TOWN OF SEABROOK ISLAND

DSO Advisory Committee Meeting
January 15, 2020 – 2:00 PM

Town Hall, Council Chambers
2001 Seabrook Island Road

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. **DSO Advisory Committee Meeting:**
   - October 16, 2019 *[Pages 2-3]*
   - October 17, 2019 *[Page 4]*
   - November 20, 2019 *[Page 5]*
   - November 21, 2019 *[Page 6]*

ITEMS FOR DISCUSSION

1. **Review and Discussion of Draft DSO Articles:**

   - Article 10: Conditional Uses *[Pages 7-17]*
   - Article 12: Landscaping and Buffering *[Pages 18-28]*
   - Article 13: Off-street Parking *[Pages 29-37]*
   - Article 14: Signs *[Pages 38-52]*
   - Article 15: Site Development Plan *[Pages 53-60]*

ADJOURN

About the DSO Advisory Committee

On March 26, 2019, the Seabrook Island Town Council approved a contract with PLB Planning Group for the purpose of completing a comprehensive update of the town's Development Standards Ordinance (DSO). The DSO Advisory Committee was appointed on April 23, 2019 and includes ten members: one member from Seabrook Island Town Council, two members from the Board of Zoning Appeals, two members from the Planning Commission, four residents of the town, and one staff representative from the Seabrook Island Property Owners Association. The committee will be tasked with providing input, guidance and feedback to town staff and the consultant during the development of a new DSO. The committee's recommendations will be submitted to Town Council in late 2020.

TOWN OF SEABROOK ISLAND

DSO Advisory Committee Meeting
October 16, 2019 – 2:00 PM

Town Hall, Council Chambers
2001 Seabrook Island Road

MINUTES

Present: Skip Crane (Chair), Gary Quigley (Vice Chair), Wayne Billian, Katrina Burrell, Robert Driscoll, Ava Kleinman, Roger Steel, Joe Cronin (Town Administrator)

Absent: Walter Sewell, Ed Williams

Guests: Mayor Ron Ciancio, Councilman John Gregg, Paul LeBlanc (PLB Planning Group)

Chairman Crane called the meeting of the DSO Advisory Committee to order at 2:00 PM. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **DSO Advisory Committee Meeting: August 1, 2019:** Mr. Quigley made a motion to approve the minutes from the August 1, 2019 meeting. Mr. Driscoll seconded the motion. The motion was approved by a vote of 7-0.

ITEMS FOR DISCUSSION

1. **Review and Discussion of Draft DSO Articles**: Paul LeBlanc of PLB Planning Group provided a summary of the proposed language for the following articles:

    - Article 2: Zoning Districts and Map
    - Article 3: Conservation/Recreation Districts
    - Article 5: Support Districts

    A detailed discussion took place regarding the proposed transition from Planned Developments (PD's and PUD's) to underlying zoning districts. Town Administrator Cronin provided background information on the basis for the proposed new zoning districts.

    Committee members reviewed, discussed and provided feedback on the proposed language for each of the above referenced articles. Mr. LeBlanc will incorporate the committee's recommendations into an updated draft for each respective article.

ADJOURN

There being no further business, the meeting was adjourned at 4:01 PM.

Minutes Approved:

Joseph M. Cronin
Town Administrator

TOWN OF SEABROOK ISLAND

DSO Advisory Committee Meeting
October 17, 2019 – 1:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road

MINUTES

Present: Skip Crane (Chair), Gary Quigley (Vice Chair), Wayne Billian, Katrina Burrell, Robert Driscoll, Roger Steel, Ed Williams, Joe Cronin (Town Administrator)

Absent: Walter Sewell, Ava Kleinman

Guests: Mayor Ron Ciancio, Councilman John Gregg, Paul LeBlanc (PLB Planning Group)

Chairman Crane called the meeting of the DSO Advisory Committee to order at 1:30 PM. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

ITEMS FOR DISCUSSION

1. **Continuation of Review and Discussion of Draft DSO Articles**: Paul LeBlanc of PLB Planning Group provided a summary of the proposed language for the following articles:

    - Article 4: Residential Districts
    - Article 7: Mixed Use District

    Committee members reviewed, discussed and provided feedback on the proposed language for each of the above referenced articles. Mr. LeBlanc will incorporate the committee's recommendations into an updated draft for each respective article.

ADJOURN

There being no further business, the meeting was adjourned at 4:35 PM.

Minutes Approved:

Joseph M. Cronin
Town Administrator

TOWN OF SEABROOK ISLAND

DSO Advisory Committee Meeting
November 20, 2019 – 2:00 PM

Town Hall, Council Chambers
2001 Seabrook Island Road

MINUTES

Present: Skip Crane (Chair), Gary Quigley (Vice Chair), Wayne Billian, Katrina Burrell, Robert Driscoll, Ava Kleinman, Walter Sewell, Roger Steel, Ed Williams

Absent: Joe Cronin (Town Administrator)

Guests: Paul LeBlanc (PLB Planning Group)

Chairman Crane called the meeting of the DSO Advisory Committee to order at 2:00 PM. Chairman Crane confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

ITEMS FOR DISCUSSION

1. **Review and Discussion of Draft DSO Articles**: Paul LeBlanc of PLB Planning Group provided a summary of the proposed language for the following articles:

    - Article 8: Seabrook Island Road Overlay District
    - Article 9: General Provisions (Through Sec. 9.5)

    Committee members reviewed, discussed and provided feedback on the proposed language for each of the above referenced articles. Mr. LeBlanc will incorporate the committee's recommendations into an updated draft for each respective article.

ADJOURN

There being no further business, the meeting was adjourned at 4:37 PM.

Minutes Approved:

Joseph M. Cronin
Town Administrator

TOWN OF SEABROOK ISLAND

DSO Advisory Committee Meeting
November 21, 2019 – 1:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road

MINUTES

Present: Skip Crane (Chair), Gary Quigley (Vice Chair), Wayne Billian, Katrina Burrell, Robert Driscoll, Ava Kleinman, Walter Sewell, Roger Steel, Ed Williams

Absent: Joe Cronin (Town Administrator)

Guests: John Gregg (Mayor), Paul LeBlanc (PLB Planning Group)

Chairman Crane called the meeting of the DSO Advisory Committee to order at 2:00 PM. Chairman Crane confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

ITEMS FOR DISCUSSION

1. **Review and Discussion of Draft DSO Articles**: Paul LeBlanc of PLB Planning Group provided a summary of the proposed language for the following articles:

    - Article 9: General Provisions (Beginning at Sec. 9.6)
    - Article 10: Conditional Uses (Through Sec. 10.4.G)

    Committee members reviewed, discussed and provided feedback on the proposed language for each of the above referenced articles. Mr. LeBlanc will incorporate the committee's recommendations into an updated draft for each respective article.

ADJOURN

There being no further business, the meeting was adjourned at 3:57 PM.

Minutes Approved:

Joseph M. Cronin
Town Administrator

Conditional Use Requirements

Article 10

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Seabrook Island Development Standards Ordinance

Section 10.1 Scope

Conditional uses are identified within each of the zoning districts established by this ordinance. These uses are generally compatible with other uses within the district but may have the potential to adversely impact adjacent districts or uses unless conditions are imposed to mitigate potential nuisance effects. For example, there may be operational characteristics such as excessive traffic, noise, late hours of operation, or other factors that warrant the imposition of requirements, conditions, or limitations, in addition to the base requirements applicable to all uses allowed within the respective district. This article specifies those added requirements for the conditional uses identified in each district's schedule of uses.

Section 10.2 Application and Review

A. The zoning administrator shall be responsible for reviewing and deciding upon all requests for conditional uses.
B. Requests for approval of a conditional use shall be submitted to the zoning administrator on a form for that purpose, along with an application fee and a site development plan, as specified in *Article XXX*. The zoning administrator shall review the application and site development plan for completeness, as well as conformance with the requirements of the zoning district in which the property is located and the applicable requirements for the use specified in this article.
C. Based on conformance of the request with the general requirements of *Section 10.3* and the specific requirements of *Section 10.4* applicable to the proposed conditional use, the zoning administrator shall approve, approve with conditions, or deny the application.
D. If an application for conditional use is found to meet all applicable requirements, it shall be approved.
E. If denied, the applicant may appeal the zoning administrator's decision to the Board of Zoning Appeals.

Section 10.3 General Requirements

The following general requirements shall be satisfied for all conditional uses:

A. The proposed use shall comply with all applicable requirements of this ordinance such as, but not limited to, district requirements, parking, signs, and landscaping, unless modified by this article for a specific use.
B. The site development plan for the proposed use shall be complete and satisfy the site development plan review criteria of *Section XXX.*
C. Where minimum separation distances are required between a conditional use and other uses or district boundaries, the separation distance shall not apply retroactively if the specified condition did not exist at the time of approval.

Section 10.4 Specific Use Requirements

A. **Accessory Dwelling Units**.

1. A minimum lot size of one and one-half (1½) acres shall be required and the lot shall be occupied by a detached single-family dwelling.
2. The accessory dwelling may be located within or attached to the principal dwelling on the lot or in a detached building on the same lot, meeting the setback requirements applicable to the principal dwelling.
3. Only one (1) accessory dwelling shall be permitted on each lot.
4. The accessory dwelling shall not exceed 900 square feet of floor area.

