.C. Code of Laws, Sections 48-39-10 et seq., as amended; and

2. A line drawn parallel to the front (street side) property line and extending from the front property line the distance equal to 75 percent of the platted, average LOT DEPTH as measured from the front property line; and

3. Thirty (30) feet from the landward edge of the PRIMARY DUNE or the dune formed by any existing revetment.

C. **Exceptions.** The setback provisions contained in subsection B of this section shall not apply to any STRUCTURE which is duly permitted by ~~SCDHEC-OCRM~~SCDES-BCM.

Section 10.5 Requirements for CRITICAL AREAS and WATERBODIES.

In order to protect the viability of the TOWN's marshes and marsh resources, and to prevent the pollution of surface waters within the TOWN, the following regulations shall apply:

A. **CRITICAL AREAS.**

1. *SETBACK Required*. Except as otherwise provided in this ordinance, no structure shall be placed above or below ground (including propane tanks) within 25 feet of any CRITICAL AREA.

2. *Groundcover Preservation*. Except as otherwise provided in this ordinance, all areas within 25 feet of a CRITICAL AREA, as determined by ~~SCDHEC-OCRM~~SCDES-BCM, shall retain their natural ground cover or shall be planted and maintained with grass or similar groundcover. Disturbed ground cover shall be REPLACEd following all construction activities.

3. *SITE PLAN Requirements*. Zoning, BUILDING, and/or other construction permits for properties abutting a CRITICAL AREA shall include a construction site plan that includes the following:

   a. A grading plan, showing that runoff from the property will be directed into the CRITICAL AREA only if alternatives are not reasonably available, and then only via sheet flow across vegetated areas. All plans must comply with ~~SCDHEC-OCRM~~SCDES-BCM Stormwater Management Guidelines.

   b. A statement of EROSION/sedimentation prevention actions to be taken during construction, including, at a minimum, the placing of hay, pine straw, or similar bales along the perimeter of the CRITICAL AREA, and including such other reasonable actions as necessary to prevent sedimentation into CRITICAL AREAs from the site; and

further, that remedial action will be taken to remove construction-caused sedimentation from these resources.

4. *Accessory Structures*. Accessory STRUCTUREs shall not be located or used in a manner such that the rate or quantity of runoff or sedimentation into a CRITICAL AREA is increased.

B. **WATERBODIES**.

1. *SETBACK Required*. No structure shall be located within 25 feet of any WATERBODY. Unenclosed DECKs, stairways, and stoops may encroach up to 10 feet into the required SETBACK; provided, if a larger SIDE YARD or REAR YARD SETBACK is required, the more restrictive shall apply.

C. **Compliance Required**. Construction in accordance with these provisions shall be required in order to comply with the construction-related permits issued by Charleston County and shall be considered a condition precedent to the issuance of a certificate of occupancy.

Section 10.6 Dunes.

A. **Dune Protection**. The TOWN recognizes the important protective and ecological functions that a healthy dune system provides. The TOWN also recognizes that the dune system along the oceanfront must be carefully managed to ensure these important functions are not lost. Hence, no activity, construction, or alteration of sand dunes seaward of the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE shall be permitted prior to approval by the ~~SCDHEC-OCRM~~SCDES-BCM and the TOWN. Sections 1-6 of the updated TOWN local comprehensive beach management plan lists specific policies governing activities related to dune alteration, destruction, restoration, and revegetation. These policies are hereby adopted by reference as if fully set forth in this section.

B. **Dune Restoration and Revegetation**.

1. In the event that dunes sustain damage, either due to natural causes or man's activities, damaged areas shall be restored and revegetated using methods and materials approved by ~~SCDHEC-OCRM~~SCDES-BCM and the ZONING ADMINISTRATOR.

2. Sections 1-6 and Appendix B of the updated TOWN local comprehensive beach management plan list specific dune restoration, dune revegetation, and sand FENCE placement guidelines. These guidelines are hereby adopted by reference as if fully set forth in this section and shall be adhered to during any dune REPAIR or construction projects.

Section 10.7 Permits.

A. **Docks**. A ZONING PERMIT from the TOWN shall be required in advance of applying for any other applicable county, state, or federal permit to construct a dock or walkway into any CRITICAL AREA which is geographically situated within the TOWN. The applicant shall also, as necessary, obtain a permit from ~~SCDHEC-OCRM~~SCDES-BCM and, where applicable, from the Army Corps of Engineers, South Carolina Fish and Wildlife Commission, and SIPOA. In all

cases, when such prior approval is required, proof of that approval must accompany a BUILDING permit application to Charleston County.

B. **Walkways or Stairs to the Beach**. A ZONING PERMIT shall be required prior to constructing any walkway or stairs seaward of the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE. If the walkway or stairs will be more than six (6) feet wide, prior approval shall be received from ~~SCDHEC-OCRM~~SCDES-BCM and must accompany the permit application.

C. **Bank Retention Systems**. A property owner who wishes to construct a bulkhead or revetment within any CRITICAL AREA must concurrently submit to the ZONING ADMINISTRATOR a complete copy of the application submitted to ~~SCDHEC-OCRM~~SCDES-BCM, including all referenced exhibits and attachments, and any subsequent amendments to such application with all attachments.

Landscaping and Buffering

ARTICLE 11

Town of Seabrook Island

Development Standards Ordinance

Section 11.1 Purpose

The TOWN determines it is necessary and desirable to enact landscaping and tree preservation regulations for the protection of the public health, safety, and general welfare. The importance of plant material is recognized for its contribution to shade, cooling, noise and wind reduction, soil EROSION prevention, oxygen production, dust filtration, carbon dioxide absorption, aesthetic and economic enhancement of all real property, and its contribution to the general well-being and quality of life for the citizens of Seabrook Island. Consistent with the expressed purpose of this article, all PERSONs shall make reasonable efforts to preserve and retain certain existing, self-supporting trees, as defined in these regulations. It is also the intent of this article that all applicable sites within the TOWN maintain or obtain tree canopy coverage. In order to achieve these purposes, this article calls for the conservation, planting, and replacement of trees, SHRUBs, tall grasses, and groundcover while ensuring the reasonable use and enjoyment of real property.

Section 11.2 General Provisions

A. **Applicability**. This article governs and regulates the following activities within the TOWN:

1. ~~All~~ The DEVELOPMENT or redevelopment of all lands within the TOWN which are devoted to the following uses, as set forth below:

   a. non-residential

   b. MULTI-FAMILY

   c. TOWNHOME

2. The SUBDIVISION of land.

3. The planting, removal, and perpetual MAINTENANCE of trees within any common area or public land.

B. **Exceptions**. The MAINTENANCE provisions of this article shall apply in all areas of the TOWN except those lands which may in the future be annexed into the TOWN and, on the effective date of that annexation, are improved by the construction of a BUILDING or other STRUCTURE, or have received final approval for residential SUBDIVISION, in compliance with the applicable zoning ordinance in force at the date of annexation. The removal and replacement of an existing individual BUILDING within a larger DEVELOPMENT shall also be exempt; provided such removal and replacement is less than 50 percent of the total floor area of all BUILDINGs within a single DEVELOPMENT.

Section 11.3 Specific Landscaping Requirements

A. **BUFFERs**.

1. BUFFER requirement.

   a. When proposed DEVELOPMENT abuts a less intense zoning district or use, a BUFFER zone shall be provided from the shared property line(s) with the less intense zoning district or use, as shown in Table 11-3.

Table 11-3, BUFFER Zones Required														
Zoning of Property Being Developed	**Zoning of Adjacent Property & Required BUFFER**													
	CP	**AGR**	**RC**	**CSC**	**R-SF1**	**R-SF2**	**R-SF3**	**R-CL**	**R-TH**	**R-MF**	**LC**	**CF**	**MU**	**PD**
CP	-	-	-	-	-	-	-	-	-	-	-	-	-	-
AGR	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RC[23]	-	-	-	-	-A	-A	-A	-	-	-	-	-	-	-
CSC	-	-	-	-	A	A	A	A	A	A	-	-	-	-
R-SF1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
R-SF2	-	-	-	-	A	-	-	-	-	-	-	-	-	-
R-SF3	-	-	-	-	A	A	-	-	-	-	-	-	-	-
R-CL	-	-	-	-	A	A	A	-	-	-	-	-	-	-
R-TH	-	-	-	-	A	A	A	A	-	-	-	-	-	-
R-MF	-	-	-	-	A	A	A	A	A	-	-	-	-	-
LC	A	A	A	A	B	B	B	B	B	B	-	-A	A	A
CF	B	B	B	B	C	C	C	C	C	C	A	-	A	A
MU	A	A	A	A	B	B	B	B	B	B	-	-	-	-
PD	As provided in PD UNIFIED DEVELOPMENT PLAN													
Non-Residential Use[24]	-	-	-	-	A	A	A	A	A	A	-	-	-	-

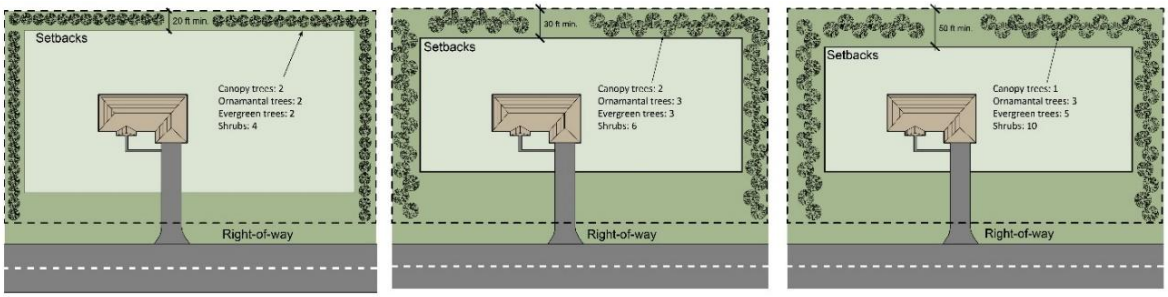
b. Where a BUFFER or trees and vegetation exist within the required BUFFER area, the existing trees and vegetation may count toward meeting the BUFFER requirements of this section and shall be supplemented, as needed, to fully comply with the requirements shown in Table 11-3a, BUFFER Zone Specifications.

Table 11-3a, BUFFER Zone Specifications			
Requirements	**BUFFER Zones**		
	A	**B**	**C**
Minimum depth (ft.)	20	30	50
Canopy trees[25]	2	2	1
Ornamental trees[23]	2	3	3
Evergreen trees[23]	2	3	5
SHRUBs[23]	4	6	10

[23] The minimum BUFFER shall not apply in instances when the principal USE on the LOT is a golf course; however, the minimum BUFFER shall apply to all other BUILDINGS, STRUCTURES, and ACCESSORY USES located on the same LOT as the golf course.

[24] Any non-residential use which is legally permitted within a residential district, either by-right or as an accessory use, must observe a minimum BUFFER when abutting an adjacent residential use or district. If larger BUFFERs are required for any conditional use pursuant to Section 9.4, the more restrictive BUFFER shall apply.

[25] Number required per 100 linear feet of BUFFER, as measured along the property line. The reviewing authority may allow the substitution of tall grasses for shrubs when it is determined that the visual affect will be comparable.



Buffer Zone A Buffer Zone B Buffer Zone C

c. When two (2) adjoining parcels are vacant, no BUFFER shall be required until the more intensively zoned property or NONRESIDENTIAL USE for that property, as applicable, acquires a ZONING PERMIT.

d. In calculating the area devoted to meeting the BUFFER requirements, areas dedicated for drainage ditches, EASEMENTs, or rights-of-way shall not be included.

2. BUFFER materials. The BUFFER may consist of a combination of required plantings, wall, screen FENCE, or BERMs. In the event walls, FENCEs, or BERMs are used to provide screening within the BUFFER, the review authority may reduce the required number of trees and SHRUBs by up to 50 percent, if it is determined that the purpose of the BUFFER will still be achieved. However, where topographic conditions, minimal separation of uses, noise generation, or other characteristics of the property or use exist, the review authority may require construction of a FENCE, wall, or BERM in addition to the required plantings along all or a portion of the BUFFER.

a. *Plantings*. Plantings shall consist of a combination of trees and SHRUBs, as specified in Table 11-3a. Planted areas shall be located along the abutting property lines in areas that will provide the most effective screening.

i. Evergreen species, under normal growing conditions, shall attain a minimum height of eight (8) feet. The spacing of evergreens shall be such that within (3) years the plantings can be expected to provide a continuous opaque screen.

ii. All other trees and SHRUBs used within any BUFFER area shall conform to the size requirements specified in Table 11-4 at time of planting.

iii. Existing trees and other vegetation within the BUFFER area shall be retained to the extent possible and may be counted toward meeting the applicable BUFFER requirement.

iv. Protected trees, as defined in Section 11.6 B, shall be identified and the requirements of Section 11.6 shall be met.

b. *Walls*. If walls are incorporated into the BUFFER, they shall be constructed of masonry material on both sides and be six (6) feet in height. The wall shall be placed along the interior side of the BUFFER with the required plantings on the outer side facing the adjoining property.

c. *FENCEs*. If FENCEs are incorporated into the BUFFER, they shall be constructed of stucco, cypress, pressure-treated wood, or similar materials, in accordance with prevailing BUILDING industry standards for appearance, soundness, safety, and resistance to decay and weather. FENCEs shall be placed along the interior side of the BUFFER with the required plantings on the outer side facing the adjoining property.

d. *BERMs*. Earthen BERMs, if incorporated into the BUFFER, shall have a slope of 3:1 and a flat-topped crown at least two (2) feet wide. Plant material shall be placed along the top of the BERM and the side slope facing the adjoining property. BERMs shall not exceed six (6) feet in height and shall be undulated to provide a more natural appearance.

3. BUFFER design. All BUFFERs required by this article shall conform to the following specifications:

   a. Landscape plans and tree surveys shall be required to show the types and locations of all existing and proposed plantings within a required BUFFER.

   b. Landscaping within BUFFER areas shall be used to screen objectionable views or nuisances, such as parking and service areas, loading docks, outdoor activity areas, refuse containers, air conditioning units, and transformers. To achieve such purposes, trees may be clustered rather that uniformly spaced to provide optimum screening and BUFFERing.

   c. Protected trees within the BUFFER area shall be regulated in accordance with Section 11.5.

4. BUFFER location. BUFFERs shall be located on the outer perimeter of a LOT or parcel along the lot lines between dissimilar zone districts or residential and NONRESIDENTIAL USEs within the same district. BUFFERs shall not be located on any portion of existing, dedicated, or reserved public or PRIVATE STREET right-of-way. No BUFFER shall be required along a property line where a public or PRIVATE STREET separates two (2) properties which otherwise would be BUFFERed from one another. BUFFERs shall not be located beyond the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE and may be waived by the review authority where the established ~~SCDHEC-OCRM~~SCDES-BCM depth and/or vegetation within the CRITICAL AREA is sufficient to satisfy the intent of the BUFFER requirement.

5. Modification of requirements. The requirements of this article may be waived or modified by the review authority, in accordance with the provisions of Section 11.5 B, under any of the following conditions:

   a. if it is clearly demonstrated that the existing topography and/or vegetation will achieve the purposes of this article;

   b. if it is clearly demonstrated that, for topographic reasons, no required screening device could reasonably screen the ground level activities of the use from the first-floor view of the abutting STRUCTURE or use; or

c. the adjoining property owners mutually agree in writing that the required BUFFER is not necessary for a satisfactory use and enjoyment of their property rights, and such agreement is made and recorded as a covenant running with each parcel or parcels of land.

6. Use of BUFFERs. A BUFFER may be used for some forms of passive recreation such as pedestrian, bike, or equestrian trails, or as stormwater retention, detention, or water quality area provided that:

   a. no planted materials shall be eliminated;

   b. the total width of the required BUFFER area shall be maintained; and

   c. the effectiveness of the desired screening shall not be diminished.

7. Driveways in BUFFERs. Except in limited circumstances, no driveway shall be constructed within a required BUFFER area. The reviewing authority may permit a driveway to encroach within a required Buffer, subject to the following conditions:

   a. The driveway is intended to provide internal connectivity between two or more adjacent properties;

   b. The driveway is constructed roughly perpendicular to the property line, rather than parallel to the property line, so that the extent of the encroachment into the BUFFER area is minimized to the greatest extent feasible; and

   c. The DEVELOPER shall provide enhanced screening in the vicinity of the encroachment to meet the intent of this section.

8. MAINTENANCE. The responsibility for MAINTENANCE shall remain with the owner of the property. Any required plant that has died shall be REPLACEd. MAINTENANCE of planted areas shall consist of mowing, removal of litter and dead plant materials, and necessary pruning. FENCEs and walls shall be kept in a condition that meets the requirements of this article.

9. Failure to comply. Any failure to comply with the requirements of this article shall be subject to the enforcement and penalty provisions of this ordinance, per Article 22.

10. Surety for BUFFER installation. When the date for issuing a certificate of occupancy does not coincide with the planting conditions that are necessary to install a required BUFFER, the ZONING ADMINISTRATOR may accept a surety for the BUFFER installation. The amount of the surety shall be at least 150% of the total cost of completing and/or planting the required BUFFER. The required surety shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the TOWN. Such surety shall be considered part of the tree and landscape PERFORMANCE GUARANTEE required by this article.

B. **Screening of Storage, Service, and Dumpster Areas**.

1. Outdoor storage, service, trash storage, and similar areas, for all uses other than SINGLE-FAMILY and TWO-FAMILY dwellings, shall be screened with permanent walls when visible from adjacent properties or public or PRIVATE STREETs, in accordance with the following:

    a. The design and materials of a screening wall shall be the same architectural style as the principal BUILDING or BUILDINGs on the LOT.

    b. Except where otherwise allowed by these regulations, any wall shall be opaque to prevent the passage of light and debris.

    c. The height of a wall shall be adequate to block views to the area being screened, but shall not exceed eight (8) feet, except as otherwise allowed by this section.

    d. The height of a wall shall be measured from the FINISHED GRADE at the base of the STRUCTURE to the top of the wall but shall not include columns or posts.

    e. Walls shall be interrupted at intervals not exceeding 25 feet by architectural features such as pilasters or columns, or by various species of plants that are at least as tall as or taller than the wall.

    f. Such walls shall encroach no more than 50% into any required SIDE YARD or REAR YARD SETBACK, unless otherwise approved by the reviewing authority.

2. Additionally, the reviewing authority may require that evergreen plantings be provided along the wall that, at maturity, will screen at least 25 percent of the wall face area. Such plantings may be required based on the proximity of the wall to adjoining property, the compatibility of the adjoining uses, or the nature of the area being screened.

C. **PARKING LOTs**.

1. PARKING LOT perimeter. All PARKING LOTs shall be screened from the adjacent street and abutting property by a perimeter landscaped strip in accordance with the following requirements.

    a. The landscape strip shall be located within five (5) feet of the edge of the paved surface area.

    b. The landscape strip shall be at least 20 feet wide and, at a minimum, contain the following:

        i. A solid row of SHRUBs, hedges, or tall grasses not less than three (3) feet in height extending along the length of the paved surface. The SHRUBs, hedges, or tall grasses shall be of sufficient size and spacing to attain the required height and opacity of at least 75 percent within two (2) years of planting.

        ii. One (1) canopy tree for each 50 linear feet, or part thereof, of perimeter paved area to be screened shall be provided. Trees shall be evenly spaced within the landscaped strip unless the reviewing authority permits otherwise during the review of the SITE DEVELOPMENT PLAN. In considering a deviation from the uniform spacing requirement, the reviewing authority shall consider the presence

of existing trees, sight lines from adjacent streets or property, and the distance of the parking area from the street or abutting property.

c. Where the required PARKING LOT screening would fall within or overlap with a required perimeter BUFFER requirement, the BUFFER requirements would prevail.

2. PARKING LOT interior. Interior planting islands shall be provided within all parking areas containing 10 or more PARKING SPACEs.

a. One (1) landscape island having at least 180 sq. ft. in area and a minimum width of nine (9) feet shall be provided for every 10 PARKING SPACEs.

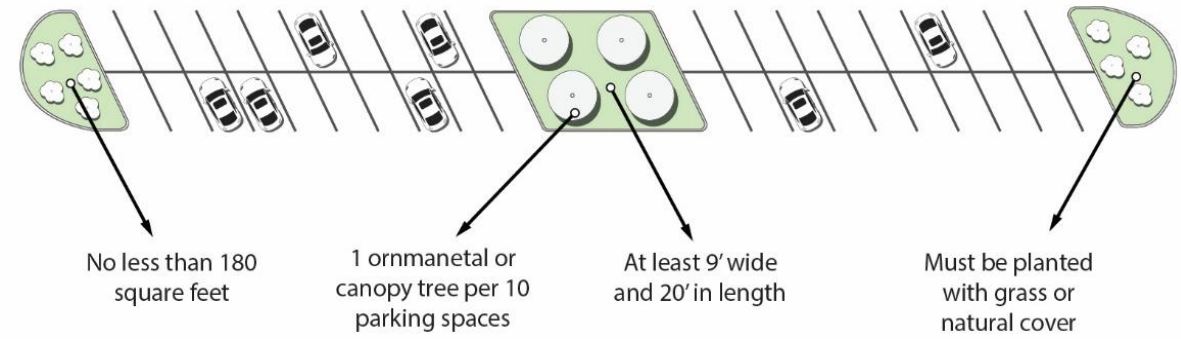
b. Each required landscape island shall contain at least one (1) ornamental or canopy tree and be surfaced with grass, ground cover, SHRUBs, tall grasses, or other plant material or with at least two (2) inches of wood chips, bark, or pine straw.

c. Landscape islands shall be located and dispersed in accordance with the following:

i. Rows of PARKING SPACEs located adjacent to the perimeter of all paved areas shall contain no more than 10 PARKING SPACEs uninterrupted by a landscape island, and no PARKING SPACE in such a row shall be separated from a required landscape area by more than five (5) PARKING SPACEs.

ii. Interior rows of PARKING SPACEs shall contain no more than fourteen (14) PARKING SPACEs uninterrupted by a required landscape area, and no PARKING SPACE in any such row shall be separated from a required landscape area by more than seven (7) PARKING SPACEs.

iii. The review authority, during SITE DEVELOPMENT PLAN review, may allow an adjustment of the landscape island spacing to preserve existing trees, or where it is determined upon review that such adjustment is necessary to provide for the safe maneuvering of vehicles.



D. **Site Development**.

1. SUBDIVISIONs.

a. During the construction of required SUBDIVISION IMPROVEMENTs, no more than 30 percent of the property's existing tree canopy may be removed. To ensure that this

limitation is not exceeded, the PLANNING COMMISSION may require, during the SUBDIVISION approval process, that plans, calculations, aerial photographs, or other data be provided sufficient to allow an accurate determination to be made.

b. Overstory canopy trees shall be provided on each SUBDIVISION LOT in accordance with the following requirements:

i. One (1) tree of a minimum three (3) inch DBH, shall be planted for every 150 linear feet of right-of-way.

ii. The tree(s) shall be located within five (5) feet of the right-of-way of each street within the SUBDIVISION.

iii. Trees shall be planted no closer than 120 feet on-center.

iv. Except where property on one side of the right-of-way is not owned by the subdivider, such trees shall be planted alternately on either side of the street.

2. Other DEVELOPMENT. As a condition of approval for any property requiring site plan approval, there shall exist or be planted on the property within one (1) year of that approval, at least one (1) canopy tree for each 4,000 square feet of gross LOT AREA.

a. Newly planted trees shall be installed according to the approved site plan and shall be distributed throughout the developed areas of the site to ensure the availability of shade and aesthetic relief throughout the site.

b. Within 1,000 feet of the ~~SCDHEC-OCRM~~SCDES-BCM beachfront jurisdictional line, palmetto trees may be substituted for canopy trees.

Section 11.4 Materials, Installation, and MAINTENANCE

A. **Material Standards**.

1. Existing trees within any required BUFFER landscaped area shall be preserved, unless dead or diseased. In addition, the following standards apply as a minimum to all newly planted landscape areas and additional trees needed to meet the respective requirements of this article.

a. Indigenous and regionally appropriate plant species are required. Invasive species, as identified by the United States Forest Service, the South Carolina Forestry Commission, or included in Section D.3 (Appendix D), shall not be planted in the TOWN. Further, the replacement of invasive species with desirable hardwood species is strongly encouraged.

b. All plant and tree material shall meet the American Standard for Nursery Stock standards that are published by and available from the American Association of Nurserymen.

c. Tree and landscape materials selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor to assure a reasonable expectation of survivability.

d. A variety of species shall be used within any DEVELOPMENT site and no more than 30 percent of any one (1) species shall be used.

2. The minimum standards specified in Table 11-4 shall apply to all plantings required by this article at the time of planting, except as otherwise specified.

Table 11-4, Plant Specifications

Plant Type	Min. Size	Min. Height	Other
Canopy trees – overstory	3 in. caliper	16 ft.	
Canopy trees – understory	2 in. caliper	10 ft.	Multi-stemmed – one (1) in. on any cane
Palms – large		10 ft. clear trunk	
Palms – medium		6 ft.. clear trunk	
Palms – small		4 ft. clear trunk	
SHRUBs and tall grasses		24 in.	Containerized

B. **Installation Standards**.

1. Installation of trees and landscape materials shall be in accordance with the standards established by the American National Standards Institute (ANSI).

2. Root barriers shall be installed wherever a tree is planted less than seven (7) feet from the pavement edge of a street to prevent root penetration and destruction of infrastructure.

3. Large, medium, and overstory trees shall not be planted underneath or directly adjacent to overhead power lines and shall be a minimum of 10 feet from any BUILDING or underground UTILITY unless a root barrier is used.

4. Understory trees and palms shall be a minimum of five (5) feet from any BUILDING or underground UTILITY.

5. All trees and landscaped areas shall be provided with a means for water delivery in a quantity sufficient to establish and maintain the viability of the plants.

   a. A water supply is not required for areas of established trees and other vegetation that are retained; provided, site grading or DEVELOPMENT activities will not result in damage to those areas.

   b. While an automatic irrigation system is preferred, at a minimum, all required plantings must be within 100 feet of a permanent water source.

   c. If an irrigation system is provided, it shall include a rain sensor, weather sensor, or other means of automatic shut off when irrigation is not needed due to actual climatic conditions.

C. **MAINTENANCE Standards**.

1. All plant material shall be maintained in good condition in accordance with standards established by ANSI. All required plantings that die or are destroyed must be REPLACEd, during the next suitable planting season.

2. Attaching lights, signage, FENCE rails, and any other items to trees is prohibited.

3. All sites are required to remain in compliance with the requirements of this article for DEVELOPMENT and are subject to inspection by the TOWN for this purpose. If deficiencies are found, the owner of the property shall be notified to correct the deficiencies within 90 days. If the deficiencies are not corrected in 90 days, the TOWN will seek administrative or judicial relief, as appropriate.

Section 11.5 Tree Preservation

A. **Tree Credit**. Whenever the terms of this article require planting canopy trees on any LOT, credit shall be given for the preservation of existing trees which are properly protected during any clearing or construction on the property, are in good health, and meet the following criteria:

1. Such trees must meet the requirements of this article for location, spacing, and type of tree.

2. Trees less than four-inch DBH and 10-foot CROWN SPREAD shall not qualify for credit.

3. Credit toward the requirements of this section shall be given in accordance with the following table for larger trees:

Table 11-5, Existing Tree Credit, Plant Specifications

Existing CROWN SPREAD	Existing DBH	Number of Trees Credited
10-19 ft.	4-7 inches	1
20-29 ft.	8-12 inches	2
30-39 ft.	13-19 inches	3
40-49 ft.	20-25 inches	4
50-59 ft.	26-29 inches	5
60 ft. or greater	30-35 inches	6

4. To receive credit for the preservation of an existing tree, the following requirements must be met.

   a. Fifty percent (50%) of the area within the drip line of the tree shall be naturally preserved or provided with PERVIOUS landscape material and shall be maintained at its original grade with no trenching or cutting of roots in this area. Within this area, there shall be no storage of fill or compaction of the soil, as from heavy construction equipment or any evidence of concrete, paint, chemicals, or other foreign substances in the soil.

   b. The tree shall not be damaged from skinning, barking, bumping and the like.

   c. There shall be no evidence of active insect infestation potentially lethal to the trees.

d. There shall be no IMPERVIOUS SURFACE or grade change within five (5) feet of the trunk.

5. If it is determined by the ZONING ADMINISTRATOR that the above requirements have not been complied with, credit for an existing tree may nevertheless be given upon proof, satisfactory to the ZONING ADMINISTRATOR, from a certified arborist that such tree is healthy and has not been seriously damaged during DEVELOPMENT.

6. If any tree for which credit was given pursuant to this ordinance is not alive and healthy one (1) year after all associated construction and DEVELOPMENT is completed, it shall be removed and REPLACEd with the tree or trees that would have been required originally. This shall be the responsibility of the developer of the subject property.

B. **Protected Tree Permit for Removal**. No living tree which is 24 inches or more DBH may be removed or relocated without a removal permit, as provided for below. Trees that require such permit for removal or relocation shall be called "protected" trees.

1. Permit Filing.

a. An application for a permit to remove or relocate a protected tree shall be filed with the ZONING ADMINISTRATOR under the following conditions:

i. if a protected tree is located outside an area regulated by SIPOA, or

ii. in conjunction with any new DEVELOPMENT requiring approval of a site plan or SUBDIVISION PLAT, in which case such application shall be considered and either approved or denied by the PLANNING COMMISSION or ZONING ADMINISTRATOR, as applicable, at the same time a site plan or PLAT is approved.

b. Any PERSON desiring to remove or relocate a protected tree on a residential LOT in an area which is subject to review and approval by SIPOA shall file an application and obtain prior approval from SIPOA for such tree removal.

2. Application Submissions. All applications filed with the ZONING ADMINISTRATOR for removal of a protected tree shall include or be accompanied by the following information, which may be included in the proposed SUBDIVISION or SITE DEVELOPMENT PLAN or supporting documentation:

a. A tree survey prepared by a licensed Engineer, Land Surveyor, Registered Landscape Architect, or Certified Arborist.

i. The tree survey shall be of the same scale as, and superimposed on, the SUBDIVISION PLAT or SITE DEVELOPMENT PLAN.

ii. The tree survey shall include the location, number, size (DBH), and species with a scaled graphic representation of each protected tree, along with the canopy size and shape, and trunk location

iii. All protected trees within 40 feet of proposed DEVELOPMENT and trees within required buffers must be surveyed and mapped.

iv. The tree survey shall include all trees to be protected or preserved, and those scheduled to be removed, including dead, diseased, and damaged trees.

b. A statement of how any other protected trees are to be preserved during any approved tree removal or relocation and any associated construction or clearing.

c. A statement identifying any proposed grade changes on the LOT and the precautions to be taken to ensure that such changes will not adversely affect or endanger any protected trees, which are not to be removed or relocated.

3. Permit Approvals.

a. Trees identified for removal on an approved site plan shall be marked as specified by the ZONING ADMINISTRATOR. Any tree not approved for removal shall not be removed.

b. The ZONING ADMINISTRATOR, within ten (10) working days of the filing of such applications, shall verify the information contained in the application and either approve or deny the application as to each protected tree proposed to be removed or relocated.

c. Applications for removal or relocation of protected trees shall only be approved if the ZONING ADMINISTRATOR determines that one (1) or more of the following conditions exist:

i. the tree poses an imminent safety hazard to nearby BUILDINGs, pedestrians, or vehicular traffic;

ii. the tree is diseased, dead or dying;

iii. the tree has been weakened by age, storm, fire, or other injury to the extent that it is irreparably damaged; or

iv. the tree removal has been approved by the Board of Zoning Appeals, pursuant to the provisions of this ordinance.

d. Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, subject to the VARIANCE provisions of Section 20.3. Any trees so removed shall be REPLACEd according to a schedule determined by the Board. The ZONING ADMINISTRATOR will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such trees.

C. **Special Authorization**. Regardless of the requirements of this section, the TOWN COUNCIL may authorize the cutting of protected trees for commercial timbering purposes upon such conditions as will ensure the preservation or replacement of an adequate tree population.

D. **Mitigation**.

1. Trees planted for mitigation of removed trees shall meet the performance standards of this article. Mitigation shall be based on replacing the species of tree that was removed with the same species; provided, species listed as invasive or prohibited in Section D.3 (Appendix D) shall not be used. In addition, the following requirements shall apply:

Table 11-5a, Tree Mitigation Allowance			
Tree to be Removed	**Mitigation Ratio**	**Replacement**	**Minimum Size**
Less than 12-inch DBH	50 %	One inch for every two inches removed	Four-inch DBH
12-inch but less than 24-inch	100 %	One inch for every inch removed	Multi-stemmed – one (1) in. on any cane
24-inch or greater	150 %	One and one-half inch for every inch removed	Six-inch DBH

2. Any tree at least six (6) inches DBH but less than 12 inches DBH retained within the area of disturbance may be retained to contribute, inch-for-inch, to a tree mitigation requirement; provided, the tree does not stand in a WETLAND, any required BUFFER or designated OPEN SPACE, or other area in which the tree would otherwise be required to be conserved.

3. Tree species listed as invasive or prohibited in Section D.3 (Appendix D) may be removed and mitigated at one-half (½) the rate otherwise required by Table 11-5a; provided, the replacement trees shall be of a non-prohibited species.

4. Trees planted for mitigation shall be in addition to those required for streetscapes, BUFFERing, and PARKING LOTs.

5. In lieu of planting trees required for mitigation, the developer may, if approved by the PLANNING COMMISSION or ZONING ADMINISTRATOR, as applicable, pay a fee per caliper-inch in an amount set by TOWN COUNCIL. The fee shall be based on the current cost, at wholesale value, of installing a required tree to standards of the American Nursery and Landscape Association and its MAINTENANCE for one (1) year. Fees-in-lieu shall be put into an account reserved solely for the beautification of public lands and rights-of-way within the TOWN.

ARTICLE 12

Parking and Loading

Town of Seabrook Island

Development Standards Ordinance

Section 12.1 Purpose

The purpose of this article is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts; to ensure by the provision of these regulations that adequate parking and access are provided in a safe and convenient manner; and to afford reasonable protection to adjacent land uses from light, noise, air/water pollution and other effects of PARKING LOT proximity.

Section 12.2 General Requirements

A. **Applicability of Parking Requirements**. For all BUILDINGs and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this article. In addition, the following shall apply:

1. Whenever use of a BUILDING or LOT is changed to another classification of use, off-street parking facilities shall be provided, as required for that use.

2. If the intensity of use of any BUILDING or LOT is increased, through the addition of floor area, increase in seating capacity, or other means, additional off-street parking shall be provided, as required by this article.

3. Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this article, nor shall NONCONFORMING parking facilities be further reduced or made more NONCONFORMING.

4. An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this article.

B. **Location**. Off-street parking facilities required for dwellings shall be located on the same LOT or plot of ground as the dwelling they are intended to serve and shall consist of at least a driveway, parking strip, parking apron, or PARKING LOT. Off-street parking facilities required for all uses other than dwellings shall be located on the LOT or within 300 feet of the BUILDING(s) or use they are intended to serve, as measured from the nearest point of the parking facility to the nearest public entry of the BUILDING(s) or use served. Driveways shall not be located closer than six (6) feet to an adjacent property line, unless otherwise provided by this ordinance.

C. **Shared/Common Parking**. Parking requirements may be modified where it can be shown that the hours of operation of two or more businesses are such that they can share the same PARKING SPACEs (e.g., a RETAIL store or office that closes before a RESTAURANT in the same location opens.) The periods of peak use must not overlap and there must exist a written agreement between the parties involved providing for joint use of the spaces. A copy of such agreement shall be kept on file with the ZONING ADMINISTRATOR.

1. A request for shared parking that will result in fewer than the total number of spaces required for all uses separately may be approved as part of SITE DEVELOPMENT PLAN review. The following documentation shall be provided in conjunction with such a request:

a. A shared parking analysis, in a form established by or acceptable to the ZONING ADMINISTRATOR, shall be submitted to the ZONING ADMINISTRATOR demonstrating the feasibility of shared parking. It must address, at a minimum, the size and type of the proposed DEVELOPMENT or combination of uses, the composition of tenants, the hours of operation of the uses, and the peak hours of use if the hours of operation overlap.

b. A shared parking plan shall be enforced through written agreement among all owners of record and included in the DEVELOPMENT agreements filed with the TOWN. The owner of the shared parking area shall enter into a written agreement with the TOWN with enforcement running to the TOWN. The agreement shall state that:

i. the land comprising the parking area shall never be disposed of, except in conjunction with the sale of the BUILDING which the parking area serves so long as the facilities are required; and

ii. the owner agrees to bear the expense of recording the agreement which shall bind his or her heirs, successors, and assigns.

