

ARTICLE 8.0: GENERAL DEVELOPMENT REQUIREMENTS

Section 8.10 Applicability

The regulations set forth herein shall apply uniformly to each use, structure or land in the Town of Seabrook Island. Where undeveloped or unplatted tracts exist in an approved PDD they shall also be governed by these general development standards and, if conflict exists between these standards and the approved master plan PD standards, the more restrictive shall apply.

Section 8.20 Lot Alterations

§8.20.10 Downsizing

No lot may be diminished in size so as to fail to meet the requirements of this Ordinance. As an exception, 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.)

§8.20.20 Lot Excavation and Fill

No property shall be increased in size by filling by any method the water or marsh that said property abuts or contains. No property owner shall excavate or extract earth by any method for any purpose unless a permit is first obtained from the Zoning Administrator. As an exception, excavation necessary for the construction of a single-family home may be approved by the Zoning Administrator in conjunction with the permit for the construction itself.

Section 8.30 Lot Density

No principal detached residential or mixed structure shall be located on the same lot with any other principal structure, except as specifically provided for elsewhere in this Ordinance. (e.g., cluster homes in a Planned Unit Development.)

§8.30.10

In developments involving individually platted lots, there shall be only one principal structure per lot, and only one dwelling unit per principal structure. Accessory structures situated on the lot shall not be used as separate dwelling units independent of the principal dwelling unit, except as guest house, and shall not be rented separately from the principal dwelling unit.

Section 8.40 Fencing and Screening

§8.40.10 Buffers

§8.40.10.10. Buffer areas are to be maintained in their natural, heavily vegetated state or planted and landscaped to provide an effective visual screen from one land use to another. A buffer area may contain or include underground utilities and recreational trails (such as walking trails or horse paths) provided such uses do not prevent the buffer area from acting as an effective visual screen from one land use to another.

§8.40.10.20 When necessary for reasons of health and public safety, the Planning Commission may allow a buffer area to be used on a periodic basis for ingress and egress to property when there is no other access available to such property on such terms and conditions as it deems appropriate. The use of a buffer area for ingress and egress related to reasons of health and public safety shall not be deemed to constitute a normal method of continuous access to property and shall only be used when no other method of access to such property is available. (Ordinance 2000-07, 6/27/00) (Ordinance 2001-13, 2/26/02)

§8.40.10.30 Buffers between dissimilar uses and dwellings shall be provided as required in Article 10.

§8.40.20 Screening

§8.40.20.10 Utilities. Those areas designated within the Town for utilities and maintenance activities must be fenced, screened, landscaped and adequately buffered, in accordance with this Ordinance, on all sides of the areas so designated, from adjoining property uses. If any such activity is non-conforming, it shall have a period of six (6) months in which to comply.

§8.40.20.20 Garbage Receptacles. Permanent garbage and rubbish receptacle closures shall not be visible from streets, golf course, or waterfront. Clothes lines, garbage cans, equipment, heat/air conditioning units, firewood stacks or storage piles shall be screened to conceal them from the view of neighboring properties, roads, streets, waterfront, golf courses and any designated common areas.

§8.40.30 Fencing

§8.40.30.10 Fences and Walls Prohibited. Fences and walls are not allowed on any street side in the Town. As an exception, low and short landscaping fences on either side of the entrance to a driveway, are permitted. Walls, fences and hedges used for landscaping shall meet the specifications in Article 10 of this Ordinance.

§8.40.30.20 Pool Fences. In keeping with the insurance codes of South Carolina, all in-ground pools must be fenced.

- (a) The fence must be forty-eight (48) inches in height, with an opening in one direction that does not exceed five and one-half (5-1/2) inches.
- (b) The fence must be landscaped on all exterior sides not abutting a building so as to minimize its visual impact.
- (c) In lieu of fencing the Town will accept certified mechanical pool covers.

§80.40.30.21 In areas zoned commercial or multi-family with community pools, the fencing material must be approved by the Planning Commission. The Planning Commission shall only authorize use of fencing materials that are harmonious and architecturally compatible with surrounding areas and developments.

§8.40.30.22 In areas zoned single family residential, where a duly constituted architectural review board exists as part of an approved planned development (PD), pool fencing must follow the guidelines and approval process set by that review board to the extent that those do not conflict with the Town's requirements and ordinances. (Ordinance 2002-01, 5/28/02)

Section 8.50 Dumping

No owner of any property shall use any area of that property as a dumping site for any type of debris either natural, construction materials, garbage etc.

§8.50.10 Site Policing

During new home construction or substantial remodeling, builder must keep building sites clean. A dumpster must be provided on the site and must be emptied before exposed trash is visible. All building debris, stumps, trees etc., must be removed from each building lot by the builder as often as necessary to keep the building site free of debris. Temporary sanitary facilities shall be provided and shall be located off of the street right-of-way and be placed behind the dumpster so they are not visible from the road.

Section 8.60 Construction Trailers

During construction a trailer may be placed at the site for use as a construction office, security guard shelter or storage for materials related to the construction of the same zoning lot. Such unit may not be placed prior to the issuance of the construction permit or more

than ten (10) days before construction commences and must be removed before certificate of occupancy can be issued.

Section 8.70 Restricted Uses

8.70.10 Manufactured Housing Units

No manufactured housing units are authorized within the Town of Seabrook Island except for temporary construction headquarters (§8.60).

