



LETTER OF DETERMINATION

TO: Bob Nitkewicz, NV Realty, 1900 Seabrook Island Road, Seabrook Island, SC 29455
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Letter of Determination for Setback Requirements – Village at Seabrook Lot B-23
DATE: June 3, 2019

Dear Mr. Nitkewicz:

I have received your request for confirmation of the setback requirements for Lot B-23 in the Village at Seabrook subdivision (Charleston County Tax Map # 147-00-00-093). It is my understanding that the current property owners, Edward D. and Kimberly A. Palmieri, are seeking to design and construct a new residence on the above referenced lot.

In preparing this Letter of Determination, I have completed a review of the following documents:

- The Development Standards Ordinance for the Town of Seabrook Island (the “DSO”);
- The Planned Unit Development for the Village at Seabrook (formerly referred to as the “Lake Entry Tract”), which was approved by Seabrook Island Town Council on February 22, 2000 (Ordinance No. 2000-01) and subsequently amended by Seabrook Island Town Council on June 5, 2000 (Ordinance No. 2000-08) (the “PUD”); and
- The Subdivision Plat for the Village at Seabrook, which was recorded in the Charleston County Register of Deeds Office in Plat Book EF, Pages 245-246 (the “Plat”).

Based on my review of the above-referenced documents, I have determined that the following setback requirements will apply to Lot B-23 in the Village at Seabrook subdivision:

Setback Requirements (Lot B-23)	
Front Yard Setback	30 feet measured parallel to the road right-of-way from Seabrook Village Drive. <ul style="list-style-type: none">• <i>Note: Uncovered front steps may encroach up to 10 feet into the required front yard setback.</i>
Side Yard Setback	0 feet from both side property lines; provided, however, the minimum separation between structures must be at least 15 feet. For the sake of consistency, a minimum side yard setback of 7.5 feet is recommended.
Rear Yard Setback	25 feet measured from the point of intersection between the two side property lines at the rear of the property.

An illustration of the setback requirements for Lot B-23 is enclosed for reference. Please note that the setback lines are approximate and shown for illustration purposes only. In addition, the 0-foot side setback lines are based on the fact that Lots B-22 and B-24 are currently undeveloped. Future development on Lots B-22 and/or B-24 may impact the location of the side setback requirements for Lot B-23 in order to ensure a 15-foot minimum separation between structures.

For reference, I have attached the following exhibits to this Letter of Determination:

- **Exhibit A:** Illustration of Setback Requirements for Village at Seabrook Lot B-23
- **Exhibit B:** Summary of Key Findings & Basis for Determination
- **Exhibit C:** Development Standards Ordinance §7.60 (Minimum Setbacks)
- **Exhibit D:** Ordinance No. 2000-08 – An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract (Developed as the Village at Seabrook)
- **Exhibit E:** Recorded Plat for the Village at Seabrook
- **Exhibit F:** Ordinance No. 2001-03 – An ordinance to amend DSO Section 2.10.420 (Setback)

Please note that the information contained within this Letter of Determination is current as of the above-referenced date. The setback requirements specified within this Letter of Determination are subject to change as a result of future amendments to the DSO and/or PUD, as well as any appeal(s) of the Zoning Administrator's determination.

Right to Appeal

Please be advised that the Zoning Administrator's determination may be appealed, in whole or in part, by any party in interest, including the property owner. Pursuant to §19.40 of the DSO and §6-29-800 of the South Carolina Code of Laws, all appeals must be made to the town's Board of Zoning Appeals by filing a written appeal **within 30 days of receipt** of this Letter of Determination.

A copy of this Letter of Determination will be provided to the Village at Seabrook Regime, as well as the Seabrook Island Property Owners Association.

An appeal will stay all zoning actions (including zoning permit approvals) and/or legal proceedings until the matter which is subject to the appeal has been acted upon by the town's Board of Zoning Appeals.

Contact Information

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-5321 or by email at jcronin@townofseabrookisland.org.

Respectfully submitted,



Joseph M. Cronin
Town Administrator/Zoning Administrator

Exhibit A

Illustration of Setback Requirements for Village at Seabrook Lot B-23

Exhibit B

Summary of Key Findings & Basis for Determination

**Village at Seabrook
Front Yard Setback Requirements**

The minimum front yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Front Yard Setback Requirements		
PUD	Standard Lots	30 feet (<i>PUD Exhibit B</i>)
	Corner Lots	No differentiation between standard lots and corner lots in the PUD; therefore, 30 feet (<i>PUD Exhibit B</i>)
DSO	Standard Lots	30 feet (<i>DSO §7.60.40.10</i>)
	Corner Lots	If one street frontage is a cul-de-sac street: <ul style="list-style-type: none"> • 30 feet from the cul-de-sac street • 20 feet from the intersecting street All other corner lots: 30 feet from both streets (<i>DSO §7.60.40.10</i>)
	Front Steps	Uncovered front steps may extend into the front setback but may not be less than twenty 20 feet from the property's front lot line. (<i>DSO §7.60.40.10</i>)
Plat	Standard Lots	30 feet
	Corner Lots	If one street frontage is a cul-de-sac street: <ul style="list-style-type: none"> • 30 feet from the cul-de-sac street • 20 feet from the intersecting street All other corner lots: 30 feet from both streets