2. An attested copy of the shared parking agreement between the owners of record shall be submitted to the ZONING ADMINISTRATOR to be recorded in a form established by the TOWN attorney. The agreement must be recorded before issuance of a BUILDING permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may only be revoked if all required off-street PARKING SPACEs will be otherwise provided on-site for all BUILDINGs or uses which are party to the agreement. The TOWN shall void the written agreement if other off-street facilities are provided in accordance with the provisions of this ordinance.

D. **Modification of Parking Requirements**. The PLANNING COMMISSION may reduce the PARKING SPACE requirements of this article for any use, based upon a finding that one or more of the following conditions shall be met. A parking study may be required, at the sole discretion of the PLANNING COMMISSION, to document conformance with one (1) or more of the following criteria:

1. Bicycle or pedestrian travel is likely to be used and the site design will incorporate both bicycle parking facilities and pedestrian connections.

2. Boat or other marine travel is likely to be used the site design will incorporate wet slips or dry dock storage with associated dock facilities and pedestrian connections.

3. Shared parking is available to multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:

a. Pedestrian connections shall be maintained between the uses.

b. Unless the multiple uses are all within a unified BUSINESS CENTER or mixed-use DEVELOPMENT all under the same ownership, shared parking agreements shall be filed by the ZONING ADMINISTRATOR with the TOWN clerk after approval and recording.

4. Available shared off-street parking or on-street spaces are located within 300 feet of the subject property.

5. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods. To allow for a PARKING SPACE reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the BUILDING entrance.

6. Where the applicant has provided a parking study, conducted by a qualified transportation engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.

E. **Temporary Parking**. It is recognized that there may be temporary events or situations that occur infrequently which would result in a temporary reduction in the availability of required PARKING SPACEs. Such events may include, but are not limited to, outdoor vehicle sales, festivals or fairs, charity car washes, or sporting events. In those instances, the ZONING ADMINISTRATOR may authorize the use of a portion of the required parking area for other purposes on a temporary basis or permit temporary parking, upon a demonstration by the applicant that:

1. the loss of the required PARKING SPACEs may be offset by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not needed;

2. all or part of the displaced parking may be accommodated on unpaved areas of the site;

3. neighboring property owners or operators have granted permission to use their parking facilities;

4. the duration of the temporary event is so short or of such a nature as to not create any appreciable parking shortage for the normal operation of the existing on-site use;

5. temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a SITE DEVELOPMENT PLAN may be required to demonstrate this); and

6. the proposed temporary event satisfies all other applicable TOWN regulations.

Section 12.3 Required Off-Street Parking

The minimum number of required off-street PARKING SPACEs shall be provided and maintained on the premises or as otherwise allowed by this article, as specified in Table 12-3.

A. When the calculation of required PARKING SPACEs result in a fraction over one-half (½),the number of required PARKING SPACEs shall be rounded up to the next full number.

B. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar, as determined by the ZONING ADMINISTRATOR, shall apply.

C. Each 24 inches of bench, pew, or similar seating facilities shall be counted as one (1) seat, except if specifications and plans filed in conjunction with a BUILDING permit application specify a maximum seating capacity, that number may be used as the basis for required PARKING SPACEs.

D. Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the applicable fire and BUILDING CODES.

E. Unless otherwise indicated, floor area shall be USABLE FLOOR AREA (UFA).

Table 12-3, Parking Requirements by Use

Use	Number of PARKING SPACES
RESIDENTIAL USEs	
ACCESSORY DWELLINGs	1 space per DWELLING UNIT
MULTI-FAMILY DWELLINGS and TOWNHOMEs	1 space per DWELLING UNIT, plus .25 spaces per unit for guest parking
SINGLE-FAMILY detached and TWO-FAMILY DWELLINGS	2 spaces per DWELLING UNIT
Institutional Uses	
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly	1 space per 3 seats or 1 space per 3 PERSONs allowed based on maximum capacity in the main place of assembly, as established by the applicable fire and BUILDING CODES
Churches and customary related uses	1 per 3 seats in the main unit of worship, plus spaces required for each ACCESSORY USE such as a school
Government offices	1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls or similar assembly rooms
Public libraries and museums	1 per 300 sq. ft. of UFA, plus requirements for auditoriums, classrooms, or similar assembly rooms
Recreation	
Athletic clubs, exercise establishments, health studios, sauna baths, and other similar uses	1 per 3 PERSONs allowed within the maximum occupancy load as established by the applicable fire and BUILDING CODES, plus 1 per employee
Golf course or country club	2 per golf hole, plus additional for any bar, RESTAURANT, banquet facility, meeting room, or similar use
Neighborhood swimming pools and similar facilities for the common use of residents within a DEVELOPMENT)	1 per 10 PERSONs allowed within the maximum capacity as established by the applicable fire and BUILDING CODES
RETAIL Uses	
RETAIL stores, except as otherwise specified herein	1 per 250 sq. ft. of UFA
Animal grooming, training, day care, and boarding	1 per 300 sq. ft. of UFA
BUSINESS CENTER	1 per 250 sq. ft. of UFA
Convenience store	1 per 200 sq. ft. of UFA
Grocery store/supermarket	1 per 200 sq. ft. of UFA

RESTAURANTs, Bars, and Clubs	
Standard sit-down RESTAURANTs	1 per 75 sq. ft. of UFA
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	1 per 50 sq. ft. of UFA
Private clubs, lodge halls, or banquet halls	1 per 3 PERSONs allowed within the maximum occupancy load as established by the applicable fire and BUILDING CODES
Service Uses	
Banks and other financial institutions	1 per 200 sq. ft. of UFA for the public. Drive-up windows/drive-up ATMs shall be provided with 3 stacking spaces per window or drive-up ATM
Hair salon or barber shop	2 PARKING SPACEs per chair/station
Dry cleaners	1 per 500 sq. ft. of UFA
KENNEL	1 per 400 sq. ft. of GFA, but no less than 4 spaces
Laundromats	1 per washer-dryer pair
HOTEL or other commercial lodging establishment	1.25 per guest unit. In addition, spaces required for ancillary uses such as lounges, RESTAURANTs, meeting rooms, or places of assembly shall be provided and determined based on specific requirements for each individual use
Offices, business, professional and general	1 per 300 sq. ft. of UFA, but no less than 5 spaces
Offices, medical, dental, and veterinary	1 per 200 sq. ft. of UFA
Vehicle service stations (gas stations)	1 per employee, plus additional parking required for other uses, such as the RETAIL floor area or RESTAURANTs. Each automobile fueling position may count as one quarter (1/4) of a required space for other uses.
Vehicle wash establishment	2 spaces, plus 10 stacking spaces per washing stall or line, plus a minimum 30-foot-long drying lane to prevent water from collecting on street.

F. **Maximum Allowed Parking**. To minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of storm water runoff, and generate reflective heat, the minimum PARKING SPACE requirements of this section may not be exceeded by more than 10 percent, except as specifically approved as part of the SITE DEVELOPMENT PLAN. In approving additional PARKING SPACE beyond 10 percent, the site plan reviewing authority shall determine that the parking is necessary, based on documented evidence, to accommodate the use on a typical day. Further, any PARKING SPACEs provided in excess of 10 percent above the minimum required shall only be located on permeable surfaces.

Section 12.4 Design Requirements

A. **Location and SETBACKs**. Off-street PARKING LOTs shall meet the SETBACK requirements applicable to parking, as may be specified in the zoning district or which may be specified for individual uses.

B. **Parking Construction and DEVELOPMENT**. The construction of any PARKING LOT shall require approval of a site plan, in accordance with Article 14. Construction shall be completed

and approved by the ZONING ADMINISTRATOR before a certificate of occupancy is issued and the PARKING LOT is used.

1. Pavement. All required PARKING LOTs and vehicle and equipment storage areas shall be paved with asphalt or concrete and shall be graded and drained to dispose of surface water which might accumulate. Alternative materials, such as permeable pavers, stone or asphalt millings, or grass may be approved for all or a portion of the following areas, based upon credible evidence of the durability and appearance of the proposed surfaces:

   a. additional parking areas beyond the minimum required parking,

   b. outdoor storage areas, and

   c. required parking for OPEN AIR RECREATIONal uses and uses within the CSC District.

2. Drainage. Surface water from parking areas shall be managed in accordance with the ~~SCDHEC~~SCDES engineering standards. The TOWN engineering consultant shall determine the appropriate detention or retention treatment.

3. Dimensions. PARKING SPACE and aisle dimensions shall meet the following requirements and as specified in Table 12-4.

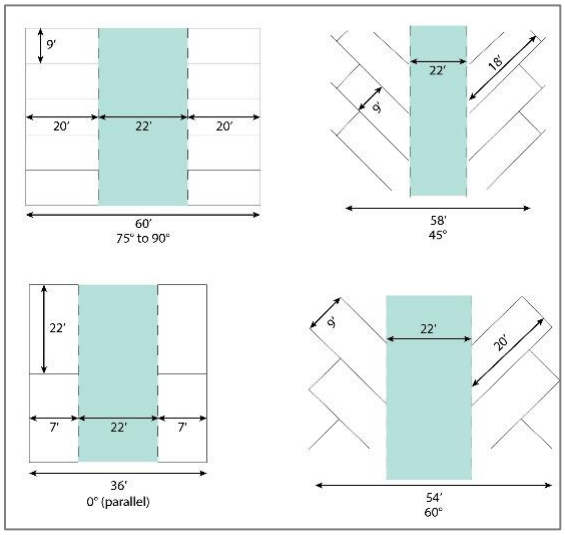
Table 12-4, Dimensional Requirements (feet)

Parking Pattern	PARKING SPACE[26]		Maneuvering Aisle Width		Total Width – Two Rows of Parking and Maneuvering Lane	
	Width	Length	One-way	Two-way	One-way	Two-way
0° (parallel)	7	22	11	22	25	36
45°	9	18	11	22	47	58
60°	9	20	11	22	56	62
75° to 90°	9	20	12	22	52	62

[26] Minimum dimensions for golf carts shall be five (5) feet wide by 10 feet long.

a. Angled parking between these ranges shall be to the nearest degree.

b. Sidewalks shall have a minimum width of seven (7) feet when abutting a parking area. There shall be a minimum distance of seven (7) feet between the PARKING LOT curb and BUILDING. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the BUILDING.



c. All PARKING LOTs shall be striped and maintained showing individual parking bays, in accordance with the following dimensions; provided, if alternative materials are used wheel stops shall be installed to define the spaces:

4. Stacking Spaces. Waiting/stacking spaces for drive-through uses (such as banks, car washes, pharmacies, or dry cleaners) shall be at least 24 feet long and 10 feet wide. Stacking spaces shall not block required off-street PARKING SPACEs. Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles, an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.

5. Ingress and Egress. Adequate vehicular ingress and egress to the parking area, not including single- and TWO-FAMILY DWELLINGs, shall be provided by means of clearly limited and defined drives. Driveways shall not exceed 30 feet in width and shall not be located closer than 125 feet to any other driveway or street intersection. PARKING SPACEs shall be accessed only from interior access and circulation aisles. The use of adjacent streets for maneuvering into or out of off-street PARKING SPACEs shall be prohibited.

6. Landscaping. Off-street parking areas shall be landscaped and/or screened, in accordance with the requirements of Section 11.3 C. The use of rain gardens and other low impact design solutions to minimize the impact of stormwater runoff is encouraged.

7. Lighting. Light fixtures used to illuminate off-street parking areas shall be arranged to deflect the light away from adjoining properties and adjacent streets. Lighting fixtures in parking areas shall conform to the requirements of subsection 2.1 E. Light fixtures shall be designed to achieve 90-degree luminary cutoff.

8. Fire Lanes. Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the St. Johns Fire District.

9. Crosswalks. Pedestrian pathways and crosswalks within parking areas shall be distinguished from driving surfaces by using durable, low-MAINTENANCE, surface materials such as pavers, bricks, or scored, stamped, or colored concrete/asphalt to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.

C. **Barrier Free Parking in PARKING LOTs**. Within each PARKING LOT, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the applicable requirements of the Americans with Disabilities Act of 1990 (ADA). Barrier free spaces shall be located as close as possible to BUILDING entrances. Where a curb exists between a PARKING LOT surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access. At a minimum, the following number of barrier free PARKING SPACEs shall be provided, based on the total number of PARKING SPACEs:

Table 12-4a, Barrier Free Parking Requirements

Required Number of PARKING SPACEs	Number of Reserved Barrier Free PARKING SPACEs Required
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

D. **MAINTENANCE**. All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures, and signage shall be maintained in good condition.

E. **Limitations on Use of PARKING LOTs**.

1. Off-street parking areas are intended only for temporary vehicle parking. Parking areas or open land shall not be used for the parking of disabled vehicles or storage of junk.

2. It shall be unlawful to use a PARKING LOT or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership.

F. **RECREATIONAL VEHICLE Parking**. Overnight parking of RECREATIONAL VEHICLEs, trucks larger than ¾ ton capacity, or similar vehicle is prohibited along any street within the TOWN or on any LOT or parcel of property, except within an enclosed GARAGE or designated parking area authorized by the ZONING ADMINISTRATOR.

Section 12.5 Off-Street LOADING Requirements

A. **Uses Requiring LOADING Area**. On the same premises with every BUILDING, STRUCTURE, or part thereof, erected and occupied for storage, warehouse, RETAILs sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the LOT adequate space for standing, LOADING, and unloading services in order to avoid undue interference with public use of the streets, alleys and PARKING SPACEs. This provision shall not apply to consumer service uses of less than 10,000 square feet.

B. **LOADING Area Requirements**. LOADING and unloading spaces shall be paved and, unless otherwise adequately provided for, shall be 10 feet by 50 feet, with 15-foot height clearance, according to the following schedule:

Table 12-5, Minimum Off-Street LOADING Requirements	
Building Net GFA	**Minimum Truck LOADING SPACEs**
1 – 25,000 sq. ft.	1 space
25,001 – 40,000 sq. ft.	2 spaces
40,001--100,000 sq. ft.	3 spaces
100,001—160,000 sq. ft.	4 spaces
Over 160,000 sq. ft.	5 spaces, plus 1 space for each additional 80,000 sq. ft. beyond 240,000 square feet (or fraction greater than ½)

C. **Orientation of Overhead Doors**. Overhead doors for truck LOADING areas shall not face a public or private right-of-way and shall be screened to not be visible from any street or an adjacent residential district.

D. **Residential SETBACK**. LOADING and unloading SPACEs shall not be located closer than 50 feet to any residential district boundary, unless the spaces are within a completely enclosed building or completely screened from the residential district by a solid, sight-obscuring wall or FENCE at least six (6) feet in height and approved by the review authority.

ARTICLE 13

SIGNs

Town of Seabrook Island

Development Standards Ordinance

Section 13.1 Purpose, Findings, and Intent

A. **Purpose**. The purpose of this article is to coordinate the type, placement, and physical dimensions of SIGNs within the various zoning districts; to recognize the communication requirements of all sectors of the community; to promote both renovation and proper MAINTENANCE of SIGNs; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. The general objectives of these standards are to promote the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

1. Safety. To promote the safety of PERSONs and property by requiring that SIGNs:

    a. Do not create hazards due to collapse, fire, decay, collision, or abandonment;

    b. Do not obstruct firefighting or security surveillance; and

    c. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic SIGNs.

2. Communications Efficiency. To promote the efficient transfer of information in SIGN messages by providing that:

    a. Those SIGNs which provide messages and information most needed and sought by the public are given priority;

    b. Businesses and services may identify themselves;

    c. Customers and other PERSONs may effectively locate a business or service;

    d. No PERSON or group is arbitrarily denied the use of the sight lines from the PUBLIC STREETs for communication purposes; and

    e. PERSONs exposed to SIGNs are not overwhelmed by the number or size of messages presented and are able to exercise freedom of choice to observe or ignore messages, according to the observer's purpose.

3. Landscape Quality and Preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by requiring that SIGNs:

    a. Do not interfere with scenic views;

    b. Do not create a nuisance to PERSONs using the PUBLIC STREETs;

    c. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;

    d. Are not detrimental to land or property values; and

e. Contribute to the special residential character of particular areas or districts within the TOWN, helping the observer to understand the TOWN and orient himself or herself within it.

B. **Message Substitution**. Notwithstanding any other provision of this article, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any SIGN that is permissible under this article.

C. **Findings**. The TOWN finds that:

1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this article and the constitutionally protected right to free expression.

2. The regulations set out in this article are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on SIGNs, and do not relate to the viewpoint of individual speakers.

3. The incidental restriction on the freedom of speech that may result from the regulation of SIGNs pursuant to this article is no greater than is essential to the furtherance of the important, substantial, and compelling public purposes that are set out in this article.

4. Regulation of the location, number, materials, height, size, form, and duration of display of temporary SIGNs is essential to preventing SIGN clutter.

5. Temporary SIGNs may be degraded, damaged, moved, or destroyed by an ACT OF GOD, wind, rain, flooding, and sun, and after such degradation, damage, movement, or destruction, such SIGNs harm the safety and aesthetics of the public on the TOWN's streets or sidewalks if they are not removed.

6. Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

Section 13.2 General Provisions

A. **Definitions**. Terms used in this article shall have the definitions stated in Appendix A.

B. **Applicability**. The regulations and requirements of this article apply to all SIGNs that are, or are intended to be, viewed from a public right-of-way, PRIVATE STREET EASEMENT, or adjacent property, except as otherwise exempt under this article.

1. SIGNs requiring permits. A SIGN permit shall be required to erect, place, modify the STRUCTURE, allow the continued placement, or convert any portion of a SIGN, including a conversion from temporary to permanent or from non-electronic message SIGN to an electronic message SIGN, unless otherwise exempted in this article.

2. SIGNs exempted from permits. The types of SIGNs listed in Table 13.-2 are exempted from permit requirements but must conform with all other requirements of this article.

Table 13-2, SIGNs Exempt from Permitting	
Type of SIGN	**Requirements**
Address SIGN	Property address numbers are required for all BUILDINGS in the TOWN. Numbers shall be displayed on at least one (1) of the following: a BUILDING SIGN, or mailbox on the property; and shall consist of minimum size lettering as follows: 3 inches in height on a mailbox, 4 inches in height on a SINGLE-FAMILY dwelling, 6 inches in height on a freestanding SIGN, and 8 inches in height on a MULTI-FAMILY or nonresidential BUILDING. Addresses on BUILDINGs shall be placed on the façade facing the street to which the address pertains.
Flag	Flags or insignia of any nation, state, local government, community organization, or educational institution, or those representing a public issue or political statement are allowed. Flags mounted on a flagpole must have a minimum vertical clearance of nine (9) feet above the adjoining surface area. No flag on the property of a RESIDENTIAL USE shall exceed 15 square feet in area or be higher than 40 feet above the ground when mounted on a flagpole. Flags on non-residential property may not exceed 50 sq. ft. in area.
Historic markers	Plaques or SIGNs designating a BUILDING as a historic STRUCTURE and installed by a federal, state, or local historical agency or group
INCIDENTAL SIGNS	SIGN, logo, or decal, no greater than one and one-half (1½) sq. ft.
MEMORIAL SIGNS	Memorial SIGNs or commemorative tablets, when carved into stone, concrete or similar material or made of bronze, aluminum or other non-combustible material and made an integral part of the STRUCTURE. One (1) SIGN, no larger than five (5) square feet, shall be permitted per BUILDING, except that if the SIGN is set into the corner of a BUILDING, SIGNs are permitted on both faces.
NAMEPLATE	Name and address attached to a wall, mailbox, or post, no greater than one (1) sq. ft.
OFFICIAL SIGNS	Such SIGNs are authorized within all rights-of-way, EASEMENTs, or other properties controlled by a governmental body, agency, authority, or authorized property owner's association; and at such other locations as a governmental body, agency, authority, or association may direct.
Temporary SIGNs	No permit shall be required; provided, the applicable requirements of *Table 13-5* shall be met.
WINDOW SIGNS	Window SIGNs placed on the outside or inside of a windowpane or glass door of a NONRESIDENTIAL USE are exempt from the permitting requirements but shall meet the requirements of *Table 13-3*.

3. Prohibited SIGNs. The following SIGN types are prohibited within the TOWN:

   a. SIGNs located in a way that obscures, or otherwise interferes with the effectiveness of, any official traffic SIGN, signal, or device.

   b. SIGNs located in a way that obscures, or otherwise interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

   c. SIGNs which obstruct any fire escape, means of ingress, egress, or ventilation.

d. SIGNs otherwise prohibited by this article, installed within a BUILDING in such a manner as to be visible to passersby outside the BUILDING.

e. SIGNs utilizing LCD, LED, or similar technology as any part of the SIGN face; provided, electronic variable message SIGNs, time/temperature SIGNs, and digital fuel pricing SIGNs may be permitted as provided by this article.

f. SIGNs utilizing tri-vision technology as any part of the SIGN face are prohibited.

g. SIGNs imitating public warning or traffic devices. Any SIGN that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, and any SIGN that uses the words "stop," "danger" or other message or content in a manner that might mislead or confuse a driver, is not allowed. No red, green or yellow illuminated SIGN shall be permitted within 300 feet of any traffic light.

h. SIGNs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a PERSON with normal hearing, or SIGNs that emit smoke, vapor, or odors.

i. Exposed neon-type tubing as part of any SIGN and/or on any BUILDING.

j. SIGNs that advertise an activity illegal under local, state, or federal law.

k. Specific SIGN types, including:

    i. Animated SIGNs.

    ii. Banners, except as otherwise provided as exempt or temporary signage by this article.

    iii. Feather or quill SIGNs.

    iv. Inflatable SIGNs.

    v. Off-premises SIGNs, except as specifically permitted.

    vi. Pole SIGNs.

    vii. Portable SIGNs, except A-frame SIGNs specifically allowed by this article as temporary signage for a special business promotion.

    viii. Roof SIGNs, including SIGNs painted on or adhered to roofs. This prohibition does not apply to the fascia portion of a mansard roof or to the face of a parapet wall, provided the SIGN does not extend above the top of the mansard roof or parapet wall.

    ix. SIGNs held or displayed by a PERSON as advertising.

x. SIGNs mounted on flatbed or pick-up trucks for the primary purpose of mobile advertising.

xi. Snipe SIGNs.

xii. The use of trucks, cars, trailers, aircraft, boats, or similar vehicles primarily as SIGNs is prohibited when the vehicle is parked on public or private property within 50 feet of any property line abutting a public or PRIVATE STREET. This prohibition shall not include the following vehicles::

(a) lawfully parked overnight or during non-business hours in a place not visible from a public or PRIVATE STREET or within a designated truck parking or LOADING area;

(b) making deliveries, sales calls, or other customary practices relating to doing business;

(c) making trips to transport PERSONs or property; or

(d) used in conjunction with active construction operations on a site.

4. Not considered SIGNs. The following are not considered SIGNs and are not regulated by any provision of this article.

a. Seasonal and holiday decorations that convey no commercial messages.

b. Window displays of goods available within a business.

c. A BUILDING design or color that is associated with a particular establishment or organization, but which conveys no message.

C. **Basic Standards**.

1. All permanent SIGNs must be of a professional character, be erected by a qualified SIGN professional, and comply with the provisions of this article. Homemade lettered SIGNs shall not be permitted, except for wire frame yard SIGNs, where allowed.

2. SIGNs may not be illuminated, except as otherwise specified in this article.

D. **Content**. No SIGN shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on SIGNs:

1. No SIGN shall contain statements, words or pictures which describe or display "specified anatomical areas" or "specified sexual activities," as defined in Appendix A, or contain words of vulgarity.

2. Text or graphics harmful to minors as defined by state or federal law;

3. Text or graphics that are obscene, defamatory, inciteful to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;

4. Text or graphics that create potential confusion with traffic control SIGNs;

5. SIGNs that provide false information related to public safety (e.g., SIGNs that use the words "stop" or "caution" or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that does not exist; or

6. Text or graphics that provide false or misleading information in violation of the TOWN Code.

E. **SIGN Placement**.

1. No PERSON shall construct, erect, operate, use, or maintain any SIGN without the written permission of the owner or other PERSON in lawful possession or control of the property on which such STRUCTURE or SIGN is located

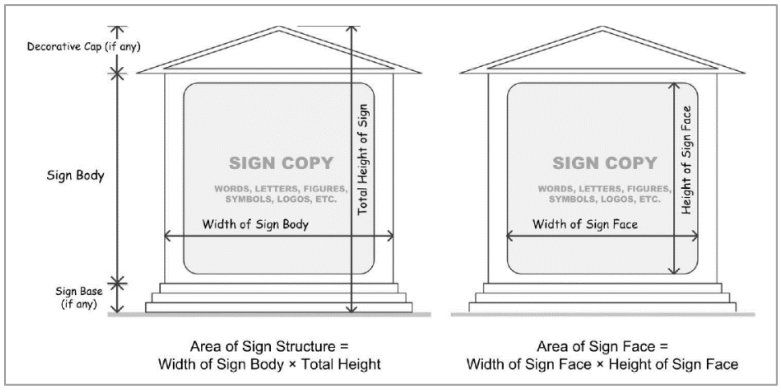
2. No PERSON shall erect a SIGN on public property other than the governmental entity responsible for such property or PUBLIC UTILITY companies or contractors occupying or working on public property pursuant to government contract or franchise.

F. **Computation of SIGN Area**.

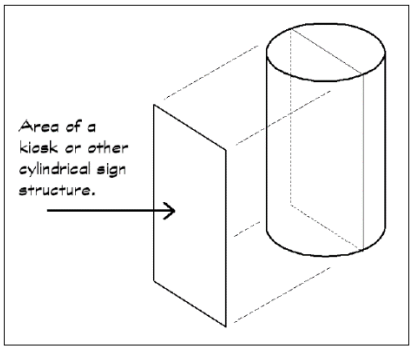
1. For SIGNs that have no identifiable frame or border, the area shall be the smallest rectangle that includes the extreme limits of the writing, representation, emblem, color, and/or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the SIGN from the backdrop or STRUCTURE against which it is placed. The area measurement shall not include any supporting framework, bracing, or decorative FENCE or wall when such FENCE or wall otherwise is clearly incidental to the display itself.



2. The area of a SIGN STRUCTURE shall be computed by means of the smallest rectangle that will encompass the extreme limits of the SIGN, by multiplying: the width of the SIGN body (exclusive of the SIGN's base or decorative cap, if any) measured at the widest portion of the SIGN body; times the total height of the SIGN as defined in this article under "SIGN height."



3. The area of a freestanding or projecting SIGN that has two (2) or more faces shall be measured by including the area of all SIGN faces, except if two (2) such faces are placed back-to-back and are of equal size and are no more than three (3) feet apart at any point, the area of the two back-to-back faces shall be counted as one face. If the back-to-back faces are of unequal size, the larger of the SIGN faces shall be counted as the one (1) face.



4. For a kiosk or other cylindrical SIGN STRUCTURE, the area of the SIGN face shall be the largest measurement achieved from any view of the SIGN STRUCTURE. Measurements shall be made as a flat plane rectangle projected on or bisecting the SIGN STRUCTURE.

G. **Height and Clearance**.

1. SIGN clearance. The shortest vertical distance between the average GRADE of the ground immediately beneath the SIGN and the lowest point of the SIGN, including framework and embellishments, extending over that GRADE.

2. SIGN height. As applied to a SIGN, height shall be measured as the vertical distance between the highest part of the SIGN or its supporting STRUCTURE, whichever is higher, and the average GRADE of the ground immediately beneath the SIGN; provided, that artificially constructed BERMs or other alterations of GRADE intended to elevate the SIGN, shall not be used in determining height.

H. **Illumination and Movement**.

1. SIGNs shall not contain any intermittent, moving, blinking, flashing, oscillating, scrolling, or fluttering lights or animated parts; nor shall any device be utilized which has a changing light intensity, brightness of color or give such illusion, except as otherwise specifically permitted by this article.

2. Electronic variable message SIGNs shall be programmed to instantaneously transition between messages without the use of special effects.

3. The light source for any externally illuminated SIGN shall not be directly visible from adjacent streets or property.

4. For all SIGNs, the level of illumination emitted or reflected from a SIGN shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular traffic or pedestrians on any right-of-way or PARKING LOT from which the SIGN may be viewed. All illumination must be of reasonable intensity and shall not spill onto adjacent properties or rights-of-way. SIGNs adjacent to residential BUILDINGs and streets shall not be of such brightness to cause reasonable objection from adjacent residential districts or uses, nor to spill light and glare onto adjacent residential properties and STRUCTUREs.

5. If illuminated, the illumination shall not interfere with the effectiveness of, or obscure, an official traffic SIGN, device, or signal.

6. If illuminated, the illumination shall be effectively shielded to prevent beams or rays of light from being directed at any portion of an abutting street or neighboring property.

7. Internally illuminated SIGNs, except for address SIGNs on individual dwellings, shall not be permitted.

I. **Safety**.

1. SIGNs shall not closely resemble or approximate the shape, form, and color of official traffic SIGNs, signals, and devices which may potentially cause confusion.

2. No SIGN shall be so placed as to obstruct or interfere with a required doorway, other required means of ingress or egress, or traffic visibility.

3. No SIGN shall be attached to the base of a ground SIGN, other than the display surface originally constructed as part of the SIGN. No SIGN shall be attached to or painted or otherwise displayed on a light standard, gasoline pump, FENCE, wall, post, or other STRUCTURE, or to any supporting device, except as specifically authorized in this article.

4. SIGNs shall be constructed to withstand a wind pressure of at least 30 pounds per square foot of surface, and shall be otherwise fastened, suspended, or supported so not to be a menace to PERSONs or property.

5. SIGNs erected, REPLACEd, reconstructed, REPAIRed, altered, relocated, or maintained within the TOWN shall conform to the requirements of the applicable BUILDING CODES. Where the provisions of the BUILDING CODES and this article conflict or overlap, the more stringent requirement shall control.

Section 13.3 Permitted Permanent SIGNs by District

A. **Permitted SIGNs**. The following SIGNs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in Table 13-3, issuance of a SIGN permit, and all other applicable regulations.

B. **Number**. For non-RESIDENTIAL USEs in any LC, CF, or MU district, a maximum of three (3) SIGNs, specified in Table 13-3, shall be permitted on any LOT, unless otherwise specified. For a LOT occupied by multiple BUILDINGs or multiple tenants in a single BUILDING, there shall be a maximum of two (2) SIGNs on the LOT, plus each tenant may have one (1) wall, awning, canopy, or projecting SIGN.

Table 13-3, Community SIGN Regulations	
Residential Districts (R-SF1, R-SF2, R-SF3, R-CL, T-TH, R-MF)	
Ground SIGNs for Non-RESIDENTIAL USE	
Number	One (1) per street FRONTAGE
Size	16 sq. ft. maximum
Location	Six (6) ft, from street right-of-way line
Height	Six (6) ft. maximum
Other	External illumination only, no changeable copy permitted
Wall SIGN for Non-RESIDENTIAL USE	

Table 13-3, Community SIGN Regulations	
Number	One (1) per BUILDING
Size	One (1) square foot for each one (1) linear foot of BUILDING wall to which the SIGN is attached, but not exceeding a maximum size of 50 square feet
Location	Placed flat against the BUILDING wall
Other	External illumination only, no changeable copy permitted
Wayfinding SIGNs for RESIDENTIAL USE	
Number	Two (2) SIGNs maximum per driveway, one (1) on either side of the drive for ingress/egress
Size	Four (4) sq. ft. maximum
Location	The area between a street right-of-way line and the minimum BUILDING SETBACK (required FRONT YARD). May only be located within 3 feet of driveways that provide access into or from the property
Height	Three (3) ft. maximum
Other	External illumination only
Conservation and Recreation Districts (CP, AGR, RC, CSC)	
Ground SIGN	
Number	One (1) per street FRONTAGE
Size	16 sq. ft. maximum
Location	Six (6) ft, from right-of-way line
Height	Six (6) ft. maximum
Other	External illumination only, no changeable copy permitted
Wayfinding SIGNs	
Number	Two (2) SIGNs maximum per driveway, one (1) on either side of the drive for ingress/egress
Size	Four (4) sq. ft. maximum
Location	The area between a street right-of-way or EASEMENT line and the minimum BUILDING SETBACK (required FRONT YARD). May only be located within 3 feet of driveways that provide access into or from the property
Height	Three (3) ft. maximum
Other	External illumination only
Support Districts (LC, CF) and Mixed Use Districts (MU, PD)	
Ground SIGN	
Number	One (1) per driveway entry
Size	16 sq. ft. maximum
Location	Six (6) ft, from street right-of-way or EASEMENT
Height	Six (6) ft. maximum
Other	External illumination only, no changeable copy permitted
Wall SIGN	
Number	One (1) per business establishment/occupant
Size	One (1) square foot for each one (1) linear foot of BUILDING wall to which the SIGN is attached, but not exceeding a maximum size of 50 square feet for single occupant BUILDINGs and a maximum of 24 square feet per occupant for multi-tenant BUILDINGs.
Location	Placed flat against the BUILDING wall
Other	External illumination only, no changeable copy permitted
Awning, Canopy, or Projecting SIGN	
Number	One (1) per business
Size	Six (6) sq. ft. maximum
Location	Four (4) ft. maximum projection for projecting SIGNs

Table 13-3, Community SIGN Regulations	
Height	Eight (8) ft. minimum between sidewalk or GRADE and the bottom of the SIGN
Other	No illumination permitted
Wayfinding SIGNs	
Number	Two (2) SIGNs maximum per driveway, one (1) on either side of the drive for ingress/egress
Size	Four (4) sq. ft. maximum
Location	The area between a street right-of-way line and the minimum SETBACK (required FRONT YARD). May only be located within 3 feet of driveways that provide access into or from the property
Height	Three (3) ft. maximum
Other	External illumination only
Window SIGN	
Number	One (1) per street FRONTAGE; for multi-tenant BUILDINGs, one (1) per tenant per street FRONTAGE
Size	25 percent of the window surface to which it is attached
Location	On the inside surface of the window
Other	No illumination permitted
Seabrook Island Road OVERLAY District	
Ground SIGN	
Number	One (1) per driveway entry
Size	16 sq. ft. maximum
Location	10 ft, from right-of-way
Height	Six (6) ft. maximum
Other	External illumination only, no changeable copy permitted
Electronic Variable Message SIGN	
Number	One (1) per COMMUNITY IDENTIFICATION SIGN
Size	Max. 50 percent of the area of the COMMUNITY IDENTIFICATION SIGN to which it is affixed
Location	a. Shall be incorporated into an approved COMMUNITY IDENTIFICATION SIGN. b. Shall only be permitted along a segment of the street in which the posted speed limit is 15 miles per hour or less. c. Shall be at least 6 feet from any property line.
Height	Maximum height within the COMMUNITY IDENTIFICATION SIGN to which it is affixed
Other	a. Message changes, except for time and temperature, may occur not more frequently than once every eight (8) seconds. The change between messages must be instantaneous. Rolling, scrolling, zooming, fading, unveiling and other methods of transition between messages are not permitted. b. The electronic display, background, color tones, lettering, logos, pictures, illustrations, symbols and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity (except as specifically required for changes in outdoor light levels), or otherwise change in outward appearance, except when the message or display is changed to another message or display. The color white shall not be used as the background color on any part of the electronic display portion of the SIGN.

Table 13-3, Community SIGN Regulations	
	c. The lettering, graphics and symbols on the SIGN shall be red, white, yellow, or amber in color on a plain black background. d. The electronic variable message display shall be fully enclosed by, or encased within, the community message board SIGN so that only the screen, panel, or other area upon which a message may be projected shall be visible from the street. e. The SIGN must be equipped with a default mechanism that will stop messaging or freeze the image in one position when an electronic malfunction occurs. f. The SIGN shall not include any form or appearance of pyrotechnics display. g. The SIGN must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level in relation to changes in outdoor light levels. h. The electronic variable message display shall be oriented to minimize its visibility from neighboring residences. The ZONING ADMINISTRATOR shall have the authority to require additional landscaping, screening, or BUFFERing when deemed necessary to prohibit light spill onto neighboring residential properties.
Other	
BUILDINGs located within the OVERLAY DISTRICT shall be permitted such other SIGNs on the BUILDING, as otherwise allowed by the respective zoning district.	

