

**TITLE V
PLANNING AND DEVELOPMENT**

**CHAPTER 1
BUILDING REGULATION AND CODE ENFORCEMENT**

- Section 5.1.10 Codes Adopted
- Section 5.1.20 Permits, Inspections and Fees
- Section 5.1.30 Implementation

§5.1.10 Codes Adopted

The following international codes for the regulation of constructions as modified and adopted by Charleston County, are hereby adopted by reference and declared to be as fully a part of this Title V as if set forth herein:

§5.1.11 The Standard Building Code and International Residential Code and Enforcement Procedures, as amended and adopted under Charleston County Ordinance No. 1190, as amended, together with any future amendments to the Standard Building Code and Enforcement Procedures.

§5.1.12 The National Electric Code and Enforcement Procedures, as amended and adopted under Charleston County Ordinance No. 1190, as amended, together with any future amendments to the National Electric Code and Enforcement Procedures.

§5.1.13 The Standard Plumbing Code, and the Standard Mechanical Code and Enforcement Procedures, as amended and adopted under Charleston County Ordinance No. 1190, as amended, together with any future amendments to the Standard Plumbing Code and the Standard Mechanical Code and Enforcement Procedures. (Ordinance 2001-08, 10/23/01)

§5.1.14 The ordinance for the quality control of minimum roofing standards and enforcement procedures, as amended and adopted under Charleston County Ordinance No. 406.

§5.1.15 All building codes, restrictions and requirements adopted by Charleston County pursuant to the Statewide Building Code Act. (Ordinance 87-4, 11/12/87; amended Ordinance 98-19, 9/22/98).

§5.1.20 Permits, Inspections and Fees

The requirements and procedures adopted by Charleston County for the issuance of construction permits, the Town's right and scope of inspection, and the imposition of fees associated with permitting and inspection to ensure compliance with the Codes set forth above are hereby adopted and incorporated into this Title V as if fully set forth herein. (Ordinance 87-4, 11/12/87; Ordinance 2004-03, 8/24/04)

§5.1.30 Implementation

The Mayor is authorized to enter into an agreement between Charleston County and the Town of Seabrook Island for the performance of building inspection services by the County Department of Building Inspection Services on behalf of the Town of Seabrook Island. Any such agreement shall require Charleston County to perform such inspection and services in compliance with all building codes adopted by the Town of Seabrook Island as well as the requirements set forth in the Statewide Building Code Act. (Ordinance 87-4, 11/12/87; amended Ordinance 98-19, 9/22/98)

**CHAPTER 2
FLOOD DAMAGE PREVENTION**

- Section 5.2.10 Statutory Authorization
- Section 5.2.20 Findings of Fact
- Section 5.2.30 Code Adoption and Administration
- Section 5.2.40 Penalties for Violation

§5.2.10 Statutory Authorization

The Legislature of the State of South Carolina has, in Sections 5-7-30, South Carolina Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town does ordain these flood damage prevention and protection regulations. (Ordinance 1990-05, 11/08/90; amended Ordinance 1999-10, 10/26/99; Ordinance 1999-15, 12/28/99)

§5.2.20 Findings of Fact

§5.2.21 The flood hazard areas of the Town are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

§5.2.22 These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damage. (Ordinance 1990-05, 11/08/90; amended Ordinance 1999-10, 10/26/99; Ordinance 1999-15, 12/28/99)

§5.2.30 Code Adoption and Administration

In order to minimize public and private losses due to flood conditions in specific areas of the Town of Seabrook Island, the Flood Damage Prevention and Protection ordinance of Charleston County, as amended, is hereby adopted by reference and declared to be as fully a part of this Title as if set forth herein. This Ordinance shall be administered by the Town of Seabrook Island in conjunction with the administration of construction and zoning permits as required by Chapter 1 of this Title and the Town of Seabrook Island Development Standards Ordinance. (Ordinance 2004-03, 8/24/04)

§5.2.40 Penalties for Violation

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful actions as are necessary to prevent or remedy any violation. (Ordinance 1990-05, 11/08/90; Ordinance 1999-10, 10/26/99; Ordinance 1999-15, 12/28/99)

**CHAPTER 3
PLANNING COMMISSION**

Section 5.3.10	Creation of Planning Commission
Section 5.3.20	Membership and Terms
Section 5.3.30	Compensation
Section 5.3.40	Organization
Section 5.3.50	Meetings and Records
Section 5.3.60	Powers and Duties
Section 5.3.70	Staffing and Budget
Section 5.3.80	Extraterritorial Jurisdiction

§5.3.10 Creation of Planning Commission

There is hereby created the Planning Commission for the Town of Seabrook Island. (Ordinance 87-10, 10/1/87; amended Ordinance 1995-06, 6/8/95) The Planning Commission shall be assigned the power and duty to develop and carry out a continuing planning program for the physical, social, and economic growth, development, and redevelopment of Seabrook Island.