Key Findings

- The front yard setback requirements illustrated on the Plat are **inconsistent** with the PUD.
- The front yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
- On its face, the **more restrictive** requirement is contained within the PUD, which requires a minimum front yard setback of 30 feet. The PUD does **not** contain any other requirement, allowance or provision for corner lots, including those fronting a cul-de-sac street. The PUD also does **not** contain any provision allowing front steps to encroach into a required front yard setback.
- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**. (*DSO §7.60.10.10*) The PUD does **not** contain any provision which would supersede this definition.
- The DSO currently allows a reduced front yard setback for corner lots wherein one abutting street is a cul-de-sac. (*DSO §7.60.40.10*) The DSO also allows uncovered front steps to encroach up to 10

feet into a required front yard setback. (DSO §7.60.40.10) These provisions were added to the DSO by Ordinance No. 2001-03, which was adopted by Town Council on June 26, 2001. However, Ordinance No. 2001-03 did **not** contain any provision which amended or repealed conflicting ordinances. In addition, the PUD was never amended by Town Council to incorporate the amendments contained within Ordinance No. 2001-03. Under the strictest interpretation, it would appear that the provisions of Ordinance 2001-03 would **not** apply to the Village at Seabrook; however:

- In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been permitted and constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
 - Of the 2 homes built on corner lots wherein one abutting street is a cul-de-sac, both (100.0%) observed a secondary street setback of 20 feet rather than 30 feet; and
 - Of the 55 homes completed to date, 39 (70.9%) have uncovered front steps which encroach into the 30-foot front yard setback.
- In reviewing the case file for Ordinance No. 2001-03, the Zoning Administrator found that the text amendment was requested by the original developer of the Village at Seabrook, and discussion of the proposed amendment was specific to the Village at Seabrook.
- Therefore, while Ordinance No. 2001-03 may not have been properly applied to the Village at Seabrook, the Zoning Administrator has found that there is clear evidence that the requirements of Ordinance No. 2001-03 were **intended** to apply to the Village at Seabrook and, subsequently, **have been** consistently applied in the Village for nearly 20 years.
- In general terms, whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply** (DSO §1.70); however:
 - In this case, the failure to apply the provisions of Ordinance No. 2001-03, which were clearly intended to apply (and have been applied) to the Village at Seabrook, would result in an unnecessary hardship, as nearly 75% of all existing homes within the Village would be rendered non-conforming with the front yard setback requirement.

Determination

The Zoning Administrator has determined that the minimum front yard setback requirement shall be 30 feet from the street right-of-way for all lots within the Village at Seabrook provided, however:

- **For corner lots wherein one street frontage is a cul-de-sac street, the minimum setback shall be 30 feet from the cul-de-sac street and 20 feet from the intersecting street; and**
- **Uncovered front steps may extend into the front setback but may not be less than twenty 20' from the property's front lot line.**

**Village at Seabrook
Side Yard Setback Requirements**

The minimum side yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Side Yard Setback Requirements		
PUD	Standard Lots	No minimum side yard setback specified; 15-foot separation between structures required <i>(PUD Exhibit B)</i>
	Zero Lot Line Lots	The following lots were listed as “Lots Requiring Zero Lot Line Setbacks” and contained no minimum side yard setback: Lots 19 (C-19), 30 (C-26), 47 (B-38), 56 (B-20), 75 (B-23), 76 (B-22), 79 (B-26), 84 (B-01), 87 (A-20), 93 (A-14), 101 (A-06), 106 (A-01) <i>(PUD Exhibit B)</i>
DSO	All Lots	No minimum side yard setback specified; Zero lot line construction may be permitted provided all other setbacks of the district and criteria for zoning as a PDD are met. However, the total of both side yard setbacks shall be at least 15 feet; provided that no two detached patio homes may be situated closer than 15 feet. <i>(DSO §7.60.40.20)</i>
Plat	Standard Lots	7.5 feet
	Zero Lot Line Lots	The following lots were listed as “Lots Requiring Zero Lot Line Setbacks” and contained a 0-foot side yard setback requirement: Lots A-01, A-06, A-14, B-38, C-19, C-26
	Lots abutting Zero Lot Line Lots	The following lots were adjacent to “Lots Requiring Zero Lot Line Setbacks” and were shown to contain a minimum side yard setback of 15 feet: Lots A-02, A-05, A-13, B-37, C-18, C-25 adjacent to the ZLL Lot.

Key Findings

- The **more restrictive** requirement is contained within the Plat, which illustrates a minimum side yard setback of 7.5 feet for standard lots, 0 feet for “Lots Requiring Zero Lot Line Setbacks” and 15 feet for lots abutting a “Lot Requiring Zero Lot Line Setbacks;” however:
 - The side yard setback requirements illustrated on the Plat are **inconsistent** with the requirements of the PUD and the DSO; and
 - The setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.