8.70.20 Awnings

- (a) All awnings shall be securely attached to and supported by a building wall. No other means of support will be approved.
- (b) No part of the awning or its supporting frame shall be less than seven (7) feet above the sidewalk over which it is erected.
- (c) No advertising shall be placed on any awning.
- (d) No awning shall be erected to extend to within eighteen (18) inches of the curb line.
- (e) The use of awnings within a given project must be of a compatible color shape and size as approved by the Zoning Administrator. (Ordinance 96-10, 11/26/96)

§8.70.30 Time Sharing

No lot or other residential unit in the Town of Seabrook Island may be used for, be subject to, rented or sold under any type of "Vacation Time Sharing Plan". This does not prohibit the sale of quarter share ownership interests.

§8.70.40 Temporary Structures

No structure of a temporary nature shall be authorized or allowed to remain on any property, and no trailer, camper, shack, tent or other structures of a similar nature shall be used as a residence or for any other purpose, except for the case of construction trailers and temporary sanitary facilities which are provided for elsewhere in this Ordinance; provided that large tents and other temporary structures associated with recreational activities may be erected with the approval of the Zoning Administrator. In making such determination, the Zoning Administrator shall consider whether allowing the temporary use of a tent or structure will in any manner affect public health, safety and welfare with regard to its placement and construction. (Ordinance 1998-08, 4/28/98)

§8.70.50 Temporary Vehicle Parking

No travel trailers, or mobile homes, campers, or other habitable motor vehicles of any kind, whether self-propelled or not, shall be kept, stored, or parked overnight except within enclosed garages or within designated storage areas.

§8.70.60 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 such 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 18 of this Ordinance. (Ordinance 1998-06, 4/28/98)

§8.70.70 Antenna, Etc.

Radio towers, transmission towers, television towers, antenna towers and wind generators are not permitted except as provided below. (Ordinance 1995-09, 8/10/95)

§8.70.70.10 Communications Tower and Antenna. (Ordinance 2002-06, 12/17/02)

Where communications towers and antenna are listed as a conditional use within a specific zoning district, they may be approved subject to a finding by the Zoning Administrator that such facility conforms to the criteria below.

- (a) The height, measured as the distance from mean sea level to the top of the structure, of the proposed tower does not exceed 110 feet,
- (b) The tower is located no closer to residential or conservation zoned property than a distance equal to one and one-half the height of the proposed tower, if said property is intended to remain zoned as residential or conservation under the adopted land use plan for that area.
- (c) The proposed tower is located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching into adjoining properties. The fall zone shall be determined by an engineer, certified in the State of South Carolina, in a letter which includes the engineer's signature and seal.
- (d) The proposed tower shall not be visible from property listed in the National Register of Historic Places, or from a road or river which has been officially designated as a scenic road or river. The line of sight to determine whether a

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proposed tower will be visible from a certain location will be from approximately six feet above grade or the river level at high tide, at that location.

- (e) The proposed tower and associated improvements shall meet applicable zoning district setback requirements, and applicable landscaping and tree protection requirements.
- (f) The applicant has provided documentation indicating its attempt to collocate on existing communication towers, buildings or other structures, in the vicinity, but was found to be unfeasible by reasons noted and the applicant is willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure, frequency considerations and proper compensation from the additional user.
- (g) The proposed tower shall be illuminated only to the minimum extent required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.
- (h) The color of the proposed tower is appropriate to blend in with its surroundings.
- (i) The proposed tower and associated structures shall be appropriately secured by means of walls, fences or other devices.
- (j) The proposed tower shall not include signage of any nature on any portion of the tower.
- (k) No antenna shall be attached to the exterior of the tower.
- (l) The proposed tower will not require any guy wire or anchors.
- (m) The applicant must provide an engineer's certification that the height proposed is the minimum required to allow for the applicant to meet its communication needs.
- (n) The Planning Commission shall have the right to have any information submitted reviewed by an independent engineer, or other applicable professional, and the applicant shall bear the reasonable cost thereof.
- (o) The applicant shall have demonstrated, through an intermodulation study or other verifiable evidence, that the tower, as proposed to be sited and constructed, will not interfere with public safety communications, and must

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certify that the study or other evidence has been provided to applicable public safety agencies, including the Charleston County Sheriff, the Chief of the St. Johns fire district, the director of the Charleston County Emergency Preparedness department and the Zoning Administrator of the Town, or their respective successor agencies.

- (p) The applicant has posted a guarantee to remove the tower if no longer used within 120 days of the date the tower is taken out of service.

§8.70.80 Direct Broadcast Satellite Receivers

§8.70.80.10

A direct broadcast satellite receiver of twenty (20) inch diameter or less may be utilized and placed on single-family residential properties, or free-standing multi-family residential properties within the Town provided actual placement of such receiver is accomplished in accordance with guidelines established by a properly constituted and approved architectural review board. If no approved architectural review board exists, the Planning Commission shall have authority to adopt and implement applicable guidelines for the placement of direct broadcast satellite receivers.

§8.70.80.20

All properties which are not zoned single-family residential or which are not freestanding multi-family residential may not utilize direct broadcast satellite receivers unless the appropriate architectural review board determines that they can be fully screened from public view. (Ordinance 1995-08, 8/10/95)