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5. The applicant must present detailed construction plans and site information relating to the placement and construction of the accessory dwelling, in accord with *Articles **** of this ordinance.
6. The applicant shall place a deed restriction on the property stating that the property shall never be subdivided; and the accessory dwelling will always remain part and parcel of the overall property upon which the principal dwelling is located. A copy of the deed restriction, as recorded, shall be provided to the zoning administrator prior to the issuance of a certificate of occupancy.

B. **Community Gardens.**

1. A garden plan, proposed rules governing the operation and maintenance of the garden, and dates during which the garden will be active shall be provided to the zoning administrator who shall review the information to determine that the garden will be properly cared for and will otherwise comply with the requirements of this section.
2. Planting beds shall not be located within five feet of any property line.
3. A fence not less than 42 inches high shall be installed around the perimeter of the garden.
4. Trash and recycling bins shall be provided within the site, unless the proposed garden rules provide for an alternate method for disposing of trash and debris.

C. **Drive-in and Drive-Through Facilities**.

1. Stacking space for at least four (4) vehicles shall be provided at each window or machine.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces, and egress from the property by vehicles not using the drive-through portion of the facility.
3. Vehicular access to the site shall comply with the driveway spacing standards of the Seabrook Island Road Overlay District, if applicable, but, in no case, be located closer than 200 feet to any intersection or other driveway on the same side of the street, as measured from pavement edge to pavement edge.
4. Internal circulation and access to/egress from the site shall not impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

D. **Dwellings on Upper Floors Above Businesses**.

1. Dwelling units shall not be located on the street level.
2. Nonresidential uses, including storage, shall not be located on the same floor as a dwelling unit.
3. One (1) on-site parking space shall be provided for each dwelling unit.

E. **Establishments Serving Alcoholic Beverages**.

1. The establishment shall meet all requirements of and be licensed by the State of South Carolina.
2. Live entertainment or other forms of amplified music may be provided outdoors, only if the establishment is at least 1,000 feet from any residential district or dwelling unit; provided, this separation shall not apply to dwellings within the MU District.
3. The requirements related to outdoor seating, *Subsection L*, shall also apply.

F. **Home Occupations**.

1. The home occupation shall be carried on entirely within the principal dwelling unit and not occupy more 25 percent of the total floor area of the dwelling. No business shall be conducted in an accessory building
2. There shall be no change to the exterior appearance of the dwelling or premises.
3. Only persons residing in the dwelling unit shall be engaged in the home occupation.

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4. Equipment used in the conduct of the home occupation shall be limited to that customarily found in a home. No mechanical equipment or activity shall create dust, noise, odor, or electrical disturbance beyond the confines of the lot on which the occupation is conducted.
5. No outdoor display of articles, merchandise or products shall be permitted.
6. Traffic shall not be generated in greater volume than would normally be expected in a residential neighborhood.

G. **Kennels**.

1. If kennels, pens, runs, exercise yards, or other areas for the outdoor confinement of animals are provided, the minimum lot size shall be two (2) acres.
2. Outdoor areas in which animals are kept shall not be located within any front or side yard and not within any required rear yard.
3. Outdoor areas shall not be nearer than one hundred (100) feet to any residential district or dwelling unit.
4. Outdoor areas in which animals are kept shall be enclosed by a wall or fence at least six (6) feet high.

H. **Marina**.

1. Minimum lot area shall be two (2) acres measured at mean high tide and excluding wetlands, lands under water, and surface water.
2. Minimum lot width shall be 100 feet.
3. Fuel-dispensing shall be for use only by boats.
4. Fuel-dispensing shall be located on the same lot as the principal use and shall be no closer than 100 feet to any residential zoning district boundary.

I. **Non-Commercial Community or Neighborhood Activity Uses.**

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be 100 feet.
3. All requirements for Open Air Recreation uses, as listed in *Subsection J*, shall apply.

J. **Open Air Recreation**.

1. Structures, courts, ball fields, parking lots, and paved areas, not including pathways, shall be no closer than 100 feet to any residential zoning district or dwelling.
2. Lighting shall be no closer than 100 feet to any residential zoning district or dwelling and shall be shielded and oriented away from any perimeter property line. Light poles and fixtures shall not exceed a height of 20 feet; provided, lighting for such facilities as tennis courts or ball fields may exceed this limit if a photometric analysis is submitted and demonstrates no light spill within 50 feet of any adjacent property line.
3. Amplified sound shall not be permitted in conjunction with any open air recreation use.

K. **Outdoor Display for Retail**.

1. The outdoor storage and display area shall not impede safe pedestrian and vehicular circulation and emergency access. Maneuvering aisles shall be kept free of all obstruction.
2. The sale or outdoor display of merchandise shall not be permitted within the required setback areas.
3. Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by *Section XXX* for the principal use.
4. No outdoor display area or parking serving an outdoor display area shall be located within 50 feet of any residential district or dwelling.

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5. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials, unless packaged in approved containers, is prohibited.
6. All outdoor display and sales areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.
7. All loading and truck maneuvering shall be accommodated on-site. Maneuvering in the public right-of-way or private street is prohibited.
8. Lighting for security purposes may be required, as determined by the zoning administrator. All lighting shall be shielded from adjacent residential districts and dwellings.
9. Permanent outdoor storage areas shall be attached to and be considered part of the principal building relative to all setback requirements. The storage area shall be fenced with a decorative fence or wall at least six (6), but no more than eight (8), feet in height. Chain-link or similar style fences are prohibited.
10. The zoning administrator may require a sight-obscuring screen that meets maximum fence height requirements for the zoning district around any storage or display area. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.

L. **Outdoor Seating for Eating/Drinking Establishments**.

1. The area devoted to outdoor service must be ancillary to the main use of an indoor restaurant, bakery, delicatessen, specialty food store, tavern, or similar establishment.
2. The area devoted to outdoor service shall not encroach upon or extend over any public walkway, street, alley or right-of-way.
3. The outdoor service area shall not obstruct visibility of on-coming pedestrians or vehicular traffic.
4. The type and style of furniture to be used shall be shown in conjunction with the site development plan submittal for the conditional use request.
5. Furniture utilized for outdoor dining shall be removed and stored indoors or secured outdoors during nonbusiness hours.
6. The sale of alcoholic beverages is subject to the rules and regulations of the State of South Carolina.
7. The area devoted to such outdoor dining area shall be maintained in a safe, clean, and sanitary manner.
8. Limitations may be imposed upon hours of operation, outdoor sound amplification and/or lighting where the proposed use may create nuisance effects upon adjacent or nearby residential uses.

M. **Outdoor Storage Facilities**.

1. Outdoor storage facilities shall comply with the setback requirements for principal buildings within the applicable district.
2. Outdoor storage in the MU District shall be located in the rear yard only.
3. Outdoor storage in the CF District may be located in the rear or side yard.
4. All outdoor storage yards shall be paved.
5. Screening of outdoor storage yards shall be provided along all sides in accordance with the requirements of *Section XXX*.
6. Outdoor storage yards shall only be permitted in conjunction with a principal use on the property.
7. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.

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N. **Places of Public Worship**.

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be 200 feet.
3. To the extent practical, shared parking arrangements shall be employed with other uses in the vicinity, in accordance with the provisions of *Section XXX*.

O. **Retail Establishments Larger than 5,000 Sq. Ft**.

1. Minimum lot area shall be 20,000 sq. ft.
2. Minimum lot width shall be 100 ft.
3. Outdoor storage shall not be permitted.

P. **Short-Term Rental**.

1. Registration.
   a. The property owner shall register the establishment annually with the Town of Seabrook Island and obtain a business license.
   b. A registration number shall be assigned to each registered establishment, which shall be clearly noted along with any advertisement for lodging.
   c. As part of the annual registration requirement, an inspection of the dwelling shall be conducted to ensure compliance with all applicable building and safety codes.
2. Restrictions.
   a. The dwelling may be rented for individual periods not to exceed 29 days each.
   b. Preparation and service of food by the owner/operator for guests shall be prohibited. No cooking shall be permitted in individual bedrooms.
   c. All applicable building and fire codes shall be met.
   d. There shall be no modifications to the exterior of the dwelling that would discernably alter its appearance or use as a dwelling and there shall be no emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.
   e. Use of the dwelling by guests for parties, events, classes, weddings, receptions, and other large gatherings of more than eight (8) persons shall be prohibited.
3. Contact Information. The owner of the property shall provide the name, address, phone number, and email address of a designated local contact person who shall reside within a 30 minute drive of the dwelling and be readily available at all times during which the dwelling is rented for the purpose of responding to concerns or complaints regarding the use of the short-term rental. The contact information shall be filed with the annual registration information and SIPOA security. Any change regarding the contact person or his/her contact information shall be promptly provided to the zoning administrator and SIPOA security.
4. Notice Posted. Written notice shall be conspicuously posted inside each short-term rental unit setting forth the following information:
   a. The name and telephone number of the owner/operator and the designated contact person, if different from the owner/operator.
   b. The address of the dwelling, the maximum number of overnight occupants permitted, and the day(s) established for trash collection.
   c. The maximum number of vehicles allowed.
   d. The non-emergency phone number of the Charleston County Sheriff Department and SIPOA Security.
   e. The annual registration documentation.

