

## **ARTICLE 16: DESIGN AND IMPROVEMENT STANDARDS**

The regulations that follow are intended to provide for the harmonious development of the Town of Seabrook Island. The object is to secure a coordinated street and road layout with relation to major streets and adjoining subdivisions; to protect residential areas from through traffic and other traffic hazards; to ensure proper street intersection design; to achieve individual property lots of maximum utility; to secure adequate provisions for light, air, water supply, drainage and sanitary sewer facilities and other public health requirements; to secure adequate provisions for transportation, recreational areas, school sites, and other public services and facilities; to provide accurate land records for the convenience and protection of the public and for adequate identification and permanent location of real estate boundaries; and to ensure the recording of necessary survey data prior to the selling of land. (Ordinance 87-3, 11/12/87; amended Ordinance 1995-06, 6/8/95)

### **Section 16.10 Subdivision Design Standards**

#### **§16.10.10 General**

No platting of land for residential use is to occur in areas subject to flooding by normal tides, swamps, marshes, or in other undrained areas unless suitable provisions are made for satisfactory drainage.

#### **§16.10.20 Blocks**

**§16.10.20.10** The lengths, widths, and shapes of blocks shall be determined with regard to:

- (a) Provision of adequate building sites suitable to the special needs of the type of use (residential, commercial, industrial, other) contemplated.
- (b) Zoning requirements as to lot sizes and dimensions.
- (c) Needs for convenient access, circulation, control, and safety of street traffic.
- (d) Limitations and opportunities of topography and drainage features.

#### **§16.10.30 Lots**

The size and width of lots shall be as required by these regulations and the depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots for other than

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residential use shall have sufficient space for off-street parking, loading and unloading, and circulation of traffic as stipulated in the Town of Seabrook Island Zoning Ordinance.

**§16.10.30.10 Orientation.** All quadrangle lots, and so far as practical all other lots, should have side lines at right angles to straight street lines or radial to curved street lines.

**16.10.30.20 Depths.** Depth of residential lots shall not exceed 2.5 times the width, except in the case of attached dwellings or in cases where portions in excess of that depth are for the purpose of providing separation from major streets or railroads, non-access reservations, easements, or marshes. The depth:width ratio shall not apply in cases where the width of a lot exceeds 300 feet for its entire depth or in subdivisions of 3 or less lots.

**§16.10.30.30 Sight Easements.** Corner lots shall have extra widths where necessary to permit the establishment of sight area easements. This easement shall be that triangle formed by the intersecting street right-of-way lines adjacent to each corner lot and a line across the corner of the lot between points twenty-five (25) feet from the street intersection along each street right-of-way line. Within this easement no building, no earth bank, no vegetation, and no other obstruction shall be allowed which is more than three (3) feet in height above the center line finished grade of the road. In lieu of dedicating a sight area easement, the developer may show said area as part of the road right-of-way.

**§16.10.30.40 Double Frontage.** Lots which have double frontage shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. An easement of at least ten (10) feet in width, and across which there shall be no right of access, shall be required along the lines of lots abutting such a traffic artery or other disadvantageous use. No right of access shall be granted except by Town Council of the Town of Seabrook Island.

**§16.10.30.50 Access to Streets.** All lots shall be provided with access by means of streets which have been constructed in conformance with the standards and specifications of the Town of Seabrook Island's Road Code, which will be furnished by the Director of Public Works Department upon request, and dedicated in accordance with these regulations, with access to an existing street which has been accepted for continual maintenance by the State of South Carolina or one (1) of its political subdivisions.

**§16.10.330.51.** Notwithstanding the foregoing, the Town Council of the Town of Seabrook Island may consider for approval lots, parcels or tracts that are provided with the means of access by private streets so long as they are constructed in conformance with standards and specifications prescribed in the current version of the Town of Seabrook Island Road Code.