§5.3.20 Membership and Terms

§5.3.21 The Planning Commission shall consist of five (5) members, who shall be appointed by Town Council. Each member shall be a registered voter of the Town, and shall either reside or own property within the Town. No member of the Commission may hold an elected public office in the Town or County. (Amended Ordinance 2002-02, 9/24/02)

§5.3.22 All members shall be appointed for a term of four (4) years. All terms shall end on the 31st day of December of the appropriate year unless otherwise noted. Any vacancies shall be filled by the Town Council. (Amended Ordinance 2002-02, 9/24/02)

§5.3.23 Town Council may remove a member for cause after written notice and a public hearing. Cause may include, but shall not be limited to, repeated failure to attend Commission meetings.

§5.3.30 Compensation

Members shall serve without compensation. Members may be reimbursed for actual expenses incurred in the performance of their duties, as determined and authorized by Town Council.

§5.3.40 Organization

The Commission shall elect a chairperson and a vice-chairperson from its members, who will serve for a term of one (1) year and may be re-elected. The Commission shall appoint a secretary, who may be an officer or employee of the Town or of the Commission. (Ordinance 87-10, 10/1/87) The Planning Commission shall adopt rules of organizational procedure that, as a minimum, address those procedures listed in SC Code §6-29-360.

§5.3.50 Meetings and Records

The Commission shall hold at least one regular meeting each month, and shall meet at the call of the Chairman or at such times as the Commission may determine. The Commission shall keep a public record of all proceedings, findings and determinations. 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. (Ordinance 87-10, 10/1/87)

§5.3.60 Powers and Duties

The Planning Commission shall have such powers and duties as provided by Town ordinance and resolution, as authorized by S.C. Code §6-29-310 et seq.. In accomplishing the purposes for which it has been created, the Planning Commission may prepare and periodically revise development and/or redevelopment plans and programs, and prepare and recommend to Council measures for implementing such plans and programs as follows:

§5.3.61 A comprehensive land use plan for the Town of Seabrook Island, as authorized under the provisions of the §6-29-510 et. seq. of the South Carolina Comprehensive Planning Act of 1994.

§5.3.62 A zoning ordinance for the Town of Seabrook Island, as authorized under the provisions of §6-29-710 et. seq. of the South Carolina Comprehensive Planning Act of 1994. The zoning ordinance to include text, map, and any necessary revisions.

§5.3.63 Regulations for land subdivision or development and appropriate revisions thereof, as authorized under the provisions of §6-29-1110 et. seq. and to oversee

administration of the regulations adopted.

§5.3.64 An Official Map showing the exact location of existing or proposed public streets, highways, utility rights-of-way, and public building sites. The Official Map and Zoning Map may be the same document. The Commission is responsible for developing regulations and procedures for administering the Official Map Ordinance.

§5.3.65 Landscaping ordinances setting forth minimum standards for planting, tree preservation, and other aesthetic considerations for land and structures.

§5.3.66 A Capital Improvements Program (CIP) which lists required projects to carry out the adopted plans, including a annual listing of priority projects for consideration by County Council for implementation prior to preparation of its capital budget; and policies or procedures to facilitate implementation of planning elements.

The Planning Commission in conjunction with the Town's administrative staff shall carry out these functions.

§5.3.70 Staffing and Budget

The Town's administrative staff will work cooperatively with the Planning Commission, and will provide for supplies, necessary clerical support, required public notice and other staff support as required for the operation of the Commission, within the limits established in the Town's budget. The Commission shall not be authorized to incur expenses or obligate the Town to incur expenses without the express permission and concurrence of the Mayor or his designee. (Ordinance 87-10, 10/1/87)

§5.3.80 Extra-territorial Jurisdiction

The Planning Commission shall exercise its authority within the Town's corporate limits and the area outside the Town's corporate limits, if any, in which the Town is authorized to and elects to exercise jurisdiction under the provisions of §6-29-330 of the South Carolina Comprehensive Planning Act of 1994. (Ordinance 87-10, 10/1/87; amended Ordinance 95-06, 6/8/95)

**CHAPTER 4
COMPREHENSIVE PLAN**

- Section 5.4.10 Comprehensive Plan Adopted
- Section 5.4.20 Application of the Comprehensive Plan
- Section 5.4.30 Election of Procedures