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f. Statement that parties, events, classes, weddings, receptions, and other large gatherings are prohibited.

5. Trash. The owner/operator shall ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day(s) and the carts removed from the street or alley on the scheduled collection day.
6. Parking.
   a. Parking facilities shall comply with the applicable design requirements of *Section XXX*.
   b. At least one (1) off-street parking space shall be provided for each bedroom if the entire dwelling is available for rental or two (2) spaces plus one (1) for each bedroom available for rent if the dwelling is also occupied by the owner or a resident manager.
   c. All parking shall be located on the lot or parcel containing the short-term rental unit.
7. Occupancy Limit. Overnight occupancy shall be the lesser of the following; provided occupancy shall not exceed eight (8) persons under any circumstance
   a. two (2) persons, plus two (2) persons per bedroom; or
   b. two (2) persons, plus two (2) persons per on-site parking space.
8. Non-Transferability. Registration of short-term rental units shall be granted solely to the owner and shall not be transferable to any other person or legal entity. The registration shall include a non-transferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.
9. Insurance. The property owner shall keep in full force and effect a general liability insurance policy during all times the short-term rental is operated. The policy shall be issued by a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than $1,000,000.00 per occurrence.
10. Violations.
    a. A property owner, as well as any owner/operator, shall be responsible for ensuring compliance with all federal, state, county, and local laws, including, but not limited to tax code, building code, fire code, and environmental health regulations for the level of occupancy of the short-term rental unit.
    b. Any use for which there are three (3) final determinations of violations of town ordinances and/or criminal convictions related to the property (on, adjacent to, or within the property) by a property owner, tenant, guest, operator, lessee, or individual otherwise related directly to the property within any rolling three hundred sixty five (365) day period, shall constitute a violation of the terms of registration and shall terminate registration. For any registration that is terminated due to ordinance/criminal violations, a property owner shall be ineligible for registration for a period of three (3) years.

Q. **Time-Share Vacation Units**

1. Ownership Shares. No dwelling unit shall be divided in more than quarter-share ownership interests.
2. Registration.
   a. The property shall be registered annually with the Town of Seabrook Island and a business license obtained.
   b. As part of the annual registration requirement, an inspection of the dwelling shall be conducted to ensure compliance with all applicable building and safety codes.

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3. Gatherings. Use of the dwelling for parties, events, classes, weddings, receptions, and other large gatherings of more than eight (8) persons shall be prohibited.
4. Contact information and maintenance.
   a. The name, address, phone number, and email address of a designated property owner shall be provided who shall have authority to respond to and resolve concerns or complaints regarding the use, maintenance, or operation of the dwelling as a time-share. The contact information shall be filed with the annual registration information and SIPOA security. Any change regarding the contact person or his/her contact information shall be promptly provided to the zoning administrator and SIPOA security.
   b. The name, address, phone number, and email address of a designated local contact person shall be provided who shall reside within a 30 minute drive of the dwelling and be readily available at all times during which the dwelling is rented for the purpose of responding to concerns or complaints regarding its use. The contact information shall be filed with the annual registration information and SIPOA security. Any change regarding the contact person or his/her contact information shall be promptly provided to the zoning administrator and SIPOA security.
   c. An individual, management firm, or other entity responsible for properly and continually maintaining the dwelling shall be designated. The name, address, phone number, and email address of the designated individual, management firm, or entity shall be provided and recorded with the annual registration information. Any change shall be promptly provided to the zoning administrator and SIPOA security.
5. Occupancy limits. Overnight occupancy shall be the lesser of the following; provided occupancy shall not exceed eight (8) persons under any circumstance
   a. two (2) persons, plus two (2) persons per bedroom; or
   b. two (2) persons, plus two (2) persons per on-site parking space.
6. Insurance. The property owner shall keep in full force and effect a general liability insurance policy during all times the short-term rental is operated. The policy shall be issued by a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than $1,000,000.00 per occurrence.
7. Other applicable laws. The time-share unit shall be subject to the provisions of Title 27, Chapter 32 of the South Carolina Code of Laws, all applicable codes and ordinances of the Town of Seabrook Island, and all other regulations including, but not limited to, fire, health, and building codes.

R. **Utility Substations or Subinstallations**.

1. Easement. Proof of easement shall be provided to the zoning administrator and SIPOA.
2. Building. The materials, color, and design of buildings and structures shall be generally compatible with those buildings and structures surrounding the site.
3. Landscaping/screening. Fencing, landscaping, or screening may be required in order to minimize the visual impact of the facility or improve its compatibility with adjoining properties. If required by the zoning administrator, it shall comply with the requirements of *Article XXX* of this ordinance.

S. **Veterinary Offices and Clinics**. (See requirements for Kennels, *Subsection I*)

T. **Water and Wastewater Treatment**.

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1. All water and wastewater treatment facilities shall comply with the requirements of the South Carolina Department of Health and Environmental Control, as well as all applicable town regulations and ordinances.
2. Structures, including accessory structures and associated parking areas, walks, and roadways shall cover no more than twenty-five (25%) percent of any parcel containing a water or wastewater treatment facility.

U. **Wireless Communication Antennae and Towers**.

1. Required Approvals. The placement of wireless communications facilities and towers shall meet the following approval requirements:

   a. *Installation of New Towers.* The construction and installation of any new tower shall only be in accordance with the review and approval procedures of this article.
   b. *Installation of New Antenna*. The installation of new antenna(e) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or steeples) may be approved by the zoning administrator subject to all requirements of this section. Any new antenna that will add either 10 percent or 20 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this section for the installation of new towers, as described below.
   c. *Installation of New Accessory Structures*. The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the zoning administrator.

2. Removal. Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his/her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the zoning administrator, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.
3. Interference with Public Safety Facilities. No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.
4. Required Documentation for all Facilities. In addition to the requirements provided in this section for conditional approval, applications for new towers, new antenna, and new related facilities, including equipment mounted on an existing building, shall include the following:

   a. *Engineer's Report*. A report from a professional engineer licensed in the State of South Carolina that:

      i. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation;
      ii. Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antennae it can accommodate;
      iii. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces: flooding, wind, earth movements, etc.);
      iv. Certifies that the facility will not interfere with established public safety telecommunication facilities; and
      v. Includes the engineer's seal and registration number.

   b. *Letter of Intent*. A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.

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c. *Proof of Compliance*. Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other applicable state and federal agencies.
d. *Removal Affidavit*. A letter committing all parties, including the property owner and his/her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in Charleston County, with a copy of the recorded affidavit provided to the zoning administrator.

5. Determination of New Tower Need. Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of South Carolina that the antenna(e) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:

a. *Existing Public Site*. There are no existing publicly owned towers or sites suitable to accommodate the proposed tower or antennas.
b. *Inadequate Structural Capacity*. The antenna(s) would exceed the structural capacity of an existing or approved tower or other structure.
c. *Interference*. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.
d. *Inadequate Height*. The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.
e. *Land Availability*. Additional land area is not available (when necessary).

6. Design Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following design requirements:

a. *Lighting*. Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties and shall have 90-degree cut-off luminaries (shielded down lighting).
b. *Co-Location*. All telecommunication towers shall be designed, and engineered structurally, electrically, and in all other respects to accommodate both the applicant's equipment and at least one (1) additional user for every 50 feet in total tower height in excess of 50 feet or fraction thereof.

i. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
ii. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.

c. *Height*. All towers and antenna shall conform to FAA tall structure requirements. The maximum height of accessory structures shall be 15 feet.
d. *Signs*. Signs for all telecommunications facilities shall be permitted up to a total of four (4) square feet per user and mounted on the fence.

7. Site Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following site requirements:

a. *Vehicular Access*. Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance

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located in a public right-of-way or street easement shall meet the applicable street design, construction, and pavement requirements for the Town of Seabrook Island.

b. *Site Area*. The lot (or lease area) where the tower is located shall be large enough to accommodate all anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one (1) additional tower and associated support facilities.

   i. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.
   ii. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property so it is no closer to any lot line than one-half (½) the tower height.
   iii. All tower supporting and stabilizing wires shall be located within the site area.

c. *Setback*. The required setbacks for the tower and related facilities shall be as follows:

   i. Side and rear setback. The minimum side and rear setback for all facilities, including the security fence, shall be 25 feet.
   ii. Front setback. The minimum front setback for all facilities shall be as specified by this ordinance for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in the required front setback.
   iii. Additional setback from residential districts. No facility shall be placed closer than one and one-half (1½) times the total height of the tower or 200 feet, whichever is greater, to any property included in a residential district.

d. *Encroachment*. No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, private street easement, sidewalk, or property line.

e. *Fencing*. An eight (8) foot high security fence shall completely surround the tower and accessory equipment building site. Any deterrents, such as barbed wire, shall be at least eight (8) feet above grade.

   i. Required landscape screening shall be located outside of the required fence.
   ii. If adjacent to a residential district, the required security fence enclosing the facility shall be 100 percent opaque on the side facing the residential district. Chain link fence may be used; provided, it is covered by a green or black wind screen. Opaque, eight (8) foot tall gates shall be provided for access.

