

ARTICLE 2.0: DEFINITION AND INTERPRETATION OF TERMS

Section 2.10 Definitions

For the purposes of the Ordinance, certain terms or words used herein shall be interpreted as follows:

- (a) **Accessory Building or Use.** A use of a building or structure customarily incidental and subordinate to and detached from the principal use or building and located on the same lot with such principal use, uses, or building.
- (b) **Administrator (Zoning).** A person employed and empowered by the Town Council to administer the provisions of this Ordinance for the Town of Seabrook Island.
- (c) **Antenna.** A device, dish or array used to transmit or receive telecommunications signals.
- (d) **Average Lot Area - Multifamily Unit.** The total project area, exclusive of rights-of-way and any area within the South Carolina Coastal Council critical area, divided by the total number of planned units for that project area. (9/8/94)
- (e) **Awning.** A roof-like shelter over a door or window of canvas, duck or other material, attached to a rigid frame and supported entirely from a wall of a building shall be considered an awning. (Ordinance 2004-04, 8/24/04)
- (f) **Buffer.** An area designated to ensure protection against real or potential incompatibility between adjoining land uses of different types and/or intensities of development.
- (g) **Building Alteration.** Any addition to or reduction of a building, any change in use, or any relocation of a building.
- (h) **Building Height.** The vertical distance measured from the base flood elevation, as established by Town Code Title V, Chapter 2, to the highest point of the roof. (Ordinance 2001-01, 4/24/01)(Ordinance 2003-11, 1/27/04)
- (i) **Building Line (including the term "setback").** That line which represents the minimum distance, when measured at right angles to a lot line, which a building or structure must be placed from a lot line or a street right-of-way or centerline in accordance with the terms of this Ordinance.

Bulk – see Lot Coverage

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- (j) **Change of Use.** A change from one use to a substantially different use, including any change that would alter the character of the area or applicable parking requirements or would require issuance of a zoning permit. By way of illustration, a change from a retail gift shop to a retail bookstore would not be considered a substantially different use, and thus would not constitute a change of use for purposes of this Ordinance.

- (k) **Coastal High Hazard (or Velocity) Area.** A high velocity (V) zone as shown on Flood Insurance Maps (FIRMs) prepared by the Federal Emergency Management Agency (FEMA). Alternately, a flood hazard area subject to high velocity waters.

- (l) **Commercial Zoning Use.** A commercial zoning use shall mean retail stores, office activities, restaurants, office service establishments, real estate offices, and medical offices. (9/8/94)

- (m) **Communications Tower.** A tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, or on a building.

- (n) **Conditional Use.** A use other than a specifically permitted use or permitted accessory use in a zoned area, administratively permitted subject to compliance with conditions specified within this ordinance.

- (o) **Deck.** An open and uncovered horizontal surface, attached and accessible to and being a part of the primary structure, which is constructed so that rain can pass directly through it to the ground beneath. A deck having a roof or other covering of any kind is defined to be a porch. (6/10/93)(Ordinance 2001-05, 7/24/01)

- (p) **Deck–Covered.** Deleted by Ordinance 2001-05. See DSO Section 2.10(w). (6/10/93)(Ordinance 2001-05, 7/24/01)

- (q) **Density.** The number of dwelling units per acre of land developed and used for residential purposes or the gross floor area of buildings per acre used for nonresidential purposes. Unless otherwise stated in this Ordinance, density requirements are expressed in units per gross acre.

- (r) **Development.** Any change in use; construction, reconstruction or alteration; increase in land use intensity; change in noise levels; thermal conditions or emissions of waste; alteration of a shore, a creek or river bank, or floodplain; re-establishment of an abandoned use which has been abandoned for a year or more; and any utility construction.

The following do not constitute development within the meaning of this Ordinance:
Public projects; agricultural uses; transfer of title; leases and easements.

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- (s) **Dwelling.** A building or portion of a building designed and occupied exclusively for residential purposes by any individual or family unit, together with permitted accessory uses.
- (t) **Dwelling, Single-Family.** A detached dwelling other than a manufactured home, designed to be occupied exclusively by one family. (Ordinance 2001-10, 10/23/01)
- (u) **Dwelling, Multi-Family.** A dwelling, either attached or detached, which shares a common regime covenant for maintenance and landscaping and which meets the requirements of Article 7 of this Ordinance and the provisions set forth therein. A multi-family dwelling includes, but is not limited to, patio homes, townhouses, cluster houses, villas and condominiums. A multi-family dwelling may only be occupied exclusively by one family. (9/8/94)(Ordinance 2001-10, 10/23/01)
- (v) **Dwelling, Rentals.** Subject to the restrictions contained in the definition of "Family", rental properties may be let to unrelated groups of persons for a single period not to exceed twenty-eight (28) days, with occupancy limited to available sleeping rooms/bedrooms/accommodations. (Ordinance 2001-10, 10/23/01)
- (w) **Easement.** An interest in land of another that entitles the holder to a specified limited use.
- (x) **Family.** One of more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household services. A number of persons, but not exceeding two (2), living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall also be deemed to constitute a family. A family shall also be deemed to include any group of individuals who rent property for occupation for a period of less than twenty-eight (28) days provided that the same person or persons shall not occupy such rental property for six months following the last date of the twenty-eight (28) day rental period. (Ordinance 2001-10, 10/23/01)
- (y) **Family, Immediate.** The owner or spouses of a property and their parents, children, siblings, grandparents, grandchildren, nieces, nephews, aunts and uncles.
- (z) **Financial Assurances.** A performance assurance instrument whose terms and conditions are acceptable to the Town. (9/8/94)
- (aa) **Food Service Establishment.** Any business designated as an eating place in its application for a business license. (Ordinance 96-10, 11/26/96)(Ordinance 1997-17, 1/27/98)
- (bb) **Flood Hazard District.** That area designated by the Federal Emergency Management Administration (FEMA) on official flood hazard area maps, subject to a one percent or greater change of flooding in any given year.