Section 13.4 Community SIGNs

A. Community SIGNs are permitted for use by SIPOA, individual associations, REGIMEs, and the TOWN for the purpose of identifying the name of a community or DEVELOPMENT or presenting information regarding events, activities, or announcements.

B. The following community SIGNs are allowed, subject to obtaining a SIGN permit:

Table 13-4, Community SIGN Regulations	
Community Identification SIGN	
Number	One (1) double-sided or two (2) single-sided per entrance to the DEVELOPMENT
Size	16 sq. ft. maximum
Location	Six (6) ft. from property, right-of-way or EASEMENT line
Height	Six (6) ft. maximum
Other	Lighting shall be limited to external landscaped up lighting with a proper reflective shield only; provided, this shall not apply to any electronic variable message display.
Community Message Board	
Number	One (1) per community identification SIGN
Size	Max. 50 percent of the area of the community identification SIGN to which it is affixed
Location	Six (6) ft. from property, right-of-way or EASEMENT line
Height	Six (6) ft. maximum
Other	Lighting shall be limited to external landscaped up lighting with a proper reflective shield.
Electronic Variable Message SIGN	
See Table 13-3, Seabrook Island Road OVERLAY DISTRICT	

Section 13.5 ~~Permitted~~ TEMPORARY ~~EVENT~~ SIGNs

A. **TEMPORARY ~~EVENT~~ SIGNs; Allowed**.

1. Temporary SIGNs are allowed on a property only for the purposes and durations specified in Table 13-5. Such SIGNs shall not be restricted as to the message displayed on the SIGN but must comply with the provisions of this section.

~~1.~~2. TEMPORARY ~~EVENT~~ SIGNs must comply with all requirements of this article, except as modified by the provisions of this section, including the prohibitions of Section 13.2 and general requirements applying to all SIGNs.

~~2. Temporary SIGNs are allowed on a property for the duration of a TEMPORARY EVENT for the periods specified in Table 13-4. Such SIGNs shall not be restricted as to the message displayed on the SIGN but must comply with the provisions of this section.~~

3. No temporary SIGN may be placed within any public right-of-way in the TOWN or on any TOWN property. This provision shall not apply to any temporary SIGN placed, or caused to be placed, by the TOWN or any other governmental agency, department or political subdivision.

~~B. **TEMPORARY EVENTs**. A TEMPORARY EVENT is an activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. TEMPORARY EVENTs include, but are not limited to such activities as:~~

~~1. The offering of a property or premises for sale or rent.~~

~~2. An election, political campaign, referendum, or ballot proposition put to the voters as part of TOWN, county, state, or federal governance.~~

~~3. Special business promotions, such as but not limited to close-out sales, seasonal sales events, or grand openings.~~

~~4. A yard sale.~~

~~5. The construction of a BUILDING or DEVELOPMENT project, or the rehabilitation, remodeling, or renovation of a BUILDING.~~

~~6. A public announcement of a temporary event or seasonal activity not intended for commercial use.~~

~~C.~~B. **Temporary SIGN~~s Permitted~~ Regulations**.

Table 13-5, Temporary SIGN Regulations	
Sale ~~of~~for Lease of a BUILDING or Premises	
SIGN type and number	Maximum two (2) SIGNs of professional quality as approved by the ZONING ADMINISTRATOR
Location	Positioned in the inside of the primary two (2) windows adjacent to the entrance door
Size	Six (6) sq. ft. maximum per SIGN
Duration	From date of listing ~~thru~~ through three (3) days after sale closing or lease execution
BUILDING Construction or Remodeling	
SIGN type and number	One (1) wire frame or rigid frame yard SIGN per LOT
Location	Outside the street right-of-way
Size	Five (5) sq. ft. maximum for wire frame or 16 sq. ft. for rigid frame
Duration	Date of issuing BUILDING PERMIT ~~thru~~ through seven (7) days after receiving Certificate of Occupancy
SUBDIVISION or CONDOMINIUM Project Under DEVELOPMENT	
SIGN type and number	One (1) rigid frame yard SIGN per entrance into the SUBDIVISION or DEVELOPMENT
Location	SETBACK at least five (5) ft. from the street right-of-way or EASEMENT
Size	Maximum 16 sq. ft. per SIGN
Duration	Date of preliminary PLAT or site plan approval ~~thru~~ through sale of 75% of LOTs/BUILDINGs, or 12 months of no BUILDING permits being issued; whichever occurs first
Yard SIGN	
SIGN type and number	One (1) wire or rigid frame yard SIGN, except during the period noted below, during which there shall be no limit on number
Location	Outside the street right-of-way
Size	Five (5) sq. ft. maximum per SIGN
Duration	Multiple SIGNs may be displayed during the period beginning 60 days before a public election ~~thru~~ through five (5) days after the election
Special Business Promotion	
SIGN type and number	Any combination of two (2) of the following: one (1) rigid frame or wire frame SIGN, one (1) banner, or (1) window SIGN
Location	Five (5) feet from any street right-of-way or EASEMENT line

Table 13-5, Temporary SIGN Regulations	
Size	Maximum five (5) sq. ft. for wire frame, 16 sq. ft. for rigid frame, 16 sq. ft. for banner, and up to 50 percent of the window to which a window SIGN is attached.
Duration	Three (3) days prior to the start of the sale event through the last day of the event, not exceeding seven (7) days. No more than seven (7) total days may be allowed on the same property during any month, regardless of the number of businesses on the property.
Nonprofit Public Announcement	
SIGN type and number	Any combination of two (2) of the following: banners, wire frame yard SIGNs, and/or rigid frame yard SIGNs
Location	Five (5) feet from any street right-of-way or EASEMENT line
Size	Maximum five (5) sq. ft. for wire frame, 16 sq. ft. for rigid frame, 16 sq. ft. for banner
Duration	Seven (7) days prior to the start of the event through the last day of the event, not exceeding 10 days.
~~Other~~ **TEMPORARY EVENTs**	
SIGN type and number	As determined by ZONING ADMINISTRATOR
Location	
Size	
Duration	

~~D.~~C. **Construction and Lighting Standards of Temporary SIGNs**.

1. Nonpermanent but water-resistant construction materials may be used, such as, but not limited to, poster board, foam core board, or illustration board.

2. The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the SIGN's message shall be permanently applied to the SIGN's face.

3. Temporary SIGNs shall not be illuminated.

~~E.~~D. **Temporary Banners**. One (1) banner is allowed as temporary signage during a special business promotion event or nonprofit public announcement in accordance with the duration, number, size, location, and lighting limitations of this section, and in accordance with the following additional provisions:

1. Such a banner shall be placed on the site or on a BUILDING in such a manner as not to create a safety hazard as determined by the ZONING ADMINISTRATOR. The banner shall meet the same SETBACK requirements as all other temporary SIGNs. The banner shall not be attached to or hung from an existing freestanding SIGN or used as any other form of SIGN.

2. A banner that is larger than 16 square feet in size is not allowed.

Section 13.6 SIGN Permits

A. **Permit Required**. Except for those SIGNs specifically exempt, it is unlawful for any PERSON to erect, REPAIR, alter, relocate, or display within the TOWN, any SIGN or other advertising device, as defined in this article, without first obtaining a SIGN permit from the ZONING ADMINISTRATOR and paying all required fees. Permits shall not be required for ordinary

REPAIR and MAINTENANCE of a SIGN which does not involve structural, material, or color changes.

B. **Applications**. Applications for SIGN permits shall be filed with the ZONING ADMINISTRATOR. No work shall commence until the SIGN is approved. Applications shall include the following:

1. A working drawing showing elevations, dimensions of the SIGN(s), colors to be used, construction materials, and details for anchoring the SIGN to a STRUCTURE or the ground. Similar information, as appropriate, is to be submitted with awning permit applications.

2. A plan drawing showing fonts and sizes of letters; and specifications for the SIGN, including material to be used and details of construction; and methods of attachment of the SIGN applied for to the BUILDING or to the ground. Similar information, as appropriate, is to be submitted with awning permit applications.

3. Written consent of the owner of the BUILDING, STRUCTURE, or land to which, or upon which, the SIGN is to be erected.

4. An illustration of the proposed SIGN and a color photograph(s) of the area and, if applicable, the BUILDING facade upon which the proposed SIGN is to be erected shall be submitted with each SIGN application, showing in detail the physical conditions within the SIGN area, as well as the facades of any adjoining BUILDINGs.

5. In instances when the proposed SIGN will be freestanding (i.e., not attached to any existing BUILDING or STRUCTURE) a site plan showing the proposed location of the SIGN; SETBACK measurements from the proposed SIGN to all property lines, street rights-of-way and edges of pavement; location and description of all existing STRUCTUREs, EASEMENTs and utilities; and any other proposed IMPROVEMENTs or modifications, including, but not limited to, landscaping, BUFFERing and screening; shall be filed with the application.

C. **Fees**. Every applicant, before being granted a permit, shall pay a fee as provided in Section 18.3.

D. **Review**. All SIGNs must be approved by the ZONING ADMINISTRATOR before a permit may be issued. The following procedures shall apply to all applications:

1. The ZONING ADMINISTRATOR shall determine the appropriateness of a proposed SIGN based on the following criteria:

   a. Whether the SIGN conforms to the requirements of this article;

   b. Whether the SIGN in any manner affects public health, safety, or welfare; and

   c. Whether the SIGN construction meets applicable code requirements.

2. Upon determining compliance with the above criteria, the ZONING ADMINISTRATOR shall issue the necessary permit.

3. Any PERSON aggrieved by the decision of the ZONING ADMINISTRATOR may file an appeal to the Board of Zoning Appeals, as provided in Article 20.

Section 13.7 NONCONFORMING SIGNs

A. SIGNs that, on the effective date of this article or any amendments thereto, were approved and legally erected under previous SIGN restrictions, and that became or have become NONCONFORMING with respect to the requirements of this article due to its adoption or amendment, may continue in existence subject to the remaining provisions of this section.

   1. No increase in size of the NONCONFORMING SIGN shall be permitted.

   2. Any existing SIGN that has become NONCONFORMING with respect to SETBACK from a street due to road widening may be moved to meet the SETBACK requirement of this article; provided, the SIGN shall not be increased in size or shape, or otherwise changed in any manner, except to become conforming with the provisions of this article.

   3. In all zoning districts, the following SIGNs shall be prohibited and shall be removed by the owner:

      a. SIGNs illegally erected or maintained with respect to prior ordinances.

      b. SIGNs located in the public right-of-way (except as permitted by this article).

B. Minor REPAIRs and MAINTENANCE of NONCONFORMING SIGNs, such as electrical REPAIRs, painting, or REPAIRing/replacing damaged letters shall be allowed. However, no structural REPAIRs or changes to the size, face, or shape of the SIGN shall be permitted, except to make the SIGN comply with the requirements of this article.

C. Upon failure to comply with any requirement of this section, the ZONING ADMINISTRATOR or his or her authorized agent may cause the removal of such SIGN at the owner's expense.

Section 13.8 Inspection and MAINTENANCE

A. The ZONING ADMINISTRATOR shall periodically inspect each SIGN to ascertain its general soundness and compliance with the requirements of this article. Responsibility for the safety of SIGNs and security of their attachment or erection, however, shall remain with the SIGN owner.

B. Every SIGN, regardless of whether a permit or fees are required, shall be maintained in a safe, presentable, and sound structural condition, including REPAIR or replacement of defective parts, painting, repainting, cleaning, and other acts required for the MAINTENANCE of the SIGN.

Section 13.9 Enforcement

A. The ZONING ADMINISTRATOR shall enforce the provisions of this article, with the aid of TOWN code enforcement officers, or other agencies, as applicable.

B. The ZONING ADMINISTRATOR shall cause the removal of any SIGN that, in his or her sole discretion, endangers the public safety, such as an abandoned; dangerous; or materially, electrically, or structurally defective SIGN. Any other SIGN for which no permit has been issued or which is otherwise in violation of this article shall also be subject to removal in accordance with this section.

    1. The ZONING ADMINISTRATOR shall prepare a written notice to be sent by certified mail. The notice shall describe the SIGN and specify the violation involved. The notice shall state that if the SIGN is not removed or the violation is not corrected within a specified time period, the SIGN shall be removed in accordance with the provisions of this section.

    2. The notice shall be mailed to the owner of the property on which the SIGN is located and, if different than the property owner, the owner of the SIGN and the occupant of the property. If any such PERSON is unknown or cannot be found, notice shall be mailed to that PERSON's last known address, if any, and posted on the SIGN or on the premises.

C. Any PERSON having an interest in the SIGN or the property may appeal the determination of the ZONING ADMINISTRATOR ordering removal or compliance by filing a written notice of appeal to the Board of Zoning Appeals within 10 business days after receipt of notice. Procedures for the appeal shall be the same as provided in Article 20.

D. Notwithstanding the above, in cases of emergency and imminent danger to public safety, the ZONING ADMINISTRATOR may cause the immediate removal of a dangerous or defective SIGN without notice. In such case, if contact cannot be made with a SIGN owner or BUILDING owner, no written notice shall be required. In such situations, the ZONING ADMINISTRATOR shall document the imminent danger and attempts to contact the SIGN owner, and may correct the danger, all costs being charged to the SIGN owner and property owner.

E. Any SIGN removed by the ZONING ADMINISTRATOR pursuant to the provisions of this section shall become the property of the TOWN and may be disposed of in any manner deemed appropriate by the ZONING ADMINISTRATOR. The cost of removal of the SIGN by the TOWN shall constitute a lien, which may be filed against the property and shall be recoverable at the time the affected property is transferred. The cost of removal shall include all incidental expenses incurred in connection with the SIGN's removal. If material derived from the removal can be sold or salvaged, the ZONING ADMINISTRATOR may cause that material to be sold at private or public sale at the best price obtainable. The proceeds, if any, shall be used to offset the costs of removal. Where the proceeds derived from such a sale are less than the cost of removal, the deficiency shall constitute a lien against the property.

ARTICLE 14

Site Development Plan

Town of Seabrook Island

Development Standards Ordinance

Section 14.1 Purpose

The purpose of this article is to establish a uniform set of requirements for the planning and design of DEVELOPMENTs within the TOWN in order to achieve the following objectives: to determine compliance with the provisions of this ordinance; to promote the orderly DEVELOPMENT of the TOWN; to prevent depreciation of land values; to ensure a consistent level of quality throughout the community; to ensure a harmonious relationship between new DEVELOPMENT and the existing natural and manmade surroundings; to achieve the purposes of the TOWN's COMPREHENSIVE PLAN; and to promote consultation and cooperation between applicants and the TOWN in order that applicants may accomplish their objectives in the utilization of land, consistent with the purpose and intent of this ordinance and the goals of the TOWN's COMPREHENSIVE PLAN.

Section 14.2 Applicability

Varying levels of site plan review are established, depending on the scale of the proposed project and potential impacts it may have on the community and immediate surroundings. This section defines the parameters under which varied levels of plans are required and the responsible review authority, as follows:

A. **Administrative Review**. The ZONING ADMINISTRATOR shall review site plans in connection with the creation of a use or the erection of a BUILDING or STRUCTURE as indicated in Table 14-2. These projects are typically minor in scale and do not necessitate a complex set of plans.

B. **Preliminary Plan Review**. The PLANNING COMMISSION shall act upon all preliminary site plans for projects of larger scale or potentially greater impact, addressing conformance with the ordinance requirements, compatibility with the surroundings, integration with the community character, and protection of the environmentally sensitive surroundings.

C. **Final Plan Review**. The ZONING ADMINISTRATOR, with assistance from other applicable staff, consultants, and outside agencies and departments, shall act upon all final site plans, following the PLANNING COMMISSION's preliminary plan review. The final plan will contain the technical details that require engineering or other professional expertise.

D. **Applicable Projects**. Table 14-2 specifies the project categories applicable to each level of site plan. The responsible reviewing authority for each category is indicated by a "PC" for PLANNING COMMISSION and "ZA" for ZONING ADMINISTRATOR.

Table 14-2, Site Plan Review Level

Applicable Projects	Review Authority		
	Administrative	Preliminary	Final
New construction of any principal BUILDING		PC	ZA
New construction or site IMPROVEMENTs related to any CONDITIONAL USE		PC	ZA
New construction of any ACCESSORY BUILDING or STRUCTURE not exceeding 600 sq. ft.	ZA		
New construction of any ACCESSORY BUILDING or STRUCTURE larger than 600 sq. ft.		PC	ZA

Table 14-2, Site Plan Review Level			
Additions to an existing principal BUILDING of less than 10 percent of the current GROSS FLOOR AREA or 5,000 sq. ft., whichever is less	ZA		
Additions to an existing principal BUILDING of 10 percent or more of the current GROSS FLOOR AREA or greater than 5,000 sq. ft.		PC	ZA
Construction or expansion of any PARKING LOT, not involving new BUILDINGs or additions	ZA		
As otherwise required by this ordinance			ZA
When, in the opinion of the ZONING ADMINISTRATOR, a project which otherwise qualifies for administrative review may have a significant impact on surrounding properties, he or she may, in his or her sole discretion, submit the site plan to the PLANNING COMMISSION for review. In such cases, the procedures for preliminary and final plan review shall be followed.			

Section 14.3 Exemptions

A. **Exemptions**. The full site plan requirements of this article shall not apply to the following; provided, however, a general site plan shall be submitted for review by the ZONING ADMINISTRATOR with the permit application to verify compliance with all other requirements of this ordinance:

1. Any SINGLE-FAMILY DWELLING or TWO-FAMILY DWELLING, when such DWELLING is allowed by right pursuant to this ordinance;

2. Any ACCESSORY BUILDING or STRUCTURE which is located on the same LOT as a SINGLE-FAMILY DWELLING or TWO-FAMILY DWELLING, when such BUILDING or STRUCTURE is accessory thereto and allowed by right; and

3. Construction or site IMPROVEMENTs related to any CONDITIONAL USE which is expressly authorized by this ordinance to be conducted within a SINGLE-FAMILY DWELLING or TWO-FAMILY DWELLING.

Section 14.4 Application and Review

The process of reviewing a site plan shall be as follows:

A. **Administrative Plan Reviews**. The ZONING ADMINISTRATOR shall perform administrative reviews, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the ZONING ADMINISTRATOR, shall be submitted to the ZONING ADMINISTRATOR along with an application form made available for that purpose and a fee, as established by the TOWN COUNCIL.

2. The ZONING ADMINISTRATOR shall review the site plan for completeness, and shall obtain comments, as he or she considers necessary, from TOWN staff, as well as representatives from SIPOA, any outside agency, department, entity, or consultant.

3. The ZONING ADMINISTRATOR shall consider the site plan, any comments received, and the applicable standards of this ordinance and shall either:

    a. Approve the plan as submitted if all applicable requirements and standards have been met;

    b. Approve the site plan with conditions; or

    c. Deny approval of the site plan if applicable requirements and standards have not been met.

4. At the ZONING ADMINISTRATOR's sole discretion, the application may be submitted to the PLANNING COMMISSION for comment or a decision.

5. The reasons for the ZONING ADMINISTRATOR's action, along with any conditions that may be attached, shall be stated in writing, and provided to the applicant.

6. If approved, two (2) electronic copies of the site plan shall be signed and dated by the ZONING ADMINISTRATOR and the applicant. One (1) copy shall be kept on file with the TOWN and one (1) copy shall be returned to the applicant or his or her designated representative. If the plan is approved with conditions, copies of the revised plan, shall be submitted in electronic form reflecting those conditions and signed by the applicant and ZONING ADMINISTRATOR prior to issuance of any permits.

B. **Preliminary Plan Reviews**. The PLANNING COMMISSION shall perform preliminary site plan reviews, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the ZONING ADMINISTRATOR, shall be submitted to the ZONING ADMINISTRATOR along with an application form made available for that purpose and a fee, as established by the TOWN COUNCIL.

2. The ZONING ADMINISTRATOR shall review the site plan for completeness, and shall obtain comments, as he or she considers necessary, from SIPOA, any outside agency, department, entity, or consultant.

3. Once the ZONING ADMINISTRATOR determines that the site plan is complete, he or she shall transmit the site plan, along with comments from TOWN departments, agencies, and consultants to the PLANNING COMMISSION for consideration at its next meeting.

4. The PLANNING COMMISSION shall consider the site plan and shall either

    a. Approve the site plan, as submitted, if all applicable requirements and standards have been met;

    b. Approve the site plan with conditions; or

    c. Deny approval of the site plan if applicable requirements and standards have not been met.

5. The PLANNING COMMISSION review shall be based on the requirements of this article and, specifically, the review standards of Section 14.6.

6. The reasons for the PLANNING COMMISSION's action shall be stated in writing and provided to the applicant.

7. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled. If applicant does not attend two (2) consecutive meetings, the request shall be deemed withdrawn and any fees shall be forfeited.

8. If approved, two (2) copies of the approved site plan shall be signed and dated by the ZONING ADMINISTRATOR and the applicant. One (1) copy shall be kept on file with the TOWN and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, copies of the revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the ZONING ADMINISTRATOR, prior to issuance of any permits.

C. **Final Plan Reviews**. The ZONING ADMINISTRATOR shall perform final site plan review, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the ZONING ADMINISTRATOR, shall be submitted to the ZONING ADMINISTRATOR along with an application form made available for that purpose and a fee, as established by the TOWN COUNCIL.

2. The ZONING ADMINISTRATOR shall review the site plan for completeness and notify the applicant of any deficiencies. If the plan is not complete, has not been revised to reflect conditions of approval from the PLANNING COMMISSION's review of the preliminary site plan, or is inconsistent in substance from the approved preliminary plan, it shall be returned to the applicant for revision without further review.

3. Once the ZONING ADMINISTRATOR determines that the site plan is complete, he or she shall transmit the site plan for review and comment to SIPOA, any outside agency, department, entity, or consultant as he or she deems appropriate.

4. The ZONING ADMINISTRATOR shall consider the site plan, along with the comments from all other reviewers, and shall either:

    a. Approve the site plan, as submitted, if all applicable requirements and standards have been met;;

    b. Approve the plan with conditions; or

    c. Deny approval of the site plan if applicable requirements and standards have not been met.

5. The ZONING ADMINISTRATOR's review shall be based on the requirements of this ordinance, technical design requirements for engineering, and the review standards of Section 14.6.

6. If approved, two (2) copies of the final site plan shall be signed and dated by the ZONING ADMINISTRATOR and the applicant. One (1) copy shall be kept on file with the TOWN and one (1) copy shall be returned to the applicant or his or her designated representative. If the plan is approved with conditions, copies of the revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the ZONING ADMINISTRATOR, prior to issuance of any permits.

Section 14.5 Site Plan Requirements

A. **Required Content**. Each site plan submitted shall contain the following information, as applicable:

Table 14-5, Site Plan Required Information

Applicable Projects	Site Plan Level		
	Administrative	Preliminary	Final
General Information			
Date, north arrow, and scale	X	X	X
Name and address of property owner and petitioner	X	X	X
Location sketch	X	X	X
Legal description of the subject property		X	X
Existing zoning classification of subject property		X	X
Size of subject property (in acres)	X	X	X
Name and address of plan preparer	X	X	X
Preparer's professional seal (if applicable)	X	X	X
Existing Conditions			
Boundary survey		X	X
Property lines and required SETBACKs	X	X	X
Location, width, and purpose of all EASEMENTs	X	X	X
Location and dimensions of all existing STRUCTUREs on the property	X	X	X
Location of all existing driveways, parking areas and total number of existing PARKING SPACEs on the property	X	X	X
Location of all existing STRUCTUREs, driveways, and parking areas within 100 feet of the subject property		X	
Abutting street right-of-way width		X	X
Existing topographic contours (2 ft. intervals)		X	
Generalized soil types within project site		X	
Existing WATERBODIES	X	X	X
~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE	X	X	X
Existing type and location of vegetation, incl. size of trees > six (6) inch DBH	X	X	X
Size and location of existing utilities (water, sanitary and storm)	X	X	X
Location of all existing surface water drainage facilities	X	X	X

Table 14-5, Site Plan Required Information			
Proposed DEVELOPMENT			
Layout and typical dimensions of proposed parcels and LOTs		X	X
Location and dimensions of all proposed BUILDINGs	X	X	X
GROSS FLOOR AREA of all BUILDINGs and percent LOT COVERAGE	X	X	X
Finished floor elevations of all BUILDINGs	X	X	X
Number of proposed DWELLING UNITs (by type – DETACHED, TOWNHOME, MULTI-FAMILY, etc.), including typical floor plans for each type of unit		X	X
Location of all proposed streets, drives and sidewalks	X	X	X
Dimensions and radii of proposed drives, acceleration/deceleration lanes and sidewalks	X	X	X
Parking areas (including dimensions of typical space and total number of spaces to be provided), and unloading areas	X	X	X
Location, height, and materials of walls and FENCEs		X	X
Recreation areas, common use areas, dedicated OPEN SPACE and areas to be conveyed for common or public use		X	X
All deed restrictions or covenants			X
Grading plan (1 ft. intervals)		X	X
Sedimentation control plan	X	X	X
Landscape plan	X	X	X
Exterior lighting location, fixture type, and photometric plan	X	X	X
SIGNs (location, dimensions, SETBACKs), *per Article 13*	X	X	X
Narrative description of the project including proposed use, existing FLOOR AREA (square feet), size of proposed expansion (square feet), and any change in the number of PARKING SPACEs	X	X	
Proposed method of handling sanitary sewage and providing potable water		X	
Exact location of all UTILITY services, including connection points to the main systems and fire hydrant locations		X	X
Preliminary drainage plan		X	
Location and type of all proposed surface water drainage facilities		X	X
TRAFFIC IMPACT ANALYSIS, per *Section 8.4*, if applicable		X	X
Construction traffic plan		X	X
BUILDING Details			
Typical elevation views of all sides of each BUILDING type	X	X	X

Table 14-5, Site Plan Required Information			
Color and material specifications	X	X	X
BUILDING HEIGHT	X	X	X
GROSS and NET FLOOR AREA of non-residential BUILDINGs	X	X	X
LIVABLE FLOOR AREA of dwellings by type		X	X
Additional Information			
Any other information required by the ZONING ADMINISTRATOR or PLANNING COMMISSION needed to evaluate compliance with other applicable provisions of this ordinance	X	X	X

B. **Information Waiver**. Specific requirements of any required site plan may be waived by the respective reviewer, ZONING ADMINISTRATOR or PLANNING COMMISSION, as applicable, where it is determined that such information is not relevant to the subject request.

Section 14.6 Review Criteria

A site plan shall be approved only upon a finding of compliance with the following criteria:

A. The site plan must comply with all standards of this article and all applicable requirements of this ordinance and all other applicable laws and regulations.

B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

C. The site must be designed to minimize hazards to adjacent property, and reduce the negative effects of traffic, noise, smoke, fumes, and glare to the maximum extent possible.

D. Unless a more specific design standard is required by the TOWN through a different ordinance, all uses and STRUCTUREs subject to site plan review shall comply with the following design standards:

1. Traffic Circulation. The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties. Right-of-way recommendations for major streets, as contained in the TOWN's COMPREHENSIVE PLAN or comparable plan or study adopted by TOWN COUNCIL, shall be met and SETBACKs from such streets shall be measured accordingly.

2. Stormwater. Stormwater detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies, and paved areas by underground surface drainage system.

3. Landscaping. The landscape shall be preserved in its natural state, as far as practicable, by minimizing unnecessary tree and soil removal, and any GRADE changes shall be in

keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, BUFFERs or greenbelts may be required to ensure that the proposed uses will be adequately BUFFERed from one another and from surrounding property.

4. Screening. Where non-RESIDENTIAL USEs abut RESIDENTIAL USEs, appropriate screening/BUFFERing shall be provided, in accordance with Article 11, to shield residential properties from noise, headlights, and glare.

5. Lighting. Lighting shall be designed to minimize glare on adjacent properties and PUBLIC STREETs. As a condition of site plan approval, reduction of lighting during non-business hours may be required.

6. UTILITY Service. All UTILITY service shall be underground, unless impractical and approved by the engineer designated by the TOWN.

7. Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, LOADING areas, utility BUILDINGs and STRUCTUREs, and similar accessory areas shall be located to minimize the negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.

8. Emergency Access. All BUILDINGs and STRUCTUREs shall be readily accessible to emergency vehicles.

9. Water and Sewer. Water and sewer installations shall comply with all TOWN specifications and requirements.

10. SIGNs. Permitted SIGNs shall be located to avoid creating distractions, obstructions, and visual clutter.

11. BUILDING Design. New or SUBSTANTIALLY MODIFIED BUILDINGs shall be reasonably compatible in appearance with, or shall enhance, the established general character of other BUILDINGs in the immediate vicinity. Where no similar buildings exist within the immediate vicinity, the review authority may consider the design of similar buildings within the TOWN limits, or in vicinity of the TOWN limits. Notwithstanding the foregoing, the PLANNING COMMISSION may recommend, subject to approval by TOWN COUNCIL, the adoption of an architectural design guidelines manual for use within the TOWN. If adopted, all new or SUBSTANTIALLY MODIFIED BUILDINGS must satisfy the requirements of such guidelines.

12. Construction Traffic. The applicant shall implement sufficient measures to protect existing neighborhoods, vehicular and pedestrian traffic, protected trees, vegetation, and CRITICAL AREAS from the potential impacts of construction traffic during development.

Section 14.7 Conditions

When deemed necessary, the review authority may impose reasonable conditions on any site plan approval to protect public health and safety, and to ensure compliance with the intent of this ordinance and the TOWN Code.

Section 14.8 Changes to an Approved Plan

Changes to an approved site plan shall be permitted only under the following circumstances:

A. The holder of an approved site plan shall notify the ZONING ADMINISTRATOR of any proposed change to the site plan.

B. Changes to an administrative site plan may be approved by the ZONING ADMINISTRATOR.

C. Minor changes to final site plans may be approved by the ZONING ADMINISTRATOR upon determining that the proposed revision(s) will not alter the basic design, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

    1. Reduction in BUILDING size.

    2. Increase in BUILDING size up to five (5) percent of total approved GROSS or NET FLOOR AREA.

    3. Movement of BUILDINGs or other STRUCTUREs by no more than 10 feet.

    4. Modification to the PARKING LOT layout; provided, the number of approved spaces is not reduced below the minimum required by this ordinance.

    5. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.

    6. Changes in BUILDING materials to a comparable or higher quality.

    7. Changes in floor plans which do not alter the character of the use.

    8. Changes required or requested by a TOWN, county, state, or federal regulatory agency to conform to other laws or regulations.

D. A proposed change to a preliminary or final site plan, not determined by the ZONING ADMINISTRATOR to be a minor change, shall be submitted to the PLANNING COMMISSION as a site plan amendment and shall be reviewed in the same manner as the original application.

E. Any requested change to the conditions of approval adopted by the PLANNING COMMISSION shall be subject to review by the PLANNING COMMISSION and those imposed by the ZONING ADMINISTRATOR shall be subject to review by the ZONING ADMINISTRATOR.

Section 14.9 Time Limits

Time limits for construction for any approved site plan shall be in accordance with the vested rights provisions of Section 1.6 of this ordinance.

Section 14.10 Appeals

Any PERSON having a special interest in a decision relating to the approval or denial of a site plan or the conditions imposed shall have the right to appeal the decision of the ZONING ADMINISTRATOR to the PLANNING COMMISSION. An appeal of a PLANNING COMMISSION decision shall be made to the circuit court. An appeal of any decision shall be filed within 30 days from the date the appealing party has received actual notice of the action from which the appeal is taken.

Subdivision: Purpose and Procedures

ARTICLE 15

Town of Seabrook Island

Development Standards Ordinance

Section 15.1 Scope and Purpose

A. **Scope**. These regulations control the SUBDIVISION of land and the opening or extension of any streets or roads within the TOWN. They provide for review of the plans and specifications by the PLANNING COMMISSION regarding the width, character, and location of streets, alleys, and roads in SUBDIVISIONs; and the plans for locating water mains, sewer lines, and other utilities. Before any SUBDIVISION, street, alley, or road shall be laid out, they shall be required to have the approval of the PLANNING COMMISSION, unless expressly exempt from the provisions of this article.

B. **Purpose**. The public health, safety, economy, good order, appearance, convenience, and general welfare require the harmonious, orderly, and progressive DEVELOPMENT of land. In furtherance of this general intent, the regulation of land DEVELOPMENT by municipalities is authorized for the following purposes, among others, as stated in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code of Laws, Section 6-29-1120, as amended:

1. To encourage the DEVELOPMENT of economically sound and stable municipalities;

2. To assure the timely provision of required roads, utilities, and other facilities and services to new land DEVELOPMENTs;

3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land DEVELOPMENTs;

4. To assure the provision of needed public OPEN SPACEs and BUILDING sites in new land DEVELOPMENTs through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and

5. To assure, in general, the wise and timely DEVELOPMENT of new areas, or redevelopment of areas in harmony with the TOWN's COMPREHENSIVE PLAN.

Section 15.2 SUBDIVISION Type and Approval Authority

A. **Exempt SUBDIVISIONs**.

1. Criteria. The following types of SUBDIVISIONs are exempt from the PLANNING COMMISSION review process outlined in this article. Exempt SUBDIVISIONs are those that meet any of the following conditions:

   a. The division of land into parcels of five (5) acres or more where no new street is involved.

   b. The combination or recombination of portions of previously platted LOTs where the total number of LOTs is not increased; the resultant LOTs comply with the requirements of this ordinance; and where no new street or change in existing streets is involved.

   c. The public acquisition by purchase of strips of land for widening or opening of streets.

d. When the boundaries of contiguous properties are altered for the purpose of transferring title of a portion of one parcel to the owner of an adjacent parcel; provided, no additional lot is created and a statement is made on the PLAT describing the transaction and certifying that both resulting parcels remain in conformance with all LOT AREA, LOT COVERAGE, LOT WIDTH, and SETBACK requirements of this ordinance.

e. Where properly platted LOTs or parcels are created and approved as a result of court action, the ZONING ADMINISTRATOR may waive the requirements relevant to the design and IMPROVEMENT specifications. Where the newly created LOTs or parcels do not meet the requirements of this ordinance or suffer other shortcomings rendering them unfit for BUILDING purposes, he or she shall consult with the TOWN attorney for possible legal action.

2. Review Procedure. The ZONING ADMINISTRATOR shall be responsible for review and approval of exempt SUBDIVISIONs.

3. Submittal Requirements. The application and content for a preliminary PLAT, as specified in Section 15.3 B., shall be applicable to exempt SUBDIVISIONs. The ZONING ADMINISTRATOR may waive any information required by Section 15.3 B.2. if, in his or her sole discretion, such information is determined to be unnecessary for review of the proposed exempt SUBDIVISION.

B. **Minor SUBDIVISIONs**.

1. Criteria. Minor SUBDIVISIONs are land DEVELOPMENTs that consist of subdividing a tract or parcel of land into 10 or fewer LOTs; provided:

   a. no street right-of-way dedications are involved;

   b. no UTILITY or drainage EASEMENTs are found necessary;

   c. no new or residual parcels are created which do not conform to the requirements of these regulations;

   d. the division is not considered an exempt SUBDIVISION; and

   e. the subject tract or parcel is not abutting vacant land in common ownership by the applicant.

2. Review Procedure. The ZONING ADMINISTRATOR shall be responsible for review and approval of minor SUBDIVISIONs.

3. Submittal Requirements. The application and content for a final PLAT, as specified in Section 15.3 D.2., shall be applicable to minor SUBDIVISIONs; provided, the notification requirements for a preliminary plan, as specified in Section 15.3 B.1. and the time limits and review criteria specified in Section 15.3 B.3 and B.4, respectively, shall be met.

C. **Major SUBDIVISIONs**.

1. Criteria. Major SUBDIVISIONs are land DEVELOPMENTs that consist of subdividing a tract or parcel of land into more than 10 LOTs or which involve street right-of-way dedication or UTILITY or drainage EASEMENTs. For purposes of this section, any application for a CONSERVATION SUBDIVISIONs, submitted pursuant to Section 5.4 of this ordinance, shall be deemed a major SUBDIVISION.