8. Landscape Screening. Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all wireless communications facilities. The landscape plan for the site shall specify plants in a number and arrangement sufficient to screen the fence, all equipment, and the base of the tower, as determined by the zoning administrator.

   a. If evergreen shrubs are used, they shall be planted a maximum of five (5) feet apart on center.
   b. If evergreen trees are used, they shall be planted a maximum of 10 feet apart on center.
   c. Landscape screening, in addition to the requirements of this section, may be provided in the setback area.

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Landscaping and Buffering

Article 12

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Seabrook Island Development Standards Ordinance

Section 12.1 Purpose

The Town of Seabrook Island determines it is necessary and desirable to enact landscaping and tree preservation regulations for the protection of the public health, safety and general welfare. The importance of plant material is recognized for its contribution to shade, cooling, noise and wind reduction, soil erosion prevention, oxygen production, dust filtration, carbon dioxide absorption, aesthetic and economic enhancement of all real property, and its contribution to the general well-being and quality of life of the citizens of Seabrook Island. Consistent with the expressed purpose of this article, all persons shall make reasonable efforts to preserve and retain certain existing, self-supporting trees as defined in these regulations. It is also the intent of this article that all applicable sites within the town maintain or obtain tree canopy coverage. In order to achieve these purposes, this article calls for the conservation, planting, and replacement of trees, shrubs, and groundcover while ensuring the reasonable use and enjoyment of real property.

Section 12.2 General Provisions

A. **Applicability**. This article governs and regulates the following activities within the town:

1. All non-residential, townhome, and multifamily residential construction on lands within the town which on the effective date of this ordinance requires a site development permit, as set forth below.
2. The subdivision of land.
3. The planting, removal, and perpetual maintenance of trees within any common area or public land.

B. **Exceptions**. The maintenance regulations provisions of this article shall apply in all areas of the town except those lands which may in the future be annexed into the town, and on the effective date of that annexation, are improved by the construction of a building or other structure, or have received final approval for residential subdivision, in compliance with the applicable zoning ordinance in force at the date of annexation.

Section 12.3 Specific Landscaping Requirements

A. **Buffers**.

1. Buffer requirement. When two (2) adjoining properties are in dissimilar zone districts or where a nonresidential use abuts a residential use in the same district, the property within the zone district allowing the more intensive uses or the site containing the nonresidential use abutting residential shall provide a buffer, as shown in *Table 12-3*. Where a buffer or trees and vegetation exist within the required buffer area, the existing trees and vegetation may count toward meeting the buffer requirements of this section and shall be supplemented, as needed, to fully comply with the requirements shown in *Table 12-3a*, Buffer Zone Specifications. When two adjoining parcels are vacant, no buffer shall be required until the more intensively zoned property or nonresidential use for that property, as applicable, acquires a site development permit. In calculating the area devoted to meeting the buffer requirements, areas dedicated for drainage ditches, easements or rights-of-way shall not be included.

Table 12-3, Buffer Zones Required

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Zoning Districts	Required Buffer												
	CP	RC	CSC	SF1	SF2	SF3	RCL	RTH	RMF	LC	CF	MU	Non-Res[1]
CP										A	B	A	
RC										A	B	A	
CSC										A	B	A	
R-SF1			A					A	A	B	C	A	A
R-SF2			A					A	A	B	C	A	A
R-SF3			A					A	A	B	C	A	A
R-CL			A						A	B	C	A	A
R-TH			A							A	C		A
R-MF			A							A	C		A
LC											A		
CF										A			
MU											A		
NonRes													

Table 12-3a, Buffer Zone Specifications

Requirements	Buffer Zones		
	A	B	C
Minimum depth (ft.)	20	30	50
Canopy trees[2]	2	2	1
Ornamental trees[2]	2	3	3
Evergreen trees[2]	2	3	5
Shrubs[2]	4	6	10

Insert Graphic

2. Buffer materials. The buffer may consist of a combination of required plantings, wall, screen fence, or berms. In the event walls, fences or berms are used to provide screening within the buffer, the review authority may reduce the required number of trees and shrubs by up to 50 percent if it is determined that the purpose of the buffer will still be achieved. However, where topographic conditions, minimal separation of uses, noise generation, or other characteristics of the property or use exist, the review authority may require construction of a fence, wall or berm in addition to the required plantings along all or a portion of the buffer. Should the zoning administrator be solely responsible for the review or the Planning Commission as part of site plan review?

   a. Plantings. Plantings shall consist of a combination of trees and shrubs, as specified in *Table 12-3a*. Planted areas shall be located along the abutting property lines in areas that will provide the most effective screening.

      i. Evergreen species, under normal growing conditions, shall attain a minimum height of eight (8) feet. The spacing of evergreens shall be such that within (3) years the plantings can be expected to provide a continuous opaque screen.

[1] Non-residential uses within a residential zoning district.
[2] Number required per 100 linear feet of buffer, as measured along the property line

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ii. All other trees and shrubs used within any buffer area shall conform to the size requirements specified in *Table 12-3b* at time of planting.
iii. Existing trees and other vegetation within the buffer area shall be retained to the extent possible and may be counted toward meeting the applicable buffer requirement.
iv. Protected trees, as defined in *Section 12.6 B*, shall be identified and the requirements of *Section 12.6* shall be met.

b. Walls. If walls are incorporated into the buffer, they shall be constructed of masonry material on both sides and be six (6) feet in height. The wall shall be placed along the interior side of the buffer with the required plantings on the outer side facing the adjoining property.
c. Fences. If fences are incorporated into the buffer, they shall be constructed of stucco, cypress, pressure-treated wood, or similar materials, in accordance with prevailing building industry standards for appearance, soundness, safety, and resistance to decay and weather. Fences shall be placed along the interior side of the buffer with the required plantings on the outer side facing the adjoining property.
d. Berms. Earthen berms, if incorporated into the buffer, shall have a slope of 3:1 and a flat-topped crown at least two (2) feet wide. Plant material shall be placed along the top of the berm and the side slope facing the adjoining property. Berms shall not exceed six (6) feet in height and shall be undulated to provide a more natural appearance.

3. Buffer design. All buffers required by this article shall conform to the following specifications:

a. Landscape plans and tree surveys shall be required to show the types and locations of all existing and proposed plantings within a required buffer.
b. Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, loading docks, outdoor activity areas, refuse containers, air conditioning units and transformers. To achieve such purposes, trees may be clustered rather that uniformly spaced to achieve optimum screening and buffering.
c. Existing trees within the designated buffer area may be credited toward meeting the requirements of this article if the zoning administrator determines that such plant materials achieve the purposes of this article. Protected trees within the buffer area shall be regulated in accordance with *Section 12.6*.

4. Buffer location. Buffers shall be located on the outer perimeter of a lot or parcel along the lot lines between dissimilar zone districts or residential and nonresidential uses within the same district. Buffers shall not be located on any portion of existing, dedicated, or reserved public right-of-way or private street easement. No buffer shall be required along a property line where a public or private street separates two (2) properties which otherwise would be buffered from one another.
5. Modification of requirements. The requirements of this article may be waived or modified, in accordance with the provisions *Section 12.7 B*, by the review authority under any of the following conditions:

a. If it is clearly demonstrated that the existing topography and/or vegetation will achieve the purposes of this article.
b. If it is clearly demonstrated that for topographic reasons, no required screening device could reasonably screen the ground level activities of the use from the first floor view of the abutting structure or use.

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c. The adjoining property owners mutually agree in writing that the required buffer is not necessary for a satisfactory use and enjoyment of their property rights, and such agreement is made and recorded as a covenant running with each parcel or parcels of land.

6. Use of buffers. A buffer may be used for some forms of passive recreation such as pedestrian, bike, or equestrian trails, or as stormwater retention, detention, or water quality area provided that:

   a. No planted materials shall be eliminated;
   b. The total width of the required buffer area shall be maintained; and
   c. The effectiveness of the desired screening shall not be diminished.

7. Maintenance. The responsibility for maintenance shall remain with the owner of the property. Any required plant that has died shall be replaced. Maintenance of planted areas shall consist of mowing, removal of litter and dead plant materials, and necessary pruning. Fences and walls shall be kept in a condition that meets the requirements of this article.
8. Failure to comply. Any failure to comply with the requirements of this article shall be subject to the enforcement and penalty provisions of this ordinance, per *Article XXX*.
9. Surety for buffer installation. When the date for issuing a certificate of occupancy does not coincide with the planting conditions that are necessary to install a required buffer, the zoning administrator shall accept a surety for the buffer installation. Such surety shall be considered part of the tree and landscape performance bond required by this article.