- As allowed by *DSO §7.60.40.20*, the PUD (specifically Exhibit B to the ordinance adopting the PUD) does **not** specify a minimum side yard setback requirement for individual lots.
- While certain lots are listed in the PUD as “Lots Requiring Zero Lot Line Setbacks,” the PUD only requires a **15-foot separation** between structures on all lots. For example, if two neighboring lots observed side yard setbacks of 0/15, 3/12, 5/10, 7.5/7.5, etc., this would be acceptable as all lots would satisfy the minimum separation requirements outlined in the PUD and the DSO.
- Therefore, it is the Zoning Administrator’s determination that there is **no basis** in the PUD or DSO for applying a 7.5-foot or 15-foot side yard setback, as illustrated on the plat. Based on this determination, the Zoning Administrator finds that the PUD allows **all** lots within the Village at Seabrook to be classified as “Lots Requiring Zero Lot Line Setbacks” (ie. no specific side yard setback required) as long as the total of both side yard setbacks is at least 15 feet, and there is a minimum separation of at least 15 feet between structures. This interpretation is consistent with the practice of previous Zoning Administrators, as evidenced by the following:
 - In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
 - Of the 55 homes completed, 14 (25.5%) do not comply with one or more of the side yard setbacks illustrated on the Plat; however, all lots (100.0%) meet or exceed the 15-foot separation requirement, as required by the PUD and DSO.
- The Plat reduces the total number of “Lots Requiring Zero Lot Line Setbacks” from the 12 (PUD) to 6 (Plat). While the requirements of the PUD would generally supersede those of the Plat, it is the Zoning Administrator’s interpretation that this is a moot point, as both the PUD and DSO do **not** specify a minimum side yard setback requirement, and only require a minimum separation requirement of 15 feet between structures.
- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply.** (*DSO §1.70*) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, the requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

Determination

The Zoning Administrator has determined that there is no minimum side yard setback requirement for lots within the Village at Seabrook; provided, however:

- **In instances where a side yard is required, the total of both side yard setbacks shall be at least 15 feet, and no detached structure may be situated closer than 15 feet to another structure.**
- **For the sake of consistency among neighboring lot owners, a minimum side yard setback of 7.5 feet is recommended, though not required by the PUD or DSO.**

**Village at Seabrook
Rear Yard Setback Requirements**

The minimum rear yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Rear Yard Setback Requirements		
PUD	All Lots	25 feet (<i>PUD Exhibit B</i>)
DSO	Standard Lots	25 feet (<i>DSO §7.60.40.30</i>)
	Open Space Lots	25 feet; provided, open decks may encroach up to 10 feet into the rear yard setback area (<i>DSO § 7.60.60</i>)
Plat	All Lots	25 feet (including corner lots)

Key Findings

- The rear yard setback requirements are **generally consistent** between the PUD, the DSO and the Plat, each of which specify a 25-foot rear yard setback. However, the Plat also applies a 25-foot rear yard setback to corner lots.
- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**. (*DSO §7.60.10.10*)
- The PUD does **not** contain any provision that would supersede (either by strengthening or relaxing) the requirements of *DSO §7.60.10.10* as it relates to corner lots having two front yards and two side yards.
- The application of a 25-foot rear yard setback to corner lots, as shown on the Plat, is **inconsistent** with the requirements of the PUD and the DSO.
- Some lots within the Village at Seabrook – including Lots B-22, B-23, B-26 and C-24 – are “pie-shaped” lots. While pie-shaped lots have defined front and side property lines, they do **not** have a defined rear property line from which to apply a rear yard setback. However, by definition, a pie-shaped lot is **not** a corner lot; therefore, a rear yard setback must still be applied. The Plat indicates that pie-shaped lots shall have one side yard and one rear yard. In the Zoning Administrator’s determination, there is **no basis** in the PUD or DSO for classifying one of the side yards as a rear yard. Therefore, it is the Zoning Administrator’s opinion that the Plat is **inconsistent** with the requirements of the PUD and the DSO.
- The rear yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply**. (*DSO §1.70*) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, **the**

requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

Determination

The Zoning Administrator has determined that the minimum rear yard setback requirement shall be 25 feet from the rear property line; provided, however:

- For lots abutting an open space area (lake, lagoon, golf course, etc.), an open deck may encroach no more than 10 feet into the required rear yard setback.
- For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback (Lots B-22, B-23, B-26 and C-24), the Zoning Administrator has interpreted that the rear yard setback shall be measured from the point where the two side property lines intersect at the rear of the property. This will ensure that the rear setback line is roughly parallel to the (curvilinear) front setback line, consistent with non-pie-shaped lots.
- Corner lots are defined by ordinance to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot within the Village at Seabrook. The requirements for front and side yard setbacks are further outlined elsewhere in this Letter of Determination.

**Village at Seabrook
Lot Conversion Schedule**

It should be noted that the lot numbering system used in the Village at Seabrook PUD was not the same as that used in the recorded Plat for the Village at Seabrook. The total number of lots was reduced from 106 in the PUD to 101 in the recorded Plat. In addition, the total area of some lots increased in size in the recorded Plat. However, the lot configuration is generally consistent between the two documents. In addition, two platted lots were later combined by subsequent property owners, bringing the total number of lots to 99. For the sake of consistency between the two documents, the Zoning Administrator would apply the following conversion schedule between the lot numbers shown within Exhibit B to the PUD and those shown on the recorded Plat:

Village at Seabrook: Lot Conversion Schedule (PUD to Recorded Plat)									
PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #
1	C-01 ¹	23	C-29	45	B-40	67	B-10	89	A-18
2		24	C-22	46	B-39	68	B-09	90	A-17
3	C-03	25	C-28	47*	B-38**	69	B-08	91	A-16
4	C-04	26	C-23	48	B-37	70	B-07	92	A-15
5	C-05	27	C-27	49	B-36	71	B-06	93*	A-14** ⁷
6	C-06	28	C-24	50	B-35	72	B-25 ⁴	94	
7	C-07	29	C-25	51	B-34	73		95	A-12
8	C-08	30*	C-26**	52	B-33	74	B-24	96	A-11
9	C-09	31	C-31	53	B-32	75*	B-23	97	A-10
10	C-10	32	C-32	54	B-31	76*	B-22 ⁵	98	A-09
11	C-11	33	C-33	55	B-30	77		99	A-08
12	C-12	34	C-34	56*	B-20 ³	78	B-27 ⁵	100	A-07
12	C-13	35	C-35	57		79*		B-26	101*
14	C-14	36	B-48 ²	58	B-19	80	B-05	102	A-05
15	C-15	37		59	B-18	81	B-04	103	A-04
16	C-16	38	B-47	60	B-17	82	B-02 /	104	A-03
17	C-17	39	B-46	61	B-16	83	B-03 ⁶	105	A-02
18	C-18	40	B-45	62	B-15	84*	B-01	106*	A-01**
19*	C-19**	41	B-44	63	B-14	85	A-22		
20	C-20	42	B-43	64	B-13	86	A-21		
21	C-30	43	B-42	65	B-12	87*	A-20		
22	C-21	44	B-41	66	B-11	88	A-19		

*Indicates a lot listed as a "Lot Requiring Zero Lot Line Setbacks" in the PUD

** Indicates a lot listed as a "Lot Requiring Zero Lot Line Setbacks" in the recorded Plat

¹ PUD Lots 1 & 2 were combined as Lot C-01 in the recorded Plat

² PUD Lots 36 & 37 were combined as Lot B-48 in the recorded Plat

³ PUD Lots 56 & 57 were combined as Lot B-20 in the recorded Plat

⁴ PUD Lots 72 & 73 were combined as Lot B-25 in the recorded Plat

⁵ PUD Lot 77 was split in the recorded Plat, with a portion being attached to Lot B-22 and the remainder to Lot B-27

⁶ Lot B-02 was subsequently combined with Lot B-03 to form Lot B-02/03 in 2015 (Book S15, Page 0294)

⁷ Lot A-13 was subsequently combined with Lot A-14 to form a new Lot A-14 in 2013 (Book S13, Page 0264)

Exhibit C

Development Standards Ordinance
§7.60 (Minimum Setbacks)

Sec. 7.60. Minimum Setbacks.

Setback requirements shall apply to all structures on a lot.

§ 7.60.10. Measurements.

§ 7.60.10.10. Corner Lots. Where a lot abuts two intersecting streets (corner lot) both front setbacks shall be observed. In applying these measurements to a corner lot, the lot shall be deemed to have two (2) front yards and two (2) side yards.

§ 7.60.10.20. Double Frontage Lots. Where a lot fronts on two non-intersecting streets double frontage lot front setbacks shall be required along both streets.

§ 7.60.10.30. Lots subject to the OCRM Critical Line. Whenever any portion of any Town ordinance requires some measurement be taken from, or established based on, the South Carolina Ocean and Coastal Resource Management critical line, such critical line shall have been reviewed and certified by the South Carolina Ocean and Coastal Resource Management within the previous five years.

§ 7.60.10.31. Notwithstanding this requirement, critical areas by their nature are dynamic and subject to change over time. As such, in the event the Town has reason to believe a critical area has been changed since its last review by the South Carolina Ocean and Coastal Resource Management (even if such review has taken place within the past five years), it may require the property owner to have the critical line reviewed again and relocated, if such a change has occurred, before making any determinations which require some measurement be taken from or established based on such critical line.

§ 7.60.20. Single-Family Front and Rear Setbacks. Except as specified in Article 5 and Sections 7.60.20.40, 7.60.50 and 9.30 herein, the minimum setback requirements on any single-family lot within the Town shall be:

§ 7.60.20.10. Front: Thirty (30) feet.

§ 7.60.20.20. Side: Fifteen (15) feet, except as provided in § 7.60.20.40 below.

§ 7.60.20.30. Rear: Twenty-five (25) feet.

§ 7.60.20.40. Nonconforming Lots—Side Setback. All single-family residential lots in the Town of Seabrook Island platted prior to the adoption of the Town's Development Standards Ordinance in 1987, which are less than seventeen thousand five hundred (17,500) square feet in area shall have side yard setbacks as follows:

§ 7.60.20.41. Lots less than thirteen thousand five hundred (13,500) square feet in area must provide side yard setbacks of ten (10) feet in each side yard.

§ 7.60.20.42. Lots greater than thirteen thousand five hundred (13,500) square feet but less than seventeen thousand five hundred (17,500) square feet in area must provide side yard setbacks of twelve and one-half (12½) feet in each side yard.

§ 7.60.20.50. Exceptions to Setbacks.