2. Review Procedure. The PLANNING COMMISSION shall be responsible for review and approval of major SUBDIVISIONs.

3. Submittal Requirements. The application and content for a preliminary PLAT, construction plan, and final PLAT, as specified in Section 15.3, shall be applicable to major SUBDIVISIONs.

Section 15.3 Procedures and Plan Requirements

A. **Application**. Requests for review and approval of any SUBDIVISION shall be submitted to the ZONING ADMINISTRATOR on an application form made available for that purpose. The application shall include a fee, as established by TOWN COUNCIL, and all required drawings, documents, and information specified in this section. Incomplete applications or documentation will not be accepted and shall be returned to the applicant without further processing. The ZONING ADMINISTRATOR shall send a copy of the application by mail to the owners of all real property, as shown on current tax records, located within 300 feet of the boundaries of the property to be subdivided.

B. **Preliminary PLAT**.

1. Application and Notification.

   a. Application for a preliminary PLAT approval shall be accompanied by two (2) prints and one (1) electronic plan set which include all information specified in this subsection. The ZONING ADMINISTRATOR, upon determining that the application is complete, shall distribute copies of the preliminary PLAT to the PLANNING COMMISSION and to those individuals, agencies, organizations, or other interested parties that may have expressed an interest in receiving such applications. The ZONING ADMINISTRATOR shall compile and maintain such a list.

   b. The PLANNING COMMISSION shall receive each completed application no less than 30 days prior to the date upon which the application will be first considered.

2. Preliminary PLAT Requirements.

   a. Plans shall be drawn on a sheet size of not less than 24 inches by 36 inches.

   b. Where parcels larger than 10 acres are being proposed for SUBDIVISION, plans shall be drawn at a scale no smaller than one (1) inch equals 100 feet and may be drawn on more than one (1) sheet.

   c. For parcels of 10 acres or less, a scale of one (1) inch equals 50 feet (1"=50') shall be used.

d. Even though an applicant intends to subdivide only a portion of a parcel or tract of land initially, the preliminary PLAT shall show a proposed street and LOT layout, drainage plan, and other requirements for the entire parcel or tract in which such portion is contained; provided, the PLANNING COMMISSION may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.

e. The following information shall be required on each preliminary SUBDIVISION PLAT:

   i. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), preparation date and subsequent revision dates, name of subdivider, and the name of engineer or surveyor with a seal and South Carolina Registration Number.

   ii. All existing physical features of the land, including contours, drainage ditches, and roads. All contour information shall be based on MEAN SEA LEVEL datum and shall be accurate within one-half (½) foot. The Benchmark, with its description, and the datum used for the survey shall be clearly noted on the PLAT.

   iii. Existing tree canopy coverage, as required by Section 11.3.D.1.

   iv. The courses and distances of the perimeter of the land involved, with the courses marked to show which are actual field observations and which are computed.

   v. References to a known point or points such as street intersections and neighboring parcels.

   vi. The total GROSS ACREAGE and NET ACREAGE of the land involved in the SUBDIVISION.

   vii. The names of adjacent landowners and streets, where known or available, and all intersecting boundaries or property lines.

   viii. Proposed divisions to be created, including the right-of-way widths, roadway pavement widths, and names of streets; the locations of proposed UTILITY installations; lot lines with dimensions and angles; LOT AREA in square feet; sites reserved or dedicated for public uses OPEN SPACE; and sites for non-RESIDENTIAL USEs.

   ix. A topographic survey showing contours at one (1) foot intervals.

   x. General drainage features, including the proposed direction of drainage on each street, ditch, and LOT indicated using arrows and proposed street names.

f. Accompanying Information.

   i. The preliminary PLAT shall be accompanied by a statement confirming the availability of public water and sewer and indicating the distance to and location of the nearest public water supply and public sanitary sewer lines.

ii. The preliminary PLAT shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.

iii. The preliminary PLAT shall be accompanied by a construction traffic plan which identifies the measures to be undertaken by the applicant to protect existing neighborhoods, vehicular and pedestrian traffic, protected trees, vegetation, and CRITICAL AREAS from the potential impacts of construction traffic during development.

3. PLANNING COMMISSION Action.

   a. A decision to approve, conditionally approve, or disapprove the application shall be rendered within 60 days of receiving a complete application. Notice of such action shall be mailed to the applicant within five (5) business days of the date when the decision was made.

   b. Failure by the PLANNING COMMISSION to act within 60 days of the receipt of a complete preliminary PLAT application is deemed to constitute approval, and the applicant must be issued a letter by the ZONING ADMINISTRATOR of approval and authorization to proceed based on the plans and supporting documentation presented.

   c. When a complete application for approval of a preliminary PLAT has been submitted in accord with these requirements, and it is apparent no action will be taken within 60 days, the time limit may be extended by mutual agreement of the PLANNING COMMISSION or ZONING ADMINISTRATOR and the applicant.

   d. No IMPROVEMENTs shall be made, nor shall permanent markers or monuments be installed, prior to receiving preliminary PLAT approval from the PLANNING COMMISSION.

   e. Pursuant to Section 1.6, an approved preliminary PLAT shall be valid for two (2) years from the date of its approval, plus up to five (5) annual extensions. All requests to extend a preliminary PLAT approval shall be made and considered as provided in Section 1.6.

4. Criteria for Review. The PLANNING COMMISSION shall consider the following criteria before deciding on a preliminary SUBDIVISION application. Whether the proposed SUBDIVISION will:

   a. comply with all requirements of this ordinance;

   b. minimize the detrimental impact to the site and surrounding environmental areas, and meet all BUFFER requirements through the protection of significant regulated trees and other distinctive natural vegetation;

   c. assure safe and convenient ingress to and egress from the property; provide internal circulation, including access of service and emergency vehicles, consistent with TOWN and county standards; proper design of off-street parking and LOADING areas; and written approval from the appropriate federal, state, county, and municipal agencies.

To the extent any proposed DEVELOPMENT is not served by a public road, the applicant must provide proof of a right to legally access such property;

d. be designed and located to mitigate the effects of tidal surge, flooding, and other natural hazards associated with placing such DEVELOPMENT on a barrier island, to ensure the availability of sufficient BUILDING envelope as required by the zoning district in which the property is located.

e. minimize environmental damage caused by the destruction of natural vegetation including regulated trees, myrtles, other vegetation, and plant life, along with natural features such as BERMs, sand dunes and CRITICAL AREAS areas on the site; and

f. provide all required utilities and services, including adequate fire protection capability;

g. make reasonable provision for recreation facilities and OPEN SPACE to meet the needs of the proposed DEVELOPMENT, taking advantage of available community OPEN SPACE and recreation facilities.

C. **Construction Plan**.

1. After approval of preliminary PLAT and before commencement of any work within the proposed SUBDIVISION, the ZONING ADMINISTRATOR shall submit and coordinate the review of construction plans and profiles by Charleston County, St. Johns Fire District, ~~SCDHEC-OCRM~~SCDES-BCM, and other agencies, as appropriate

2. The approval of the construction plans shall apply only for the duration of the approved preliminary SUBDIVISION PLAT.

3. Following approval of the construction plans by the ZONING ADMINISTRATOR and all other outside agencies and entities, construction may commence on the proposed IMPROVEMENTs.

D. **Final PLAT**.

1. Application. Applications for final PLAT approval shall include all information as specified below. The final PLAT may be submitted for approval in phases conforming to the approved preliminary PLAT. Complete applications for final PLAT approval shall be submitted to the ZONING ADMINISTRATOR at least 15 days prior to the next regularly scheduled PLANNING COMMISSION meeting. The original drawing of the final PLAT, which is to be recorded, plus four (4) copies, must be submitted with the application.

2. Final PLAT Requirements. The final PLAT shall be drawn in ink, on a material specified by the Register of Deeds as acceptable for recording, on 24 by 36-inch sheets, and at a scale of one (1) inch equals 100 feet (1" = 100') or larger. A PDF copy shall also be provided. If necessary, the PLAT may be on several sheets accompanied by an index sheet or key map insert showing the entire SUBDIVISION.

a. *PLAT content*. The final PLAT shall show the following:

i. All information required on the preliminary PLAT, except for topographic data.

ii. All property lines with accurate bearings or deflection angles. If a control traverse is run between any two (2) points on any property lines, then it shall be noted.

iii. For property lines which are curves or are in part curves, the following shall be shown: arc length (indicating whether the arc method or chord method was used), Delta angle, degree of the curve, tangent distance, length of curve, and radius. Also, in dashed lines, the chord length from property corner to property corner along the curve shall be shown with appropriate bearings and angles.

iv. The location of points of intersection where circular curves are not used.

v. Block and LOT numbers suitably arranged by simple system.

vi. Certificates.

(a) A surveyor's certificate as to accuracy of survey and PLAT. "I (name of surveyor), a registered surveyor of the State of South Carolina, do hereby certify that I have surveyed the property shown hereon, that this PLAT shows the true dimensions of the property and that all necessary markers have been installed and the precision is 1: _____ "(state actual precision). The unadjusted field measurement of LOTs and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the S.C. Board of Engineering Examiners."

(b) A statement of dedication by the property owner of streets, rights-of-way, EASEMENTs, and other sites for public use. If any change in ownership is made after the submission of the PLAT but prior to the granting of final approval, the statement of dedication shall be corrected accordingly.

(c) The signature and seal of the registered land surveyor in accordance with the current Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

(d) Where a parcel of land is proposed to be used as the site for UTILITY substation, power line EASEMENTs or right-of-way, pumping station, pressure regulating station, electricity regulation substation, gas pressure control station, or similar facilities whose nature is such that the parcel's area or width may appropriately be less than the established minimum, a statement which describes the proposed transaction, stipulating the use and certifying that any parcels thus created are not created as individual BUILDING LOTs.

vii. All EASEMENTs including their widths and centerlines.

viii. Delineation of the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE.

b. *Accompanying documentation*.

i. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs after the date of the certificate to title or affidavit but prior to the granting of final approval by the PLANNING COMMISSION, then a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the PLANNING COMMISSION.

ii. In SUBDIVISIONs where existing public water and public sewer systems have been extended and/or a new system installed, a certification of inspection from ~~SCDHEC~~SCDES shall be submitted to the PLANNING COMMISSION.

iii. When the PLANNING COMMISSION has approved the PLAT, a certificate noting such approval and carrying the signature of the ZONING ADMINISTRATOR shall be placed on the original drawing of the PLAT.

c. *Statements on PLAT*. The TOWN reserves the right to require additional statements to be placed upon the PLAT if the proposed SUBDIVISION does not meet all requirements of the SUBDIVISION regulations. These notes shall be included in the approval of the final PLAT. In addition, the following statements shall be placed upon the PLAT if the proposed roads and drainage have not been constructed in conformance with standards and specifications of the TOWN's ROAD CODE:

i. "The approval of this PLAT does not obligate the TOWN of Seabrook Island in any way to accept for MAINTENANCE any of the roads or EASEMENTs shown hereon."

ii. "WARNING! Approval of this PLAT by the TOWN of Seabrook Island does not indicate approval nor adjudicate title of the access or right-of-way shown hereon."

d. *Notes for conditional PLATs*. Where PLATs are submitted under the PERFORMANCE GUARANTEE for CONDITIONAL approval, the following notes shall be placed on the PLAT:

i. "This PLAT submitted for pre-selling under the irrevocable letter of credit provision of the TOWN of Seabrook Island SUBDIVISION Regulations."

ii. "Approval of this PLAT does not authorize occupancy."

iii. "Duration of approval shall be for one year." The duration of approval should be for two (2) months longer than the time desired or required to complete the amenities for which the bond is posted. The conditional approval will expire approximately two (2) months before the expiration date of the letter of credit (or performance bond). This will permit the TOWN sufficient time to complete the work in the event of default.

iv. "The approval of this PLAT in no way obligates the TOWN of Seabrook Island to accept for continued MAINTENANCE any of the roads or EASEMENTs shown hereon."

3. PLANNING COMMISSION Action.

a. If the final PLAT conforms to the approved preliminary PLAT and the requirements of these regulations, the PLANNING COMMISSION shall grant final approval.

b. The PLANNING COMMISSION shall grant final approval or shall disapprove the application within 60 days of receipt of a complete application and shall mail notice of its action to the applicant within five (5) business days after the meeting at which the application was considered. Failure of the PLANNING COMMISSION to act within 60 days of the receipt of a complete final PLAT application, shall constitute approval and the applicant shall be issued a letter of approval and authorization to proceed based on the plans and supporting documentation submitted.

c. When a complete application for approval of a final PLAT has been submitted in accord with these requirements, and it is apparent no action will be taken within 60 days, the time limit may be extended by mutual agreement of the PLANNING COMMISSION or ZONING ADMINISTRATOR and the applicant.

d. Unless specifically noted on the PLAT and accepted as public by action of the TOWN COUNCIL, all roads and drainage EASEMENTs within the PLAT shall be private. A MAINTENANCE agreement for such privately owned infrastructure shall be filed as part of the final PLAT application.

4. Recording.

a. Upon approval by the PLANNING COMMISSION, the ZONING ADMINISTRATOR shall affix his or her signature on the face of the original drawing which is to be recorded. Such approval shall not be noted on the PLAT until all the requirements of these regulations are met.

b. The ZONING ADMINISTRATOR shall cause the approved final PLAT to be recorded in the Charleston County Register of Deeds Office. A fee may be charged for copying and recording a PLAT in accordance with the adopted fee schedule , pursuant to Section 18.3.

c. The original drawing of the final PLAT, which is to be filed and recorded, plus four (4) prints of such PLAT, shall be submitted with the application.

d. One (1) print shall be retained by the ZONING ADMINISTRATOR to be used when necessary for addressing purposes.

Subdivision: Design Requirements

ARTICLE 16

Town of Seabrook Island

Development Standards Ordinance

Section 16.1 Purpose

The regulations in this article are intended to provide for the harmonious DEVELOPMENT and a consistent standard of quality within the TOWN. The objectives are to secure a coordinated street layout and efficient transportation network; to protect residential areas from through traffic and related hazards; to ensure safe and proper street intersection design; to achieve individual LOTs of maximum utility; to secure adequate provision of light, air, water supply, drainage, and sanitary sewer facilities; to facilitate adequate provision of transportation, recreational areas, and other public services and facilities; to provide accurate land records and boundary identification for the convenience and protection of the public; and to ensure the proper recording of survey data prior to selling land.

Section 16.2 Design Standards

A. **Minimum Requirements**. The following design standards shall be considered minimum requirements; however, higher standards are to be encouraged in SUBDIVISION design.

B. **Blocks**. The lengths, widths, and shapes of blocks shall be determined with regard to:

1. Provision of adequate BUILDING sites suitable to the special needs of the type of use (residential, commercial, community facilities, other) contemplated.

2. Zoning requirements as to LOT sizes and dimensions.

3. Need for convenient vehicular and pedestrian access, circulation, control, and safety.

4. Limitations and opportunities of topography and drainage features.

C. **LOTs**. The size and width of LOTs shall be as required by the applicable zoning district regulations and sufficient with respect to depth, shape, and orientation to accommodate reasonable DEVELOPMENT within required BUILDING SETBACK lines and in relation to existing natural features.

1. Orientation. All quadrangle LOTs and, as far as practical, all other LOTs should have side lines at right angles to straight street lines or radial to curved street lines.

2. LOT DEPTH. DEPTH of residential LOTs shall not exceed two and one-half (2½) times the width, except in the case of TOWNHOMEs or MULTI-FAMILY DWELLINGs, or in cases where portions exceeding that depth are for the purpose of providing separation from major streets, non-access reservations, EASEMENTs, or CRITICAL AREAS. The DEPTH-to-width ratio shall not apply in cases where the LOT WIDTH exceeds 300 feet for its entire DEPTH.

3. Clear Vision Corners. CORNER LOTs shall have extra widths where necessary to permit the establishment of clear vision corners, per Section 2.4A.

4. DOUBLE FRONTAGE (Through Lots). DOUBLE FRONTAGE lots shall not be permitted, except where essential to provide separation of residential DEVELOPMENT from a COLLECTOR STREET. In such case, an EASEMENT of at least 10 feet in width, across which there shall be no right of access, shall be required along the lot lines abutting the

COLLECTOR STREET. No right of access shall be granted except by the PLANNING COMMISSION.

5. Access to Streets. All LOTs shall have FRONTAGE on and be provided access to streets which have been constructed in conformance with the standards and specifications in the TOWN's ROAD CODE.

    a. The PLANNING COMMISSION may approve LOTs, parcels, or tracts that are accessed from PRIVATE STREETs; provided, new streets are constructed in conformance with standards and specifications prescribed in the current version of the TOWN's ROAD CODE.

    b. Approval of PRIVATE STREETs shall be contingent upon a binding provision for continued MAINTENANCE of such streets by SIPOA or other responsible entity approved by the PLANNING COMMISSION. Such association or entity shall be an organization operating under agreements of public record that have been reviewed and considered legally binding by the TOWN attorney. This will ensure that the TOWN shall not be liable for any MAINTENANCE and upkeep responsibilities. The agreements shall provide for an EASEMENT and lien against abutting LOTs or the association for the continued MAINTENANCE of such streets.

6. Area Subject to Flooding. A PLAT of a proposed SUBDIVISION submitted for approval which contains lands subject to flooding shall clearly identify all FLOOD zones.

D. **ARTERIAL STREETs**.

1. Designation. That portion of Seabrook Island Road lying between the end of Land Fall Way and Kiawah Island Parkway is designated as an ARTERIAL STREET.

2. Design. Due to the volume of traffic and purpose which ARTERIAL STREETs are intended to serve, access control is warranted to provide and maintain the safe and uncongested flow of vehicles. Such controls may include, without limitation, boulevard design, limits imposed on the number and spacing of individual driveways, and separate turning lanes.

3. Requirements. The regulations applicable to that segment of Seabrook Island Road under the jurisdiction of the TOWN are specified in Article 8, Seabrook Island Road OVERLAY DISTRICT.

4. Future ARTERIAL STREETs. As future DEVELOPMENT occurs, the PLANNING COMMISSION may recommend to TOWN COUNCIL the designation of new ARTERIAL STREETs, as defined in this ordinance. Such street(s) shall be subject to the provisions of this article.

E. **Streets**. The layout of streets as to location, character, width, and GRADE shall conform to adopted TOWN plans, where applicable. Streets shall be designed to afford convenient access to existing or planned street systems and abutting properties, and to minimize the impact upon topography, natural features, and drainage systems.

1. No road IMPROVEMENTs shall commence until the ZONING ADMINISTRATOR shall affix his or her signature to the original drawing of the plans and profiles, as submitted. All IMPROVEMENTs shall conform to that set of signed plans and profiles.

2. LOCAL STREETs shall be arranged to discourage through traffic.

3. Where a SUBDIVISION abuts or contains an existing or proposed ARTERIAL STREET and where a thoroughfare plan indicates a limited access road, the PLANNING COMMISSION may require FRONTAGE roads or similar marginal access streets, reverse FRONTAGE with screen planting, deeper LOTs, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

4. Reserve strips or parcels controlling access to streets are prohibited, except where expressly authorized by this ordinance or in instances where the developer demonstrates to the satisfaction of the PLANNING COMMISSION that such strips or parcels are necessary to protect public health or safety, or when the presence of CRITICAL AREAS, WETLANDs, or topography renders the use of such land infeasible.

5. Off-set street intersections on opposite sides of a street shall be no closer than 125 feet, measured centerline to centerline.

6. A tangent of at least 100 feet shall be introduced between reverse curves on ARTERIAL STREETs.

7. Streets shall be laid out to avoid acute angles between streets at their intersections, except in the cases of merging streets.

8. Property lines at street intersections shall be rounded with a radius of not less than 15 feet. The PLANNING COMMISSION may require larger radii when, in its opinion, such design is advisable to permit the construction of curbs of large radius.

9. Street right-of-way widths shall be a minimum of 50 feet., For ARTERIAL STREETs, rights-of-way shall be no less than 60 feet wide; provided, the PLANNING COMMISSION may require rights-of-way up to 100 feet in width, depending on traffic volumes and geometric design. In all cases, the subdivider shall be required to dedicate the full width of any required right-of-way to an applicable HOMEOWNER'S ASSOCIATION, in the case of PRIVATE STREETs, or to the applicable public entity for PUBLIC STREETs; provided, the private or public entity accepts that street dedication.

10. Alleys may be permitted where appropriate to provide for access to off-street parking, LOADING and unloading, and service areas. Alley design and construction shall conform to the requirements of the TOWN's ROAD CODE.

11. No dead-end street shall exceed 800 feet in length, measured from the edge of the intersecting street to the end of the pavement at the closed end. Where required by the current edition of the International Fire Code, the closed end of any dead-end street shall be constructed with a turn-around with a diameter of 80 feet or such other configuration approved by the St. Johns Fire District that will accommodate maneuvering of fire apparatus in the event of an emergency. A landscaped island shall be installed in the center of the turn-around.

12. Streets and intersection approaches shall not be excessive in GRADE, not be less than three-tenths (3/10) of one (1) percent in the gutter profile. Some deviation from these GRADEs may, however, be permitted by the ZONING ADMINISTRATOR, in consultation with the county or a consulting engineer, where necessary, to adjust to topographical conditions.

13. The inverted crown sections, with or without adjoining parking, shall only be permitted in MULTI-FAMILY DEVELOPMENTs and shall be privately maintained. While a portion of this section may be used for parking facilities and/or access from these facilities, they must connect to service or COLLECTOR STREETs. All sections shall be constructed in conformance with the current edition of the ROAD CODE.

14. Street names shall be subject to review and approval by the PLANNING COMMISSION. Street names shall be subject to the Street Naming Policy, as provided in Section 16.6.

15. Street signs shall be designed and constructed in accordance with the requirements of TOWN or SIPOA, as applicable, unless otherwise specified by the PLANNING COMMISSIONs.

F. **Utilities**.

1. Drainage.

a. The standards set forth in the ~~SCDHEC-OCRM~~SCDES "Stormwater Management Guidelines" shall be used in determining stormwater runoff and CRITICAL AREA standards for any project. Existing natural drainage shall be maintained or relocated in conformance with these design standards.

b. Drainage requirements for retention and detention must meet ~~SCDHEC-OCRM~~SCDES requirements. Calculations and plans showing these requirements shall be prepared and submitted by a professional engineer registered in the State of South Carolina.

c. No SUBDIVISION shall block or obstruct the natural drainage of an adjoining area.

d. LOTs less than 200 feet in DEPTH shall be provided with means for positive drainage and shall have a slope of not less than 0.70 percent to an approved swale, ditch, gutter, or other type of approved drainage facility.

e. Where an existing ditch is maintained by the TOWN without a drainage EASEMENT, the TOWN may improve the ditch to TOWN standards; provided, the property owner grants and dedicates a drainage EASEMENT in accordance with the requirements of the TOWN's ROAD CODE.

f. Where an existing SUBDIVISION or developed area has documented flooding or other problems attributable to a poorly performing drainage system and that system is maintained by the TOWN, but is not located within a drainage EASEMENT, the TOWN may be requested to undertake necessary IMPROVEMENTs. The TOWN may agree to perform the necessary work; provided, the property owner grants and dedicates a drainage EASEMENT in accordance with the requirements of the TOWN ROAD CODE.

No such IMPROVEMENTs will be made, however, if the required work is to be done by the developer within a reasonable length of time and will correct or considerably improve the drainage situation in the SUBDIVISION or DEVELOPMENT area.

2. Water and Sewer Service.

   a. The developer shall install public water and public sanitary sewer lines.

   b. No individual subsurface sewage disposal systems are authorized within the TOWN. Only public or private central sewer systems meeting ~~SCDHEC~~SCDES requirements shall be authorized.

3. EASEMENTs.

   a. Drainage EASEMENTs shall be provided and dedicated in accordance with the requirements of the current edition of the TOWN's ROAD CODE.

   b. EASEMENTs for drainage or sewer along rear and side property lines may be required where deemed necessary by the TOWN. Drainage EASEMENTs shall not be allowed to traverse LOTs except as provided in this article. Redesign of the LOT arrangement may be required to meet extreme drainage conditions.

   c. EASEMENTs shall center along or be adjacent to a common property line where practical.

   d. All EASEMENTs for drainage or sewer shall be cleared of undergrowth, trees, and other obstructions by the developer prior to final approval. This shall not apply to EASEMENTs provided for possible future use.

4. Electrical and Telecommunication Service. Electrical and telecommunication wires shall be placed underground on the interior of the DEVELOPMENT site, unless otherwise permitted by the PLANNING COMMISSION.

5. Fire Hydrants. Fire hydrants shall be installed along all SUBDIVISION streets, in accordance with the current edition of the International Fire Code. Fire hydrants shall also be installed along those perimeter streets abutting the SUBDIVISION and with which any SUBDIVISION street intersects. Spacing between hydrants along the perimeter street(s) shall be as required by the St. Johns Fire District.

Section 16.3 Required IMPROVEMENTs.

A. **Monuments**.

1. A monument shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Monuments shall also be set on right-of-way lines (on each side of the centerline) at angle points when curves are not used. All INTERIOR LOT corners shall be marked.

2. Monuments shall be one of the following:

a. A reinforced concrete monument with a brass or copper pin in the top. Concrete monuments shall be a minimum of three (3) feet long and have a minimum cross-dimensional area of nine (9) square inches. They shall protrude above the ground not less than two (2) inches and not more than six (6) inches.

b. An iron pipe or pins having a minimum diameter or three-fourths (¾) inches hollow or one-half (½) inches solid steel. Such iron pins will be a minimum of two (2) feet in length and shall extend above the ground at least one (1) inch.

   i. Monuments shall be installed prior to the submission of and approval of the final PLAT.

   ii. The location and type of all monuments used shall be indicated on the final PLAT.

B. **MAINTENANCE**. Unless otherwise specified, the TOWN shall maintain only those EASEMENTs, streets and other public IMPROVEMENTs specifically accepted for TOWN MAINTENANCE. Covenants shall stipulate that contiguous property owners shall be responsible for the general MAINTENANCE of all private EASEMENTs, streets, and other IMPROVEMENTs. Duly appointed officials of the TOWN or any UTILITY company with lines in such EASEMENTs shall have full right of access.

1. MAINTENANCE of drainage systems by a public entity, as applicable, shall be limited to that work necessary to ensure the proper flow of water within the STRUCTURE. This work includes REPAIRs to damaged pipes and removal of sedimentation and vegetation that impedes the proper flow of water within a STRUCTURE as determined by the ZONING ADMINISTRATOR and the county BUILDING OFFICIAL. The cutting of vegetation and removal of foreign material from areas around the drainage STRUCTUREs, which are part of the overall drainage plan of a land DEVELOPMENT project, as required by this ordinance and/or duly accepted by TOWN COUNCIL, is the responsibility of the owners of the property on which the drainage STRUCTURE is located.

2. A PERFORMANCE GUARANTEE for the MAINTENANCE of the IMPROVEMENTs prior to final acceptance by the TOWN shall be posted for that period between completion and acceptance in an amount established by TOWN COUNCIL, but not to exceed 25 percent of the IMPROVEMENT cost.

3. The applicant shall make such adequate provisions, as required by the PLANNING COMMISSION, for the perpetual MAINTENANCE of all required IMPROVEMENTs (private roads, pedestrian paths and bikeways, drainage facilities, and any such other IMPROVEMENTs) in the DEVELOPMENT until such obligations have been assumed by another entity. Such MAINTENANCE agreement shall be in the form of:

   a. perpetual MAINTENANCE agreement;

   b. HOMEOWNER'S ASSOCIATION;

   c. landowner's agreement; and/or

d. creation by developer of a PERFORMANCE GUARANTEE, as determined appropriate by the PLANNING COMMISSION.

4. Where MAINTENANCE of the required IMPROVEMENTs is being assumed by another entity, the developer must submit documents demonstrating that such entity shall assume the responsibility for providing services to maintain these facilities. Such entity shall be:

   a. organized for the purposes of, but not limited to, operation and MAINTENANCE of roads, pedestrian paths and bikeways, drainage facilities, and common OPEN SPACE that will NOT be dedicated to the TOWN, and

   b. duly chartered by the State of South Carolina and recorded with the Charleston County Register of Deeds.

5. If at any time the association desires public MAINTENANCE of any facilities, those facilities shall first be determined to meet TOWN standards. TOWN COUNCIL shall be under no obligation to accept responsibility for any such facilities, and may, at its discretion, establish fees and/or conditions prior to accepting any private facilities for public MAINTENANCE.

Section 16.4 Modifications

A. **Modifications and Waivers**.

1. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such DEVELOPMENT or unusual environmental conditions that the strict application of the requirements contained in the SUBDIVISION regulations would result in substantial hardship or inequity, the PLANNING COMMISSION, where expressly authorized by this ordinance, may modify or waive, , certain design requirements, but not of procedure or IMPROVEMENTs, so the subdivider may develop the property in a reasonable manner. However, in considering any request to modify or waive any requirement specified herein, the PLANNING COMMISSION shall first determine that the public welfare will not be adversely impacted; and the general intent and spirit of this ordinance shall be preserved. Such modification or waiver may be granted upon written request of the subdivider stating the reasons for each modification or waiver.

2. Modification or waiver of any other spatial, dimensional, or zoning requirement of the zoning district in which the subject property is located, or any other provisions of this ordinance, may only be considered by the Board of Zoning Appeals pursuant to the VARIANCE provisions contained in Section 20.3.

3. A "substantial hardship" shall not include financial hardships or hardships which are self-created by the developer.

B. **Criteria**.

1. General Criteria. The applicant shall submit a petition clearly stating the reason for a proposed modification or waiver of any SUBDIVISION requirement. Consideration shall be given to the following factors:

a. Unique conditions that justify altering the requirements due to their effect on the property involved and are not generally shared by other properties in the TOWN;

b. Undue hardships that will result from adherence to the SUBDIVISION requirements;

c. Modifications or waivers granted would not be detrimental to adjacent property or to the public health, safety, general welfare, and interest.

2. Criteria in Specific Situations.

a. The proposed DEVELOPMENT meets all dimensional requirements for individual LOTs in accordance with the zoning district in which they are located.

b. Required site and soil evaluation may be waived when parcels of land of five (5) or more acres are being created for purposes other than BUILDING LOTs or tracts. PLATs so presented must be captioned accordingly and shall be required to conform to all remaining requirements of this article. ~~The stamp of approval will denote that Health Department approval is not included~~.

Section 16.5 Appeals

A. Staff action to approve or disapprove a land development plan, where authorized, may be appealed to the PLANNING COMMISSION by any party in interest. The PLANNING COMMISSION must act on the appeal within 60 days, and the action of the PLANNING COMMISSION is final.

B. An appeal from the decision of the PLANNING COMMISSION must be taken to the circuit court within 30 days after actual notice of the decision.

Section 16.6 Street Naming Policy

A. **Naming of new streets.**

1. Intent. This section is intended to provide general procedures and standards for the naming of new streets within the town. The review and approval of names for new streets will enhance and coordinate the efficient and effective delivery of services by the town and other public entities, including: Charleston County Consolidated Dispatch Center, Charleston County Emergency Medical Services, Charleston County Sheriff's Office, St. John's Fire District, United States Postal Service, and all other applicable emergency management organizations.

2. Applicability. All streets within the town shall be named in accordance with the provisions of this section. For purposes of this section, the word "street" shall mean any public street, private road, access EASEMENT or right-of-way that provides, or will provide, access to two or more buildable lots.

3. Procedure. Prior to subdividing, recording or otherwise developing any new street which is required to be named pursuant to the provisions of this ordinance, the proposed street name shall be reviewed and approved by the Planning Commission as part of the site plan and/or subdivision review process, as provided in Articles 14-16. Prior to review by the

Planning Commission, the Zoning Administrator shall submit the proposed street name to the Charleston County Consolidated Dispatch Center and any other applicable public safety agencies or departments for review and pre-clearance. Any street name which is rejected by the Charleston County Consolidated Dispatch Center or another applicable public safety agency or department shall be considered automatically denied; however, upon notice of denial, the applicant may submit an alternative name for consideration.

4. Review criteria. In reviewing the proposed name for any new street within the town, the Planning Commission shall consider the following criteria:

    a. The proposed street name is not already in use within the town;

    b. The proposed street name is easily distinguished from other street names so as to avoid creating confusion among emergency responders, mail and package delivery services and the general public;

    c. The proposed street name does not use frivolous or complicated words, or unconventional spellings;

    d. The proposed street name does not use numbers (such as "1st Street"), alphabetical letters (such as "A Street") or special characters (such as "@" or "&");

    e. The proposed street name would not be perceived as obscene or offensive;

    f. The proposed street name is brief, clear, simple, logical, and easy to pronounce;

    g. The proposed street name is associated with the history, flora or fauna of the Seabrook Island community or the Lowcountry, when possible;

    h. If the street will be located within a master planned development, the proposed street name may represent a common theme within the development;

    i. If the street is proposed to be named in honor of an individual, consideration shall be given to that PERSON' relationship to the community, as well as his or her character, public image, and public contribution; and

    j. The application must comply with all other requirements of this ordinance.

5. Effect of approval.

    a. Upon approval by the Planning Commission, the approved street name shall become the legal name of the street and will supersede all other conflicting records.

    b. Within five business days of approval, the Zoning Administrator shall provide notice of the new street name by mail, electronic delivery or hand delivery to the Charleston County Assessor's Office, Charleston County Consolidated Dispatch Center, affected property owner(s), the United States Postal Service, and all other applicable agencies or departments.

B. **Renaming of existing streets.**

1. Intent. This section is intended to provide general procedures and standards for the renaming of existing streets within the town. The review and approval of street renaming requests will enhance and coordinate the efficient and effective delivery of services by the town and other public entities, including: Charleston County Consolidated Dispatch Center, Charleston County Emergency Medical Services, Charleston County Sheriff's Office, St. John's Fire District, United States Postal Service, and all other applicable emergency management organizations.

2. Applicability. All streets within the town shall be named in accordance with the provisions of this section. For purposes of this section, the word "street" shall mean any public street, private road, access EASEMENT or right-of-way that provides, or will provide, access to two or more buildable lots.

3. Procedure.

    a. *Application*. Any PERSON or group of PERSONs wishing to change the name of an existing street within the town shall submit a completed application for street renaming. The application shall be made on a form made available by the Zoning Administrator for that purpose and shall include any required supplemental materials. Only completed applications will be accepted. A separate application shall be required for each street renaming request. All applications for street renaming shall include, at a minimum:

        i. The current street name;

        ii. The proposed street name;

        iii. The purpose for changing the street name;

        iv. Signatures from the owner(s) of record for at least two-thirds (2/3) of all properties abutting the street which is proposed to be renamed indicating their support of the renaming request. For properties with more than one owner, all owners must sign the application for that property to be counted toward meeting the two-thirds (2/3) requirement. Properties which are owned by an association, corporation, partnership, trust or similar entity may be signed by an individual with the authority to sign on behalf of the entity. The requirements of this paragraph shall not apply to any request which is initiated by the Charleston County Consolidated Dispatch Center or any other applicable public safety agency or department, or in instances when all affected properties are owned by the same PERSON or entity.

        v. If the street is owned by an entity other than the town, the application shall include a letter from the street owner certifying that the owner will install, or cause to be installed, new street signs at all intersections within five (5) business days following approval of the street renaming request.

    b. *Pre-clearance*. Prior to review by the Planning Commission, the Zoning Administrator shall submit the proposed street name to the Charleston County Consolidated Dispatch Center and any other applicable public safety agencies or departments for review and pre-clearance. Any street name which is rejected by the Charleston County

Consolidated Dispatch Center or another applicable public safety agency or department shall be considered automatically denied; however, upon notice of denial, the applicant may submit an alternative name for consideration.

c. *Public hearing*. Prior to considering a request to change the name of an existing street, the Planning Commission shall advertise and hold a public hearing. Notice of the public hearing shall be published in a newspaper having general circulation within the town at least fifteen (15) days prior to the hearing date. Notice shall also be provided by certified mail to the owners of record for all properties abutting the street which is proposed to be renamed at least fifteen (15) days prior to the hearing date.