B. **Screening of Storage, Service and Dumpster Areas.**

1. Such areas shall be adequately screened with permanent vegetation and walls when visible from adjacent properties or public or private streets, in accordance with the following:

   a. The design of a screening wall shall be the same architectural style as the principal building or buildings on the lot.
   b. Except where otherwise allowed by these regulations, any wall shall be opaque to prevent the passage of light and debris, and shall be constructed of textured or split-faced block, brick, stone, stucco over concrete block, architectural tile, or similar opaque materials. Unfinished concrete block shall not be permitted.
   c. The height of a wall shall be adequate to block view to the area being screened, but shall not exceed eight (8) feet, except as otherwise allowed by this section.
   d. The height of a wall shall be measured from the finished grade at the base of the wall to the top of the fence or wall but shall not include columns or posts.
   e. Walls shall be interrupted at intervals not exceeding 25 feet by architectural features such as pilasters or columns or by various species of plants that are at least as tall as or taller than the wall.
   f. Such walls shall be set back a minimum of five (5) feet from any adjacent property lines, unless otherwise approved by the reviewing authority.

2. Additionally, evergreen plantings shall be provided along the wall that, at maturity, will screen at least 50 percent of the wall face area.

C. **Parking Lots**.

1. Parking lot perimeter. All parking lots shall be screened from the adjacent street and abutting property by a perimeter landscaped strip in accordance with the following requirements.

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a. The landscape strip shall be located within five (5) feet of the edge of the paved surface area.
b. The landscape strip shall be at least 20 feet wide and, at a minimum, contain the following:
   i. A solid row of shrubs or hedges not less than three (3) feet in height extending along the length of the paved surface. The shrubs or hedges shall be of sufficient size and spacing to attain the required height and opacity of at least seventy-five percent (75%) within two (2) years of planting
   ii. One shade tree for each fifty (50) linear feet of perimeter paved area to be screened, or part thereof. Trees shall be evenly spaced within the landscaped strip, unless the reviewing authority permits otherwise during the review of the site development plan. In considering a deviation from the uniform spacing requirement, the reviewing authority shall consider the presence of existing trees, sight lines from adjacent streets or property, and the distance of the parking area from the street or abutting property.
c. Where the required parking lot screening would fall within or overlap with a required perimeter buffer requirement, the buffer requirements would prevail.

2. Parking lot interior. Interior planting islands shall be provided within all parking areas containing 10 or more parking spaces.
   a. One (1) landscape island having at least 180 sq. ft. in area and a minimum width of nine (9) feet shall be provided for every 10 parking spaces.
   b. Each required landscape island shall contain at least one (1) shade tree and be surfaced with grass, ground cover, shrubs, or other plant material or with at least two (2) inches of wood chips, bark, or pine straw.
   c. Landscape islands shall be located and dispersed in accordance with the following:
      i. Rows of parking spaces located adjacent to the perimeter of all paved areas shall contain no more than 10 parking spaces uninterrupted by a landscape island, and no parking space in such a row shall be separated from a required landscape area by more than five (5) parking spaces.
      ii. All other rows of parking spaces shall contain no more than fourteen (14) parking spaces uninterrupted by a required landscape area, and no parking space in any such row shall be separated from a required landscape area by more than seven (7) parking spaces.
      iii. The Planning Commission, during site development plan review, may allow an adjustment of the landscape island spacing to preserve existing trees, or where it is determined upon review that such adjustment is necessary in order to provide for the safe maneuvering of vehicles.

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D. **Site Development**.

1. Subdivisions.
   a. During the construction of required subdivision improvements, no more than 30 percent of the property's existing tree canopy may be removed. To ensure that this limitation is not

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exceeded, the Planning Commission may require, during the subdivision approval process, that plans, calculations, aerial photographs, or other data shall be provided sufficient to allow an accurate determination to be made.

b. In any case, a tree canopy of at least 40 percent shall cover the entire site, comprised of existing tree cover, newly planted trees, or a combination.

c. Trees may be tiered and grouped with understory trees planted under the over-story shade canopy of a new or existing tree. Total canopy coverage shall be computed from the sum of the understory and overstory trees planted and existing.

d. The canopy requirement must be met whether or not a site had trees prior to development or disturbance. Minimum tree canopy shall be calculated and established pursuant to the formula and analysis specified in *Appendix C.1* to this article, and the engineering design standards of the town. The following shall also apply:

   i. Any existing tree of six (6) inches DBH or more shall be saved and may be counted toward the minimum required canopy; provided, it is protected as specified in the town engineering standards.

   ii. Fifty (50) percent of the canopy coverage in wetlands located on the subdivision site may be counted toward satisfying the coverage requirements for the entire site. In addition to the minimum site canopy coverage, at least one (1) tree of not less than two (2) inch DBH shall be planted on each residential lot.

   iii. Trees planted to achieve canopy requirements shall be indigenous to the town and, preferably, be selected from the acceptable tree species list in *Appendix C.5* (which assigns values of canopy coverage in square feet for various groups of trees and minimum areas for planting). Any species listed in *Appendix C.2*, prohibited species, shall not be permitted.

   iv. Planting shall be at the ratio of at least one (1) overstory tree for every three (3) understory trees. Canopy credit may be met by planting all overstory trees, but not by planting only understory trees. No more than 30 percent of any one genus may be included in any planting plan. All trees shall be maintained properly by the builder or developer to ensure their survivability until a certificate of occupancy is issued. In the case of a common area, the builder or developer shall retain responsibility for maintenance as provided in *Section XXX* of this article. All residential lots shall have at least one (1) tree planted or existing.

e. Shade trees shall be provided on each subdivision lot in accordance with the following requirements:

   i. One (1) shade tree, of a minimum two (2) inch DBH, shall be planted for every 150 linear feet of right-of-way.

   ii. The tree(s) shall be located within five (5) feet of the right-of-way of each street within the subdivision.

   iii. Trees shall be planted no closer than 120 feet on-center.

   iv. Except where property on one side of the right-of-way is not owned by the subdivider, such trees shall be planted alternately on either side of the street.

2. Other development. As a condition of approval for any property requiring site plan approval, there shall exist or be planted on the property within one (1) year of that approval, at least one (1) shade tree for each 4,000 square feet of gross lot area. This equates to 11 trees per acre. Consider changing the ratio.

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a. Newly planted trees shall be located in accordance with the approved site plan and shall be distributed throughout the developed areas of the site to ensure the availability of shade and aesthetic relief throughout the site.
b. Within 1,000 feet of the South Carolina Coastal Council Ocean Critical Line, palmetto trees shall be substituted for shade trees.

Section 12.4 Materials, Installation, and Maintenance

A. **Material Standards**.

1. Existing trees within any required buffer shall be preserved, unless dead or diseased. In addition, the following standards apply as a minimum to all newly planted landscape areas and additional trees needed to meet the respective requirements of this article.

   a. Native and regionally appropriate plant species are required. Invasive species, as identified by the United States Forest Service, the University of South Carolina, or included as prohibited within *Appendix C* are prohibited from being planted in the Town of Seabrook Island. Further, the replacement of invasive species with desirable hardwood species is strongly encouraged.
   b. All plant and tree material shall meet the American Standard for Nursery Stock standards that are published by and available from the American Association of Nurserymen.
   c. Tree and landscape materials selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
   d. Tree species diversity requirements of *Appendix C* shall be met on a site-wide basis.

2. The minimum standards specified in *Table 12-4* shall apply to all plantings required by this section at time of planting, except as otherwise specified.

Table 12-4, Plant Specifications

Plant Type	Min. Size	Min. Height	Other
Canopy trees – large	3 in. caliper	16 feet	
Canopy trees – medium	2 in. caliper	10 feet	Multi-stemmed – one (1) in. on any cane
Canopy trees – small	1½ in. caliper	6 feet	Multi-stemmed – one-half (½) in. on any cane
Palms – large		10 ft. clear trunk	
Palms – medium		6 ft. clear trunk	
Palms – small		4 ft. clear trunk	
Shrubs		24 inch	Containerized

B. **Installation Standards**.

1. Installation of trees and landscape materials shall be in accordance with the standards established by the American National Standards Institute (ANSI).
2. Root barriers shall be installed wherever a tree is planted less than seven (7) feet from the pavement edge of a street to prevent root penetration and destruction of infrastructure.
3. Large and medium trees shall not be planted underneath or directly adjacent to overhead power lines and shall be a minimum of 10 feet from any building or underground utility unless root barrier is used.

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4. Small trees and palms shall be a minimum of five (5) feet from any building or underground utility.
5. All trees and landscaped areas shall be provided with a means for water delivery in a quantity sufficient to establish and maintain the viability of the plants.
   a. A water supply is not required for areas of established trees and other vegetation that are retained; provided, site grading or development activities will not result in damage to those areas.
   b. While an automatic irrigation system is preferred, at a minimum all required plantings must be within 100 feet of a permanent water source.
   c. If an irrigation system is provided, it shall include a rain sensor, weather sensor, or other means of automatic shut off when irrigation is not necessary due to actual climatic conditions.