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- (cc) **Garage (Residential).** Any accessory structure or space on a lot or in a multi-family complex devoted to, or designed for, the storage of automobiles and small trucks (one-half [1/2] ton capacity or less).
- (dd) **Gross Acreage.** All land under single title or ownership and recorded with the property deed and consisting of contiguous acreage.
- (ee) **Guest House.** An accessory building used for the lodging of temporary, non-paying guests of the premise's principal residents. (Ordinance 2004-04, 8/24/04)
- (ff) **Habitable Space.** Area within a structure, or structures, for living, sleeping, eating or cooking. Maintenance or utility space, parking garages, and similar areas are not considered habitable space.
- (gg) **Home Occupation.** Any use of a principal or accessory building clearly incidental to the property's use for residential purposes and conducted for compensation by a resident thereof, within a residential area. The occupational use must be clearly incidental and it must not change the residential character of the residence.
- (hh) **Improvement.** The construction, reconstruction or alteration of buildings and the establishment of basic services and amenities associated with the development activity including, but not limited to, streets and sidewalks, parking areas, water, sewer and other utility systems, drainage systems, property markers and monuments, recreation facilities, (e.g. lakes, swimming pools, tennis courts, golf courses, riding stables, clubhouses, cabanas, marinas, docks).
- (ii) **Impervious Surface.** Any material which prevents absorption of storm water into previously undeveloped land. (Ordinance 2004-04, 8/24/04)
- (jj) **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.
- (kk) **Loading Space, Off-Street.** An area located for pick-ups and deliveries off public or private right-of-way, scaled to delivery vehicles expected to be used, and accessible to such vehicles.
- (ll) **Light Industrial Zoning Use.** A light industrial zoning use shall mean utilities service areas, laundry areas, mechanical service areas, storage uses and office areas. (9/8/94)
- (mm) **Lot.** A developed or undeveloped tract or parcel of land suitable for building purposes and legally transferable as a single unit of land.

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- (nn) **Lot Coverage.** The amount of a lot covered by structure(s), as determined by the footprint of all structures. (Ordinance 2004-04, 8/24/04)
- (oo) **Lot Frontage.** The width of property continuously fronting on one (1) side of a street, measured along the street line.
- (pp) **Lot, Corner.** A lot having a frontage on two intersecting streets, at the point of their intersection.
- (qq) **Lot, Double Frontage.** A lot having frontage on two non-intersecting streets, as distinguished from a corner lot. (Ordinance 2004-04, 8/24/04)
- (rr) **Manufactured Home or Housing Unit.** A detached single-family dwelling unit designed for occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; 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. For the purposes of this Ordinance, the term "mobile home" but not "travel trailer" shall be defined as a manufactured home.
- (ss) **Map, District Map, Zoning Map.** These words shall mean the official zoning map of the Town of Seabrook Island, South Carolina, and refers to all maps so titled and bearing the seal of the Town together with the signatures of the Mayor and the Clerk/Treasurer of the Town as well as the date of adoption of the map by Town Council.
- (tt) **Net Acreage.** The entire area of a lot or parcel (gross acreage) minus wetlands, waterbodies, rights-of-way and critical area.
- (uu) **One-Hundred Year Flood.** The flood or level of floodwater measured from mean sea level that has a one percent chance of being equaled or exceeded in any given year as determined by the Federal Emergency Management Agency (FEMA).
- (vv) **Open Air Merchandising.** Conducting retail operations outside of enclosed structures, such as from trucks, vans, side of the road stands, sidewalks, parking lots, and the like.
- (ww) **Open Space.** Land area not covered by buildings, paved surfaces or other structures.
- (xx) **Parking Lot.** Any public or private open area used for the express purpose of storing automobiles and other vehicles on a temporary basis.