**§16.10.30.52.** Approval of private streets shall be contingent upon a binding provision for continued maintenance of such streets by an “approved” Home Owners’ Association or other responsible entity. Such association or entity shall be an organization operating under agreements of public record, that have been reviewed and considered legally binding by the attorney for Town Council of the Town of Seabrook Island. This will ensure that the Town of Seabrook Island shall not be liable for any maintenance and upkeep responsibilities. The agreements shall provide for an easement and lien against abutting lots or membership in favor of said association or entity for the continued maintenance of such streets.

**§16.10.40 Arterial Streets**

**§16.10.40.10 Designation.** That portion of Seabrook Island Road (Road S-1875) lying between the end of Town maintenance at Land Fall Way and Kiawah Island Parkway is designated as an arterial street. (Ordinance 1990-02, 5/10/90)

**§16.10.40.20 Design.** For arterial streets, the use of divided highways, with turning lanes, is preferred. Pursuant to §16.10.40.30 the use of divided highways may warrant additional points of access provided that the safe and uncongested flow of vehicles is maintained.

**§16.10.40.30 Limited Accessibility.** It shall be the policy of the Town to minimize the number of points of access to arterial streets. The Town encourages the use of feeder streets and neighborhood road networks in order to minimize the number of roads and driveways intersecting with arterial streets.

- (a) For purposes of this section, points of vehicular access shall be defined to include streets intersecting with (i.e., providing ingress to and egress from) an arterial street, driveways, and any other curb cut. (Ordinance 1990-02, 5/10/90)
- (b) To the extent feasible, properties abutting arterial streets shall not have direct access to such arterial streets, but shall be provided with street frontage on interior, collector roads.
- (c) To the extent feasible, tract property abutting an arterial street 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) of subdivided property to direct access to arterial streets if alternative access through interior roads is either available or feasible.
- (d) To the extent feasible, vehicular access to arterial streets shall be limited to no more than one (1) point of access per every half mile.

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**§16.10.40.40 Alternatives.** In determining feasibility of alternative points of access to any given property, the criteria set forth Article 20 for consideration of a PD in this Ordinance shall apply.

**§16.10.40.50 Studies and improvements required.** For every new or modified road which intersects an arterial street within the Town, the Town may require the owner or developer to take any or all of the following actions before an encroachment permit is issued pursuant to Article 13:

- (a) Conduct and submit to the Town a traffic flow and volume study, to the Town's specifications;
- (b) Conduct and submit to the Town a drainage study, to the Town's specifications, to identify any drainage modifications, structures or improvements needed in the arterial street drainage system to accommodate flows from the new road/development;
- (c) If warranted by the traffic study, widen the arterial street to construct turning lane(s) to/from the new or modified road, to the Town's specifications; or alternatively, make payment to the Town to defray the entire cost of the Town's construction of such improvements;
- (d) Place signs and/or signals on the arterial street right-of-way, as determined by the Town and to the Town's specifications, to facilitate the safe and unimpeded flow of traffic; or alternatively, make payment to the Town to defray the entire cost of placing such signs and/or signals as deemed necessary by the Town;
- (e) If warranted by the drainage study, place or modify drainage control structures or improvements in the arterial street right-of-way, as determined by the Town and to the Town's specifications, to handle any increased demand on the roadway drainage system that may be caused by the new road; or alternatively, make payment to the Town to defray the entire cost of such drainage improvements as deemed necessary by the Town.

**§16.10.50 Other Streets**

The layout of streets as to arrangement, character, width, grade, and location may be required to conform to the General Plan where completed, to adjoining street systems or adjoining properties, and to the topography, natural features, and drainage systems to be provided.

**§16.10.50.10.** Minor streets shall be so laid out that their use by through traffic will be discouraged.

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**§16.10.50.20.** 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 of the Town of Seabrook Island may require marginal access streets, reverse frontage with screen planting, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

**§16.10.50.30.** Reserve strips or parcels controlling access to streets are prohibited, except where justification is shown by the developer.

**§16.10.50.40.** Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

**§16.10.50.50.** A tangent of at least one hundred (100) feet shall be introduced between reverse on major traffic streets.