C. **Maintenance Standards**.

1. All plant material shall be maintained in good condition at all times in accordance with standards established by ANSI. All plantings that die or are destroyed must be replaced, during the next suitable planting season.
2. Attaching lights, signage, fence rails, and any other items to trees is strictly prohibited.
3. All sites are required to remain in compliance with the requirements of this article for development and are subject to inspection by the town for this purpose. If deficiencies are found, the owner of the property shall be notified to correct the deficiencies within 90 days. If the deficiencies are not corrected in 90 days, the town will seek administrative or judicial relief, as appropriate.

Section12.5 Tree Preservation

A. **Tree Credit**. Whenever the terms of this article require the provision of canopy trees on any lot, credit shall be given for the preservation of existing trees which are properly protected during any clearing or construction on the property, are in good health, and meet the following criteria:

1. Such trees must meet the requirements of this article for location, spacing and type of tree.
2. Any such trees that have a minimum four-inch (4") DBH and a minimum crown spread of 10 feet shall receive credit on a one-for-one basis for required trees.
3. Credit toward the requirements of this Section shall be given in accordance with the following table on larger trees:

Table 12-5, Existing Tree Credit

Existing Crown Spread	Diameter of Tree Trunk Four and one-half (4½) Feet Above Natural Grade	Number of Trees Credited
60 ft. or greater	30—35 inches	6
50—59 ft.	26—29 inches	5
40—49 ft.	20—25 inches	4
30—39 ft.	13—19 inches	3
20—29 ft.	8—12 inches	2
10—19 ft.	4—7 inches	1

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4. To receive credit for the preservation of an existing tree, the following requirements must be met.

   a. Fifty percent (50%) of the area within the drip line of the tree shall be naturally preserved or provided with pervious landscape material and shall be maintained at its original grade with no trenching or cutting of roots in this area. Within this area, there shall be no storage of fill or compaction of the soil, as from heavy construction equipment or any evidence of concrete, paint, chemicals, or other foreign substances in the soil.
   b. The tree shall not be damaged from skinning, barking, bumping and the like.
   c. There shall be no evidence of active insect infestation potentially lethal to the trees.
   d. There shall be no impervious surface or grade change within five (5) feet of the trunk.

5. If it is determined by the zoning administrator that the requirements of the sections above have not been complied with, credit for an existing tree may nevertheless be given upon proof from the County Forester, satisfactory to the zoning administrator, that such tree is healthy and has not been seriously damaged during development.
6. If any tree for which credit was given pursuant to this ordinance is not alive and healthy one (1) year after all associated construction and development of the property is completed, it shall be removed and replaced with the tree or trees that originally would have been required. This shall be the responsibility of the developer of the subject property.

B. **Permits for Tree Removal**. No living tree which is twelve (12") inches or more DBH may be removed or relocated without a removal permit as provided for below. Trees that require such permit for removal or relocation shall be called "protected" trees.

1. Permit Filing. Any person desiring to remove or relocate a protected tree within an area in which there is no duly authorized and approved Architectural Review Board ("ARB") shall file an application for a tree removal permit with the zoning administrator. Should this be the responsibility of the ARB or the zoning administrator? What are the criteria for approval?

   a. If a protected tree is located in an area in which there is a duly authorized and approved ARB, a permit will not be required provided the property owner obtains the approval of the ARB.
   b. For purposes of this ordinance, the SIPOA ARB is hereby recognized as an approved ARB.

2. Removal Proposed on Subdivision or Site Development Plan. When a tree removal or relocation permit is applied for in conjunction with any development requiring approval of a site plan or subdivision plat, such application shall be considered and either approved or denied by the Planning Commission at the same time a site plan or plat is approved.

   a. All plans, data, or other information required with the application may be included in the proposed subdivision or site development plan or supporting documents.
   b. Trees identified for removal pursuant to an approved site plan shall be marked as specified by the zoning administrator. Any tree not approved for removal and marked accordingly shall not be removed, except if a separate tree removal permit is applied for and issued in accordance with this section.

3. Application Submissions. All applications filed with the town for removal of a protected tree shall include or be accompanied by:

   a. An overall site plan or proportional sketch of the lot upon which the tree is located, showing the shape and dimensions of the lot, and the location, configuration and size of existing or proposed structures, driveways and other improvements. The plan or sketch shall also

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identify the location and type of all protected trees and all significant groupings of other trees on the lot, in addition to:

b. A designation of any protected trees proposed to be removed or relocated, along with the reasons for such removal or relocation.

c. A statement of how any other protected trees are to be protected during any approved tree removal or relocation and any associated construction or clearing.

d. A statement identifying any proposed grade changes on the lot and the precautions to be taken to ensure that such changes will not adversely affect or endanger any protected trees, which are not to be removed or relocated.

4. Permit Approvals.

a. The zoning administrator, within five (5) working days of the filing of such applications, shall verify the information contained in the application and either approve or deny the application as to each protected tree proposed to be removed or relocated.

b. There shall be no fee for such permit. I suggest deleting this. There is no requirement that a fee be charged but if Council ever decides to start charging, the ordinance would have to be amended.

c. Applications for removal or relocation shall be approved by the zoning administrator only as to protected trees that pose a safety hazard; are weakened by disease, age, storm, fire, or other injury; or which prevent the reasonable development of the lot. Protected trees shall not be removed or relocated for the purpose of locating utility lines and connections unless no reasonably practical alternative is available. This seems to contradict all previous provisions in Subsection B.

C. **Special Authorization**. Regardless of the requirements of this section, the Town Council may authorize the cutting of protected trees for commercial timbering purposes upon such conditions as will ensure the preservation or replacement of an adequate tree population.

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Parking and Loading

Article 13

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Seabrook Island Development Standards Ordinance

Section 13.1 Purpose

The purpose of this article is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts; to ensure by the provision of these regulations that adequate parking and access are provided in a safe and convenient manner; and to afford reasonable protection to adjacent land uses from light, noise, air/water pollution and other effects of parking lot proximity.

Section 13.2 General Requirements

A. **Applicability of Parking Requirements**. For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this article. In addition, the following shall also apply:
   1. Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required for that use.
   2. If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, or other means, additional off-street parking shall be provided, as required by this article.
   3. Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this article, nor shall nonconforming parking facilities be further reduced or made more nonconforming.
   4. An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this article.

B. **Location**. Off-street parking facilities required for dwellings shall be located on the same lot or plot of ground as the dwelling they are intended to serve and shall consist of at least a one (1) stall garage in addition to a driveway, parking strip, parking apron, or parking lot. Off-street parking facilities required for all uses other than dwellings shall be located on the lot or within 300 feet of the building(s) or use they are intended to serve, as measured from the nearest point of the parking facility to the nearest public entry of the building(s) or use served.

C. **Shared/Common Parking**. Parking requirements may be modified where it can be shown that the hours of operation of two or more businesses are such that they can share the same parking spaces (e.g., a retail store or office that closes before a restaurant in the same location opens.) The periods of peak use must not overlap and there must exist a written agreement between the parties involved providing for joint use of the spaces. A copy of such agreement shall be kept on file with the zoning administrator.
   1. A request for shared parking that will result in fewer than the total number of spaces required for all uses separately may be approved as part of site development plan review. The following documentation shall be provided in conjunction with such a request:
      a. A shared parking analysis, in a form established by or acceptable to the zoning administrator, shall be submitted to the zoning administrator demonstrating the feasibility of shared parking. It must address, at a minimum, the size and type of the proposed development or combination of uses, the composition of tenants, the hours of operation of the uses, and the peak hours of use if the hours of operation overlap.
      b. A shared parking plan shall be enforced through written agreement among all owners of record and included in the development agreements filed with the town. The owner of the

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shared parking area shall enter into a written agreement with the Town of Seabrook Island with enforcement running to the town. The agreement shall state that:

i. the land comprising the parking area shall never be disposed of, except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and

ii. the owner agrees to bear the expense of recording the agreement which shall bind his or her heirs, successors, and assigns.

2. An attested copy of the shared parking agreement between the owners of record shall be submitted to the zoning administrator to be recorded in a form established by the town attorney. The agreement must be recorded before issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may only be revoked if all required off-street parking spaces will be provided on-site. The town shall void the written agreement if other off-street facilities are provided in accord with these development regulations.

D. **Modification of Parking Requirements.** The Planning Commission may reduce the parking space requirements of this article for any use, based upon a finding that one or more of the following conditions shall be met:

1. Bicycle or pedestrian travel is likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections.
2. Shared parking is available to multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:
   a. Pedestrian connections shall be maintained between the uses.
   b. Unless the multiple uses are all within a unified business center or mixed-use development all under the same ownership, shared parking agreements shall be filed by the zoning administrator with the town clerk after approval and recording.
3. Available shared off-street parking or on-street spaces are located within 300 feet of the subject property.
4. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.
5. Where the applicant has provided a parking study, conducted by a qualified transportation engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
6. A parking study may be required, at the sole discretion of the reviewing authority, to document that any one (1) or more of the criteria 1 through 4 above would be met.