§5.4.10 Comprehensive Plan Adopted

The "Town of Seabrook Island Comprehensive Plan", adopted by Town Council on April 27, 1999, revised March 23, 2004 and any amendments thereto, is made a part hereof as if fully set forth herein, and shall constitute the Town's comprehensive plan as required under SC Code §6-29-510. (Ordinance 1988-07, 7/14/88; amended Ordinance 1995-06, 6/8/95; amended Ordinance 2004-01, 3/23/04)

§5.4.20 Application of Comprehensive Plan

To the extent provided by State law and the ordinances of the Town of Seabrook Island, the Town's Comprehensive Plan shall apply to and shall be used to guide and condition the use and development of land within the jurisdiction of the Town. (Ordinance 1988-07, 7/14/88; amended Ordinance 1995-06, 6/8/95)

§5.4.30 Election of Procedures

Whenever there is a difference in procedures authorized under Title 5 and Title 6 of the State Code of Laws, 1976, as amended, the procedures specified in Title 6 shall control. (Ordinance 1988-07, 7/14/88)

**CHAPTER 5
LAND DEVELOPMENT REGULATIONS**

Section 5.5A.10 Requirements adopted

§5.5A.10 Requirements adopted

All zoning and land development and related procedures adopted as Attachment "A" to Ordinance 88-10, and by Ordinance 1995-06, and any subsequent amendments thereto, contained in the "Development Standards Ordinance for the Town of Seabrook Island", are incorporated in this chapter as if fully set forth herein. (Ordinance 1988-10, 11/10/88; amended Ordinance 2003, 8/24/04)

**CHAPTER 6
BOARD OF ZONING APPEALS**

Section 5.6.10	Creation of a Municipal Board of Zoning Appeals
Section 5.6.20	Membership
Section 5.6.30	Powers and Duties
Section 5.6.40	Compensation
Section 5.6.50	Rules, Regulations and Procedures
Section 5.6.60	Appeal from Decision by the Board of Zoning Appeals

§5.6.10 Creation of a Municipal Board of Zoning Appeals

There is hereby created a Board of Zoning Appeals for the Town of Seabrook Island. (Ordinance 87-11, 9/24/87; amended Ordinance 1995-06, 6/8/95)

§5.6.20 Membership

The Board of Zoning Appeals shall be composed of five (5) members, who shall be residents of the Town of Seabrook Island. Members shall be appointed by Town Council, and shall serve for a term of five (5) years, provided that of the members first appointed to the Board; two (2) shall serve a term of three (3) years, two (2) shall serve a term of four (4) years and one (1) shall serve a term of five (5) years. (Ordinance 87-11, 9/24/87; amended Ordinance 1995-06, 6/8/95)

§5.6.30 Powers and Duties

The Board of Zoning Appeals shall have all the functions, powers and duties as authorized under Section 6-29-800 of the South Carolina Code of Laws, 1976, as amended and the Town of Seabrook Island Development Standards Ordinance Section 19.30. The Board's authority to issue variances shall be limited to the conditions set forth in Section 6-29-800(A)(2). (Ordinance 87-11, 9/24/87; amended Ordinance 1995-06, 6/8/95)

§5.6.40 Compensation

Members will serve without compensation. Members may be reimbursed for actual expenses incurred in the course of Board business, as determined and authorized by Town Council. (Ordinance 87-11, 9/24/87)

§5.6.50 Rules, Regulations and Procedures

The Board of Zoning Appeals shall function and shall adopt rules in accordance with the procedures as specified in Section 6-29-790 of the South Carolina Code of Laws, 1976, as amended. (Ordinance 87-11, 9/24/87; amended Ordinance 1995-06, 6/8/95)

§5.6.60 Appeal from Decision by the Board of Zoning Appeals

Appeal from a decision by the Board of Zoning Appeals shall be made in accordance with the procedures and rights set forth in Sections 6-29-820 et. seq. of the South Carolina Code of Laws, 1976, as amended and Section 19.40.30 of the Town of Seabrook Island Development Standards Ordinance. (Ordinance 87-11, 9/24/87; amended Ordinance 1995-06, 6/8/95)

**FORMER CHAPTER 6
SUBDIVISIONS**

Chapter (formerly Title V, Chapter 6) moved to Development Standards Ordinance,
Articles 15-17. (Ordinance 2004-03, 8/24/04)

**CHAPTER 7
BEACHFRONT MANAGEMENT**

Section 5.7.10	Beach Management Plan Adopted
Section 5.7.20	"Beach" Defined
Section 5.7.30	Beach/dune Protection
Section 5.7.40	Use of Vehicle Restricted
Section 5.7.50	Protection of Wildlife and Marine Life
Section 5.7.60	Restrictions on Domestic Animals/Pets
Section 5.7.70	Littering Prohibited