4. Planning Commission review. The Planning Commission shall consider the street renaming request at its next regularly scheduled meeting which occurs at least 15 days after notification of the public hearing date, as required in Section 16.50.20.30(c). In deciding whether to approve or deny a street renaming request, the Planning Commission shall consider the following criteria:

   a. The proposed street name is not already in use within the town;

   b. The proposed street name is easily distinguished from other street names so as to avoid creating confusion among emergency responders, mail and package delivery services and the general public;

   c. The proposed street name does not use frivolous or complicated words, or unconventional spellings;

   d. The proposed street name does not use numbers (such as "1st Street"), alphabetical letters (such as "A Street") or special characters (such as "@" or "&");

   e. The proposed street name would not be perceived as obscene or offensive;

   f. The proposed street name is brief, clear, simple, logical, and easy to pronounce;

   g. The proposed street name is associated with the history, flora or fauna of the Seabrook Island community or the Lowcountry, when possible;

   h. If the street will be located within a master planned development, the proposed street name may represent a common theme within the development;

   i. If the street is proposed to be named in honor of an individual, consideration shall be given to that PERSON's relationship to the community, as well as his or her character, public image, and public contribution;

   j. Pursuant to S.C. Code Section 10-1-165, no street dedicated in memory of, or named for, any historic figure or historic event may be renamed or rededicated without prior approval of the South Carolina General Assembly;

   k. Upon any other good and just reason that may appear to the commission; and

   l. The application must comply with all other requirements of this ordinance.

5. Effect of approval.

    a. Upon approval by the Planning Commission and the issuance of a Certificate of Street Renaming, which shall be recorded in the Charleston County Register of Deeds Office, the approved street name shall become the legal name of the street and will supersede all other conflicting records.

    b. Within five (5) business days of approval, the Zoning Administrator shall provide notice of the new street name by mail, electronic delivery or hand delivery to the Charleston County Assessor's Office, Charleston County Consolidated Dispatch Center, affected property owner(s), the United States Postal Service, and all other applicable agencies or departments.

    c. Within five (5) business days of approval, the town (or the street owner if the street is not owned by the town) shall install, or cause to be installed, new street signs at all intersections.

Duties and Responsibilities

ARTICLE 17

Town of Seabrook Island

Development Standards Ordinance

Section 17.1 ZONING ADMINISTRATOR

A. **Role**. The ZONING ADMINISTRATOR is designated as the individual responsible for administering and enforcing the provisions of this ordinance.

B. **Powers and Duties**. The ZONING ADMINISTRATOR shall have the following powers and duties under this ordinance:

1. To review and decide applications for:

   a. zoning compliance permits,

   b. CONDITIONAL USE permits,

   c. exempt and minor SUBDIVISIONs,

   d. certain SITE DEVELOPMENT PLANs, including changes to approved plans, where allowed by this ordinance,

   e. temporary use permits, and

   f. SIGN permits.

2. To render interpretations of this ordinance.

3. To establish application content requirements and a submission schedule for review of applications and appeals.

4. To compile and maintain administrative manuals and procedures.

5. To review and make recommendations through staff reports to the TOWN COUNCIL, PLANNING COMMISSION, and Board of Zoning Appeals on applications for permits and other approvals, where appropriate, and take any other action necessary to administer the provisions of this ordinance.

6. To maintain the official ZONING MAP and other such records and official materials that relate to the adoption, amendment, enforcement, or administration of this ordinance.

7. To enforce this ordinance in accordance with Article 22

8. To provide expertise and technical assistance to the TOWN COUNCIL, PLANNING COMMISSION, and Board of Zoning Appeals upon request.

Section 17.2 PLANNING COMMISSION

A. **Role**. The PLANNING COMMISSION functions as an advisory committee to the ZONING ADMINISTRATOR and TOWN COUNCIL with respect to certain provisions of this ordinance and has direct review and approval functions as specified in this ordinance.

1. Composition; terms; vacancy; removal.

a. The PLANNING COMMISSION shall consist of five members, who shall be appointed by the TOWN COUNCIL. Each member shall be a registered voter of the TOWN and shall either reside or own property within the TOWN. No member may hold any other elected or appointed office with the State of South Carolina or any of its political subdivisions.

b. All members shall be appointed for a term of two years. All terms shall end on December 31 of the appropriate year, unless otherwise noted.

c. The TOWN COUNCIL shall fill any vacancies.

d. The TOWN COUNCIL may remove a member for cause after written notice and an opportunity for a public hearing. Cause may include, but shall not be limited to, repeated failure to attend commission meetings, misfeasance, malfeasance, and failure to satisfy state-mandated training requirements for planning and zoning officials.

2. Compensation.

a. Members of the commission shall serve without compensation.

b. Members may be reimbursed for actual expenses incurred in the performance of their duties, as determined, and as authorized, by the TOWN COUNCIL.

3. Election of officers; appointment of secretary; organizational procedure governed by state law.

a. The commission shall elect a chairperson and a vice-chairperson from its members, who will serve for a term of one year and may be reelected.

b. The commission shall appoint a secretary, who may be an officer or employee of the TOWN or the commission.

c. The PLANNING COMMISSION shall adopt rules of organizational procedure that, as a minimum, address those procedures listed in S.C. Code of Laws, Section 6-29-360.

4. Public meetings and records.

a. The commission shall hold at least one regular meeting each month and shall meet at the call of the chairperson or at such times as the commission may determine.

b. The commission shall keep a public record of all proceedings, findings, and determinations.

c. All regular and special meetings of the PLANNING COMMISSION shall be open to the public and all records of the commission shall be a public record.

B. **Powers and Duties**. The PLANNING COMMISSION is vested with the powers and responsibilities authorized by S.C. Code of Laws, Section 6-29-310 et seq., including the following:

1. COMPREHENSIVE PLAN. To oversee the preparation and periodic updating of the TOWN's COMPREHENSIVE PLAN, and, by resolution, to recommend adoption of the plan or any element, amendment, extension, or addition, including maps and other descriptive matter, to TOWN COUNCIL.

2. Text amendments. To initiate, review, and make recommendations to TOWN COUNCIL to approve or deny any requested amendments to the text of this ordinance.

3. Amendments to official ZONING MAP (rezoning). To initiate, review, and make recommendations to TOWN COUNCIL to approve or deny applications to amend the official ZONING MAP.

4. SUBDIVISIONs. To review and decide applications for the SUBDIVISION and DEVELOPMENT of land, including, but not limited to, the review and approval of preliminary SUBDIVISION plans and final SUBDIVISION PLATs.

5. SITE DEVELOPMENT PLAN review. To review and decide applications for SITE DEVELOPMENT PLAN approval, as authorized by this ordinance.

6. Appeals. To hear and decide appeals on decisions of the ZONING ADMINISTRATOR, where allowed by this ordinance.

7. Street names. To review and approve the naming of new streets and the renaming of existing streets within the TOWN.

8. Right of entry. The PLANNING COMMISSION and its members, officers, and staff, in the performance of their functions, may enter upon any land and make examinations and surveys.

9. Other powers and duties. To carry out any other powers and duties which may be delegated to it by TOWN COUNCIL, consistent with state law.

Section 17.3 TOWN COUNCIL

A. **Role**. TOWN COUNCIL is the legislative body elected by the voters of the TOWN to adopt general policies and govern the affairs of the community.

B. **Powers and Duties**. COUNCIL is specifically charged with the following responsibilities related to land DEVELOPMENT within the community:

1. Appoint members. COUNCIL appoints members of the PLANNING COMMISSION, Board of Zoning Appeals, and other related committees.

2. Adopt ordinances. Upon receiving a recommendation from the PLANNING COMMISSION, TOWN COUNCIL is charged with adopting all ordinances, policies, and

regulations related to the use and DEVELOPMENT of land within the TOWN, including any amendments thereto.

3. Amendments. Upon receiving a recommendation from the PLANNING COMMISSION, TOWN COUNCIL is responsible for deciding all requests to amend the official ZONING MAP.

4. COMPREHENSIVE PLAN. Upon receiving a recommendation from the PLANNING COMMISSION, TOWN COUNCIL is responsible for adopting the COMPREHENSIVE PLAN, including any amendments thereto.

5. Fees. TOWN COUNCIL establishes the fee schedule related to administration and enforcement of the provisions of this ordinance.

6. Other. TOWN COUNCIL performs such other duties as may be prescribed by South Carolina law and the Town Code.

Section 17.4 Board of Zoning Appeals

A. **Role**. The Board of Zoning Appeals is established as an objective, quasi-judicial body charged with specific duties by state law.

1. Composition; terms.

   a. The Board of Zoning Appeals shall be composed of five members, who shall be residents of the TOWN. No member may hold any other elected or appointed office with the State of South Carolina or any of its political subdivisions

   b. Members shall be appointed by the TOWN COUNCIL and shall serve for a term of five years. All terms shall end on December 31 of the appropriate year, unless otherwise noted.

   c. The TOWN COUNCIL shall fill any vacancies.

   d. The TOWN COUNCIL may remove a member for cause after written notice and an opportunity for a public hearing. Cause may include, but shall not be limited to, repeated failure to attend commission meetings, misfeasance, malfeasance, and failure to satisfy state-mandated training requirements for planning and zoning officials.

2. Compensation.

   a. Members will serve without compensation.

   b. Members may be reimbursed for actual expenses incurred in conduct of official board business, as determined, and as authorized, by the TOWN COUNCIL.

3. Function and adoption of rules governed by state law procedure. The Board of Zoning Appeals shall function and adopt rules in accordance with the procedures specified in S.C. Code of Laws, Section 6-29-790.

4. Appeals governed by state law and this ordinance. Any appeal from a decision by the Board of Zoning Appeals shall be made in accordance with the procedures and rights set forth in S.C. Code of Laws, Sections 6-29-820 et seq. and this ordinance.

B. **Powers and Duties**. The following specific powers are granted to the Board of Zoning Appeals:

1. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the ZONING ADMINISTRATOR in the enforcement of this ordinance.

2. VARIANCEs. To authorize, upon appeal in specific cases, a VARIANCE from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

3. Special Exceptions. To permit uses by special exception, subject to the terms and conditions for those uses, as may be authorized, and as specified, in this ordinance.

ARTICLE 18

Permits and Fees

Town of Seabrook Island

Development Standards Ordinance

Section 18.1 Minimum Requirements

A. **Permit Required**. No construction, erection, renovation, alteration, removal, or moving of a STRUCTURE or use within the TOWN that requires a permit, as identified in Section 18.2, shall commence prior to the issuance of that permit. Failure to obtain the required permit(s) or initiating an activity that requires a permit prior to obtaining the permit shall be subject to fines or other penalties as specified in Article 22.

B. **Incomplete Applications**. Permit applications shall be completed in full, including all drawings, studies, reports, certifications, and other information that may be required as part of the permit application. Incomplete applications may be returned to the applicant without further processing. Any applicable time limits or vesting shall not commence until the application is determined to be complete.

C. **Void if Used in Conflict**. Any permit or license issued in conflict with the provisions of this ordinance shall be considered null and void from the date of issue.

Section 18.2 Required Permits

A. **ZONING PERMIT**. Prior to requesting a BUILDING permit or conducting any of the activities listed below, applicants must apply for and receive a ZONING PERMIT from the ZONING ADMINISTRATOR. The purpose of the ZONING PERMIT is to verify that proposed DEVELOPMENT and construction within the TOWN will conform to the requirements of this ordinance.

1. A ZONING PERMIT is required in advance of:

    a. The issuance of any BUILDING permit

    b. Land altering activity preparatory to the construction of a STRUCTURE for which a BUILDING permit is required. For purposes of this ordinance, land altering activities include grading, filling, excavating, and cutting trees.

    c. Improving any LOT by grading, filling, or surfacing or by constructing or enlarging driveways or parking areas

    d. Constructing or installing UTILITY lines, pipes, or service for any STRUCTURE for which construction is commenced

    e. Establishing a new use of land

    f. Changing the use within an existing BUILDING

    g. Constructing a dock, walkway, or stairs into or within:

        i. any part of a CRITICAL AREA which is geographically situated in the corporate limits of the TOWN or

        ii. seaward of the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE

2. A ZONING PERMIT shall not be required for grading, drainage, or construction of roads and utilities that occurs entirely within streets, rights-of-way, and/or designated EASEMENTs when the IMPROVEMENTs have been approved as part of a preliminary or final PLAT pursuant to Article 15 of this ordinance.

3. Issuance of a ZONING PERMIT will entitle the holder to seek a BUILDING permit from Charleston County upon a showing of compliance with all applicable ordinances and requirements.

4. A ZONING PERMIT shall expire if a BUILDING permit is not issued within six (6) months of the ZONING PERMIT being issued or, if no BUILDING permit is required, the ZONING PERMIT shall expire if the authorized use or DEVELOPMENT has not commenced within six (6) months.

B. **BUILDING Permit**. BUILDING permits are required for all STRUCTUREs constructed, reconstructed, or erected. BUILDING permits shall be applied for and issued by the Charleston County BUILDING Services, pursuant to agreement with the TOWN.

1. Prerequisite. BUILDING permits shall be issued only to holders of a valid ZONING PERMIT who demonstrate that the proposed STRUCTURE(s) meets all applicable ordinances adopted by the TOWN and other relevant jurisdictions.

2. Permit Time Limits.

a. A BUILDING permit shall become invalid unless the work authorized by such permit is not commenced within 180 days after its issuance or once commenced, if construction is discontinued for a period of 180 consecutive days or if more than 180 days pass between inspections.

b. The ZONING ADMINISTRATOR is authorized to grant, in writing, one or more extensions of time, for periods not to exceed more than 180 days each. Any extension shall be requested in writing and justifiable cause demonstrated.

c. Any construction started and not completed within the allotted time period of the BUILDING permit, or any approved extension, shall be considered to be in violation of this ordinance and subject to fines or initiation of legal proceedings on behalf of the TOWN to order the removal of such construction in addition to the issuance of fines on a daily basis as allowed by this ordinance.

C. **SIGN Permit**. A SIGN permit shall be required to erect, place, modify the STRUCTURE, or convert any portion of a SIGN, including a conversion from temporary to permanent or from non-electronic message SIGN to an electronic message SIGN, unless otherwise provided in Article 13.

1. Permits shall not be required for ordinary REPAIR and MAINTENANCE of a SIGN. Ordinary REPAIR and MAINTENANCE includes changing light bulbs, painting (provided the SIGN's legend is not changed), and other minor work which does not involve STRUCTURAL ALTERATION or modification of the SIGN face.

2. SIGNs otherwise exempt from permits shall be as specified in Table 13-2 of this ordinance.

3. Applications for SIGN permits shall be filed with the ZONING ADMINISTRATOR.

4. A SIGN permit shall be valid for a period of six (6) months. If the SIGN for which a permit was issued is not erected within that time, the permit shall expire.

D. **Tree Removal Permit**.

1. Any PERSON desiring to remove or relocate a protected tree shall file an application for a tree removal permit with the ZONING ADMINISTRATOR. If the protected tree is within an area subject to private restrictions of a bona fide property owners' association or REGIME, the ZONING ADMINISTRATOR shall forward the application to such entity for a decision. The ZONING ADMINISTRATOR shall review all other applications.

2. Trees identified for removal pursuant to an approved site plan shall be marked. Any tree that is not so approved for removal shall not be marked or removed, except pursuant to a separate tree removal permit applied for and issued in accordance with this section.

3. The tree or trees subject to the removal permit, shall be removed within six (6) months of the date of its issuance or the removal permit shall expire. Upon expiration, the permit shall become null and void and a new permit shall be required.

E. **Encroachment Permit**.

1. An encroachment permit shall be required for any DEVELOPMENT (whether within or outside the corporate limits of the TOWN) which proposes to provide vehicular access to or otherwise impact any PUBLIC STREET or right-of-way within the Seabrook Island Road OVERLAY DISTRICT, or in which the TOWN has any legal right or interests ("PUBLIC STREET or right-of-way"). Impacts shall include vehicular access to or from; drainage to, from, or under any such PUBLIC STREET or right-of-way; and/or utilities (whether owned and/or operated by the TOWN or others) located beneath the surface of any such PUBLIC STREET or right-of-way.

2. Applicants shall furnish information concerning the proposed encroachment as required by the TOWN and may be required to submit one (1) or more of the following studies at no expense to the TOWN, including paying the cost of a third-party review of such studies:

    a. a TRAFFIC IMPACT ANALYSIS, prepared, to the Town's specifications, by a qualified transportation engineer registered in the State of South Carolina;

    b. a drainage study to the TOWN's specifications which identifies and quantifies drainage from the proposed DEVELOPMENT, including its impact on existing roadway drainage systems and compliance with all applicable provisions of the stormwater regulations;

    c. a study to the TOWN's specifications which identifies and quantifies impact of the proposed DEVELOPMENT on utilities located beneath the surface of any potentially affected PUBLIC STREET or right-of-way.

3. The completed permit applications, including any required studies, shall be referred to the PLANNING COMMISSION for review and approval prior to issuance of the permit by the ZONING ADMINISTRATOR. In approving issuance of an encroachment permit, the PLANNING COMMISSION may attach such conditions to approval as it deems necessary to protect the interests of the TOWN, PUBLIC STREETs or rights-of-way, drainage system, and utilities, including without limitation requiring the applicant to:

    a. alter existing PUBLIC STREETs;

    b. install traffic signs and/or signals;

    c. install replacements and/or modifications to existing roadway drainage systems;

    d. protect existing buried utilities, and/or REPAIR and/or REPLACE them, as required; and

    e. address such other project impacts as routing of construction traffic and days or hours within which construction may occur.

4. In the alternative, the applicant may be allowed to make payment to the TOWN to defray the entire cost of making the required IMPROVEMENTs or reach agreement regarding sharing the costs.

F. **Temporary Use Permit**.

1. Notwithstanding the district requirements of this ordinance, the PLANNING COMMISSION may approve the issuance of a temporary use permit for temporary events and activities.

2. In considering a request for a temporary use permit, the PLANNING COMMISSION shall consider whether the proposed use will be established such that there are no detrimental impacts on adjacent properties and that it is situated in a manner that ensures safe and convenient access. In approving a temporary use, the PLANNING COMMISSION may attach such conditions to the temporary use permit as it deems warranted.

3. A temporary use permit shall be issued for a specified period not to exceed 90 days. Issuance of a temporary use permit shall be at the sole discretion of the PLANNING COMMISSION and the owner shall have no right to the issuance of any such permit. A temporary use permit may be renewed for no more than two (2) additional periods of not more than 60 days each. Temporary use permits may be renewed by the ZONING ADMINISTRATOR under the same terms and conditions as the original temporary use permit.

4. The following procedures shall be followed for review and approval of temporary use permits.

    a. Applications for a temporary use permit shall be submitted to the ZONING ADMINISTRATOR who may require the applicant to submit such additional information as deemed necessary to review the application.

b. The ZONING ADMINISTRATOR shall forward the application to the PLANNING COMMISSION with a recommendation. The Commission shall have sole discretion to determine whether or when to act on any temporary use permit request.

5. Notwithstanding the above specified procedures, the ZONING ADMINISTRATOR shall have authority to issue temporary use permits for activities having a duration of no more than 10 days provided all other requirements of this ordinance are met.

G. **Certificate of Occupancy**. The purpose of the certificate of occupancy is to ensure that new construction projects and/or uses of property, when completed, fully comply with all applicable BUILDING and zoning requirements prior to occupancy of the STRUCTURE or commencement of the use. Failure to conform to all applicable regulations will, upon final completion of a STRUCTURE or installation of a use, result in withholding the certificate of occupancy until full compliance is determined.

1. No new STRUCTURE, or addition to an existing STRUCTURE, for which a ZONING PERMIT is required may be used or occupied until a certificate of occupancy has been issued by the ZONING ADMINISTRATOR. For purposes of this subsection, ~~U~~use shall include residing in~~, as well as,~~ or storing furniture, clothing, or other personal possessions inside a residential BUILDING or STRUCTURE~~s~~, including ACCESSORY BUILDINGs; and selling or storing goods, offering any services, or conducting any activity for which the STRUCTURE was intended in any non-residential BUILDING or STRUCTURE.

2. No certificate of occupancy shall be issued for any STRUCTURE or USE until the applicant provides a letter from the Seabrook Island Utility Commission, if applicable, verifying that the applicant has requested necessary water and sewer service for the construction address and paid all necessary fees and/or fulfilled any conditions of service included in the Seabrook Island Utility Commission's "Schedule of Rates, Charges, and Conditions of Water and Sewer Service" in effect at the time of the BUILDING permit application.

3. No certificate of occupancy shall be issued for any STRUCTURE or USE until the applicant has provided a certificate of completion issued by the Charleston County Building Inspection Services Department.

~~2.~~4. Notwithstanding the foregoing, the ZONING ADMINISTRATOR may issue a temporary certificate of occupancy prior to completion of all work authorized by the permit, provided the portion or portions of the STRUCTURE to be occupied can be used safely, as evidenced by successful passage of a final inspection by the Charleston County Building Inspections Department. No PERSON shall reside within a DWELLING UNIT until a final certificate of occupancy has been issued. The ZONING ADMINISTRATOR shall determine the duration of any temporary certificate of occupancy and may impose such reasonable conditions as necessary to protect the public health, safety, and welfare.

Section 18.3 Fees

Application fees shall be paid at the time the application form and supplemental materials are submitted. The fee amount for each respective application type shall be as provided in Appendix E.

Section 18.4 PERFORMANCE GUARANTEEs

A. **Guarantee Required**. As a condition of approval of a SITE DEVELOPMENT PLAN, CONDITIONAL USE, SUBDIVISION, or mixed-use DEVELOPMENT, a financial guarantee may be required of sufficient sum to assure the installation of those features or components of the approved activity or construction that are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed DEVELOPMENT. Those features or components, referred to as "IMPROVEMENTs," may include, but shall not be limited to, streets, curbing, landscaping, fencing, walls, screening, BUFFERs, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

B. **Procedure**. PERFORMANCE GUARANTEEs shall be processed in the following manner:

1. COUNCIL, upon recommendation of the ZONING ADMINISTRATOR or PLANNING COMMISSION, as applicable, may require the posting of a PERFORMANCE GUARANTEE to ensure that all required IMPROVEMENTs are competed.

2. Prior to the issuance of a BUILDING permit, the applicant shall submit an itemized estimate of the cost of the required IMPROVEMENTs which are subject to the PERFORMANCE GUARANTEE. The cost estimate shall be reviewed by the ZONING ADMINISTRATOR who may refer the itemized estimate to engineers, other professionals, or relevant agencies to verify the cost estimates. The amount of the PERFORMANCE GUARANTEE shall be 100 percent of the cost of purchasing materials and installing the required IMPROVEMENTs, plus the cost of necessary engineering and a reasonable amount for contingencies, but not-to-exceed a total of 125 percent of the estimated cost of construction and materials.

3. The required PERFORMANCE GUARANTEE may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the TOWN.

4. Upon receipt of the required PERFORMANCE GUARANTEE, a BUILDING permit shall be issued for the subject DEVELOPMENT or activity, provided it complies with all other applicable provisions of this ordinance and other applicable ordinances of the TOWN.

5. The ZONING ADMINISTRATOR, upon the written request of the owner, shall rebate portions of the PERFORMANCE GUARANTEE after determining that the IMPROVEMENTs for which the rebate has been requested have been satisfactorily completed. The portion of the PERFORMANCE GUARANTEE to be rebated shall not exceed the amount stated in the itemized cost estimate for the applicable IMPROVEMENTs.

6. When all required IMPROVEMENTs have been completed, the owner shall send written notice of completion to the ZONING ADMINISTRATOR. Upon receiving the notice, the ZONING ADMINISTRATOR shall cause an inspection to be made of all the IMPROVEMENTs and approve, partially approve, or reject the IMPROVEMENTs, stating in writing the reasons for any rejections. If partial approval is granted, the cost of the IMPROVEMENT rejected shall be set forth and the owner will be directed to complete the missing items. The TOWN may withhold issuance of the certificate of occupancy until all IMPROVEMENTs are completed.

7. The ZONING ADMINISTRATOR shall maintain a record of authorized PERFORMANCE GUARANTEEs.

C. **Acceptance of Guarantee of a Government Agency**. In lieu of financial guarantees required in these regulations, TOWN COUNCIL may accept the written guarantee of a governmental body to complete required IMPROVEMENTs; provided, the IMPROVEMENTs will be completed within a period acceptable to TOWN COUNCIL.

ARTICLE 19

Amendments

Town of Seabrook Island

Development Standards Ordinance

Section 19.1 Ordinance Text or Map Amendments

A. **Ordinance Text Amendment**. This ordinance may be amended from time to time by TOWN COUNCIL, either on its own initiative or upon recommendation by the PLANNING COMMISSION~~,~~ or the ZONING ADMINISTRATOR. The procedures and criteria for amending this ordinance shall be as provided in ~~Section 19.2; provided, however, an application form and fee shall not be required~~ this article.

B. **Map Amendment**. The official ZONING MAP may be amended from time to time upon request by any property owner, or by TOWN COUNCIL, either on its own initiative or upon recommendation by the PLANNING COMMISSION~~,~~ or the ZONING ADMINISTRATOR. In each case, the procedures and criteria for amending the official ZONING MAP shall be as provided in ~~Section 19.2; provided, however, if an amendment is initiated by TOWN COUNCIL, the PLANNING COMMISSION, or the ZONING ADMINISTRATOR, an application form and fee shall not be required~~ this article.

C. **Resubmittal of Map Amendment**. ~~No application for a~~ The ZONING ADMINISTRATOR shall not accept an application for a ZONING MAP amendment affecting the same parcel, or ~~part~~ portion thereof, which has been denied by TOWN COUNCIL within the previous 12 months~~, shall be resubmitted within 12 months of the date when the request was first denied~~. ~~However,~~ The 12-month waiting period shall not apply in cases where the applicant proposes ~~if the amendment request is for~~ a different zoning district than was previously denied, or in cases where the previous application was withdrawn prior to a vote of TOWN COUNCIL~~the previous request, an application may be accepted~~.

Section 19.2 Amendment Procedure

A. **Application**. Any property owner who seeks to amend the zoning designation of his or her property shall file a written application with the ZONING ADMINISTRATOR using a form made available for that purpose, along with the required application fee, as provided in Section 18.3. An application form and fee shall not be required for any amendment initiated by TOWN COUNCIL, the PLANNING COMMISSION, or the ZONING ADMINISTRATOR. Only complete applications, containing all required information, exhibits, and the required fee, shall be processed in accordance with the public notice and hearing requirements ~~of~~ set forth in this ordinance. ~~An application shall not be withdrawn by the applicant after the legal notification has been processed, except as otherwise provided.~~ At a minimum, ~~A~~all rezoning applications shall ~~contain the following, at a minimum~~be accompanied by the following materials in both paper and digital form:

1. A legal description and street address of the subject property, together with a property PLAT, survey, or boundary map;

2. A copy of the recorded deed(s) identifying the current owner(s) of record;

~~2.~~3. The name, address, and phone number of the applicant;

~~3.~~4. If the applicant is not the property owner, the name, address, and phone number of ~~all~~ the property owner(s) of record;

~~4.~~5. The filing date of the application;

~~5.~~6. The existing zoning designation of the property, together with the current or most recent use, if any;

~~6.~~7. The proposed zoning designation of the property, together with the intended use of the property upon rezoning;

~~7.~~8. A map or description detailing the existing zoning designation and land uses of all adjacent properties;

9. If, in the opinion of the ZONING ADMINISTRATOR, the proposed zoning designation will allow DEVELOPMENT of a type or scale that is reasonably anticipated to generate more than 100 peak hour ~~in-bound or out-bound~~ vehicle trips~~, based on~~according to the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE), then a TRAFFIC IMPACT ANALYSIS shall be provided, pursuant to the provisions of Section 8.4;

~~8.~~10. Letters of concurrency or service availability from applicable public service providers, including but not limited to water, sewer, fire protection, emergency services, and schools, confirming the ability to adequately serve the proposed development associated with the requested zoning amendment; provided, however, that the ZONING ADMINISTRATOR may waive the requirement for one or more such letters upon a written determination that the proposed rezoning will not materially impact the provision of the affected public service(s) or that the letter is otherwise not applicable to the request;

~~9.~~11. Any other information deemed relevant by the Zoning Administrator; and

~~10.~~12. The signature of the applicant and all property owner(s), if different than the applicant, witnessed by the ZONING ADMINISTRATOR or notarized by a duly qualified notary public.

B. **ZONING ADMINISTRATOR Review**. The ZONING ADMINISTRATOR shall review and provide a recommendation on all proposed text and map amendments ~~requests~~prior to review by the PLANNING COMMISSION. ~~Applications determined by the ZONING ADMINISTRATOR to be complete shall be forwarded to the PLANNING COMMISSION.~~ The ZONING ADMINISTRATOR shall forward all application materials, along with ~~a~~his or her recommendation, to the PLANNING COMMISSION at least 15 days ~~in advance of~~ prior to the meeting at which the request ~~is to~~will be ~~heard~~considered.

C. **Notification of Interested Parties**.

1. If a landowner whose property is the subject of a proposed text or map amendment will be allowed to present oral or written comments to the PLANNING COMMISSION, the ZONING ADMINISTRATOR shall provide~~at least a 10-day~~ notice and an opportunity to comment in the same manner ~~must be given~~ to other interested members of the public, including owners of adjoining property. Such notice shall be provided at least 10 days prior to the PLANNING COMMISSION meeting at which the request will be considered.

2. The ZONING ADMINISTRATOR shall compile and maintain a list of individuals, organizations, and other interested parties who have expressed an interest in being

informed of town zoning proceedings. At least 10 days prior to any PLANNING COMMISSION meeting at which a proposed text or map amendment will be considered, the ZONING ADMINISTRATOR shall provide notice of the proposed amendment, along with ~~and~~ the time and place of the PLANNING COMMISSION meeting, ~~dates~~ to all parties on the list~~those individuals, agencies, organizations, or other interested parties that may have expressed an interest in receiving such notifications. The ZONING ADMINISTRATOR shall compile and maintain such a list~~.

D. **PLANNING COMMISSION Review**. The PLANNING COMMISSION shall review and provide a recommendation on all proposed amendments to this ordinance and the official ZONING MAP prior to consideration by TOWN COUNCIL. After receiving the application materials and a formal recommendation from the ZONING ADMINISTRATOR, ~~T~~the request shall be placed on the agenda for the next PLANNING COMMISSION meeting. The PLANNING COMMISSION shall ~~consider all amendment requests and~~have 30 days after the meeting date to submit ~~a~~its report and recommendation ~~for action~~ to TOWN COUNCIL ~~within 30 days of receiving the complete application from the ZONING ADMINISTRATOR~~.

1. If the PLANNING COMMISSION ~~does not forward~~ fails to submit its recommendation to TOWN COUNCIL within 30 days after the meeting date, it shall be deemed a recommendation ~~for approval~~to approve the proposed amendment.

2. ~~However, i~~In the case of a map amendment, the PLANNING COMMISSION may, upon written request by the applicant, ~~the applicant may request, in writing, that the Commission defer making its recommendation for a specified period beyond~~extend the 30~~-~~day~~s~~ time period~~. In such instance, the date at which the 30-day period would expire may be extended~~ to an alternate date ~~by mutual agreement of the Town~~which is mutually agreeable to both the PLANNING COMMISSION and the applicant.

E. **TOWN COUNCIL Action**.

1. Consideration.

a. Upon receipt of ~~an application transmitted by~~ a recommendation from the PLANNING COMMISSION ~~for~~regarding any amendment to ~~the~~this ordinance ~~text~~ or the official ZONING MAP~~, along with its recommendation~~, TOWN COUNCIL shall place the ~~proposal~~ proposed amendment on its agenda for the next scheduled public hearing~~.~~; provided, however, TOWN COUNCIL may, at its discretion, ~~may~~ authorize the PLANNING COMMISSION to hold ~~a~~ the required public hearing ~~on a proposed amendment, in which case COUNCIL may elect to consider the amendment proposal without holding a second public hearing~~. When the required public hearing is held by the PLANNING COMMISSION, no further public hearing shall be required before taking action to amend this ordinance or the official ZONING MAP.

b. In accordance with S.C. Code of Laws, Section 6-29-760, no change in or departure from the ordinance text or official ZONING MAP, as recommended by the PLANNING COMMISSION, may be made pursuant to the public hearing unless the change or departure is first ~~re~~submitted to the PLANNING COMMISSION for subsequent review and recommendation. TOWN COUNCIL shall inform the PLANNING COMMISSION of any substantive changes or departures from the proposed amendments ~~proposal~~ which were previously reviewed and recommended by the PLANNING COMMISSION.

~~prior to acting, allowing t~~The PLANNING COMMISSION ~~opportunity~~ shall have an additional 30 days within which to review the changes or departures and ~~make further~~report its recommendation~~s~~ back to TOWN COUNCIL.

2. Public Hearing Notification.

   a. *Newspaper*. At least 15 days prior to the public hearing date, the ZONING ADMINISTRATOR shall give ~~N~~notice of the time and place ~~for~~of the public hearing ~~shall be published by the ZONING ADMINISTRATOR at least 15 days in advance of the hearing~~ by publishing a legal advertisement in a newspaper of general circulation within the TOWN. ~~However, for map amendments, no hearing shall take place less than 30 days from the date of filing the application.~~

   b. *Posting of Property*. In cases involving a change in zoning ~~change~~designation, the ZONING ADMINISTRATOR shall post conspicuous notice ~~shall be posted~~ of the time and place of the public hearing on or adjacent to the ~~subject~~affected property ~~by the ZONING ADMINISTRATOR,~~. The notice shall be posted at least ~~no less than~~ 30 days ~~in advance of~~ prior to the public hearing date. At least one (1) such notice shall be visible from each road or street that abuts the affected property.

   c. *Adjacent Property Owners*. In cases involving a change in zoning ~~change~~designation, the ZONING ADMINISTRATOR shall mail written notice of the ~~proposed map amendment~~time and place of the public hearing to the owners of all real property located within 300 feet of the ~~subject~~affected property. All notices which are sent pursuant to the requirements of this subsection shall include ~~the time and place of the public hearing, as well as~~ a brief description of the proposed zoning change ~~request~~.

      i. ~~The~~ Written notice~~s~~ shall be ~~given~~mailed to the owner of record, according to current Charleston County ~~the properties as shown on current~~ tax records, at least 30 days prior to the public hearing date ~~set for a public hearing~~. If a single STRUCTURE contains more than two (2) DWELLING UNITs, notice may be given to the owner or manager ~~or owner~~ of the STRUCTURE.

      ii. If the ~~subject~~affected property is located in an area which is subject to the restrictive covenants of an owners' association or REGIME, written notice ~~of the public hearing~~ shall be provided to the association or REGIME, as applicable, at least 30 days prior to the public hearing date.

      iii. Notice to a partnership may be made by serving any partner. Notice to a corporation may be made on any officer or registered agent. Notice to an owners' association or REGIME may be made to a designated officer, manager, or authorized contact PERSON.

3. Final Action.

   a. After a duly advertised public hearing has been conducted, TOWN COUNCIL shall consider all information presented at the public hearing, staff review comments, and the PLANNING COMMISSION recommendation.

b. TOWN COUNCIL may, at its discretion, refer the request ~~shall have the option of forwarding the proposal and all such information~~ to a committee ~~to~~for the purpose of gaining additional facts or seeking a resolution ~~of~~to any disputes related to the request. In such cases, TOWN COUNCIL may defer additional action on the application until such committee has reported out on its discussions and made a recommendation on the zoning amendment under consideration.

c. TOWN COUNCIL may approve or disapprove any application or request for change in zoning. The record of TOWN COUNCIL's final action shall specify COUNCIL's reasons for approving or denying ~~denial or approval of~~ the proposed text or map amendment and the specific conditions applicable to any amendment which is approved ~~with~~subject to conditions.

4. Effective Date. Any ordinance ~~adopted affecting a change in~~amending the text of ~~the Development Standards~~this ~~O~~ordinance or the official ZONING MAP shall become effective on the day following final approval by ~~the~~ TOWN COUNCIL ~~meeting at which action has been taken~~, unless otherwise provided in the enacting ordinance.