E. **Temporary Parking**. It is recognized that there may be special events or situations that occur infrequently which would result in a temporary reduction in the availability of required parking spaces or create a need for temporary off-site parking. Such events may include, but are not limited to, outdoor vehicle sales, festivals or fairs, charity car washes, sporting events, or garage sales. In those instances, the zoning administrator may authorize the use of a portion of the required parking area for other purposes on a temporary basis or permit temporary off-site parking, upon a demonstration by the applicant that:

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1. the loss of the required parking spaces may be off-set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not needed;
2. all or part of the displaced parking may be accommodated on unpaved areas of the site;
3. permission has been granted by neighboring property owners or operators to use their parking facilities;
4. the duration of the special event is so short or of such a nature as to not create any appreciable parking shortage for the normal operation of the existing on-site use;
5. temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a site development plan may be required to demonstrate this); and
6. the proposed special event satisfies all other applicable town regulations.

F. **Maximum Allowed Parking**. In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of storm water runoff, and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than 10 percent, unless approved by the zoning administrator. In approving additional parking space, the zoning administrator shall determine that the parking is necessary, based on documented evidence, to accommodate the use on a typical day. Further, the zoning administrator may require that parking spaces provided in excess of 10 percent over the minimum requirement shall only be located on permeable surfaces.

G. **Bicycle Parking**. In addition to off-street vehicular parking requirements, the following bicycle parking requirements shall be met for all nonresidential and multi-family residential uses:
1. Bicycle parking shall be provided in an amount equal to five (5) percent of the minimum required off-street parking spaces for vehicles, but no fewer than five (5) bicycle spaces.
2. Such parking shall be located in close proximity to the primary entrances used by customers, visitors, or residents.
3. Bicycle parking areas shall contain bike racks installed on paved surfaces.
4. Bicycle parking areas and pathways connecting them to the buildings they serve shall be lighted for the safety of the cyclists and to discourage theft.
5. Shared bicycle parking for two (2) or more uses is permitted; provided, an attested copy of the agreement between the owners of record is submitted to the zoning administrator in a recordable form acceptable to the attorney.

H. **On-Street Parking**. Where on-street parking is available within 300 feet of the boundary of a lot or parcel, a portion of the off-street parking requirement may be waived by the zoning administrator upon determining that one (1) or more of the following conditions is applicable:
1. A number of the on-street spaces are currently routinely available and can reasonably be expected to be available to the use for which the waiver is requested;
2. The nature of the proposed use is such that its peak demand occurs at times when the on-street parking is not likely to be used; or
3. The on-street parking would not be the primary parking area for the use and may be considered as a temporary option, as provided in *Section 13.2 E*.

Section 13.3 Required Off-Street Parking

The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this article, as specified in *Table 13-3*.

A. When units or measurements determining the number of required parking spaces result in a fraction over one-half (½), a full parking space shall be required.

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B. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar, as determined by the zoning administrator, shall apply.
C. Each 24 inches of bench, pew, or similar seating facilities shall be counted as one (1) seat, except if specifications and plans filed in conjunction with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.
D. Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the building and fire codes.
E. Unless otherwise indicated, floor area shall be usable floor area (UFA).

Table 13-3 Parking Requirements by Use

Use	Number of Parking Spaces
Residential Uses	
Accessory dwellings	1 space per dwelling unit
Multiple-family dwellings and townhomes	2 spaces per dwelling unit, plus .25 spaces per unit for guest parking
Single-family detached and two-family dwellings	2 spaces per dwelling unit
Institutional Uses	
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly	1 space per 3 seats or 1 space per 3 persons allowed based on maximum capacity in the main place of assembly, as established by the city fire and building codes
Churches and customary related uses	1 per 3 seats in the main unit of worship, plus spaces required for each accessory use such as a school
Government offices	1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls or similar assembly rooms
Public libraries and museums	1 per 300 sq. ft. of UFA, plus requirements for auditoriums, classrooms or similar assembly rooms
Retail Uses	
Retail stores except as otherwise specified herein	1 per 250 sq. ft. of UFA
Animal grooming, training, day care, and boarding	1 per 300 sq. ft. of UFA
Convenience store	1 per 200 sq. ft. of UFA
Grocery store/supermarket	1 per 200 sq. ft. of UFA
Service Uses	
Banks and other financial institutions	1 per 200 sq. ft. of UFA for the public. Drive-up windows/drive-up ATMs shall be provided with 3 stacking spaces per window or drive-up ATM
Hair salon or barber shop	2 parking spaces per chair/station
Dry cleaners	1 per 500 sq. ft. of UFA
Kennel	1 per 400 sq. ft. of GFA, but no less than 4 spaces
Laundromats	1 per washer-dryer pair

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Table 13-3 Parking Requirements by Use	
Use	**Number of Parking Spaces**
Hotel or other commercial lodging establishment	1.25 per guest unit. In addition, spaces required for ancillary uses such as lounges, restaurants, meeting rooms or places of assembly shall be provided and determined on the basis of specific requirements for each individual use
Offices, business, professional and general	1 per 300 sq. ft. of UFA, but no less than 5 spaces
Offices, medical, dental and veterinary	1 per 200 sq. ft. of UFA
Vehicle service stations (gas stations)	1 per employee, plus additional parking required for other uses, such as the retail floor area or restaurants. Each automobile fueling position may count as one quarter (1/4) of a required space for other uses.
Vehicle wash establishment	2 spaces, plus 10 stacking spaces per washing stall or line, plus a minimum 30 foot long drying lane to prevent water from collecting on street.
Restaurants, Bars, and Clubs	
Standard sit-down restaurants	1 per 75 sq. ft. of UFA
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	1 per 50 sq. ft. of UFA
Private clubs, lodge halls, or banquet halls	1 per 3 persons allowed within the maximum occupancy load as established by the city fire and building codes
Recreation	
Athletic clubs, exercise establishments, health studios, sauna baths, and other similar uses	1 per 3 persons allowed within the maximum occupancy load as established by city fire and building codes, plus 1 per employee
Golf course or country club	2 per golf hole, plus additional for any bar, restaurant, banquet facility, meeting room, or similar use
Neighborhood swimming pools and similar facilities for the common use of residents within a development)	1 per 10 persons allowed within the maximum capacity as established by the city fire and building codes

Section 13.4 Design Requirements

A. **Location and Setbacks**. Off-street parking lots shall meet the setback requirements applicable to parking, as may be specified in the zoning district or which may be specified for individual uses.

B. **Parking Construction and Development**. The construction of any parking lot shall require approval of an administrative site plan, in accordance with *Article XXX*. Construction shall be completed and

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approved by the zoning administrator before a certificate of occupancy is issued and the parking lot is used.

1. Pavement. All parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete and shall be graded and drained to dispose of surface water which might accumulate. Alternative paving materials, such as permeable/grass pavers, stone or asphalt millings, may be approved for all or a portion of the parking areas, based upon credible evidence of the durability and appearance of the proposed materials. For storage areas, a substitute for hard-surfaced pavement may be approved upon a determination that there are no adverse effects on adjoining properties.
2. Drainage. Surface water from parking areas shall be managed in accordance with the town's engineering standards. The town engineer shall determine the appropriate detention or retention treatment.
3. Dimensions. Parking space and aisle dimensions shall meet the following requirements and as specified in *Table 13-4*.

    a. Angled parking between these ranges shall be to the nearest degree.
    b. Space length may be reduced by up to two (2) feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven (7) feet where abutting a parking area. There shall be a minimum distance of seven (7) feet between the parking lot curb and building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.
    c. In parking lots having 20 or more spaces, up to 25 percent of the total required spaces may be compact spaces and designated as such with signs or pavement markings. Compact spaces may be reduced in size in accordance with the provisions of *Table 13-4*.
    d. All parking lots shall be striped and maintained showing individual parking bays, in accordance with the following dimensions; provided, if alternative materials are used wheel stops shall be installed to define the spaces:

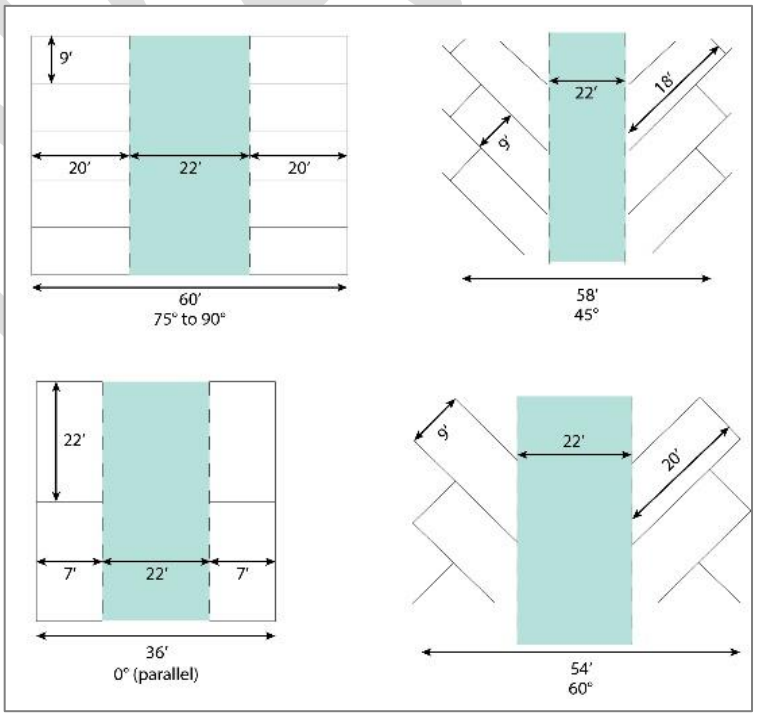

Table 13-4 Dimensional Requirements (feet)						
Parking Pattern	Parking Space[1]		Maneuvering Aisle Width		Total Width – Two Rows of Parking and Maneuvering Lane	
	Width	Length	One-way	Two-way	One-way	Two-way
0°(parallel)	7	22	11	22	25	36
45°	9	18	11	22	47	58
60°	9	20	11	22	56	62
75° to 90°	9	20	12	22	52	62