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- (yy) **Parking Space - Off Street.** An area located outside the dedicated street right-of-way, intended for the parking or storage of an automobile.
- (zz) **Person.** Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any combination acting as a unit.
- (aaa) **Planned Development District (PDD)/Planned Unit Development (PUD).** A tract of land of five (5) acres or more master planned or developed in projects or phases, which may consist of one, or more different types and densities of land use. The PDD denotes the zoning of the district while the master plan contains the specific development(s) approved for the district.
- (bbb) **Planning Commission.** The Planning Commission for the Town of Seabrook Island, South Carolina, vested with the powers and responsibilities authorized by §6-29-310 et. seq. of the SC State Code and § of the Town of Seabrook Island Town Codes. (Ordinance 1995-06, 6/8/95)
- (ccc) **Porch.** A horizontal surface, attached and accessible to and being a part of the primary structure, which is constructed with or without walls and with a roof or covering of any kind. The term “porch” shall include any veranda, terrace, portico or similar projection from a main wall of a building and covered by a roof. (6/10/93)(Ordinance 2001-05, 7/24/01)
- (ddd) **Primary Dune.** The major front dune immediately behind the beach.
- (eee) **Principal Use.** The main or primary use to which land or a structure is put.
- (fff) **(Town of) Seabrook Island Road Code.** The Charleston County Zoning and Land Development Regulations Road Construction Standards are adopted in its entirety by reference to this Ordinance. (Ordinance 87-3, 11/12/87)
- (ggg) **Setback.** An area measured inward from a specified line or set of lines defining the limits within which no structure or obstruction, not otherwise authorized in this Ordinance, shall be located. For the purposes of this Ordinance, the setback shall be measured from the platted lot lines
- (hhh) **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. (Ordinance 2004-04, 8/24/04)
- (iii) **Sign.** Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences or emblems. (Also see Article 12.)

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- (jjj) **Site Plan.** A Site Plan is a plan for a specific plat of land showing all the criteria that the Town considers necessary to develop the platted area.
- (kkk) **South Carolina Ocean and Coastal Resource Management:**
- (1) **Base Line.** The line representing the crest of an ideal primary oceanfront sand dune as defined and established by the South Carolina Ocean and Coastal Resource Management.
 - (2) **Critical Line.** The line of demarcation between high ground and marsh, wetlands and/or waters of the State, as defined and established by the South Carolina Ocean and Coastal Resource Management (OCRM).
 - (3) **Retreat Line.** A line placed landward of the base line at a distance forty (40) times the annual erosion rate, but no less than twenty (20) feet landward, as defined and established by the South Carolina Ocean and Coastal Resource Management.
- (lll) **Street, Private.** A right-of-way which has not been dedicated and publicly accepted by any governmental entity.
- (mmm) **Street, Public.** A dedicated public right-of-way which affords the principal means of access to abutting property and which has been accepted for maintenance by any public agency.
- (nnn) **Structure.** Anything or part thereof constructed, erected, or established, including but not limited to the following: buildings, signs, sea walls, fences, screen enclosures, and patio walls, swimming pools and tennis courts.
- (ooo) **Structural Alteration.** Any change in the supporting members of a structure including foundation, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
- (ppp) **Subdivision.** All divisions of a tract or parcel of land into two or more lots, building units 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.
- (qqq) **Substantial Vegetation.** All groupings of trees and shrubs whose spread is twenty (20) feet or more in width.
- (rrr) **Telecommunications.** As defined in the federal Telecommunications Act of 1996, the transmission, between or among points specified by the user, of

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information of the user's choosing, without charge in the form or content of the information as sent and received.

- (sss) **Time Share.** Any arrangement, plan or similar device, whether by tenancy in common, sale, deed or by other means, which is subject to supplemental agreement or contract for use of the time share unit, whereby the purchaser receives an undivided interest in and the right to use accommodations or facilities, or both, for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one (1) year.

Total Building Land Coverage - See Lot Coverage.

- (ttt) **Town.** The Town of Seabrook Island, South Carolina.
- (uuu) **Tree.** Any self-supporting woody, or fibrous (e.g. palm) perennial plant which measures four (4) inches in diameter [measured four and one-half (4-1/2) feet above the ground at tree base].
- (vvv) **Use.** The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained. Accessory use is subordinate to the main or principal use of land or building.
- (www) **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.
- (xxx) **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.
- (yyy) **Variance.** A departure from the strict terms or expressed provisions of this Ordinance, which has received approval from the Board of Zoning Appeals.
- (zzz) **Waterbody.** Any pond, lake, lagoon, channel, wetland or basin which ordinarily or intermittently contains water and which has a discernible shoreline including those that are the result of development.
- (aaaa) **Wetlands.** Any area subject to periodic or intermittent flooding and defined and/or regulated as a "wetland" by either the South Carolina Ocean and Coastal Resource Management or the U.S. Army Corps of Engineers.
- (bbbb) **Zoning Administrator.** The person appointed by the Mayor to administer the development ordinances of the Town. (Ordinance 1996-10, 11/26/96).

Section 2.20 Interpretation of Certain Terms

Except as specifically defined herein, all words in this Ordinance have the customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

- (a) **Gender.** Whenever used in this Ordinance, terms expressed in the masculine, feminine or neuter shall be interchangeable and shall include the others.
- (b) **May.** The word "may" and "should" are permissive or directory.
- (c) **Shall.** The words "shall" and "must" are mandatory.
- (d) **Singular and Plural.** Words used in the singular include the plural and words used in the plural include the singular.
- (e) **Tense.** Words used in the present tense include the future tense.
- (f) **Used or Occupied.** As applied to any land or building shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.