**§16.10.50.60.** When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet for minor and collector streets, and of such greater radii as the Planning Commission of the Town of Seabrook Island shall determine for special cases.

**§16.10.50.70.** Streets shall be laid out so as to avoid acute angles between streets at their intersections, except in the cases of merging streets.

**§16.10.50.80.** Property lines at street intersections shall be rounded with a radius of not less than fifteen (15) feet. Larger radii may be required by the Planning Commission of the Town of Seabrook Island when, in its opinion, such design is advisable to permit the construction of curbs of large radius.

**§16.10.50.90.** Street right-of-way widths shall be shown in the Comprehensive Plan, and where not shown therein they shall be not less than the following:

<b><u>Street Type</u></b>	<b><u>Right-of-way Width (Feet)</u></b>
Collector	60
Minor (for row houses and apartments)	60
Industrial Zones and Use	60
All Others	50

Street rights of way over fifty (50) feet in width will be required only when justification of traffic need can be shown. Where streets of an arterial nature [eighty (80) to one hundred twenty (120) feet right-of-way] are needed, the subdivider shall be required to dedicate the full width. Otherwise, provisions shall be made for appropriate buildings, structures, and front yards outside of proposed street boundaries.

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**§16.10.50.100.** Meandering roadways shall be located within a minimum sixty (60) foot wide right-of-way shall only be permitted in a planned development (as specified by the Town of Seabrook island Zoning Ordinance) where the streets are privately maintained and shall be constructed in conformance with the current edition of the Town of Seabrook Island Road Code.

**§16.10.50.110** Alleys shall be permitted only in multi-family, planned unit development, commercial and industrial districts where required to provide for service access such as off-street parking, loading and unloading, consistent with and adequate for the uses proposed. Such alleys shall be in conformance with the requirements of the current edition of the Town of Seabrook Island Road Code and shall also comply with the Town of Seabrook Island Zoning Ordinance.

**§16.10.50.120.** Half streets along property lines shall be prohibited.

**§16.10.50.130.** Dead-end streets, designed to be so permanently, shall not be longer than eight hundred (800) feet except where land cannot be subdivided otherwise and shall be provided at the closed end with a turn-around that has a street property line diameter of at least one hundred (100) feet.

**§16.10.50.140.** Streets and intersection approaches shall not be excessive in grade, not be less than 3/10 of one (1) percent in the gutter profile. Variance from these grades may, however, be permitted by the Planning Commission of the Town of Seabrook island where advisable, to adjust to topographical conditions.

**§16.10.50.150 Inverted Crown Section.** The inverted crown sections, with or without adjoining parking, shall only be permitted in multi-family developments, and will 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 Town of Seabrook Island Road Code.

**§16.10.50.160 Street Names.** No street names shall be used which will duplicate or be confused with the names of existing streets. Street names proposed by the subdivider shall be subject to check by the Planning Commission of the Town of Seabrook Island and where duplication or confusion with the name of existing streets occurs, the Planning Commission of the Town of Seabrook Island shall require the subdivider to substitute names free from duplication or confusion. The Planning Commission of the Town of Seabrook Island shall maintain an up-to-date file of all street names in use in the Town of Seabrook Island available for the guidance of subdividers.

**§16.10.60 Utilities Location**

All utilities within the Town shall be placed underground.

**§16.10.70 Drainage**

**§16.10.70.10.** It is the intent of the Town and the Planning Commission to use the standards set forth in the South Carolina Ocean and Coastal Resource management "Storm Water Management Guidelines" in determining wastewater runoff and marsh standards for any project within the Town.

**§16.10.70.20.** Drainage requirements for retention and detention must meet South Carolina Ocean and Coastal Resource Management requirements, and calculations and plans showing these requirements will be met and must be submitted with the application by a qualified and registered engineering firm.