- (a) In all zoning districts heating, ventilation and air conditioning (HVAC) equipment and associated HVAC stands may extend up to five (5) feet into the required side or rear setbacks only when all of the following conditions are met:
1. The HVAC equipment is replacing existing HVAC equipment which was originally placed below an existing structure, and the HVAC equipment being replaced is now required to be elevated to meet the requirements of the Federal Emergency Management Agency (FEMA) and the Town of Seabrook Island Building and Zoning Codes;
 2. Such HVAC equipment cannot reasonably be accommodated in the Town's determination within the setback required by otherwise applicable zoning requirements;
 3. All such HVAC equipment and stand are screened from public view and screened and buffered to minimize noise, and the adequacy and appropriateness of such screening and buffering has been approved by the Town of Seabrook Island Planning Commission and/or its designee;
 4. All such HVAC equipment is so placed that it will have the least adverse impact on affected property owners in the area, and the Town of Seabrook Island Planning Commission or its designee has so determined; and
 5. A Zoning Permit is approved by the Town of Seabrook Island Zoning Administrator.

§ 7.60.30. Attached Multi-Family Building Setbacks.

§ 7.60.30.10. Front: Thirty (30) feet; provided however, where a lot zoned multi-family fronts two intersecting streets wherein one street is a cul-de-sac, the setback requirements from the intersecting street on the side of the building is hereby reduced to twenty (20) feet, while the front setback of the building which faces the cul-de-sac shall remain thirty (30) feet.

§ 7.60.30.20. Side: Zero lot line construction may be permitted, but no building shall be closer to another building than fifteen (15) feet.

§ 7.60.30.30. Rear: Twenty-five (25) feet.

§ 7.60.40. Detached Multi-Family Building and Combination Attached and Detached Construction Setbacks.

§ 7.60.40.10. Front: Thirty (30) feet; provided however, where a lot zoned multi-family fronts two intersecting streets wherein one street is a cul-de-sac, the setback requirements from the

intersecting street on the side of the building is hereby reduced to twenty (20) feet, while the front setback of the building which faces the cul-de-sac shall remain thirty (30) feet.

§ 7.60.40.20. Side: Zero lot line construction may be permitted provided all other setbacks of the district and criteria for zoning as a PDD are met. However, the total of both side yard setbacks shall be at least 15 feet; provided that no two detached patio homes may be situated closer than 15 feet.

§ 7.60.40.30. Rear: Twenty-five (25) feet.

§ 7.60.50. Marsh Setbacks. The minimum setback for a structure, exclusive of open decks, on a lot abutting the marsh shall be twenty-five (25) feet from the South Carolina Ocean and Coastal Resource Management critical area or the lot line, whichever is landward. No part of an open deck shall be closer than fifteen (15) feet from the critical area.

Marsh—Hardship. Deleted.

§ 7.60.60. Open Space Lots—Rear Setback. On lake, lagoon, or golf course lots the minimum rear lot setback of the residential structure must be twenty-five (25) feet. Open decks may extend into the setback, but may not be less than fifteen (15) feet from the rear lot line.

§ 7.60.70. Driveway Setbacks.

§ 7.60.70.10. No part of a driveway for a single-family residence shall be closer than three (3) feet to the side property lines on nonconforming lots and six (6) feet on all other lots.

§ 7.60.70.20. No driveway shall be constructed within fifty (50) feet of an adjacent street right-of-way.

§ 7.60.70.30. Exceptions. A shared driveway for multi-family lots or developments is permitted to cross property lines for those properties which it will service.

- (a) All driveways for multi-family units or developments will be engineered on site plans and presented to the Zoning Administrator at the time of application. With the approval of the Planning Commission, shared driveways for multi-family developments may be permitted.
- (b) In such instances, the driveway must be a minimum of sixteen (16) feet wide.
- (c) The Zoning Administrator must further certify that the proposed shared driveway does not in any manner affect proper ingress or egress to the properties sharing such driveway or other adjoining properties.
- (d) Where shared driveways are approved, Regime Covenants must clearly define ownership and maintenance responsibilities of the owners sharing the driveway.

§ 7.60.80. Encroachments.

§ 7.60.80.10. Cornices and windowsills may not project into any required setback. Decks, covered decks or porches shall not project into any required setback except as allowed in this Article. In the case of lots having less than seventeen thousand five hundred (17,500) square feet of total area, the eave of the roofline may extend up to eighteen (18) inches into the required setback.

§ 7.60.80.20. Uncovered front steps may extend into a front setback on properties zoned multi-family, but may not be less than twenty (20) feet from the property's front lot line.

§ 7.60.80.30. In the event that a front entry garage is adjacent to the zero-setback property line of a multi-family dwelling, the driveway may be located to provide access to the garage, with the approval of the Zoning Administrator, provided such placement does not affect proper ingress or egress to said property or adjoining properties.

(Ord. No. 1989-01, 4-13-1989; Ord. No. 1993-03, 6-10-1993; Ord. No. 1995-13, 9-14-1995; Ord. No. 1995-06, 6-8-1996; Ord. No. 1998-18, 7-28-1998; Ord. No. 2000-09, 7-25-2000; Ord. No. 2001-03, 6-26-2001; Ord. No. 2001-07, 10-23-2001; Ord. No. 2003-11, 1-27-2004; Ord. No. 2004-04, 8-24-2004; Ord. No. 2012-03, § II, 11-13-2012; Ord. No. 2018-13, §§ 1, 2, 12-18-2018)

Exhibit D

Ordinance 2000-08

An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract
(Developed as the Village at Seabrook)

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2000-08

ADOPTED June 5, 2000

AN ORDINANCE TO AMEND THE PLANNED UNIT
DEVELOPMENT WITHIN AREA SIX FOR THE LAKE ENTRY TRACT
(DEVELOPED AS THE VILLAGE AT SEABROOK)