F. **TOWN COUNCIL Authority to Initiate Amendments.** Notwithstanding any provision of this article to the contrary, TOWN COUNCIL may consider and approve on first reading any ordinance amending the text of this ordinance or the official ZONING MAP prior to review and recommendation by the PLANNING COMMISSION and prior to the required public hearing. No such ordinance shall receive final reading approval unless the PLANNING COMMISSION has reviewed the ordinance and issued a recommendation, and the required public hearing has been held.

Section 19.3 Criteria for Amendments

~~In considering amendments to this ordinance or the Official ZONING MAP, the PLANNING COMMISSION and TOWN COUNCIL shall consider each of the following criteria, as applicable.~~

A. **Text Amendments**. In considering amendments to the text of this ordinance, the PLANNING COMMISSION and TOWN COUNCIL shall consider each of the following criteria, as applicable:

1. Whether ~~or not~~ the proposed text amendment is consistent with the goals, policies, and future land use recommendations of the TOWN's COMPREHENSIVE PLAN~~.~~;

2. Whether ~~T~~the proposed text amendment would clarify the intent of the ordinance~~.~~;

3. Whether ~~T~~the proposed text amendment would correct an error or oversight in the ordinance~~.~~;

4. Whether ~~T~~the proposed text amendment would address changes in ~~state or federal law,~~ recent case law~~,~~ or Attorney General opinions~~.~~;

5. Whether ~~T~~the proposed text amendment would promote compliance with changes in county, state or federal laws and/or regulations~~.~~;

6. In the event the amendment will add an allowable use to a zoning district, whether the~~that~~ proposed use ~~shall be fully~~ is consistent with the purpose of that district and ~~the character of the other uses provided for within the district.~~whether the proposed use will create incompatible land uses within that district or between adjacent districts;

~~7. The amendment will not create incompatible land uses within a zoning district or between adjacent districts.~~

~~8.~~7. Whether ~~T~~the proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary BUILDING practices, environmental requirements, and similar technical items~~.~~;

~~9.~~8. ~~As applicable,~~ Whether the proposed ~~change~~ text amendment would ~~be consistent with~~ inhibit the TOWN's ability to provide adequate public facilities and services, as applicable~~.~~; and

~~10.~~9. Whether ~~T~~the proposed ~~change~~ text amendment would be consistent with the TOWN's desire to protect the public health, safety, and welfare of the community.

B. **Map Amendments**. In considering amendments to the Official ZONING MAP, the PLANNING COMMISSION and TOWN COUNCIL shall consider each of the following criteria, as applicable:

1. Whether the proposed rezoning is consistent with the goals, policies, and future land use recommendations of the TOWN's COMPREHENSIVE PLAN;

2. Whether the intended use of the property is consistent with the intent and purpose of the district to which the property is proposed to be rezoned;

3. Whether there are, have been, or are anticipated to be (pursuant to the COMPREHENSIVE PLAN) changing conditions in the surrounding area that would make approval of the proposed rezoning appropriate;

4. Whether the range and intensity of uses allowed in the proposed zoning district will be compatible with permitted uses and intensities in the surrounding area;

5. For map amendments related to annexation requests outside of the Charleston County Urban Growth Boundary (UGB), whether the range and intensity of uses allowed in the proposed district is roughly equivalent to those allowed under the county zoning district in effect at the time of annexation;

~~5.~~6. Whether adequate utilities, transportation, drainage, and other public or private infrastructure exist, or can reasonably be made available, to serve the range and intensity of uses allowed in the proposed zoning district;

~~6.~~7. Whether the range and intensity of uses allowed in the proposed zoning district will exceed the structural capacity of existing soils, and whether the allowable uses can be accommodated within the proposed zoning district without the excessive use of fill;

~~7.~~8. Whether the range and intensity of uses allowed in the proposed zoning district will substantially increase the volume of stormwater runoff, overburden existing storm drainage infrastructure, or adversely impact surface water quality, when compared to the range and intensity of uses allowed in the current zoning district;

~~8.~~9. Whether the range and intensity of uses allowed in the proposed zoning district will substantially increase the volume of vehicular and pedestrian traffic, or will adversely impact vehicular and pedestrian safety, when compared to the range and intensity of uses allowed in the current zoning district;

~~9.~~10. Whether the current zoning district prohibits or unreasonably restricts all economically beneficial use of the property, provided the hardship was not self-imposed by action of the property owner;

~~10.~~11. Whether the proposed rezoning will encourage commercial uses in areas designated for such activities in the COMPREHENSIVE PLAN;

~~11.~~12. Whether the proposed rezoning will encourage the preservation of conservation lands, CRITICAL AREAs, natural resource areas, and OPEN SPACEs in areas designated for such activities in the COMPREHENSIVE PLAN;

~~12.~~13. Whether the proposed zoning district will adversely impact the enjoyment of natural and scenic features by neighboring property owners or the public at large by allowing DEVELOPMENT of a certain size, scale, bulk, height, or type that is substantially out of character with the surrounding area;

~~13.~~14. Whether the proposed rezoning will threaten the continued presence or integrity of archaeological or historic sites or features;

~~14.~~15. Whether the range and intensity of uses allowed in the proposed zoning district will adversely impact air and water quality, natural features, sensitive lands, vegetation, or wildlife habitat, when compared to the range and intensity of uses allowed in the current zoning district;

~~15.~~16. Whether the range and intensity of uses allowed in the proposed zoning district will place a disproportionate burden upon, or otherwise exceed the capacity of, existing community facilities, when compared to the range of uses allowed in the current zoning district;

~~16.~~17. Whether future DEVELOPMENT on the property, if rezoned, will be accessible to essential public services, including, but not limited to, police, fire, emergency medical services; and sanitation; and

~~17.~~18. Such other factors as may be deemed appropriate by the PLANNING COMMISSION or TOWN COUNCIL

C. **Applicability of criteria**.

1. The criteria set forth in subsections (A) and (B) are not intended to be all inclusive. The PLANNING COMMISSION and TOWN COUNCIL may consider any other factors deemed relevant to the request.

2. The PLANNING COMMISSION and TOWN COUNCIL may disregard specific criteria which it deems inapplicable to the request.

D. **Balancing of criteria**. No single criterion set forth in subsections (A) and (B) shall be deemed controlling. In the event of a conflict between two or more criteria, the PLANNING COMMISSION and TOWN COUNCIL shall retain the authority to determine the relative weight to be assigned to each factor and to give preference to those considerations it deems to be in the best interest of the town.

Section 19.4 Challenges

A. Any party in interest, or his or her representative, may bring action contesting ~~the decision of TOWN COUNCIL on a zoning change request~~an amendment to this ordinance or the official ZONING MAP; provided, this subsection does not create any new substantive right in any party.

B. No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment thereto, whether enacted before or after the effective date of this section, may be made 60 days after the final decision of TOWN COUNCIL if there has been substantial compliance with the public notice requirements set forth in subsection 19.2 E(2) or with established procedures of TOWN COUNCIL and the PLANNING COMMISSION.

ARTICLE 20

Appeals

Town of Seabrook Island

Development Standards Ordinance

Section 20.1 Purpose and Authority

A. The South Carolina Code of Laws specifically authorizes the zoning ordinance to provide for a Board of Zoning Appeals (BZA) as part of the administrative mechanism designed to administer and enforce the provisions of this ordinance. The TOWN COUNCIL has hereby created a Board of Zoning Appeals with the authority to make certain final decisions concerning this ordinance, subject to appeal to circuit court. In addition, the BZA may remand a matter to the ZONING ADMINISTRATOR if the record is insufficient for the Board's review.

B. The powers of the Board are limited to three specific subject matter areas:

1. determining appeals from administrative decisions of the ZONING ADMINISTRATOR;

2. granting or denying applications for VARIANCEs; and

3. granting or denying applications for special exceptions.

Section 20.2 Administrative Appeals

A. **Authority and Limitations**.

1. The Board shall have the exclusive power to hear and decide appeals where it is alleged the ZONING ADMINISTRATOR, in the enforcement of this ordinance, erred in an order, requirement, decision, or determination.

2. In such cases, ~~T~~the Board has all the powers of the ZONING ADMINISTRATOR ~~in such cases~~ and may issue, or direct the issuance of, a permit.

3. In exercising its authority, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the administrative order, requirements, decision, or determination.

~~3.~~4. The Board, in the execution of its duties, may subpoena witnesses and, in case of contempt, may certify such fact to the circuit court having jurisdiction.

B. **Timing**.

1. Appeals to the Board may be made by any person aggrieved or by any officer, department, board, or bureau of the TOWN. A written notice of appeal stating the grounds for the appeal shall be filed with the ZONING ADMINISTRATOR within 30 days from the date upon which the appealing party received actual notice of the action from which the appeal is taken. The written notice of appeal shall be accompanied by the required fee, as provided in Section 18.3; provided, the fee shall be refunded to the appellant in the event the appeal is successful. The ZONING ADMINISTRATOR shall forthwith transmit to the Board the notice of appeal and all papers, documents, and exhibits constituting the record upon which the action appealed from was taken.

2. The Board shall fix a reasonable time for hearing administrative appeals and other matters which are referred to it. The Board shall render its decision within a reasonable time.

3. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the ZONING ADMINISTRATOR certifies to the Board, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the ZONING ADMINISTRATOR, and on due cause shown.

~~B.~~C. **Hearing**.

1. The Board shall conduct a hearing prior to rendering a decision on any administrative appeal. During the hearing, any party may appear in PERSON or by representative.

2. Required notifications.

   a. Newspaper Notification. ~~The Board shall fix a reasonable time for hearing the appeal or other matter referred to it and~~At least 15 days prior to the hearing date, the ZONING ADMINISTRATOR shall give ~~at least 15 days public~~ notice of the time and place of the hearing by publishing a legal advertisement ~~thereof~~ in a newspaper of general circulation within the TOWN~~, as well as due notice to the parties in interest as specified below and shall render its decision within a reasonable time. At the hearing, any party may appear in PERSON or by representative~~.

   b. Parties in Interest. For cases involving a specific property, the ZONING ADMINISTRATOR shall ~~give~~mail notice of ~~a~~the time and place of the hearing to the applicant and the owners of all real property located within 300 feet of the subject property.

      i. ~~The~~Written notices shall be ~~given~~mailed to the owner of record, according to~~the properties as shown on~~ current Charleston County tax records, at least 30 days prior to the hearing date ~~set for a public hearing~~. If a single STRUCTURE contains more than two (2) DWELLING UNITs, notice may be given to the owner or manager ~~or owner~~ of the STRUCTURE.

      ii. If the subject property is located in an area which is subject to the restrictive covenants of an owners' association or REGIME, written notice ~~of the public hearing~~ shall be provided to the association or REGIME, as applicable, at least 30 days prior to the hearing date.

      iii. Notice to a partnership may be made by serving any partner. Notice to a corporation may be made on any officer or registered agent. Notice to an owners' association or REGIME may be made to a designated officer, manager, or authorized contact PERSON.

~~C.~~ **Decisions**.

~~D.~~

~~E.~~D. When deciding an administrative appeal, the Board is not bound by the conclusion or reasoning of the ZONING ADMINISTRATOR and may consider and apply the appropriate provisions of this ordinance as dictated by the facts before it.

~~1. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the ZONING ADMINISTRATOR certifies to the Board, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the ZONING ADMINISTRATOR, and on due cause shown.~~

~~F. **Timing**. An appeal of an administrative decision shall be filed within 30 days from the date the appealing party has received actual notice of the action from which the appeal is taken. Written notice of the appeal shall be filed with the ZONING ADMINISTRATOR specifying the grounds for the appeal. The ZONING ADMINISTRATOR shall forthwith transmit to the Board the notice of appeal and all papers, documents, and exhibits constituting the record upon which the action appealed from was taken.~~

Section 20.3 VARIANCEs

A. **Authority and Limitations**.

1. The Board has the power to hear and decide requests for VARIANCEs when strict application of the zoning ordinance would result in unnecessary hardship.

2. A VARIANCE allows the Board to modify an otherwise legitimate zoning restriction when, due to unusual conditions of the property, the restriction may be more burdensome than was intended. The VARIANCE must not impair the public purpose, as stated in Section 1.1 B of this ordinance.

3. In granting a VARIANCE, the Board may attach conditions. These conditions may affect the location, character or other features of the proposed BUILDING, STRUCTURE, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

B. **Hearing**. ~~A public hearing shall be conducted and notice provided, as specified in Section 20.2 B.~~

1. The Board shall conduct a hearing prior to rendering a decision on any variance request. During the hearing, any party may appear in PERSON or by representative.

2. Required notifications.

   a. Newspaper Notification. At least 15 days prior to the hearing date, the ZONING ADMINISTRATOR shall give notice of the time and place of the hearing by publishing a legal advertisement in a newspaper of general circulation within the TOWN.

   b. Property Posting. The ZONING ADMINISTRATOR shall post conspicuous notice of the time and place of the hearing on or adjacent to the affected property. The notice shall be posted at least 30 days prior to the hearing date. At least one (1) such notice shall be visible from each road or street that abuts the affected property.

c. Parties in Interest. The ZONING ADMINISTRATOR shall mail notice of the time and place of the hearing to the applicant and the owners of all real property located within 300 feet of the subject property.

i. Written notices shall be mailed to the owner of record, according to current Charleston County tax records, at least 30 days prior to the hearing date. If a single STRUCTURE contains more than two (2) DWELLING UNITs, notice may be given to the owner or manager of the STRUCTURE.

ii. If the subject property is located in an area which is subject to the restrictive covenants of an owners' association or REGIME, written notice shall be provided to the association or REGIME, as applicable, at least 30 days prior to the hearing date.

~~i.~~iii. Notice to a partnership may be made by serving any partner. Notice to a corporation may be made on any officer or registered agent. Notice to an owners' association or REGIME may be made to a designated officer, manager, or authorized contact PERSON.

~~B.~~C. **Decisions**.

1. The Board of Zoning Appeals shall only grant a VARIANCE in an individual case of unnecessary hardship if the Board finds and explains, in writing, that all the following criteria have been satisfied:

   a. Extraordinary conditions. There are extraordinary and exceptional conditions pertaining to the particular piece of property~~.~~;

   b. Other property. These conditions do not generally apply to other property in the vicinity~~.~~;

   c. Utilization. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property~~.~~;

   d. Detriment. The authorization of a VARIANCE will not be of substantial detriment to adjacent property or to the public good; and the character of the district will not be harmed by the granting of the VARIANCE~~.~~;

   e. Self-created. An owner shall not be entitled to relief from a self-created or self-inflicted hardship. A claim of unnecessary hardship shall not be based on conditions created by the owner~~.~~; and

   f. Profitability. The fact that the property may be used more profitably, if a VARIANCE is granted, may not be considered as grounds for a VARIANCE.

2. The board shall not grant a VARIANCE the effect of which would be to allow:

   a. establishment of a use not otherwise permitted in a zoning district; ~~or~~

   b. physical extension of a NONCONFORMING use of land; or

c. change the zoning district boundaries shown on the official ZONING MAP.

Section 20.4 Special Exceptions

If provided for in this ordinance, the Board of Zoning Appeals shall have the authority to review and decide applications for special exceptions, subject to any terms, conditions, and limitations which may be set for such uses in this ordinance.

Section 20.5 Decisions of the Board

A. All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered to parties of interest by certified mail. ~~After a vote on an application, a record of action containing the decision of the Board shall be transmitted to the applicant by the ZONING ADMINISTRATOR. The d~~Decisions of the Board shall be binding and, whenever a permit is authorized, the terms and conditions of the decision shall be incorporated into the permit.

B. A decision of the Board on an administrative appeal shall not be in effect and acted upon by the TOWN until the expiration of five (5) days from the date of the Board's decision, unless the Board finds the immediate effect of a decision is necessary for the preservation of property or personal rights ~~and~~, which the Board shall so certify on the record. Decisions by the Board on all other matters not on appeal are effective upon the date of the Board's decision.

~~C. Any party adversely affected by a decision of the Board may appeal the decision in the manner provided in Section 20.6 of this ordinance.~~

Section 20.6 Appeals of Board Decisions

A. Any PERSON who may have a substantial interest in any decision of the Board of Zoning Appeals or an officer or agent of the appropriate governing authority may appeal any decision of the Board to the circuit court in and for Charleston County.

B. An appeal petition to circuit court must be filed with the clerk of court within 30 days after the decision of the Board is mailed. Appeals to circuit count shall be governed by the provisions of S.C. Code of Laws, Section 6-29-820, et seq.

ARTICLE 21

Nonconformities

Town of Seabrook Island

Development Standards Ordinance

Section 21.1 Intent

A. It is recognized that there exist within zoning districts certain land uses, BUILDINGs, STRUCTUREs, and LOTs which were lawful before this ordinance was passed or amended, but are now prohibited, regulated, or restricted under the terms of this ordinance or may be affected by future amendments. It is the intent of this ordinance to permit legally established nonconformities to continue until they are removed, but not to encourage their expansion.

B. NONCONFORMING land uses, BUILDINGs, STRUCTUREs, and LOTs are declared by this ordinance to be incompatible with the provisions of the districts in which they are located. It is the intent of this ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, except as otherwise specifically permitted in this ordinance, nor be used as grounds for adding other land uses, BUILDINGs, or STRUCTUREs prohibited elsewhere in the district.

C. Nothing in this ordinance shall require a change in the plans, construction, or designated use of any BUILDING which has been approved prior to the effective date of adoption or amendment of this ordinance, subject to the vested rights limitations of the State of South Carolina.

D. Any BUILDING, STRUCTURE, or LOT created in violation of the zoning regulations in effect prior to the adoption of this ordinance shall not be accorded the benefits and protections of legal NONCONFORMING status as provided for by this article.

E. The provisions of this ordinance apply to both LOTs or parcels of land and to individual uses or STRUCTUREs. Where more than one (1) NONCONFORMING use or STRUCTURE is allowed to continue on a LOT or parcel after another NONCONFORMING use or STRUCTURE has been discontinued, the provisions of this ordinance shall not be waived in the case of the discontinued use or STRUCTURE.

Section 21.2 NONCONFORMING Uses

A. A NONCONFORMING use may not be changed to or exchanged for another NONCONFORMING use, except to be brought into conformity with this ordinance. When a NONCONFORMING use has been changed to or exchanged for a conforming use, the previous NONCONFORMING use may not be reestablished.

B. A NONCONFORMING use may not be enlarged or extended, except to be brought into conformity with this ordinance.

C. No part of any NONCONFORMING use shall be moved unless that movement eliminates or reduces the nonconformity.

D. A NONCONFORMING use may not be reestablished after abandonment for a period of 12 consecutive months or 18 cumulative months in a two (2) year period. A NONCONFORMING use shall be determined to be abandoned if one or more of the following conditions exists, any of which shall constitute an intent on the part of the property owner to abandon the NONCONFORMING use:

    1. utilities, such as water, gas, and electricity, to the property have been disconnected; ~~or,~~

2. the property, BUILDINGs, or grounds have fallen into disrepair; ~~or,~~

3. SIGNs or other indications of the existence of the NONCONFORMING use have been removed; ~~or,~~

4. equipment or fixtures necessary for the operation of the NONCONFORMING use have been removed; or~~,~~

5. other actions which, in the opinion of the ZONING ADMINISTRATOR, constitute an intention on the part of the property owner or lessee to abandon the NONCONFORMING use.

Section 21.3 NONCONFORMING BUILDINGs and STRUCTUREs

A. If a NONCONFORMING BUILDING or STRUCTURE is moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this ordinance

B. Where a lawful NONCONFORMING BUILDING or STRUCTURE exists that does not conform with the requirements of this ordinance relative to BUILDING size, LOT COVERAGE, BUILDING HEIGHT, SETBACKs, or parking, that BUILDING or STRUCTURE may continue to be occupied and used so long as it remains otherwise lawful, subject to the following provisions:

1. No NONCONFORMING BUILDING or STRUCTURE may be enlarged or altered in a way that increases its nonconformity.

2. A NONCONFORMING PORCH which is unenclosed, or enclosed but unconditioned, may be enclosed and/or converted to conditioned living space; provided:

   a. The PORCH is not enlarged or altered in a way that otherwise increases its nonconformity;

   b. The heated square footage of the principal BUILDING or STRUCTURE is not increased by more than ten (10%) percent; and

   ~~a.~~c. No part of the PORCH encroaches more than fifty (50%) percent into a required SETBACK.

~~2.~~3. In the event that a NONCONFORMING BUILDING or STRUCTURE is destroyed to an extent of more than 66 2/3 percent of its replacement value, as determined by the ZONING ADMINISTRATOR, it shall be reconstructed only in conformity with the provisions of this ordinance; provided, if the NONCONFORMING BUILDING OR STRUCTURE is subject to~~within property under~~ the jurisdiction of ~~SCDHEC-OCRM~~SCDES-BCM, it may only be rebuilt with the approval of ~~SCDHEC-OCRM~~SCDES-BCM.

C. None of the provisions of this ordinance are meant to preclude normal REPAIRs and MAINTENANCE on any NONCONFORMING BUILDING or STRUCTURE that would prevent strengthening or correcting an unsafe condition of the BUILDING or STRUCTURE. In determining whether an unsafe condition exists with respect to any structural, mechanical,

electrical, plumbing, fire safety, or comparable building system, the ZONING ADMINISTRATOR may consult with officials from any governmental agency or department having jurisdiction over the property. The ZONING ADMINISTRATOR may also require the applicant to provide documentation from technical experts deemed necessary, including, but not limited to, qualified consultants, contractors, engineers, or inspectors.

Section 21.4 NONCONFORMING LOTs of Record

A. In any zoning district, where a LOT of record at the effective date of adoption of this ordinance does not contain sufficient land area or width to meet the requirements of the district in which it is located, such LOT may be used as a BUILDING site for any use permitted in the zoning district in which the LOT is located; provided, all STRUCTUREs on such a LOT must conform to the district's minimum BUILDING size, LOT COVERAGE, BUILDING HEIGHT, SETBACK, and parking requirements set forth in this ordinance.

B. Boundary line adjustments may be permitted between NONCONFORMING LOTs or between a conforming and NONCONFORMING LOT; provided, the ZONING ADMINISTRATOR finds that the degree of nonconformity for any existing NONCONFORMING LOT is not increased due to such adjustments and no conforming LOT or STRUCTURE shall be made NONCONFORMING as a result.

C. No PERSON shall apply for a VARIANCE arguing a hardship based upon an attempt to re-establish a lot line, which has previously been abandoned, if said re-established lot line does not permit full compliance with all applicable ordinances.

Section 21.5 Non-Reversion

A. Whenever the use of a BUILDING, STRUCTURE, or LOT becomes NONCONFORMING through an amendment to this ordinance or change in the district boundaries, the NONCONFORMING use may be continued only as provided within this ordinance. Any use that is changed from NONCONFORMING to a conforming use shall thereafter continue to be used only for a conforming use.

B. Any NONCONFORMING STRUCTURE that is changed, in whole or in part, to a conforming STRUCTURE, or to a STRUCTURE that is closer to conformity than it was prior to the change, shall continue to be used or arranged as a conforming or more conforming STRUCTURE. The STRUCTURE shall not revert to its prior NONCONFORMING status, or to a less conforming STRUCTURE, at any time in the future.

C. Except as expressly authorized in this ordinance, ~~In no event shall~~ a NONCONFORMING LOT shall not be altered in such a way that increases its nonconformity, ~~.~~ ~~A~~and no conforming LOT shall be altered in such a way as to create a NONCONFORMING LOT.

Section 21.6 Unlawful Nonconformities

Any existing NONCONFORMING land use, BUILDING, STRUCTURE, or LOT established in violation of any prior ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies, and safeguards of this ordinance.

Enforcement and Penalties

ARTICLE 22

Town of Seabrook Island

Development Standards Ordinance

Section 22.1 Minimum Requirements

In the interpretation, application, and enforcement of this ordinance, all provisions shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare.

Section 22.2 Enforcement

A. Pursuant to S.C. Code of Laws, Section 6-29-905, this ordinance shall be administered and enforced by the ZONING ADMINISTRATOR. The ZONING ADMINISTRATOR may be assisted, as needed, in the administration and enforcement of this ordinance by other duly appointed persons.

B. ~~Duly appointed PERSONs of the TOWN are~~The ZONING ADMINISTRATOR is hereby authorized to enter upon private property, but not within any STRUCTURE (except as authorized by Section 9.4 O.~~1~~5.~~of~~ (i) and (ii) or when authorized by the property owner, agent, or occupant), for the purpose of enforcing the provisions of this ordinance or removing or abating any violation that may be present. It shall be unlawful for any PERSON to interfere with, hinder, or refuse to allow the ZONING ADMINISTRATOR or any other properly identified enforcement official to enter upon private property for the purpose of enforcing the provisions of this ordinance or removing, investigating, or abating violations.

C. The enforcement duties shall include, but not be limited to:

1. Investigating and resolving complaints pertaining to potential violation of the Development Standards Ordinance.

2. Conducting inspections of BUILDINGs, STRUCTUREs, and uses of land to determine compliance with the provisions of this ordinance.

3. Enforcing the provisions of this ordinance, the decisions of the Board of Zoning Appeals, and conditions placed upon a project in conjunction with land DEVELOPMENT approvals by the BZA, PLANNING COMMISSION, and/or TOWN COUNCIL.

D. The ZONING ADMINISTRATOR shall have the authority and duty to ensure that all BUILDINGs and STRUCTUREs, and the use of all land, complies with the provisions of this ordinance. Whenever the ZONING ADMINISTRATOR determines that a violation of this ordinance has occurred or has received reliable information indicating that a violation of this ordinance is about to occur, he or she shall notify, in writing, the PERSONs responsible for such violation, indicating the nature thereof, and take such action as is necessary to correct the violation and prevent further similar violations from occurring.

E. In general, the following steps shall be followed with respect to enforcing this ordinance and rectifying violations:

1. Notice of Violation. Whenever the ZONING ADMINISTRATOR or other duly appointed enforcement official shall find that there is a violation of the provisions of this ordinance, he or she shall serve notice to the owner and occupant of the premises to comply with the relevant provisions. Notification shall be considered sufficient if the notice is hand-

delivered to the PERSON listed on the property tax rolls or deposited in the United States mail, properly stamped, certified, and sent to the address listed on the property tax rolls.

2. Failure to Comply with Notice. If the PERSON to whom the violation notice is directed fails or neglects to comply with the provisions of this section within 15 calendar days after the notice has been received, or within calendar 20 days after a copy of the notice has been deposited in the United States mail, that PERSON shall be considered in violation of this section and subject to the penalties set forth in this ordinance. However, the ZONING ADMINISTRATOR or other enforcement official may, in his or her sole discretion, depending on the nature of the violation, allow additional time in which to comply.

3. Stop Work Order/Ordinance Summons. Notwithstanding any other provision of this section, the ZONING ADMINISTRATOR or other duly appointed enforcement official may, depending on the nature of the violation, post a stop work order or notice of violation in a conspicuous place on any STRUCTURE or ~~on the~~ property deemed to be in violation of this ordinance, ~~or~~and may issue an ordinance summons at any time. In such case, no further construction or occupancy shall be permitted and all rights arising from any prior approvals shall be suspended until the violation is resolved and the stop work order or notice of violation is rescinded or the ordinance summons is resolved.

4. Property subject to abatement of conditions. It shall be unlawful for any owner, agent, or occupant of any LOT, parcel, or tract of land which is subject to the provisions of this ordinance to permit the conditions set forth in this section to exist or continue after receiving notice. It shall be the duty of the owner, agent, or occupant of any such LOT, parcel, or tract in violation of the provisions of this ordinance to abate the unlawful condition.

F. If a violation of this ordinance is not corrected within the time period provided, the ZONING ADMINISTRATOR is~~enforcement officials are~~ authorized to enter upon such property and correct or abate such violations or take such other action as may be reasonably necessary to remove the threat to the public health, safety, and welfare. All costs incurred in such action, including, but not limited to, inspection, administration, labor, equipment, court costs, and attorney's fees, shall become a lien on the subject property and shall be collected in the same manner as county taxes are collected, unless otherwise provided by law.

G. The remedies provided in this section are not mutually exclusive and shall be cumulative to other remedies provided in this ordinance and to any other remedy provided at law or in equity.

H. If any BUILDING is erected, constructed, reconstructed, altered, converted, or maintained or any BUILDING, STRUCTURE, or land is or is proposed to be used in violation of this ordinance, the ZONING ADMINISTRATOR may, in addition to other remedies, seek and/or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, MAINTENANCE, occupancy, or use.

Section 22.3 Violations

A. Any PERSON violating the provisions of this ordinance or who knowingly permits any such violation to occur, fails to comply with any of the requirements hereof, erects any BUILDING or

STRUCTURE, or establishes or re-establishes any use in violation of the provisions of this ordinance or the conditions of any approval granted pursuant to this ordinance, shall be guilty of a misdemeanor subject to the enforcement provisions of this article.

1. It shall be unlawful for any PERSON to make, or cause to be made, any unauthorized amendment to an approved site plan, fail to conform to an approved site plan, or begin any DEVELOPMENT before obtaining an approved SITE DEVELOPMENT PLAN and/or permit required by this ordinance.

2. In case any BUILDING or STRUCTURE is erected, constructed, reconstructed, altered, maintained, or used in violation of this ordinance or amendment thereof, TOWN COUNCIL or any owner of real property adjacent or neighboring such STRUCTURE or land who may be specially damaged by the violation, in addition to other remedies provided by law, may institute an injunction, abatement, or any appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, MAINTENANCE or use, or to prevent occupancy of the BUILDING, STRUCTURE or land.

3. In the event any land is altered, or trees destroyed, in violation of this ordinance, in addition to the penalties set forth in this article, the violator shall REPLACE or mitigate the property to its original condition to the extent possible.

B. No permit shall be issued or approved unless the requirements of this ordinance or any amendments thereto are complied with. It is a violation of this ordinance for any PERSON to use or occupy any land, BUILDING, or STRUCTURE, or to initiate the construction, conversion, demolition, enlargement, movement, or STRUCTURAL ALTERATION of any BUILDING or STRUCTURE without the prior issuance of a ZONING PERMIT and, where required, a county building permit.

C. Any permit or approval issued in conflict with the provisions of this ordinance shall be considered invalid from the date of issue.

D. Any SUBDIVISION of property conducted for the purpose of fraudulently circumventing this ordinance shall be considered void and the provisions of this ordinance shall apply.

Section 22.4 Penalties

A. **Municipal Court Jurisdiction**.

1. The municipal court shall have jurisdiction to try all cases arising under the ordinances of the TOWN. The court shall also have all such powers, duties, and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts. The court shall have no jurisdiction in civil matters.

2. The municipal judge may hear and determine all cases within the jurisdiction of municipal court under state law, including violations of municipal ordinances.

B. **Fines; Penalties**.

1. Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of such court, he or she may impose a fine, imprisonment, or both, not to exceed $500.00 and 30 days in jail, as allowed by law.

2. The municipal judge may suspend sentences upon such terms and conditions as he or she deems proper including, without limitation, restitution and public service employment.

3. In addition to fines levied by the municipal court, the ZONING ADMINISTRATOR may impose mitigation requirements, as applicable.

Section 22.5 Appeals

A. **Written Request Required**. Any party shall have the right to appeal from the sentence or judgment of the municipal court to the county court of common pleas. Notice of the intention to appeal, setting forth the grounds for appeal, shall be given in writing and served on the municipal judge or the municipal court clerk within 10 days after the sentence is passed, judgment is rendered, a motion for a new trial is denied, or the appeal shall be deemed waived. The party appealing shall enter into a bond, payable to the TOWN, to appear and defend such appeal at the next term of the county court of common pleas or shall pay the fine assessed.

B. **Municipal Judge's Return**. In the event of an appeal, the municipal judge shall make a return to the court of common pleas, and the presiding judge shall hear the appeal upon such return. The return of the municipal judge shall consist of a written report of the charges preferred, the testimony, the proceedings, and the sentence of judgment. When the testimony has been taken by a reporter, the return shall include the reporter's transcript of the testimony. The return shall be filed with the clerk of the county court of common pleas ~~held~~ and the ca~~u~~se shall be docketed for trial in the same manner as is now provided for appeals from magistrate's courts. There shall be no trial de novo on any appeal from a municipal court.

C. **Mitigation Appeal**. An appeal of any mitigation requirements imposed by the ZONING ADMINISTRATOR shall be made to the Board of Zoning Appeals, pursuant to the requirements of Section 20.2.

APPENDIX A

Definitions

Town of Seabrook Island

Development Standards Ordinance

A

Accessory Building. A BUILDING or STRUCTURE customarily incidental and subordinate to and detached from the PRINCIPAL BUILDING and located on the same LOT with such PRINCIPAL USE, uses, or BUILDING.

Accessory Dwelling. An attached or detached dwelling on the same LOT or parcel as a principal dwelling, subordinate to and independent of the principal dwelling.

Acreage, Gross. All land under single title or ownership and recorded with the property deed and consisting of contiguous acreage, including submerged lands and WETLANDs.

Acreage, Net. The total area of HIGH GROUND on a given LOT or group of LOTs, including areas for proposed public and private roads.

Act of God. An overwhelming natural event, often unpredictable or difficult to anticipate, that is uncontrolled and uninfluenced by the power of man and that could not be prevented or avoided by foresight or prudence. Examples of such events include FLOODs, hurricanes, and tropical storms.

Antenna. A device, dish, or array used to transmit or receive telecommunications signals.

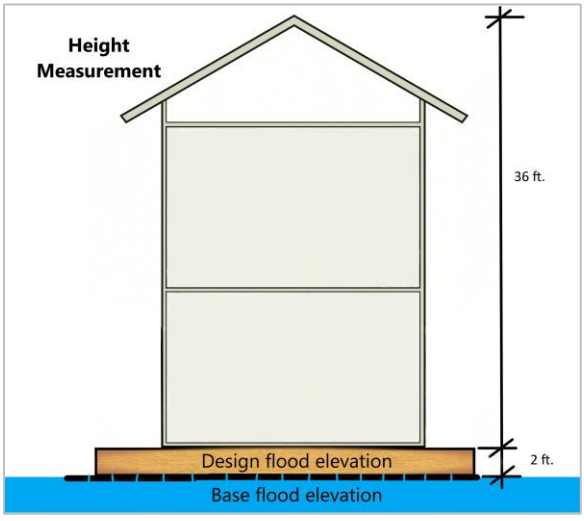
B

Beach Trust. All lands located between the beach front property lines of any oceanfront LOT and the high-water mark of the Atlantic Ocean and North Edisto River, directly in front of each such LOT.

Berm. An earthen mound formed to shield undesirable views, decrease noise, or add topographical interest.

Buffer. OPEN SPACEs, landscaped areas, FENCEs, walls, BERMs, or any combination used to physically separate or screen one (1) use or property from another or to separate a water course from DEVELOPMENT.

Building. Any STRUCTURE having a roof supported by columns or walls and which is designed for shelter, storage, or enclosure of PERSONs, animals, or property of any kind.



Building Alteration. Any addition to or reduction of a BUILDING, or any relocation of a BUILDING.

Building Codes. The most recent editions of the building, electrical, gas, mechanical, plumbing, fire prevention, and energy conservation codes adopted by the South Carolina Building Codes Council and enforced by the Charleston County Building Inspection Services Department.

Building Height. The vertical distance measured from the DESIGN FLOOD ELEVATION, or ground level if the structure is not in a SPECIAL FLOOD HAZARD AREA, to the highest point of the roof.

Building Line (See: "SETBACK, Required").

Building Official. The person designated by the TOWN to administer the BUILDING CODES.

Business Center. Any two (2) or more businesses which:

1. are located on a single LOT or parcel of property, share parking and access, and function as an integral unit; or

2. are connected by common walls, partitions, canopies, or other structural members to form a continuous BUILDING or group of BUILDINGs; or

3. otherwise function and present the appearance of a single, contiguous business area.

C

Cluster Units. A form of residential DEVELOPMENT that permits housing units to be grouped on sites or LOTs with dimensions, FRONTAGEs, and SETBACKs reduced from conventional sizes; provided, the density of the tract as a whole does not exceed the density allowed by the district under existing regulations and the remaining land area is devoted to common OPEN SPACE.

Communications Tower. A tower, pole or similar STRUCTURE which supports a telecommunications ANTENNA above ground in a fixed location, free-standing, or on a BUILDING STRUCTURE.

