

## **ARTICLE 9: ENVIRONMENTAL PERFORMANCE STANDARDS**

### **Section 9.10 Vegetation**

Neither trees nor substantial vegetation shall be intentionally destroyed or removed except where essential for adequate site clearance of a construction site and then only as a part of a landscaping plan in accord with Article 10 of this Ordinance.

#### **§9.10.10 Seabrook Island PUD “Beaches as Trust” Subdistrict**

Because of the sensitive ecological nature of the area, it shall be unlawful for any person to destroy, cut, or trim flora or trees in the Beach Conservation Trust Zone without a written permit from both the Town Zoning Administrator, the South Carolina Ocean and Coastal Resource Management and the Trustee of this zone.

- (a) If permission is obtained, in no event shall such pruning be at a height of less than six (6') feet from the ground.
- (b) Failure to obtain such permission shall be punishable as indicated under Section 18.10 of this Ordinance. (Ordinance 1991-04, 7/11/91) (Ordinance 1993-03, 6/10/93)

### **Section 9.20 South Carolina Coastal Tidelands and Wetlands Act**

Because of the environmentally sensitive area in which the Town of Seabrook Island is located, the Planning Commission, without enumerating, further endorses completely Chapter 39 (Coastal Tidelands and Wetlands) of the South Carolina Coastal Management Act and related laws, and shall embrace and enforce such act to the letter of the law, in any construction application. (Ordinance 1995-06, 6/8/95)

### **Section 9.30 Oceanfront and North Edisto River Property Setbacks**

#### **§9.30.10 Applicability**

For purposes of this Section, oceanfront and North Edisto River property shall be defined to be all property situated adjacent to the Atlantic Ocean, beaches, primary oceanfront sand dunes, or estuarine shorefront within 1/2 mile of the Atlantic Ocean, as these terms are defined and/or regulated by the SC Coastal Tidelands and Wetlands Act, as amended. (4/13/89) (7/11/91)

**§9.30.20 Minimum Setbacks**

For all oceanfront and North Edisto River property, the minimum required setback from the ocean for any structure shall be the greater (most landward) of:

**§9.30.21** The setback line mandated by the SC Coastal Tidelands and Wetlands Act of 1977 (State Code Sections 48-39-10 et seq.), as amended in 1988 and thereafter; and

**§9.30.22** A line drawn parallel to the front (street side) property line and extending from the front property line the distance equal to seventy-five (75) percent of the platted, average lot depth as measured from the front property line; and

**§9.30.23** In no event shall construction be closer than (seaward of) thirty (30) feet landward from the landward edge of the primary dune or the dune formed by any existing revetment.

**Section 9.40 Marsh Area Requirements**

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:

**§9.40.10**

All areas within twenty-five (25) feet of wetlands, marsh or typical marsh vegetation as determined by South Carolina Ocean and Coastal Resource Management critical base line 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.

**§9.40.20**

Zoning, building and/or other construction permits for marsh front and shorefront property 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 marsh, wetlands, river or ocean only if alternatives are not reasonably available, and then only via sheet flow across vegetated areas. All plans must comply with South Carolina Ocean and Coastal Resource Management Storm Water 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 marsh, wetlands, river or dunes, and including

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such other reasonable actions as are necessary to prevent sedimentation into marsh, wetland, river or ocean resources from the site; and further, that remedial action will be taken to remove construction-caused sedimentation from these resources.

**§9.40.30**

Accessory uses shall not be located or used in a manner such that the rate or quantity of runoff or sedimentation into marsh, wetlands, river or ocean is increased.

**§9.40.40**

Construction in accordance with these provisions shall be required in order to comply with the construction-related permits issued by the Town, and shall be considered a condition precedent to the issuance of a certificate of occupancy.

**Section 9.50 Special Separate Construction Permits**

**§9.50.10 Docks**

A separate construction permit (as differentiated from a home construction permit) shall be required to construct a dock or walkway into any part of the marsh geographically situated in the Town of Seabrook Island. It shall be necessary for the applicant to receive a prior permit from the South Carolina Ocean and Coastal Resource Management and where applicable from the U. S. Corps of Engineers and South Carolina Fish and Wildlife Commission and a constituted planned development property owners association (POA) before making application to the Town and such approval must accompany the application.

**§9.50.20 Walkways or Stairs to the Beach**

A separate construction permit (as differentiated from a home construction permit) shall be required to build a walk or stairs seaward of the South Carolina Ocean and Coastal Resource Management forty (40) year setback line. Prior approval must be received from the South Carolina Ocean and Coastal Resource Management if more than six (6) feet wide and must accompany the application. (Ordinance 1991-04, 7/11/91)