WHEREAS, Seabrook Island I, LLC, submitted a zoning application to the Town of Seabrook Island for the Lake Entry Tract Planned Unit Development ("PUD"); and

WHEREAS, Seabrook Island I, LLC, proposed that the Lake Entry Tract be developed as 106 multi-family residential lots provided such development complies with all applicable provisions of the Town's Code and DS0; and

WHEREAS, pursuant to Section 5.50.30 of the Development Standards Ordinance, this property must be developed as a planned unit development and approved by the Town Council; and

WHEREAS, by Ordinance 2000-01, the Town of Seabrook Island approved the proposed PUD for this development; and

WHEREAS, the Planning Commission has reviewed the "Declaration of Covenants and Restrictions for the Village at Seabrook and provisions for and bylaws of the Seabrook Island Property Owners' Association, Inc.," (the "Declarations") and has made recommendations for revisions to the same which have been adopted by the applicant and submitted for inclusion in the terms and conditions of the PUD for this development; and

WHEREAS, Town Council is authorized to amend its zoning ordinance; and

WHEREAS, a properly noticed public hearing was held on this ordinance as proposed on June 5th, 2000.

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

SECTION 1. Purpose

This Ordinance is adopted to amend the Lake Entry Tract PUD established by Ordinance 2000-01 so as to include the Declarations as part and parcel of the PUD requirements and restrictions.

SECTION 2. PUD Amended

The Lake Entry Tract PUD (Application # 1739 as amended)(Exhibit A) is hereby approved and adopted. The approved amendments to the application which shall constitute the PUD for this property are shown on the map attached as Exhibit B and

incorporated herein by reference. The Lake Entry Tract PUD is subject to all of the requirements of the Town Code and DSO including but not limited to DSO Sections (7) and (8). The applicant further agrees all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner's Association. In addition, subject to the provisions set forth above, the terms and conditions of the Declarations as approved and modified by the Planning Commission, a copy of which is attached as Exhibit C and incorporated herein by reference, are hereby adopted as additional terms and restrictions of this PUD and the zoning granted therein. In the event of any conflict between the terms of the Declarations and the DSO or Town Code, the more restrictive shall apply.

SECTION 3. Severability

If any part of this ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

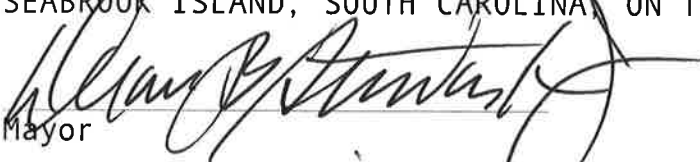
SECTION 4. Effective Date

This Ordinance shall be effective upon its enactment by the Town Council of the Town of Seabrook Island.

SECTION 5. Codification

^{S.93.0}
The provisions of this Ordinance shall be codified at DSO Sections ~~5.92.0~~ (The Village at Seabrook a/k/a Lake Entry Tract) and ~~5.92.10~~ (Master Plan and Requirements).
^{S.93.10}

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, ON THIS 5th DAY OF June, 2000.


Mayor


Town Clerk

First Reading: May 23, 2000
Public Hearing: June 5, 2000
Second Reading: June 5, 2000

Town of Seabrook Island - Zoning Permit

Permit Date: 03/27/1997 Permit #, Town: 1739 License #: 0
TMS Number: 147-00-00-009 Thru: And: Paid Date: 03/27/1997
App Fee: \$820.00 Cash: No Check #: 1008

Applicant Name: Seabrook Island I.L.C. Phone:
Contact Name: Hank Hofford or Dave Savitz
App Address1: 17 Lockwood Dr. The Rice Hill
App Address2:
App City: Charleston St: SC Zip: 29402

Property Owner: Seabrook Island I.L.C. Phone: 722-8200
Owner Address1: P.O. Box 1707
Owner Address2:
Owner City: Charleston St: SC Zip: 29455

Property Location: Lot: Block:
Property Address: 56 acre lake entry tract

Purpose: Submittal of a Planned Unit Development for property presently known as the Lake Entry Site. This property is just past the gate on the left leading into the Island.

Work Value: \$0.00 Const Cost: \$0.00 Flood Elev: 13 Zone: A8

Architectural Review Board:

Comments: Requires Recommendation of Planning Commission and approval of Town Council

The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet sec 8.10.0 **** March 22, 2000, The Town Council voted to approve the amended PUD which changes the development from a Health Care Facility to a development of 106 Multi-Family lots. ****
Amendment: 2/4/2000 to amend this application for a planned development of a health care facility to a planned multi-family development of 106 units.

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.
If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.
Any extentions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

I hereby certify that the above information and any plan or drawing submitted herewith are true and accurate indications of existing or proposed improvements to the above identified property.

Owner/Applicant's Signature
Wednesday, January 12, 2000

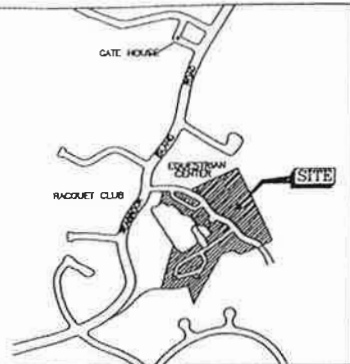
Jay M. Smith
Zoning Administrator
Wednesday, January 12, 2000

[Signature]
Printed Name

APPROVED BY TOWN COUNCIL
OK ~~JAN 25, 2000~~
MARCH 22, 2000
P.M.D.