Comprehensive Plan. The plan for future land use and DEVELOPMENT of the TOWN which is prepared for, and adopted by, the TOWN COUNCIL, pursuant to the requirements of the South Carolina Local Government Comprehensive Planning Act of 1994.

Conditional Use. A use other than a PERMITTED USE in a zoning district, administratively permitted subject to compliance with added conditions specified within this ordinance for that specific use.

Condominium. A type of DEVELOPMENT in which the dwellings, offices, floor area, etc. are owned individually and the STRUCTURE, common area, and joint facilities are owned collectively by all individual owners on a proportional and undivided basis. In the case of a MULTI-FAMILY residential CONDOMINIUM dwelling, ownership does not extend beyond the interior face of the exterior walls; for a SINGLE-FAMILY detached CONDOMINIUM dwelling, ownership does not extend beyond the drip-line of the roof; or some combination of the two in the case of a TOWNHOME CONDOMINIUM dwelling.

Conservation Subdivision. A type of SUBDIVISION where lots are clustered in specific areas to allow the remaining land to be preserved for OPEN SPACE purposes.

Council. The elected TOWN COUNCIL of the TOWN of Seabrook Island.

Critical Area. Tidelands, coastal waters, WETLANDs, marshes, and the beach/sand dunes systems determined by ~~SCDHEC-OCRM~~SCDES-BCM.

Critical Line. A delineation of CRITICAL AREA boundaries determined by ~~SCDHEC-OCRM~~SCDES-BCM.

Crown Spread. The average length of two lines across the crown area of a tree. The first measurement is made along the longest axis of the crown from one edge to the opposite edge. A second measurement is taken perpendicular to the first line through the central mass of the crown. The two values are averaged to calculate crown spread.

Cul-de-Sac. A LOCAL STREET with a single common ingress and egress and with a circular turnaround or similar configuration at the end.

D

DBH (Diameter at Breast Height). A standard method of measuring the size of a tree taken at 4.5 feet above the ground.

Deck. An open and uncovered horizontal surface, attached to and accessible from the principal STRUCTURE, which is constructed so rain can pass directly through it to the ground beneath. A DECK having a roof or other permanent covering of any kind is considered a PORCH.

Density, Gross. The number of DWELLING UNITs or residential LOTs per gross acre of land.

Density, Net. The number of DWELLING UNITs or residential LOTs per net acre of land.

Development. Any manmade change to improved or unimproved real estate, including but not limited to: SUBDIVISION of land; construction or alteration of STRUCTUREs, roads, utilities, and other facilities; installation of septic systems; mining, dredging, grading, paving, excavation, or drilling operations; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover. The following do not constitute DEVELOPMENT within the meaning of this ordinance: agricultural uses; transfer of title, leases, and EASEMENTs; or MAINTENANCE as defined in this article.

Dwelling Unit. A BUILDING or portion of a BUILDING designed and occupied exclusively for residential purposes by a FAMILY, having permanent provisions for living, sleeping, eating, cooking, and sanitation. A recreation vehicle, vehicle chassis, tent, or other transient sleeping accommodation is not considered a dwelling.

1. ***Dwelling, Multi-Family***. A BUILDING, or portion thereof, designed to be occupied by three (3) or more families, living independently of each other and each doing their own cooking within their DWELLING UNIT; with the number of families in residence not exceeding the number of DWELLING UNITs provided.

2. ***Dwelling, Single-Family, Detached***. A free-standing dwelling, other than a MOBILE HOME, designed to be occupied by one (1) FAMILY.

3. ***Dwelling, Two-Family***. A detached BUILDING designed to be occupied by two (2) families living independently of one another and each doing their own cooking within their own dwelling, also referred to as a duplex.

4. ***Dwelling, Townhome***. A dwelling designed for occupancy by one (1) FAMILY in a row of at least three (3) DWELLING UNITs in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls. This dwelling type may also be referred to as attached SINGLE-FAMILY or rowhouses.

E

Easement. A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another PERSON or entity.

Erosion. The wearing away of land surface by the action of wind, water, gravity, or any combination of those forces.

F

Family. An individual or group of two (2) or more individuals related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of in-home service providers. The term family shall also include a group of no more than two (2) unrelated individuals living and cooking together as a single housekeeping unit.

Fence. An artificially constructed barrier, typically constructed of posts, wire, wood and/or metal, erected to enclose, screen, or separate areas.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Elevation, Base (BFE). The elevation of surface water resulting from a FLOOD that has a 1% chance of equaling or exceeding that level in any given year. The BFE is determined by the Federal Emergency Management Administration (FEMA) and shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

Flood Elevation, Design (DFE). The minimum elevation required for structures within a SPECIAL FLOOD HAZARD AREA (SFHA). The DFE shall be the combination of the mandatory BASE FLOOD ELEVATION (BFE) plus the required FREEBOARD.

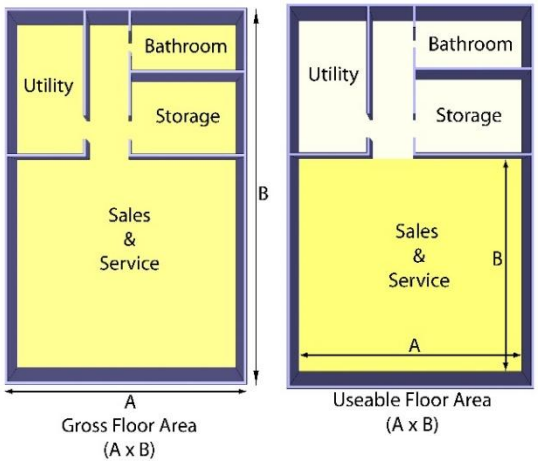
Flood Elevation, Alternate Design. An optional elevation, as specified in Section 2.5 C, allowed for structures for which a permit was issued on or after January 29, 2021, within a SPECIAL FLOOD HAZARD Area. This consists of the FEMA BASE FLOOD ELEVATION (BFE) in effect as of January 28, 2021, plus the required 2-foot FREEBOARD.

Flood Hazard Area, Special (SFHA). That area designated by the Federal Emergency Management Administration (FEMA) on the Flood Insurance Rate Map (FIRM) as being subject to inundation by a flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year

flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

Floor Area, Gross. The total horizontal area of all floors of a BUILDING, including mezzanines, measured from the interior faces of the exterior walls of a BUILDING.

Floor Area, Livable. The total area of all floors within a DWELLING UNIT whose height is more than half above the FINISHED GRADE, having a minimum floor-to-ceiling height of seven and one-half (7½) feet, located on a permanent foundation, wired for electrical service, conditioned, and fully enclosed for year-round use. This term shall not include GARAGEs.



Floor Area, Usable. The actual occupied area not including unoccupied accessory areas such as corridors, stairways, bathrooms, storage rooms, mechanical/utility rooms, and closets.

Freeboard. An additional elevation, expressed in feet above the mandatory BASE FLOOD ELEVATION (BFE), which is required for the purposes of public safety and flood plain management. The required Freeboard shall be as established by the Charleston County Flood Damage Prevention and Protection Ordinance, which was adopted by reference pursuant to Section 20-22 of the Town Code.

Frontage. The distance between the side lot lines measured at the street right-of-way line.

G

Garage. An attached or detached enclosed STRUCTURE, on a LOT or in a MULTI-FAMILY DEVELOPMENT, devoted to or designed for the storage of vehicles.

Grade, Finished. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grade, Natural. The elevation of the ground level in its natural state before construction, filling, or excavation.

H

High Ground. That portion of a LOT or tract of land exclusive of naturally occurring water bodies and any areas lying below the ~~SCDHEC-OCRM~~SCDES-BCM CRITICAL LINE or any areas within the jurisdiction of the U.S. Army Corps of Engineers as shown on a PLAT or site plan that has been stamped by ~~SCDHEC-OCRM~~SCDES-BCM, the U.S. Army Corps of Engineers, or both.

Home Occupation. An occupation, profession, or trade customarily and commonly carried out by an occupant in a DWELLING UNIT as an ACCESSORY USE which is clearly incidental and subordinate to the principal RESIDENTIAL USE.

Homeowner's Association. A legal entity organized to manage and maintain a horizontal property REGIME or PLANNED COMMUNITY.

Hotel. A BUILDING or collection of BUILDINGS under single management, operated for profit, which provides rooms or suites intended primarily as sleeping accommodations for the general public to rent on a daily basis for registered guests. A HOTEL includes a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also include, but not be limited to, meeting rooms, incidental RETAIL sales, RESTAURANTs, lounges, swimming pools, recreational and fitness facilities, and similar facilities/services intended principally to serve registered guests.

I

Improvement. The construction, reconstruction, or alteration of any BUILDING or STRUCTURE, but not including normal MAINTENANCE, and the establishment of basic services and amenities associated with a DEVELOPMENT activity including, but not limited to, streets and sidewalks, parking areas, landscaping, water and sewer systems, drainage systems, property markers and monuments, and recreation facilities, (e.g., lakes, swimming pools, tennis courts, golf courses, riding stables, clubhouses, cabanas, MARINAs, docks).

Impervious Surface. Any material which substantially reduces or prevents absorption of stormwater into the earth.

J

Reserved

K

Kennel. A BUILDING or other premise on which three (3) or more dogs, cats, or other household pets, four (4) months of age or older, are boarded, bred, or sold for commercial purposes.

L

Land Disturbing Activities. Any activity involving the clearing, cutting, excavating, filling, or grading of land or other activity that alters land topography or vegetative cover.

Livestock. Domesticated animals, including but not limited to cattle, fowl, goats, horses, llamas, rabbits~~pigs~~, sheep, swine~~goats, chickens, and llamas~~ and beasts of burden, ~~raised in an agricultural setting to produce commodities~~ used for agricultural labor, recreational activities, or the production of diversified products for consumption, such as meat, eggs, milk, fur, leather, and wool.

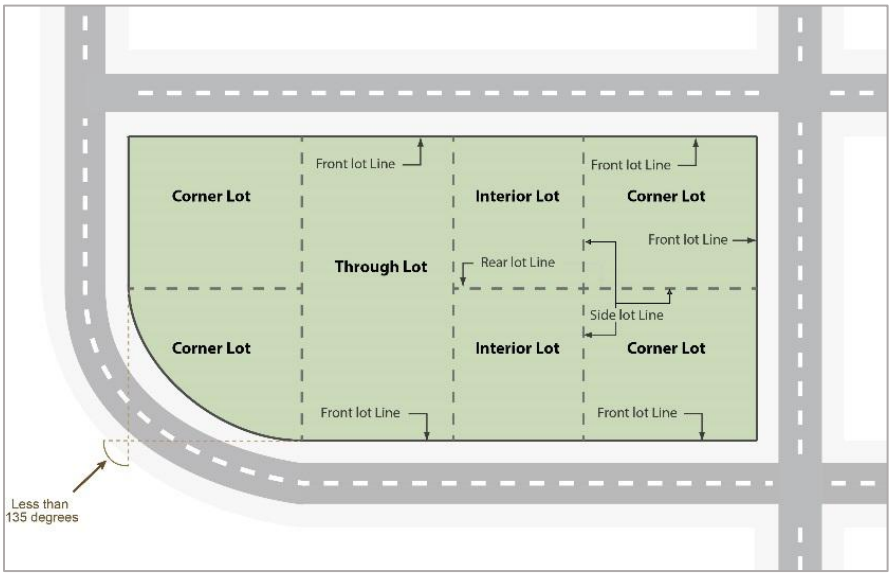
Loading Space, Off-Street. An area of prescribed size meeting the requirements of this ordinance and reserved for pick-up and delivery vehicles serving the use on a LOT.

Lot. A parcel of land defined by a legally approved and recorded SUBDIVISION PLAT or metes and bounds description that has been recorded in the office of the county register of deeds. "LOT" includes the term "plot."

Lot Area. The total horizontal area within the LOT lines of the LOT, excluding any street right-of-way or EASEMENT dedicated for street purposes.

Lot Coverage. The percent area of a LOT covered by STRUCTURE(s), as determined by the footprint of all STRUCTUREs, and impermeable surfaces such as, but not limited to paved parking areas, driveways, and PATIOs.

Lot, Corner. A LOT with at least two (2) contiguous sides abutting the intersection of two streets, forming an interior angle of less than 135 degrees. Also, a LOT abutting a curved street shall be considered a CORNER LOT if the tangents of the curve, at the points of beginning with the LOT or the points of intersection of the side lot lines with the street line, meet at an interior angle of less than 135 degrees.



Lot, Depth. The horizontal distance between the front and rear lot lines of interior and CORNER LOTs, or between the front lines of a THROUGH LOT, measured along the median line between the side lot lines.

Lot, Double Frontage (also termed a Through Lot). A lot having FRONTAGE on two (2) more or less parallel streets, as distinguished from a CORNER LOT. A CORNER LOT shall be considered having double FRONTAGE if it has access on three (3) or more sides.

Lot, Interior. A LOT other than a corner or THROUGH LOT.

Lot Width. The horizontal distance between side lot lines measured at the two (2) points where the required front SETBACK line intersects the side lot lines.

M

Maintenance. Activities required or undertaken to conserve as nearly, and for as long as possible, the original condition of a BUILDING or property while compensating for normal wear and tear.

Examples include, but are not limited to, painting, window/door replacement, reroofing, siding replacement, interior remodeling, and similar activities.

Map, Zoning. The official ZONING MAP of the TOWN, bearing the seal of the TOWN together with the signature of the Mayor, as well as the date of adoption of the map by TOWN COUNCIL.

Marina. A dock or basin providing secure moorings for pleasure boats and often offering ancillary services such as supplies, fuel, and/or REPAIR facilities.

Mean Sea Level. The Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the BASE FLOOD ELEVATIONS shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

Mobile Home or Housing Unit. A detached SINGLE-FAMILY DWELLING UNIT designed to be transported after fabrication on its own wheels; arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, connection to utilities, and the like. This term shall not include travel trailers, shipping containers, or similar STRUCTUREs not designed or intended for permanent occupancy.

N

Nonconforming. A term applied to LOTs, STRUCTUREs, and uses of land which were lawful before the adoption of this ordinance or subsequent amendment but which, as a result of such adoption, are prohibited or no longer comply with the requirements of this ordinance.

O

Open Air Recreation. Public or private lands and/or facilities devoted to the enjoyment of outdoor leisure activities, such as: swimming pools, fishing, beaches, boat ramps, docks, piers, lifeguard stations, boardwalks, athletic fields and courts, and natural preserves.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment. Open space does not include streets, drives, off-street parking and loading areas, and manmade stormwater detention or retention basins, except as ancillary to the open space use.

Overlay District. A district that applies supplementary regulations to land which is classified into a specific underlying area or district.

P

Parking Lot. Any public or private open-air area designed and used for the express purpose of parking motor vehicles on a temporary basis in conformance with the requirements of this ordinance.

Parking Space—Off Street. A defined space on a parcel of property or individual LOT within which a motor vehicle is parked, exclusive of driveways and access aisles.

Patio. A hard surfaced (including permeable pavers), unroofed area on the same LOT as a principal dwelling intended for outdoor seating, entertainment, and similar activities.

Performance Guarantee. A bond, letter of credit, cash deposit, or similar financial instrument deposited with the TOWN or other public authority by a developer or property owner to help ensure that all required site IMPROVEMENTs are completed in a timely manner, in accordance with approved PLATs and construction plans.

Permitted Use. A use of property specifically allowed within a zoning district wherever that district exists in the TOWN; provided, all dimensional and other requirements applicable to that district are satisfied.

Person. Any individual, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, legal entity, or any combination acting as for himself, herself, or itself or as the servant, employee, agent, or representative of another.

Personal Service Establishment. Any business primarily engaged in the provision of frequent or recurrent needed services for an individual. Examples include, without limitation: beauty and barbershops, shoe REPAIR shops, watch REPAIR, and tailor shops.

Pervious Surface. Any material which allows rainfall to percolate through it rather than running off. A pervious surface may utilize porous asphalt, pervious concrete, brick or concrete pavers interlaid in a running bond pattern, or similar systems approved by the ZONING ADMINISTRATOR.

Place of Public Worship. A BUILDING or STRUCTURE, or groups of BUILDINGs or STRUCTUREs which, by design and construction, are primarily intended for conducting organized religious services and associated ACCESSORY USEs that are noncommercial in nature.

Planned Community. A tract of land master planned and developed in projects or phases, which may consist of one or more different land uses and/or residential densities.

Planning Commission. The TOWN of Seabrook Island PLANNING COMMISSION.

Plat. A map or drawing upon which is depicted the layout of a SUBDIVISION for approval.

Porch, Enclosed. An unheated or conditioned, roofed STRUCTURE with walls whose surface area is at least 50 percent glass or screen, attached to or a part of a BUILDING, and which is directly accessible to and from the BUILDING.

Porch, Unenclosed. A roofed STRUCTURE without walls, attached to or part of a BUILDING, and which is directly accessible to and from the BUILDING. The term "unenclosed PORCH" shall include any veranda, terrace, portico, or similar projection from a main wall of a BUILDING and covered by a permanent covering of any kind.

Primary Dune. The dune or dunes that constitute the front row of dunes adjacent to the Atlantic Ocean.

Principal Use. The main or primary use to which land or a STRUCTURE is devoted.

Q

Reserved

R

Recreational Vehicle. Vehicles or equipment used primarily for recreational purposes, including but not limited to, motor homes, travel trailers, camper trailers, pop-up campers, boats, motorcycles, dune buggies, similar vehicles, and trailers used to transport them.

Regime, Horizontal Property. A form of CONDOMINIUM ownership providing for individual ownership of a particular apartment in a building and the common right to a share, with other co-owners, in the general and limited common elements of the property.

Repair. An activity required to fix or mend something that is damaged, defective, or broken restoring it to its original condition, but not expanding or altering its original function or purpose.

Replace. An activity in which something that is damaged, defective, broken, obsolete, or otherwise no longer desired is removed, in whole or in part, and a similar item, serving the same function or purpose, is substituted in its place.

Restaurant. A BUILDING or part of a BUILDING where food is prepared and served primarily for consumption on the premises and more than half the revenue is obtained from the sale of food.

Restaurant, Drive-Through. A RESTAURANT whose method of operation includes the delivery of prepared food to the customer in a motor vehicle, typically though a drive-through window, for consumption off the premises.

Retail. Sale to the ultimate consumer for direct consumption and not for resale.

Retail Establishment. A business providing RETAIL sale of products to the public and may also render services incidental to the sale of such products.

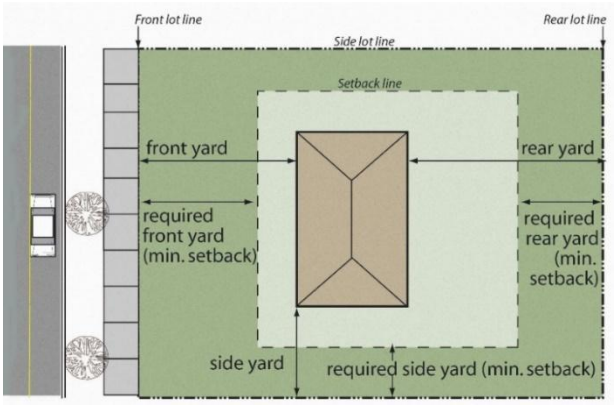
Road Code. The Charleston County Zoning and Land Development Regulations Road Construction Standards as adopted in their entirety by reference by the TOWN COUNCIL.

S

~~SCDHEC~~SCDES. *South Carolina Department of ~~Health and~~ Environmental ~~Control~~ Services.*

~~SDHEC-OCRM~~SCDES-BCM. South Carolina Department of ~~Health and~~ Environmental ~~Control~~ Services ~~Office~~ Bureau of ~~Ocean and~~ Coastal ~~Resource~~ Management.

SCDOT. South Carolina Department of Transportation.



Setback. The horizontal distance between front, side, or rear lot lines and the nearest part of a STRUCTURE located on that LOT.

Setback, Required. The minimum required horizontal distance prescribed by the zoning district, measured from the front (typically a street right-of-way), side, or rear lot line to the nearest BUILDING wall or as otherwise specified for SINGLE-FAMILY detached CONDOMINIUMs.

Short-Term Rental. A residential dwelling that is rented or leased, or offered for rent or lease, as an overnight accommodation for periods of less than 30 consecutive days at any time during a calendar year. A SHORT-TERM RENTAL UNIT is generally used by renters and their guests in a manner that is consistent with the residential character of both the dwelling and the surrounding area. HOTELs, motels, inns, and bed and breakfasts are not considered SHORT-TERM RENTAL UNITs. Vacation time-sharing plans are not considered SHORT-TERM RENTAL UNITs and are prohibited pursuant to this ordinance.

Shrub. A woody plant, smaller than a tree, consisting of multiple stems originating from or near the ground that usually attains a mature height of no more than fifteen (15) feet.

Sign. Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others and which is located on or attached to premises, real property, STRUCTUREs on real property, or a vehicle, and which is visible from a street or parking area.

1. ***Awning Sign***. A SIGN painted on, printed on, or attached flat against the surface of an awning.

2. ***Banner Sign***. A SIGN of fabric, thin plastic or similar lightweight material that is mounted to a pole or a BUILDING at one (1) or more edges and is intended or displayed as commercial speech. Flags shall not be considered banners.

3. ***Community Identification Sign***. A SIGN identifying the name of the community, DEVELOPMENT, REGIME, or similar neighborhood entity.

4. ***Community Message Board***. A SIGN incorporated into a community identification SIGN to provide information regarding events, activities, or announcements via manually changed lettering or images.

5. ***Electronic Variable Message Display***. A portion of a community identification SIGN containing a screen, panel, or other area upon which alphanumeric characters, graphics or symbols are projected by illuminating devices including, but not limited to, light emitting diodes (LEDs), backlighted liquid crystal display (LCDs), plasma display panels (PDPs), fiber optics or light bulbs.

6. ***Feather Sign***. A freestanding SIGN, typically consisting of a single plastic or metal pole or shaft, stuck in the ground or otherwise fastened at the base, displaying an attached pennant consisting of fabric or other flexible material that is usually vertically elongated, and may be in the shape of a feather, tear drop, quill, or similar configuration.

7. ***Ground Sign***. A freestanding SIGN in which the entire bottom of the SIGN base is in contact with the ground or the SIGN is mounted on posts or columns. In either case, the top of the SIGN is not more than eight (8) feet above the surface of the ground.

8. ***Incidental Sign***. A SIGN, emblem or decal no larger than one and one-half (1½) square feet in area. Such SIGNs are normally located on doors, windows, vending machines, and gas pumps or in PARKING LOTs or loading areas, may be freestanding or BUILDING SIGNs, and are generally not readily visible or legible from public rights-of-way.

9. ***Memorial Sign***. A non-illuminated SIGN, tablet, or plaque commemorating a PERSON, event, STRUCTURE, or site.

10. ***Nameplate***. A non-illuminated, on-premises SIGN giving only the name, address, and/or occupation of the occupant or group of occupants of the premises.

11. ***Official Signs***. SIGNs placed by or at the direction of a governmental body, governmental agency, public authority, or SIPOA, such as but not limited to traffic signs, signals or regulatory devices or warnings; official emblems, public notices, or official instruments; SIGNs providing directions to specific facilities or locations; SIGNs identifying BUILDINGs or address ranges; SIGNs designating temporary events or areas of architectural of historic significance or gateways; SIGNs announcing or providing directions to a government sponsored event; or other similar governmental or public information SIGNs or devices.

12. ***Pole Sign***. A SIGN mounted on one (1) or more freestanding posts or columns so the bottom of the SIGN body is elevated at least eight (8) feet above the ground, and the supporting posts or columns are each less than 25 percent of the width of the SIGN body.

13. ***Portable Sign***. Any SIGN, except a sidewalk/sandwich board SIGN, which is not permanently affixed to a BUILDING, STRUCTURE. or the ground.

14. ***Projecting Sign***. A double-faced SIGN attached to a BUILDING or wall that extends more than 12 inches but not more than 48 inches from the face of the BUILDING or wall.

15. ***Roof Sign***. A SIGN erected over or on, and wholly or partially dependent upon, the roof of any BUILDING for support, or attached to the roof in any way.

16. ***Sandwich Board Sign***. A freestanding movable SIGN, not secured or attached to the ground or any BUILDING or STRUCTURE, composed of a SIGN panel and supporting STRUCTURE or one or more panels which form both the STRUCTURE and SIGN face.

17. ***Snipe Sign***. A SIGN which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, or FENCEs, or to other objects, and the subject matter appearing thereon is not applicable to the present use of the premises upon which such SIGN is located.

18. ***Wall Sign***. A SIGN fastened directly to or placed directly upon the exterior wall of a BUILDING facade, with the SIGN face parallel to the wall and extending from the surface of the wall no more than 12 inches.

19. ***Window Sign***. Any SIGN which is permanently painted on, applied to, attached to, or projected upon the glass area of a BUILDING, including doors, and whose identification, message, symbol, insignia, visual representation, logo type, or any other form which communicates information is intended to be read from off-premises, contiguous property, or a public right-of-way.

20. ***Yard Sign, Rigid Frame***. A yard SIGN, consisting of a frame or skeleton made of steel, wood or similar sturdy material placed into the ground, that resists bending or movement and is capable of withstanding wind turbulence while supporting a SIGN of permitted size.

21. ***Yard Sign, Wire Frame***. A yard SIGN, usually consisting of a fairly pliable "H"-shaped wire frame, one end of which is typically inserted into a plastic SIGN and the other end is inserted into the ground.

SIPOA. The Seabrook Island Property Owners Association.

Site Development Plan. A detailed drawing showing proposed BUILDINGs, uses or reuses of all land, OPEN SPACE, location of major STRUCTUREs, recreation areas, schools and public facilities and such other planning elements and reasonable design criteria as deemed necessary to illustrate compliance with the requirements of this ordinance.

Small Wireless Facility. A wireless facility that meets both of the following qualifications: (i) each ANTENNA is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an ANTENNA that has exposed elements, the ANTENNA and all of its exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Special Exception. A specific use listed as a special exception within one or more zoning districts and authorized, upon application, by the Board of Zoning Appeals in a specified location within a zoning district, upon finding that such use complies with all the conditions and standards specified for that use by the Development Standards Ordinance.

Street, Arterial. A major through street designed primarily for the movement of large volumes of traffic from one area to another.

Street, Collector. A public or PRIVATE STREET designed primarily to connect private ways serving MULTI-FAMILY complexes or other LOCAL STREETs with ARTERIAL STREETs and may be expected to carry a significant volume of traffic having neither origin nor destination on the street.

Street, Local. A public or PRIVATE STREET used primarily for providing direct access to abutting property.

Street, Private. Any vehicular access not dedicated to the public that has been platted and recorded as a PRIVATE STREET.

Street, Public. A street dedicated to the public and maintained by a governmental unit.

Structure. Anything constructed or erected, which requires, more or less, permanent location on the ground or is attached to something having a permanent location on the ground, including by way of example, but not limited to, BUILDINGs, sheds, PATIOs, PORCHes, gazebos, DECKs, tennis courts, screened enclosures, swimming pools, spas, driveways, parking areas, and sidewalks, unless otherwise stated in this ordinance. Lawfully erected UTILITY poles, basketball goals, play sets, and mailboxes, or any wall or STRUCTURE within the CRITICAL AREA and approved by ~~SCDHEC-OCRM~~SCDES-BCM shall not be considered STRUCTUREs for purposes of this ordinance.

Structural Alteration. Any change or replacement in the supporting members of a BUILDING or STRUCTURE, including foundation, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or exterior walls.

Subdivision. All divisions of a tract or parcel of land into two or more LOTs or other division, for the purpose, whether immediate or future, of sale, legacy, transfer, or resale and which involves all division of land involving a new street or change in existing streets.

Substantial Construction. The site has been rough-graded, drainage system and/or stormwater management facilities have been rough graded, EROSION and sedimentation control measures are in place, and construction of the use is actively proceeding to completion.

Substantial Modification. Any combination of REPAIRs, reconstruction, alteration, or IMPROVEMENTs to the exterior walls, roof, or supporting members of a BUILDING or STRUCTURE, including bearing walls, columns, beams, or girders.

Substantial Vegetation. All groupings of trees and SHRUBs whose spread is twenty (20) feet or more in width.

T

Temporary Event. An activity having a specific duration, typically a few days but no more than a week, advertised with the intent to attract attendance or participation by large numbers of persons, and often involving vendor exhibits or booths, amplified sound, and sustained traffic. TEMPORARY EVENTs include, but are not limited to, such activities as: organized festivals, business promotions, tournaments, arts and crafts shows, and concerts. Events hosted on individual residential lots for personal celebration such as wedding receptions, graduation or birthday parties, and yard sales shall not be considered TEMPORARY EVENTs.

Temporary Structure or BUILDING. A portable BUILDING, trailer, tent, or similar STRUCTURE not located on a permanent foundation and intended to accommodate a use or activity of limited duration which is specifically permitted by this ordinance.

Town. The TOWN of Seabrook Island, South Carolina, a public body corporate and politic and political subdivision of the State of South Carolina.

Town Administrator. The individual appointed by TOWN COUNCIL pursuant to the provisions of Sec. 2-501 of the Town Code. Where authority is delegated by the TOWN ADMINISTRATOR to another individual, the term also includes his or her designee.

Traffic Impact Analysis. A specialized engineering study, prepared by a qualified transportation engineer, which determines the potential traffic impacts of a proposed use or DEVELOPMENT and, at a minimum, specifically addresses:

1. the existing traffic conditions, expected future traffic conditions without the DEVELOPMENT, and expected future traffic conditions with the DEVELOPMENT in place for all roadway users;

2. expected traffic conditions during construction;

3. potential for existing and planned multimodal systems (bike paths, walking trails, transit) to accommodate the additional demand;

4. additional transportation needs, beyond those already programmed or included in the local transportation plan, required to maintain a satisfactory level of service (LOS); and

5. recommended roadway and/or system IMPROVEMENTs that may be necessary to accommodate the expected DEVELOPMENT traffic.

U

Unified Development Plan. A master plan associated with a Planned Development (PD) district consisting of two components: a PD district map showing the proposed layout of the DEVELOPMENT plan, and the corresponding PD district text, which describes the allowable uses and DEVELOPMENT standards applicable to the PD district. Upon adoption, the PD district map becomes the official zoning district map for the subject property, whereas the PD district text becomes the official zoning ordinance text describing the DEVELOPMENT standards applicable to the subject property.

Use. The purpose for which a BUILDING, LOT, SIGN, or STRUCTURE is intended, designed, occupied, or maintained.

1. ***Use, Accessory***. A use of land or BUILDING, or a portion thereof, that is subordinate to, and customarily associated with, the PRINCIPAL USE.

2. ***Use, Nonresidential***. Any use of property or BUILDINGs that is not a RESIDENTIAL USE.

3. ***Use, Principal***. The primary purpose for which a LOT or the main BUILDING thereon is designed, arranged, or intended and for which it is or may be used.

4. ***Use, Residential***. A PRINCIPAL USE that is intended for occupancy by an owner or lessee as their permanent place of abode.

5. ***Use, Temporary***. A use of a LOT or LOTs of limited duration and established in connection with a construction project, real estate DEVELOPMENT, TEMPORARY EVENT, or similar activity of a limited duration.

Utility, Private. Any privately-owned company or corporation which provides the general public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, and/or treatment or other services.

Utility, Public. Any agency which, under public franchise or ownership provides the general public with electricity, gas, heat, steam, communication, transportation, water, sewage collection and/or treatment, or other services.

Utility Substations and Subinstallations. Control STRUCTUREs and transformers and STRUCTUREs housing transformers, pumps, and similar equipment operated by a public utility or other bona fide entity providing water, sanitary sewer, communications, or similar services to the general public.

V

Vacation Club Unit. A residential dwelling that is owned, leased, or managed by a private membership organization or commercial business entity that is engaged in providing short-term overnight accommodations and related services to its members. Vacation clubs typically own or lease properties on a long-term basis, offer and rent those properties to the club's members on a short-term basis, and model a membership structure where its members purchase membership levels granting access to a portfolio of properties and personalized services, but does not convey upon its members an ownership interest in the properties. Properties offered by vacation clubs to members for less than thirty (30) consecutive days are considered SHORT-TERM RENTAL UNITs, regardless of whether the vacation club is the owner of record, lessee, or manager of the property. All applicable references to "owners" in this ordinance shall similarly apply to vacation clubs.

Vacation Time Sharing Lease Plan. Any arrangement, plan, or similar devise, whether by membership agreement, lease, rental agreement, license, use agreement, security, or other means, in which the purchaser receives a right to use accommodations or facilities, or both, but does not receive an ownership interest in real property, for a period or periods of time during a given year, but not necessarily for consecutive years, which extends for a period of more than three years. These lease plans do not include an arrangement or agreement in which a purchaser in exchange for an advance fee and yearly dues is entitled to select from a designated list of facilities located in more than one (1) state, accommodations of companies that operate nationwide in at least nine (9) states in the United States through franchises or ownership, for a specified time period and at reduced rates and under which an interest in real property is not transferred.

Vacation Time Sharing Ownership Plan. Any arrangement, plan, or similar devise, whether by tenancy in common, sale, term for years, deed, or other means, in which the purchaser receives an ownership interest in real property and the right to use accommodations or facilities, or both, for a period or periods of time during a given year, but not necessarily for consecutive years, which extends for a period of more than one (1) year. A vacation time sharing ownership plan may be created in a CONDOMINIUM established on a term for years or leasehold interest having an

original duration of thirty years or longer. An interest in a vacation time sharing ownership plan is recognized as an interest in real property for all purposes pursuant to the laws of this State.

Vacation Time Sharing Plan. Either a vacation time sharing ownership plan or a vacation time sharing lease plan. Trusts, partnership interests, undivided interests as tenants in common, corporate shares, or other membership or use interests in a DWELLING UNIT, in which thirteen or fewer undivided interests, corporation shares, partnership interests, trust interests, or other membership or use interests are conveyed, are not considered a vacation time sharing plan or a time-sharing unit for purposes of this ordinance.

Variance. An authorization by the Board of Zoning Appeals granting relief from the strict requirements of this ordinance and doing substantial justice, where literal enforcement would result in a practical difficulty or unnecessary hardship.

W

Waterbody. Any pond, lake, lagoon, channel, or basin which ordinarily or intermittently contains water and which has a discernible shoreline including those that are the result of DEVELOPMENT.

Wetland. Any area subject to periodic or intermittent flooding and defined and/or regulated as a "WETLAND" by either the state and/or federal government.

X

Reserved

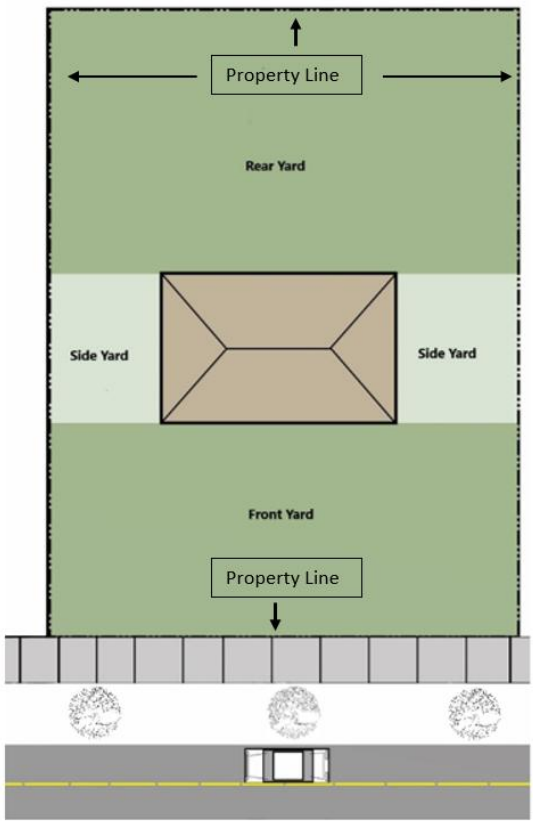
Y

Yard. The open spaces on a LOT located between a BUILDING and a lot line. The term "required yard" shall refer to that portion of the yard lying between the lot lines and the minimum required SETBACK lines.

1. ***Yard, Front***. The space extending the full width of the LOT, the depth of which is the distance between the front lot line and the nearest BUILDING LINE of the principal BUILDING.