§5.7.10 Beach Management Plan Adopted

The Beach Management Plan for the Town of Seabrook Island, a copy of which is attached to Ordinance 1991-02 upon its adoption, and made a part hereof as if fully set forth herein, is hereby adopted by the Town of Seabrook Island and shall constitute the Town's Beach Management Plan. (Ordinance 1991-02, 8/8/91)

§5.7.20 "Beach" Defined

For purposes of this chapter, "beach" shall mean that area lying between the low water mark of the Atlantic Ocean and any property line of the property owned by private individuals or corporations, lying adjacent or in proximity to the Atlantic Ocean or the North Edisto River, and shall extend out from the mean low water mark for a distance of one hundred fifty (150) yards into the water. (Ordinance 1991-03, 7/11/91)

§5.7.30 Beach/Dune Protection

§5.7.31 No person shall alter, destroy or remove any portion of a sand dune, except by obtaining a valid permit from all required governmental authorities, including the Town.

§5.7.32 No person shall remove, place foreign objects upon, or otherwise destroy sea oats or any other vegetative matter growing out of the sand dunes.

§5.7.33 All sand fencing installed on or seaward of the sand dunes shall comply with the SCDHEC/Office of Coastal Resource Management guidelines contained in the SC Coastal Zone Management Act, and may not be installed until all applicable state, federal or Town permits have been issued.

§5.7.34 No alterations to the natural shoreline, inlet location, dune system, existing natural beach elevation, or to growing flora and trees without approval of Town Council and until all applicable state, federal, or Town permits have been issued. (Ordinance 1991-03, 7/11/91)

§5.7.40 Use of Vehicle Restricted

The driving or operation of any motor vehicle, of any kind or nature, on the beach within the Town is prohibited, except as provided below:

§5.7.41 Emergency vehicles, law enforcement vehicles, Town vehicles and SIPOA security or maintenance vehicles may operate on the beach if necessary for the conduct of official duties.

§5.7.42 Private vehicles under SIPOA control may be authorized by the SIPOA to utilize approved beach access roads to launch or retrieve small boats.

§5.7.43 The use of dune buggies, motorcycles, or 4-wheel drive vehicles for recreational use on the beach is not permitted. (Ordinance 1991-03, 7/11/91)

§5.7.50 Protection of Wildlife and Marine Life

No person shall physically harm, harass or otherwise disturb any loggerhead turtle nest. Similarly, no person shall harm, harass or disturb any bird designated as an endangered species (including eggs and young) or its nest. Beached or stranded sea turtles, whales or dolphins shall be reported immediately to the Town, SIPOA, or the County police department. (Ordinance 1991-03, 7/11/91)

§5.7.60 Restrictions on Domestic Animals/Pets

§5.7.61 Domestic animals/pets are not allowed on any beach except under the provisions set forth herein.

§5.7.62 A Designated Area is established from a point beginning approximately 300 yards east of a line extending from the Community Center boardwalk to the Atlantic Ocean and continuing for approximately 550 yards. This Designated Area is shown on a map attached hereto and incorporated by reference. Within the Designated Area from May 1 until October 31, dogs will be allowed off leads below the apparent high water mark prior to 10:00 a.m. and after 5:00 p.m. provided they remain subject to voice control of the person supervising them. From November 1 until April 30, dogs will be allowed off leads below the apparent high water mark at all times provided they

remain subject to voice control of the person supervising them.

§5.7.63 In all other beach areas, which are outside of the Designated Area set forth in Town Code Sec. 5.7.62, from May 1 until October 31, no dogs or other domestic animals shall be allowed that are not on a lead at all times. From November 1 until April 30, dogs on leads will be allowed between 10:00 a.m. and 5:00 p.m. and off lead prior to 10:00 a.m. and after 5:00 p.m.

§5.7.64 No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner. (Ordinance 1991-03, 7/11/91) (Ordinance 2006-02, 5/23/06)

§5.7.70 Littering Prohibited

No person shall place or deposit litter, waste or refuse on the beach or within the waters adjacent to the beach. (Ordinance 1991-03, 7/11/91)

TITLE V: PLANNING AND DEVELOPMENT
FORMER CHAPTERS 7-12

Former **Chapter 7, Trees and Shrubs**, moved to the Development Standards Ordinance, Article 10.

Former **Chapter 8, Reserved for Stormwater Management**, deleted.

Former **Chapter 9, Streets and Drainage**, moved to the Development Standards Ordinance, Article 16.

Former **Chapter 10, Beachfront Management**, renumbered as Town Code Title V, Chapter 7

Former **Chapter 11, Annexations**, moved to Town Code Title I, Chapter 3, Article C

Former **Chapter 12, Signs**, moved to the Development Standards Ordinance, Article 12.

(Ordinance 2004-03, 8/24/04)