Exhibit "A"

Exhibit B



LOCATION MAP
NOT TO SCALE

CURVE	RADIUS	LENGTH	DELTA	TANGENT	BEARING	CHORD
C1	428.97	355.86	47°31'49"	188.89	N24°55'06"E	345.74
C2	20.09	27.89	79°32'57"	16.72	S48°10'32"W	25.71
C3	288.97	112.04	22°12'51"	58.73	N02°42'22"W	111.34
C4	20.09	28.12	80°11'48"	16.92	S51°57'37"E	25.88
C5	597.62	317.07	30°23'53"	162.36	N78°51'02"W	313.36
C6	584.64	32.22	03°09'29"	16.12	N46°16'09"W	32.22
C7	720.00	395.74	31°29'32"	203.01	N83°52'16"E	390.78

LINE	BEARING	LENGTH
L1	N 32°24'41" W	21.84
L2	N 56°14'33" W	25.47
L3	N 17°16'55" W	33.85
L4	N 36°39'48" W	90.90
L5	N 27°06'39" W	39.80
L6	N 32°04'28" W	96.59
L7	N 31°14'07" W	66.76
L8	N 30°10'53" W	45.61
L9	N 34°48'32" W	53.30
L10	N 32°21'48" W	72.61
L11	N 26°41'33" W	31.76
L12	S 87°57'01" W	129.99
L13	S 60°10'16" W	82.44
L14	N 84°10'55" W	118.67
L15	S 75°59'04" W	115.77
L16	S 48°30'19" W	110.58

OWNER:
SEABROOK ISLAND I, L.L.C.
P.O. BOX 1707
CHARLESTON, SC 29402

DEVELOPER:
BENNETT HOFFORD CONSTRUCTION CO.

LAND PLANNER/LANDSCAPE ARCHITECT:
HLA, INC.
CHARLESTON, SC

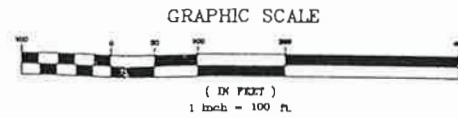
CIVIL ENGINEER/SURVEYOR:
G. ROBERT GEORGE & ASSOCIATES
CHARLESTON, SC



LAND USE SUMMARY:
TMS#: 147-00-00-009

TOTAL AREA: (INCLUDING LAKE)	42.219 AC.
COMMON AREA AND LAKE:	8.33 AC.
SEABROOK ISLAND ROAD:	2.5 AC.
RESIDENTIAL:	22.84 AC.
BUFFERS:	3.0 AC.
RESIDUAL TRACT: (GROUND LEASE)	5.54 AC.
PROPOSED LAND USE:	DETACHED MULTIFAMILY RESIDENTIAL
MINIMUM LOT SIZE:	6,000 S.F.
MAXIMUM LOT COVERAGE:	40%
SETBACKS:	30' FRONT 15' SIDE (TO TOTAL 15') 25' REAR
LOT WITH ZERO LOTLINE SETBACKS:	19, 30, 47, 56, 75, 76, 79, 84, 87, 92, 101 & 106

TOPOGRAPHIC AND TREE SURVEY INFORMATION
PROVIDED BY G. ROBERT GEORGE AND
ASSOCIATES, INC. MARCH 1997
(UPDATED OCTOBER 1999)



HLA HOFFMAN LESTER ASSOCIATES, INC.
Land Planning • Civil Engineering • Landscape Architecture
Wetland Consulting • Land Surveying
29 LEINBACH DRIVE • CHARLESTON, S.C. • 29407 • (843) 763-1166

AMENDMENT TO P.U.D.
AND LAND USE PLAN
VILLAGE AT SEABROOK
(LAKE ENTRY TRACT)
SEABROOK ISLAND, SOUTH CAROLINA

PROJECT	97050.00
DATE: 12-22-99	
SCALE: 1"=100'	
DESIGN: DLL	
DRAWN: DRC/ADB	
CHECK:	
REVISIONS	
SHEET	1 of 1

BKH 360PG849

**DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
THE VILLAGE AT SEABROOK
AND
PROVISIONS FOR AND BY-LAWS OF
THE VILLAGE AT SEABROOK PROPERTY OWNER'S ASSOCIATION, INC.**

Note

The original "Declaration of Covenants and Restrictions for the Village at Seabrook and Provisions for and By-Laws of the Village at Seabrook Property Owners' Association, Inc.," which were incorporated as "Exhibit C" to Ordinance No. 2000-08, may be viewed in their entirety at:

Charleston County Register of Deeds Office
Book H360, Page 849

- or -

By requesting a PDF copy from the Town of Seabrook Island
Via Email: jcronin@townofseabrookisland.org
By Phone: (843) 768-5321

Exhibit E

Recorded Plat for the Village at Seabrook

L 391P6592

CURVE TABLE with columns: NUMBER, DELTA, CHORD BRG, RADIUS, LENGTH, TANGENT, CHD LENGTH. Includes data for curves C1 through C144.