2. ***Yard, Rear***. The space extending the full width of the LOT, the depth of which is the distance between the rear lot line and the nearest BUILDING LINE of the principal BUILDING.

3. ***Yard, Side***. The space between a principal BUILDING and the side lot line, extending from the FRONT YARD to the REAR YARD, the width of which is the distance from the side lot line to the nearest BUILDING LINE of the principal BUILDING.



Z

Zoning Administrator. The PERSON appointed by the Mayor, or the Mayor's designee, to administer and enforce the provisions of this ordinance. Where authority is delegated by the ZONING ADMINISTRATOR to another individual, the term also includes his or her designee.

Zoning Permit. A required pre-DEVELOPMENT or pre-construction authorization issued by the TOWN, as generally described in Section 18.2 of this ordinance.

Consolidated Table of Uses

APPENDIX B

Town of Seabrook Island

Development Standards Ordinance

Consolidated Schedule of Uses

Table B-1, Schedule of Uses														
USE	**CP**	**AGR**	**RC**	**CSC**	**R-SF1**	**R-SF2**	**R-SF3**	**R-CL**	**R-TH**	**R-MF**	**LC**	**CF**	**MU**	**Specific Conditions**
ACCESSORY USEs														
ACCESSORY USEs and STRUCTUREs	P	P	P	P	P	P	P	P	P	P	P	P	P	
Drive-in and drive-through facilities for automated teller machines, banks, pharmacies, and similar uses (not including DRIVE-THROUGH RESTAURANTs)											C		C	Section 9.4 B
Outdoor display areas for RETAIL ESTABLISHMENTs											C		C	Section 9.4 J
Outdoor seating at eating/drinking establishments											C		C	Section 9.4 K
Outdoor storage facilities												C	C	Section 9.4 L
Agriculture and Conservation														
Agriculture		P												
Bulkhead and EROSION control devices	P	P	P	P									P	
Community gardens	P	P	P	P									P	
Open space preserves such as WETLANDs and wildlife habitat refuge areas	P	P	P	P	P	P	P	P	P	P			P	
Entertainment, Hospitality, and Leisure														
Boat docks, landings and launches		P										P	P	
Classroom and lecture facilities				P							P		P	
Community swimming pools			P									P		
Dormitories, cabins, and cafeterias for campers and conference attendees, not including for-profit HOTELs				P										
Equestrian facilities		P	P	P										
Establishments serving alcoholic beverages											C		C	Section 9.4 D

Table B-1, Schedule of Uses														
USE	**CP**	**AGR**	**RC**	**CSC**	**R-SF1**	**R-SF2**	**R-SF3**	**R-CL**	**R-TH**	**R-MF**	**LC**	**CF**	**MU**	**Specific Conditions**
Fitness club/health spa		P	P									P	P	
Golf course/country club, including ACCESSORY USEs such as MAINTENANCE facilities, pro shops, lounges, banquet facilities, and RESTAURANTs.		P	P											
Greenways, boardwalks, and non-motorized trails/pathways	P	P	P	P	P	P	P	P	P	P	P	P	P	
Gymnasium and indoor recreation facilities		P	P	P							P	P	P	
HOTELs											P		P	
MARINA			C								C		C	Section 9.4 H
Non-commercial community or neighborhood activity uses such as, park/playground, swimming pool, storage STRUCTUREs, and off-street parking					p	p	p	p	p	p		P	P	
OPEN AIR RECREATION uses	C	C	C	C								P	P	Section 9.4 I
RESTAURANTs (not including DRIVE-THROUGH facilities)											P		P	
Office														
Banks, savings & loans, and similar financial institutions											P		P	
Government offices			P								P	P	P	
Medical, dental or chiropractic office, including clinics and/or laboratory											P		P	
Offices, general and professional											P		P	
Veterinary offices and clinics											C			Section 9.4 R
Residential														
ACCESSORY DWELLING UNITs		C			C	C								Section 9.4 A
DWELLINGS on upper floors above businesses													C	Section 9.4 C
HOME OCCUPATIONs		C			C	C	C	C	C	C			C	Section 9.4 F

Table B-1, Schedule of Uses														
USE	**CP**	**AGR**	**RC**	**CSC**	**R-SF1**	**R-SF2**	**R-SF3**	**R-CL**	**R-TH**	**R-MF**	**LC**	**CF**	**MU**	**Specific Conditions**
SHORT-TERM RENTAL UNITs		C			C	C	C	C	C	C			C	Section 9.4 O
MULTI-FAMILY DWELLINGs										P			P	
SINGLE-FAMILY DWELLINGs		P			P	P	P	P					P	
TOWNHOMEs									P				P	
TWO-FAMILY DWELLINGs									P				P	
VACATION CLUB UNIT		C			C	C	C	C	C	C			C	Section 9.4 Q
RETAIL														
Establishments, not exceeding 5,000 square feet, selling goods at RETAIL within a fully enclosed BUILDING											P		P	
Establishments larger than 5,000 square feet but not more than 10,000 square feet, selling goods at RETAIL within a fully enclosed BUILDING											C		C	Section 9.4 N
Services														
Cemetery				P										
Helipad											C			Section 9.4 E
KENNELs											C			Section 9.4 G
Government facilities, including storage and MAINTENANCE facilities											P	P	P	
PERSONAL SERVICEs											P		P	
Photographic studios											P		P	
PLACES OF PUBLIC WORSHIP				P								P	P	
RECREATIONAL VEHICLE storage											C	C		Section 9.4 M
UTILITY substation or subinstallation	C		C	C	C	C	C	C	C	C	C	C	C	Section 9.4 P
Water or wastewater treatment facilities												C		Section 9.4 S
Wireless communication antennas or towers	C			C							C	C	C	Section 9.4 T
Other														
Similar Uses	C	C	C	C	C	C	C	C	C	C	C	C	C	Section 2.6 G

Consolidated Table of Spatial Requirements

APPENDIX C

Town of Seabrook Island

Development Standards Ordinance

Consolidated Spatial Requirements

(See district articles for additional footnotes applicable to each district)

Table C-1, Schedule of Area, Height, and Placement Requirements													
	CP	AGR	RC	CSC	R-SF1	R-SF2	R-SF3	R-CL	R-TH	R-MF	LC	CF	MU
LOT AREA, LOT WIDTH and DENSITY													
Min. LOT AREA (sq. ft.)	-	5 ac	-	250 ac	32,670[27] 65,340[28,29,30]	17,500[25] 21,780[26,28]	6,000[25] 10,890[26,28]	2 ac[25] 5 ac[26]	2 ac[25] 5 ac[26]	2 ac[25] 5 ac[26]	15,000	15,000	5 ac
Min. LOT WIDTH (ft.)	-	-	-	-	100[25] 125[26,27,28]	85[28]	45[28]	-	-	-	80	80	200
Max. DENSITY (units/NET ACRE)	-	0.2	-	-	1[25] 0.6[26]	2	5[25] 4[26]	8[25] 5[26]	14[25] 7[26]	20[25] 12[26]	-	-	15
Min./Max. Non-Residential Area (%)	-	-	-	-	-	-	-	-	-	-	-	-	20 / 50
Min. OPEN SPACE (%)	-	-	-	-	-	-	-	-	-	-	-	-	20
SETBACKs (minimum ft.)													
Front (Building)	50	100	20	30	30[25] 50[26,27]	30	30	20[25] 30[26]	20[25] 30[26]	30	30	30	20
Front (Parking)	50	100	30	30	-	-	-	-	20	20	-	-	20
Side	30	50	20	-	15[25] 25[26,27]	15	7.5	-	-	-	15	-	20
BUILDING Separation	-	-	-	15	-	-	15	15[25] 25[26]	15[25] 25[26]	15[25] 25[26]	-	-	-

[27] Requirement for LOTs recorded prior to July 1, 2022.
[28] Requirement for LOTS recorded on or after July 1, 2022
[29] The spatial requirements for R-SF1-zoned LOTs developed as part of a CONSERVATION SUBDIVISION shall be as provided in Section 5.4.
[30] Any LOT which was created by the combination of two or more smaller LOTS by PLAT recorded prior to July 1, 2022, may be re-subdivided on or after July 1, 2022, even if the resulting LOTs do not conform to the minimum LOT AREA and/or LOT WIDTH requirements specified herein, provided: 1) the property line(s) may only be re-established in the same location(s) that existed immediately prior to the combination; and 2) no BUILDING, STRUCTURE, or other site IMPROVEMENT may be made nonconforming with the current SETBACK or LOT COVERAGE requirements as a result of the re-subdivision.

Table C-1, Schedule of Area, Height, and Placement Requirements													
	CP	AGR	RC	CSC	R-SF1	R-SF2	R-SF3	R-CL	R-TH	R-MF	LC	CF	MU
Rear	50	50	30	-	25[25] 50[26,27]	25	25	-	-	-	30	-	40
Perimeter	-	-	-	20	-	-	-	20[25] 30[26]	20[25] 30[26]	20[25] 30[26]	-	-	-
BUILDING HEIGHT and LOT COVERAGE (maximum)													
Max. LOT COVERAGE (%)	-	-	-	-	35[25] 25[26,27]	40	50	40	50	60	-	-	-
Max. BUILDING HEIGHT (ft.)	36	36	36	36	36	36	36	36	36	36	-	-	36
LIVABLE FLOOR AREA (minimum sq. ft.)[31]													
Total dwelling	-	-	-	-	1,200[25] 1,500[26]	1,000	850	-	-	-	-	-	-
Efficiency	-	-	-	-	-	-	-	650	650	650	-	-	650
One-bedroom	-	-	-	-	-	-	-	800	800	800	-	-	800
Two-bedroom	-	-	-	-	-	-	-	1,000	1,000	1,000	-	-	1,000
Three-bedroom	-	-	-	-	-	-	-	1,200	1,200	1,200	-	-	1,200
S.F. per additional bedroom > 3	-	-	-	-	-	-	-	100	100	100	-	-	100

[31] Minimum LIVABLE FLOOR AREA requirements are for single family detached dwellings in the R-SF1, R-SF2, and R-SF3 districts. The minimum required LIVABLE FLOOR AREA for units in the R-CL, R-TH, R-MF and MU districts shall be determined by the number of bedrooms, as follows: efficiency unit – 650, 1 bedroom – 800, 2 bedroom – 1,000, 3 bedroom – 1,200. An additional 100 square feet shall be provided for each bedroom over 3.

APPENDIX D

Plant Material

Town of Seabrook Island

Development Standards Ordinance

Section D.1 Appropriate for PARKING LOTs and BUFFERs

Individual plant characteristics should be taken into consideration when selecting a particular species for a given location. Such characteristics include, but are not limited to, growth habits, cultural requirements, fruiting habits, presence of thorns, attraction to insects, etc.

A. **Trees**.

Table D-1(A). Appropriate PARKING LOT and BUFFER Trees	
Common Name	**Botanical Name**
Red Maple	Acer Rubrum
Red Sunset Maple	Acer Rubrum 'Red Sunset'
October Glory Red Maple	Acer Rubrum 'October Glory'
*River Birch	Betula nigra
*Heritage River Birch	Betula nigra 'Heritage'
Pecan	Carya illinoinensis
Deodar Cedar	Cedrus deodara
Hackberry	Celtis laevigata
Green Ash	Fraxinus pennsylvanica
Japanese Gingko	Gingko biloba
Moraine Honeylocust	Gleditsia triacanthos 'Moraine'
Shademaster Honeylocus	Gleditsia triacanthos 'Shademaster'
Black Walnut	Juglans nigra
Sweetgum	Liquidambar styraciflua
Yellow Poplar	Liriodendron tulipifera
Sycamore	Platanus occidental is
Southern Red Oak	Quercus falcata
Water Oak	Quercus nigra
Willow Oak	Quercus phellos
Shumard Oak	Quercus shumardii
Live Oak	Quercus virginiana
Scarlet Oak	Quercus coccinea
Laurel Oak	Quercus laurifolia
Bald Cypress	Taxodium distichum
Basswood	Tilia americana
Winged Elm	Ulmus alata
Drake Chinese Elm	Ulmus parvifolia 'Drake'
Green Vase Zelcova	Zelcova serrata 'Green Vase'

B. **Understory Trees**.

Table D-1(B). Appropriate PARKING LOT and BUFFER Understory Trees	
Common Name	**Botanical Name**
Cocos Palm	Butia capitata
Eastern Redbud	Cercis canadensis
Flowering Dogwood	Cornus florida
Carolina Silverbell	Halesia diptera
East Palatka Holly	Ilex x attenuata 'East Palatka'
Foster Holly	Ilex x attenuata 'Fosteri'
Hume Holly	Ilex x attenuata 'Hume #2'

Savannah Holly	Ilex x attenuata 'Savannah'
Nellie Stevens Holly	Ilex x 'Nellie R. Stevens'
Natchez Crepe Myrtle (white)	Lagerstroemia indica 'Natchez'
Potomac Crepe Myrtle (med. pink)	Lagerstroemia indica 'Potomac'
Muskogee Crepe Myrtle (lavender)	Lagerstroemia indica 'Muskogee'
Catawba Crepe Myrtle (dk. purple)	Lagerstroemia indica 'Catawba'
Tuscarora Crepe Myrite (dk. pink)	Lagerstroemia indica 'Tuscarora'
Japanese Ligustrum	Ligustrum japonicum
Saucer Magnolia	Magnolia soulangiana
Sweetbay Magnolia	Magnolia virginiana
Flowering Crabapple	Malus species
Wax Myrtle	Myrica cerifera
Pistachio	Pistacia chinensis
Cherry Laurel	Prunus caroliniana
Purple Leaf Plum	Prunus cerasifera 'Atropurpurea'
Aristocrat Pear	Pyrus calleryana 'Aristocrat'
Capitol Pear	Pyrus calleryana 'Capitol'
Palmetto	Sabal Palmetto
Popcorn Tree	Sapium sebiferum
Windmill Palm	Trachycarpus fortunei
Chaste Tree	Vitex agnus-castus

C. **BUFFER SHRUBs**.

Table D-1(C). Appropriate PARKING LOT and BUFFER SHRUBs	
Common Name	**Botanical Name**
Bamboo	Bambusa glaucescens (multiplex)
Sasanqua Camellia	Camellia sasanqua
Elaeagnus	Elaeagnus pungens
Forsythia	Forsythia intermedia
East Palatka Holly	Ilex x attenuata 'East Palatka'
Foster Holly	Ilex x attenuata 'Fosteri'
Hume Holly	Ilex x attenuata 'Hume #2'
Savannah Holly	Ilex x attenuata 'Savannah'
Dwarf Burford Holly	Ilex cornuta 'Dwarf Burford'
Burford Holly	Ilex cornuta 'Burfordii'
Nellie Stevens Holly	Ilex x 'Nellie R. Stevens'
Yaupon Holly	Ilex vomitoria
Anise	Illicium floridanum
Pfitzer juniper	Juniperus chinensis Pfitzeriana'
Maiden Grass	Miscanthus sinensis 'Gracillimus'
Japanese Silver Grass	Miscanthus sinensis 'Variegatus'
Wax Myrtle	Myrica cerifera
Oleander	Nerium oleander
Fortunes Tea Olive	Osmanthus fortunei
Fragrant Tea Olive	Osmanthus fragrans
Pittosporum	Pittosporum tobira
Variegated Pittosporum	Pittosporum tobira 'Variegata'
Formosa Firethorn	Pyracantha koidzumi
Majestic Beauty Hawthorn	Raphiolepis umbellata 'Majestic Beauty'

Japanese Cleyera	Ternstroemia gymnanthera

D. **Ornamental SHRUBs**.

Table D-1(D). Appropriate PARKING LOT and BUFFER Ornamental SHRUBs	
Common Name	**Botanical Name**
Edward Goucher	Abelia x grandiflora 'Edward Goucher'
Sherwood Abelia	Abelia x grandiflora 'Sherwoodii'
Purpleleaf Japanese Barberry	Berberis thunbergfi 'Atropurpurea'
Harrington Plum-Yew	Cephalotaxus harringtonia
Cotoneaster	Cotoneaster horizontalis
Daylily	Hemerocalis hybrida
Carissa Holly	Ilex cornuta 'Carissa'
Dwarf Horned Holly	Ilex cornuta 'Rotunda'
Dwarf Yaupon Holly	Ilex vomitoria nana
*Heller Holly	Ilex crenata 'Helleri'
*Azalea species	
Shore Juniper	Juniperus conferta
Sargeants Juniper	Juniperus chinensis 'Sargentii'
Creeping Juniper	Juniperus horizontalis
Dwarf Pittosporum	Pittosporum tobira 'Wheelers Dwarf'
Dwarf Indian Hawthorn	Raphiolepis indica
Evergreen Giant Liriope	Liriope mscarii 'Evergreen Giant'
Adam's Needle Yucca	Yucca filamentosa
Sago Palm	Cycas revoluta
*Dwarf Gardenia	Gardenia jasminoides 'radicans'
Dwarf Crape Myrtle	Lagerstroemia indica 'Dixie Series'

* Acceptable only if irrigation is provided.

Section D.2 Appropriate Native and Naturalized Species

Individual plant characteristics should be taken into consideration when selecting a particular species for a given location. Such characteristics include, but are not limited to, growth habits, cultural requirements, fruiting habits, presence of thorns, attraction to birds and insects, etc.

A. **Trees**.

Table D-2(A). Appropriate Native and Naturalized Species Trees		
Common Name	**Botanical Name**	**Evergreen/Deciduous**
Hedge Maple	Acer campestre	D
Red Maple	Acer rubrum	D
River Birch	Betula nigra	D
Mulberry	Broussonetia papyrifera	D
American Hornbeam	Carpinus caroliniana	D
Bitternut Hickory	Carya cordiformis	D
Pignut Hickory	Carya glabra	D
Pecan	Carya illinoinensis	D
Mockernut Hickory	Carya tomentosa	D
Deodar Cedar	Cedrus deodara	E

Hackberry	Celtis laevigata	D
Common Persimmon	Diospyros virginiana	D
American Beech	Fagus grandifolia	D
Green Ash	Fraximus pennsylvanica	D
Sweetgum	Liquidambar styraciflua	D
Yellow Popla	Liriodendron tulipifera	D
Black Walnut	Juglans nigra	D
Eastern Red Cedar	Juniperus virginiana	E
Cucumber Magnolia	Magnolia acuminata	D
Southern Magnolia	Magnolia grandiflora	E
Bigleaf Magnolia	Magnolia macrophylla	D
Black Tupelo	Nyssa sylvatica	D
Virginia Pine	Pinus virginiana	E
Slash Pine	Pinus elliottii	E
Longleaf Pine	Pinus palustris	E
Loblolly Pine	Pinus taeda	E
American Sycamore	Platanus occidentalis	D
Cottonwood	Populus deltoides	D
Black Cherry	Prunus serotina	D
White Oak	Quercus alba	D
Scarlet Oak	Quercus coccinea	D
Southern Red Oak	Quercus falcata	D
Laurel Oak	Quercus laurifolia	Semi-E
Swamp Chestnut Oak	Quercus michauxii	D
Water Oak	Quercus nigra	Semi-E
Pin Oak	Quercus palustris	D
Willow Oak	Quercus phellos	D
Shumard Oak	Quercus shumardii	D
Live Oak	Quercus virginiana	E
Black Willow	Salix nigra	D
Bald Cypress	Taxodium distichum	D
Basswood	Tilia americana	D
Winged Elm	Ulmus alata	D
American Elm	Ulmus americana	D
Cedar Elm	Ulmus crassifolia	D

B. **Understory Trees**.

Table D-2(B). Appropriate Native and Naturalized Species Understory Trees		
Common Name	**Botanical Name**	**Evergreen/Deciduous**
Red Buckeye	Aesculus pavia	D
Serviceberry	Amelanchier arborea	D
Devil's Walking Stick	Aralia spinosa L.	D
Red Chokeberry	Aronia arbutifolia	D
Paw	Asimina triloba	D
Hornbeam	Carpinus caroliniana	D
Chinquapin	Castanea dentata	D
Southern Catalpa	Catalpa bignonioides	D
Buttonbush	Cephalanthus occidentalis	D
Eastern Redbud	Cercis canadensis	D
White Fringe Tree	Chionanthus virginicus	D

Flowering Dogwood	Cornus florida	D
Riverflat Hawthorn	Crataegus opaca	D
Green Hawthorn	Crataegus viridis	D
Leatherwood	Cyrilla racemiflora	E
Honeylocust	Gleditsia triacanthos	D
Gordonia	Gordonia lasianthos	E
Carolina Silverbell	Halesia diptera	D
Foster Holly	Ilex attenuata 'Fosterii'	E
Cassine Holly	Ilex cassine	E
Myrtleleaf Holly	Ilex cassine 'Myrtifolia'	E
Possum Haw	Ilex decidua	D
Inkberry	Ilex glabra	E
Lusterleaf Holly	Ilex latifolia	E
American Holly	Ilex opaca	E
Black Alder	Winterberry Ilex verticillata	E
Yaupon Holly	Ilex vomitoria	E
Sweetbay Magnolia	Magnolia virginiana	E
Southern Crabapple	Malus angustifolia	D
Hop Hornbeam	Ostrya virginiana	D
Sourwood	Oxydendron arboreum	D
Red Bay	Persea borbonia	E
American Plum	Prunus americana	D
Cherry Laurel	Prunus caroliniana	E
Black Locust	Robinia pseudoacacia	D
Sabal Palmetto	Sabal Palmetto	E
Popcorn Tree	Sapium sebiferum	D
Horse Sugar	Symplocos tinctoria	E

C. **Understory SHRUBs**.

Table D-2(C). Appropriate Native and Naturalized Species Understory SHRUBs		
Common Name	**Botanical Name**	**Evergreen/Deciduous**
Bamboo	Bambusa glaucescens	Semi-E
American Beautiberry	Callicarpa americana	D
SweetSHRUB	Calycanthus floridus	D
Cliftonia	Cliftonia monophylla	E
Deutzia	Deutzia scabra	D
Sweet Pepperbush	Clethra alnifolia	D
Hearts-a-burstin'	Euonymus americanus	D
Witch Alder	Fothergillia major	D
Witch Hazel	Hamamelis virginiana	D
Oakleaf Hydrangea	Hydrangea quercifolia	D
Anise	Illicium floridanum	E
Virginia Willow	Itea virginiana	D
Fetterbush	Lyonia lucida	E
Wax Myrtle	Myrica cerifera	E
Myrtle	Myrtus communis	E
Feverbark	Pinckneya pubens	D
Native Azalea Rhododendron species		D
Sumac Rhus species		D

Elderberry	Sambucus canadensis	D
Coralberry	Symphoricarpos orbiculatus	D
Sparkleberry	Vaccinium arboreum Marsh	D
Black Highbush	Bilberry Vaccinium atrococcum	D
Deerberry	Vaccinium caesium	D
Elliot's Blueberry	Vaccinium elliottSi Chap.	D
Arrowwood	Viburnum dentatum	D
Swamp Viburnum	Viburnum nudum	D
Weigela	Weigela florida	D
Aloe Yucca	Yucca aloifolia	E
Adam's Needle Yucca	Yucca filamentosa	E
Spanish Dagger Yucca	Yucca gloriosa	E

D. **Grasses**.

Table D-2(D). Appropriate Native and Naturalized Species Grasses	
Common Name	**Botanical Name**
Bushy Broomsedge	Andropogon glomeratus
Broomsedge	Andropogon virginicus
Cane	Arundinaria gigantea
Reed Grass	Calamagrostis cinnoides
Whitetop Sedge	Dichromena latifolia
Sweetgrass	Muhlenbergia filipes
Seaside Panicum	Panicum amarum
Switch Grass	Panicum virgatum
Foxtail Grass	Setaria geniculata
Green Bristlegrass	Setaria viridis
Indian Grass	Sorghastrum sp.
Salt Hay	Spartina patens
Sea Oats	Uniola paniculata

Section D.3 Prohibited Plant Material

The following materials shall not be used within any landscaped area required by this ordinance.

A. **Invasive Trees**.

Table D-3(A). Prohibited Invasive Trees	
Common Name	**Botanical Name**
Tree-of-Heaven	Ailanthus altissima
Mimosa	Albizia julibrissin
Paper Mulberry	Broussonetia papyrifera
Camphor Tree	Cinnamonmum camphora
Russian Olive	Eleagnus angustifolia
Chinese Parasol Tree	Firmiana simplex
Chinaberry	Melia azedarach
White Mulberry	Morus alba
Princess Tree	Paulownia tomentosa
White Poplar	Populus alba

Callery (Bradford) Pear	Pyrus calleryana
Sawtooth Oak	Quercus acutissima
Chinese Tallow Tree	Sapium sebiferum

B. **Invasive SHRUBs**.

Table D-3(B). Prohibited Invasive SHRUBs	
Common Name	**Botanical Name**
Japanese Barberry	Berberis thunbergii
Scotch Broom	Cytisus scoparius
Autumn Olive	Eleagnus umbellata
Thorny Olive	Eleagnus pungens
Bicolor Lespedeza	Lespedeza bicolor
Japanese Privet	Ligustrum japonicum
Chinese Privet	Ligustrum sinense
Common Privet	Ligustrum vulgare
Sweet Breath of Spring	Lonicera fragantissima
Leatherleaf Mahonia	Mahonia bealei
Nandina	Nandina domestica
Japanese Knotwood	Polygonum cuspidatum
Trifoliate Orange	Poncirus trifoliata
Multiflora Rose	Rosa multiflora
Saltcedar	Tarmarix ramosissima
Beach Vitex	Vitex rotundiflolia

C. **Invasive Vines**.

Table D-3(C). Prohibited Invasive Vines	
Common Name	**Botanical Name**
Porcelain-berry	Ampelopsis brevipedunculata
Oriental Bittersweet	Celastrus orbiculatus
Sweet Autumn Virgin's Bower	Clematis cuspidatum
Chinese Yam	Dioscorea oppositifolia
Winter Creeper	Euonymus fortunei
English Ivy	Hedera helix
Cypress vine Morning glory	Ipomoea quamoclit
Japanese Honeysuckle	Lonicera japonica
Japanese Climbing Fern	Lygodium japonicum
Kudzu	Pueraria lobata
Cherokee Rose	Rosa laevigata
Bigleaf Periwinkle	Vinca major
Chinese Wisteria	Wisteria sinensis
Japanese Wisteria	Wisteria floribunda

D. **Invasive Herbs**.

Table D-3(D). Prohibited Invasive Herbs	
Common Name	**Botanical Name**
Giant Reed	Arundo donax
Pampas Grass	Cortaderia selloana
Queen Anne's Lace	Daucus carota

Weeping Love Grass	Eragrostis curvula
Cogongrass	Imperata cylindrica
Sericea Lespedeza	Lespedeza cuneata
Tall Fescue	Lolium arundinaceus
Japanese Stilt Grass	Microstegium vimineum
Chinese Silvergrass	Miscanthus sinensis
Dallis Grass	Paspalum dilataum
Bahia Grass	Paspalum notatum
Vasey's Grass	Paspalum urvillei
Common Reed	Phragmites australis
Golden Bamboo	Phyllostachys aurea
Japanese Knotweed	Polygonum cuspidatum
Johnson Grass	Sorghum halepense

APPENDIX E

Fee Schedule

Town of Seabrook Island

Development Standards Ordinance

Fee Schedule

Table E-1. Fee Schedule	
Service	**Fee Amount [1]**
Zoning Permit Fees (Including Site Plan Review)	
A. Residential Zoning Permit: Single-Family, Two-Family & Cluster Home Dwellings	
1. New Construction	Construction Value [2] x 0.15% (Min. $350.00)
2. Addition or Modification to Principal Structure	$250.00
3. Renovation (No Change to Building Footprint)	
a. ≤ 50% Building Fair Market Value (Minor)	$50.00
b. > 50% Building Fair Market Value (Major)	$250.00
4. Minor Repairs & Maintenance [3]	No Charge
5. Accessory Building, Structure or Site Improvement [4]	
a. ≤ 150 Sq Ft	$50.00
b. > 150 Sq Ft	$150.00
6. Accessory Dwelling Unit	$350.00
B. Residential Zoning Permit: Townhome & Multi-Family Dwellings	
1. New Construction	Construction Value [2] x 0.15% (Min. $500.00)
2. Addition or Modification to Principal Structure	
a. < 10% Current Floor Area (Max. 5,000 Sq Ft)	$250.00
b. ≥ 10% Current Floor Area (Or 5,000+ Sq Ft)	$400.00
3. Renovation (No Change to Building Footprint)	
a. Single-Unit Renovation (≤ 50% Building FMV)	$50.00
b. ≤ 50% Building Fair Market Value (Minor)	$250.00
c. > 50% Building Fair Market Value (Major)	$400.00
4. Minor Repairs & Maintenance [3]	No Charge
5. Accessory Building, Structure or Site Improvement [4]	
a. Single-Unit Accessory Structure (≤ 150 Sq Ft)	$50.00
b. Single-Unit Accessory Structure (151-600 Sq Ft)	$150.00
c. ≤ 600 Sq Ft (Administrative Review)	$250.00
d. > 600 Sq Ft (Planning Commission Review)	$400.00
6. Parking Lot Construction / Expansion (No Building)	$400.00
C. Non-Residential Zoning Permit	
1. New Construction	Construction Value [2] x 0.15% (Min. $500.00)
2. Addition or Modification to Principal Structure	
a. < 10% Current Floor Area (Max. 5,000 Sq Ft)	$250.00
b. ≥ 10% Current Floor Area (Or 5,000+ Sq Ft)	$400.00
3. Renovation/Upfit (No Change to Building Footprint)	
a. ≤ 50% Building Fair Market Value (Minor)	$250.00
b. > 50% Building Fair Market Value (Major)	$400.00
4. Minor Repairs & Maintenance [3]	No Charge
5. Accessory Building, Structure or Site Improvement [4]	
a. ≤ 600 Sq Ft (Administrative Review)	$250.00
b. > 600 Sq Ft (Planning Commission Review)	$400.00
6. Parking Lot Construction / Expansion (No Building)	$400.00
7. Wireless Communication Towers and Antennae	
a. New Wireless Communications Tower	$2,500.00
b. New/Replacement Antenna Installation	$250.00

Table E-1. Fee Schedule	
D. Change of Use / Occupancy Permit	
1. Change of Use / Occupancy Permit	$100.00
E. Home Occupation Permit	
1. Home Occupation Permit	$50.00
F. Short-Term Rental Permit	
1. Short-Term Rental Permit	
a. Standard (Class A)	$150.00
b. Provisional (Class B)	$50.00
c. Conversion (Class B → Class A)	$100.00
d. Temporary (Class C)	$50.00
2. Modification of Existing Short-Term Rental Permit	
a. Change of Owner, Agent, or Local Contact	$25.00
b. All Other Modifications	$50.00
3. Reinstatement of Suspended Short-Term Rental Permit	$50.00
G. Temporary Use Permit	
1. Uses, Events & Activities ≤ 10 Days in Duration	$50.00
2. Uses, Events & Activities > 10 Days in Duration	$100.00
3. Permit Renewal (Administrative Review)	$25.00
H. Sign Permit	
1. Freestanding Sign	$100.00
2. Building Sign (Awning, Door, Wall, Window, etc.)	$50.00
3. Reface or Repair of Existing Sign	$30.00
4. Temporary Sign	$15.00
I. Tree Removal Permits	
1. Protected Tree Removal Permit	$50.00 Per Tree
2. Post Facto Tree Removal Permit	$500.00 Per Tree
3. Payment in Lieu of Mitigation	150% of Actual Replacement Cost of the Species to be Removed (Min. 6" Caliper)
J. Post Facto Surcharge	
A "Post Facto Surcharge" equal to 100% of the permit amount shall be assessed in instances where work has commenced or a use has been established prior to obtaining a required permit. This surcharge shall be in addition to any other fines penalties which may be assessed, if applicable. The surcharge shall not apply to ~~Short-Term Rental Permits, which are subject to the Late Application Fee, or~~ Tree Removal Permits, which are subject to a separate post facto fee.	
Building Permit and Inspection Fees	
A. Building Permits & Inspections (Charleston County)	
Pursuant to Section 6-2 of the Town Code, all fees imposed by Charleston County for permitting and inspection services are adopted by reference and shall be paid directly to the County.	
Subdivision Plat Review and Recording Fees	
A. Plat Review Fees	
1. Exempt Plat	$75.00
2. Preliminary Plat	
a. Minor Subdivision (≤ 10 Lots)	$500.00
b. Major Subdivision (> 10 Lots)	$500.00 + $20.00 Per Lot
3. Final Plat	
a. Minor Subdivision (≤ 10 Lots)	$250.00
b. Major Subdivision (> 10 Lots)	$250.00 + $10.00 Per Lot

Table E-1. Fee Schedule	
B. Recording Fees	
1. Plat Recording Fee	$100.00 + $25.00 Per Page
Boundary, Map and Text Amendment Fees	
A. Boundary Amendments	
1. Application for Annexation	$250.00
B. Map Amendments (Rezoning)	
1. Application for Rezoning / Zoning Upon Annexation	
a. CP Zoning Designation	No Charge
b. All Zoning Designations Except CP ~~and~~ MU, and PD	$350.00
c. MU and PD Zoning Designation	~~$1,500.00~~$2,000.00 (New) $1,000.00 (Amendment)
Board and Commission Review Fees Commission Review Fees	
A. Board of Zoning Appeals	
1. Application for Appeal of Administrative Decision	$250.00 [5]
2. Application for Special Exception	$500.00
3. Application for Variance	$500.00
B. Planning Commission	
1. Application for Address Change	$50.00
2. Application for Appeal of Administrative Decision	$250.00 [5]
3. Application for Encroachment Permit (Curb Cut)	
a. New Curb Cut	$500.00
b. Modification of Existing Curb Cut	$250.00
4. Application for Street Name Change	$250.00
Other Services	
A. Copies (Printed)	
1. Comprehensive Plan (Color Copy)	$25.00
2. Development Standards Ordinance (Color Copy)	$65.00
3. Zoning Map (Large Color Copy)	$35.00
4. Standard Copies: Black & White	
a. 8.5 inches x 11 inches	$0.10 Per Page
b. 11 inches x 17 inches	$0.20 Per Page
5. Standard Copies: Color	
a. 8.5 inches x 11 inches	$0.25 Per Page
b. 11 inches x 17 inches	$0.50 Per Page
B. Field Verification Fee	
1. At the Zoning Administrator's discretion, a field verification fee may be charged in lieu of submitting a property survey in instances when the Zoning Administrator reasonably believes that compliance may be determined by field verification.	$75.00 Per Hour (One Hour Minimum)
C. Outside Professional Services & Consultants	
1. The Zoning Administrator may engage outside professional service providers and consultants (such as architects, attorneys, engineers, and other professionals) when such services are deemed necessary to review or evaluate an application or request.	Actual Cost + 10% Administrative Fee
D. Verification Letters	
1. Flood Zone Verification Letter	$35.00

Table E-1. Fee Schedule	
2. Zoning District Verification Letter	$35.00

[1] *All fees are non-refundable.*

[2] *The valuation of any proposed construction will be based on the greater of the following: 1) the actual contract price indicated on the permit application or 2) the value calculated using the most recent "Square Foot Construction Cost Table," as published by the International Code Council (ICC).*

[3] *For purposes of this fee schedule, "minor repairs and maintenance" generally includes service, repairs, and maintenance to existing structures and building systems. (A zoning permit will generally be required for all new installations, modifications and replacements of such structures and systems.)*

[4] *For purposes of this fee schedule, "accessory building, structure or site improvement" includes the following:*

- *Air conditioning and mechanical equipment (including associated stands);*
- *Awnings;*
- *Boardwalks and walkovers;*
- *Detached garages and carports;*
- *Docks;*
- *Driveways and walkways;*
- *Elevators and lifts;*
- *Equipment stands;*
- *Fences and walls (including retaining walls);*
- *Fire pits;*
- *Generators;*
- *Outdoor showers;*
- *Patios;*
- *Playgrounds and play systems;*
- *Propane tanks (above and below ground);*
- *Ramps;*
- *Sheds;*
- *Swimming pools and spas;*
- *Uncovered decks, stairways, and stoops; and*
- *Similar structures which are customarily incidental and subordinate to a principal building and located on the same lot as the principal building or use.*

[5] *The application fee for the appeal of an administrative decision shall be refundable if the appeal is successful.*