**§16.10.70.30.** No subdivision shall block or obstruct the natural drainage of an adjoining area.

**§16.10.70.40.** Existing natural drainage shall be retained or adequately relocated.

**§16.10.70.50.** All lots not exceeding two hundred (200) feet in depth shall be provided with means for positive drainage and shall have a slope of not less than 0.70% to an approved scale, ditch, gutter or other type of approved drainage facility. Large tracts of land shall be properly drained.

**§16.10.70.60.** Where there is an existing ditch maintained by the Town of Seabrook Island without a drainage easement, through an area being developed or proposed for development, the Town of Seabrook Island will improve the ditch so as to bring it up to Town of Seabrook Island standards when men and equipment are available for this work, provided that the property owner will grant and dedicate a drainage easement in accordance with the requirements of the Town of Seabrook Island Road Code.

**§16.10.70.70.** Where an existing subdivision or developed area has an inadequate drainage system which is maintained by the Town of Seabrook Island, and the inadequate drainage system can be improved considerably by digging an outlet canal through an area being developed or proposed for development, the Town of Seabrook Island, will dig the canal when men and equipment are available, provided that the property owner will grant and dedicate a drainage easement in accordance with the requirements of the Town of Seabrook Island Road Code. The Town of Seabrook Island will not dig a canal under the conditions stated above if the required drainage work in the proposed subdivision is to be done by the developer within a reasonable length of time and will correct or improve considerably the drainage situation in the existing subdivision or development area (Ordinance 87-3, 11/12/87).

**§16.10.80 Water and Sewer Service**

**§16.10.80.10 Public Water Lines.** The developer shall install public water lines. (Ordinance 2004-04, 8/24/04)

**§16.10.80.20 Public Sewer Lines.** The developer shall install public sanitary lines. (Ordinance 2004-04, 8/24/04)

**§16.10.80.30.** No individual subsurface sewage disposal systems are authorized within the Town of Seabrook Island. Only public or private central sewer systems meeting the requirements of the South Carolina Department of Health and Environmental Control (SC DHEC) are authorized.

**§16.10.90 Easements**

**§16.10.90.10.** Drainage easements shall be provided and dedicated in accordance with the requirements of the current edition of the Town of Seabrook Island Road Code.

**§16.10.90.20.** Easements for drainage or sewer along rear and side property lines may be required where necessary. Drainage easements shall not be allowed to traverse lots except as provided in subsection .30 below. Redesign of the lot arrangement may be required to meet extreme drainage conditions.

**§16.10.90.30.** Easements shall center along or be adjacent to a common property line where practical.

**§16.10.90.40.** All easements for drainage or sewer shall be cleared of undergrowth, trees, and other obstructions by the developers prior to final approval. This does not apply to easements which are provided for possible future use.

**Section 16.20 Required Improvements**

**§16.20.10 Monuments**

Monuments shall be placed as specified below:]

**§16.20.10.10.** 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 line (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked.

**§16.20.10.20.** 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 of three - fourths (3/4) inches hollow or one-half (1/2) 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.

**§16.20.10.30.** Monuments shall be installed prior to the submission of and approval of the Final Plat.

**§16.20.10.40.** The location and type of all monuments used shall be indicated on the Final Plat.

#### **§16.20.20 Utilities, Drainage and Street Improvements**

Utility, drainage and street improvements shall be as required by and in conformance with the standards and specifications of the current edition of the Charleston County Road Code. A copy of the Road Code will be furnished by the Director of the Department of Public Works upon request.

**§16.20.20.10 Drainage.** All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the current edition of the Town of Seabrook Island Road Code.

**§16.20.20.20 Streets.** No road improvements shall commence until the Director of the Department of Public Works shall affix his signature to the original drawing of the Plans and Profiles as submitted and all improvements shall conform to the set Plans and Profiles so signed.

**§16.20.20.30 Street Name Signs.** Street name signs in accordance with the requirements of the current edition of the Town of Seabrook Island Road code shall be installed. Should another type be desired, exceeding these standards, plans shall accompany the preliminary plan for approval.