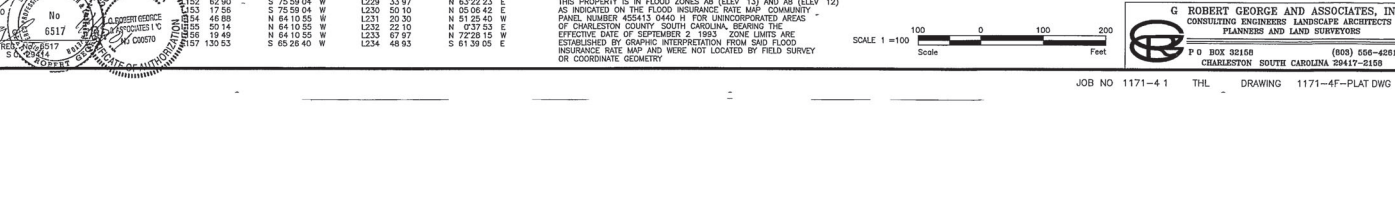
LAGOON PERIMETER DATA with columns: NUMBER, DISTANCE, BEARING. Lists perimeter points for the lagoon area.

LOT AND RIGHT-OF-WAY PERIMETER DATA with columns: NUMBER, DISTANCE, BEARING. Lists perimeter points for individual lots.

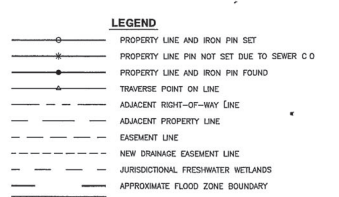
RESIDENTIAL LOT AREAS with columns: LOT, AREA (S.F.), AREA (ACRES). Lists area data for lots 1 through 112.

COMMON AREAS with columns: AREA (S.F.), AREA (ACRES). Lists area data for common areas 1 through 11.

FLOOD ZONE DATA with columns: LOT, AREA (S.F.), AREA (ACRES). Lists area data for flood zones 1 through 11.



Charleston South Carolina Office of Register Mense Conveyance... Register Mense Conveyance



TOWN OF SEABROOK ISLAND DATE 12/13/2001 APPROVED BY Douglas M. Smith

ZONING ADMINISTRATOR TOWN OF SEABROOK ISLAND

PLAT SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK CONTAINING 42.328 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND CHARLESTON COUNTY, SOUTH CAROLINA PREPARED FOR SEABROOK ISLAND I, LLC NOV 13, 2001 SCALE 1"=100'

G ROBERT GEORGE AND ASSOCIATES, INC. CONSULTING ENGINEERS LANDSCAPE ARCHITECTS PLANNERS AND LAND SURVEYORS. Includes contact info and a seal.

Exhibit F

Ordinance 2001-03

An ordinance to amend DSO Section 2.10.420 (Setback)

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2001-03

ADOPTED June 26, 2001

AN ORDINANCE TO AMEND DSO SECTION 2.10.420 (Setback)

WHEREAS, the Planning Commission has recommended the adoption of an amendment to the Town's Development Standard Ordinance ("DSO"); and

WHEREAS Town Council is authorized to amend the Town's DSO by ordinance, and

WHEREAS, a properly noticed public hearing has been held on this ordinance as proposed

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

SECTION I. Purpose

The purpose of this ordinance is to amend the provisions of the Town's DSO relating to setback requirements for property zoned multi-family.

SECTION II. DSO Amended

DSO Section 2.10.420 is amended to read in their entirety as follows:

2.10.420 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. The setback requirement shall apply to all structures on the lot. Where a lot abuts two non-intersecting streets both front setbacks shall be observed. Where a lot fronts on two intersecting streets, both streets shall be considered as front setbacks. However, where a lot zoned multi-family fronts two intersecting streets wherein one street is a cul-de-sac the setback requirements from the intersecting street on the side of the building is hereby reduced to twenty feet. The front setback of the building which faces the cul-de-sac shall remain thirty feet. Uncovered front steps may extend into a front setback on properties zoned multi-family, but may not be less than twenty feet from the property's front lot line.

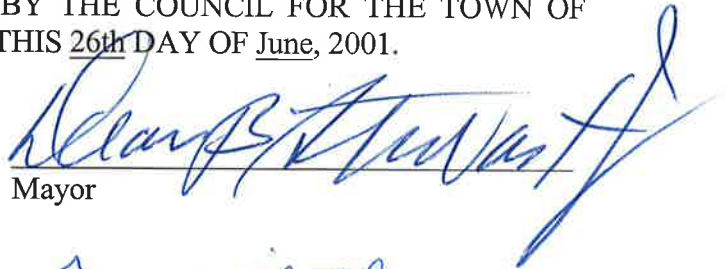
SECTION III. Severability

If any part of this ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

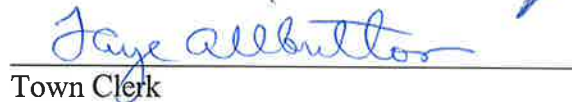
SECTION IV. Effective Date

This ordinance shall be effective upon passage by the Town.

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, ON THIS 26th DAY OF June, 2001.

A handwritten signature in blue ink, appearing to read "Alan Stewart", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to read "Jaye Albuton", written over a horizontal line.

Town Clerk

First Reading: May 22, 2001
Second Reading: June 26, 2001
Public Hearing: June 19, 2001