### **Section 16.30 Financial Guarantees**

#### **§16.30.10 Performance Bonds**

In lieu of completing the required improvements listed in this article, a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an

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acceptable South Carolina licensed corporate surety, or a cashier's check may be accepted by the Town Council of the Town of Seabrook Island; providing, the attorney for Town Council of the Town of Seabrook Island has in each instance reviewed each letter of credit of bonding agreement and has presented his opinion that the interests of the Town of Seabrook Island are fully protected. Where a cashier's check is utilized, opinion of counsel may be waived.

**§16.30.10.10.** Town Council of the Town of Seabrook Island shall review, approve or reject each acceptance of surety in lieu of completion of improvements. (Ordinance 2004-04, 8/24/04)

**§16.30.10.20.** The amount of the bond for a corporate surety, irrevocable bank letter of credit or cashier's check will be determined by the appropriate governmental body that exercises operational control. (Commissioners of Public Works for public water, Commissioners of the appropriate Public Service Districts for Public Works for all other improvements covered in this section.)

- (a) Surety shall be sufficient to guarantee completion of the required improvement 1-1/4 (one hundred twenty-five (125) percent of the actual cost of the improvement with a minimum of two thousand dollars (\$2,000.00), within a time period specified by the government agency not to exceed two (2) years.
- (b) The government agency determining the amount of bond, (bond holder), irrevocable bank letter of credit, or cashier's check shall provide a letter to the Planning Commission of the Town of Seabrook Island (copy to the subdivider) setting forth the amount of bond, conditions of acceptance and period covered. The Planning Commission of the Town of Seabrook Island staff will inform all interested governmental agencies, particularly the Town of Seabrook Island Building Inspection Department.

**§16.30.20 Bond Releases/Reductions**

Upon completion of the improvements as required by this section, written notice thereof shall be given by the subdivider to the bond holder, who shall cause an inspection of the improvements to be made.

**§16.30.20.10.** The bond holder will within thirty (30) days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications.

**§16.30.20.20.** Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond or cashier's check will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time.

- (a) Where it appears that the bond was insufficient to finance the required improvements after the subdivider has defaulted, the Town Council of the Town of Seabrook Island will assess the individual subdivider the cost of the improvements over and above the surety amount.
  
- (b) In no instance will the bondholder be authorized to extend for the subdivider the completion date originally stipulated.

**§16.30.20.50.** Pro-rata refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit. Council, upon recommendation of the Planning Commission of the Town of Seabrook Island, may at their discretion, refund no more than ninety (90) percent of the original estimated completion cost of that portion of the project requested by the developer.

**§16.30.30 Acceptance of Guarantee of a Government Agency**

In lieu of completed improvements required in of these regulations, Town Council of the Town of Seabrook Island may accept the written guarantee of a governmental body to complete required improvements within ninety (90) days of the date of such acceptance by Town Council of the Town of Seabrook Island.

**Section 16.40 Maintenance** (Ordinance 2004-04, 8/24/04)

Unless otherwise specified, the Town shall maintain only those easements and public improvements specifically accepted for Town maintenance. Covenants shall stipulate that contiguous owners shall be responsible for general maintenance of other easements and improvements. The governing authority or utility company with lines in such easements shall have full right of access.

**§16.40.10**

Maintenance of drainage systems by a public entity, as applicable, shall be limited to that work necessary to insure 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 Town zoning and building officials. The cutting of vegetation and removal of foreign material from areas around the drainage structures, that are a 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.

**§16.40.20**

A 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 not to exceed twenty-five (25%) of the improvement cost.

**§16.40.30**

The applicant shall make such adequate provisions as shall be required by the Planning Commission for the perpetual maintenance of all public facilities (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) Homeowners association;
- (c) Landowners agreement; and/or
- (d) Creation by developer of a performance bond or other form of security as determined appropriate by the Planning Commission.

**§16.40.40**

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 otherwise provided by the Town government. Such entity must 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 Town of Seabrook Island Clerk of Court.

**§16.40.50**

If at any time, the association desires public maintenance of any facilities, said facilities must first be determined to meet Town standards