1. Stacking Spaces. Waiting/stacking spaces for drive-through uses (such as banks, car washes, pharmacies, or dry cleaners) shall be at least 24 feet long and 10 feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.
2. Ingress and Egress. Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. Driveways shall not exceed 30 feet in width and shall not be located closer than 125 feet to any other driveway or street intersection. Parking spaces shall be accessed only from interior access and circulation aisles. The use of adjacent streets for maneuvering into or out of off-street parking spaces shall be prohibited.
3. Curbing. A six (6) inch concrete curb or approved alternative shall be provided around all sides of any parking lot of 10 or more spaces to protect landscaped areas, sidewalks, buildings or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb openings are allowed for storm water drainage, as recommended by the town engineer. Plantings shall be set back two (2) feet from curbs to allow for bumper overhang.
4. Landscaping. Off-street parking areas shall be landscaped and/or screened, in accordance with the requirements of *Article XXX*. The use of rain gardens and other low impact design solutions to minimize the impact of stormwater runoff is encouraged.
5. Lighting. Light fixtures used to illuminate off-street parking areas shall be arranged to deflect the light away from adjoining properties and adjacent streets. Lighting fixtures in parking areas shall conform to the requirements of *Section XXX*. Light fixtures shall be designed to achieve 90 degree luminary cutoff.
6. Fire Lanes. Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
7. Crosswalks. Pedestrian pathways and crosswalks within parking areas shall be distinguished from driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.

D. **Barrier Free Parking in Parking Lots**. Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the applicable requirements of the

[1] Minimum dimensions for golf carts shall be five (5) feet wide by 10 feet long.

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Americans with Disabilities Act of 1990 (ADA). Barrier free spaces shall be located as close as possible to building entrances. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

E. **Maintenance**. All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.

F. **Limitations on Use of Parking Lots.**

1. Off-street parking areas are intended only for temporary vehicle parking. Parking areas or open land shall not be used for the parking of disabled vehicles or storage of junk.
2. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership.

G. **Recreational Vehicle Parking**. Within any residential district, vehicles, trailers, boats, and similar recreational vehicles or equipment shall be parked only on the designated driveway area that provides access to the garage or property from the public right-of-way or road easement. However, no abandoned or dismantled vehicle, trailer, boat, or similar recreational vehicle or equipment, or portion thereof, shall be parked or stored in such area for more than 24 hours. Parking areas shall not exceed 30 feet in width or half the lot width, whichever is less. Off-street parking in other areas of the front yard, side street yard or rear yard may be permitted when in the opinion of the zoning administrator no practical alternative exists, the purpose of the district would not be compromised, and no detrimental impact would result. Discuss. Does SIPOA have rules governing the parking or storage of RVs?

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Article 14

Signs

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Seabrook Island Development Standards Ordinance

Section 14.1 Purpose, Findings, and Intent

A. **Purpose**.

The purpose of this article is to coordinate the type, placement, and physical dimensions of signs within the various zoning districts; to recognize the communication requirements of all sectors of the community; to promote both renovation and proper maintenance of signs; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. The general objectives of these standards are to promote the health, safety, welfare, convenience and enjoyment of the public, and in part, to achieve the following:

1. Safety. To promote the safety of persons and property by providing that signs:
   a. Do not create hazards due to collapse, fire, decay, collision, or abandonment;
   b. Do not obstruct fire-fighting or security surveillance; and
   c. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
2. Communications Efficiency. To promote the efficient transfer of information in sign messages by providing that:
   a. Those signs which provide messages and information most needed and sought by the public are given priorities;
   b. Businesses and services may identify themselves;
   c. Customers and other persons may effectively locate a business or service;
   d. No person or group is arbitrarily denied the use of the sight lines from the public streets for communication purposes; and
   e. Persons exposed to signs are not overwhelmed by the number or size of messages presented and are able to exercise freedom of choice to observe or ignore messages, according to the observer's purpose.
3. Landscape Quality and Preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
   a. Do not interfere with scenic views;
   b. Do not create a nuisance to persons using the public streets;
   c. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
   d. Are not detrimental to land or property values; and
   e. Contribute to the special residential character of particular areas or districts within the town, helping the observer to understand the town and orient himself/herself within it.

B. **Message Substitution**. Notwithstanding any other provision of this article, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any sign that is permissible under this article.

C. **Findings**. The town finds that:

1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this article and the constitutionally protected right to free expression.

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2. The regulations set out in this article are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this article is no greater than is essential to the furtherance of the important, substantial, and compelling public purposes that are set out in this article.
4. Regulation of the location, number, materials, height, size, form, and duration of display of temporary signs is essential to preventing sign clutter.
5. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, flooding, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the public on the town's streets or sidewalks if they are not removed.
6. Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

Section 14.2 General Provisions

A. **Applicability**. The regulations and requirements of this article apply to all signs that are or are intended to be viewed from a public right-of-way, private street easement, or adjacent property, except as otherwise exempt under this article.

1. Signs requiring permits. A sign permit shall be required to erect, place, modify the structure, allow the continued placement, or convert any portion of a sign, including a conversion from temporary to permanent or from non-electronic message sign to an electronic message sign, unless otherwise provided in this article. Should these be allowed?
2. Signs exempted from permits. The types of signs listed in *Table 14.-2* are exempted from permit requirements but must conform with all other requirements of this article.

Table 14-2, Signs Exempt from Permitting

Type of Sign	Requirements
Address Sign	Property address numbers are required by the town. Numbers shall be displayed on at least one (1) of the following: a building, sign, or mailbox on the property; and shall consist of minimum size lettering as follows: 3 inches in height on a mailbox, 4 inches in height on a single-family dwelling, 6 inches in height on a freestanding sign, and 8 inches in height on a multi-family or nonresidential building. Addresses on buildings shall be placed on the façade facing the street to which the address pertains.
Flag	Flags or insignia of any nation, state, local government, community organization, or educational institution or those representing a public issue or political statement are allowed. Flags mounted on a flagpole must have a minimum vertical clearance of nine (9) feet above the adjoining surface area. No flag on the property of a residential use shall exceed 15 square feet in area or be higher than 40 feet above the ground when mounted on a flagpole. Flags on non-residential property may be 50 sq. ft. in area.
Historic markers	Plaques or signs designating a building as a historic structure and installed by a federal, state or local historical agency or group
Incidental Signs	Sign, logo or decal, no greater than one and one-half (1½) sq. ft.
Memorial signs	Memorial signs or commemorative tablets, when carved into stone, concrete or similar material or made of bronze, aluminum or other non-combustible material and made an integral part of the structure. One (1) sign, no larger than five (5)

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Table 14-2, Signs Exempt from Permitting	
Type of Sign	**Requirements**
	square feet, shall be permitted per building, except that if the sign is set into the corner of a building, signs are permitted on both faces.
Nameplate	Name and address attached to a wall, mailbox, or post, no greater than one (1) sq. ft.
Official Governmental signs	Signs placed by or at the direction of a governmental body, governmental agency, public authority, or SIPOA, such as but not limited to traffic signs, signals or regulatory devices or warnings; official emblems, public notices or official instruments; signs providing directions to specific facilities or locations; signs of historical interest; signs designating special events or areas of architectural of historic significance or gateways; signs announcing or providing directions to a government sponsored event; or other similar governmental signs or devices. Such signs are authorized within all rights-of-way, easements, or other properties controlled by suck governmental body, agency or authority; and at such other locations as a governmental body, governmental agency or public authority may direct.
Seasonal and holiday	Seasonal and holiday decorations that convey no commercial messages are not considered signs but shall not be displayed longer than ten (10) days after the seasonal of holiday event and are therefore not regulated by this article.
Temporary signs	No permit shall be required; provided, the applicable requirements of *Table 14-4* shall be met.
Window signs	Window signs placed on the outside or inside a windowpane or glass door of a nonresidential use are exempt from the permitting requirements but shall meet the requirements of *Table 14-2.*
Yard signs	Signs not exceeding three (3) square feet in area and three (3) feet in height, set back at least 10 feet from any property line.

3. Prohibited signs. The following sign types are prohibited within the Town of Seabrook Island:
   a. Signs located in a way that obscures, or otherwise interferes with the effectiveness of any official traffic sign, signal, or device.
   b. Signs located in a way that obscures, or otherwise interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
   c. Signs which obstruct any fire escape, means of ingress, egress, or ventilation.
   d. Signs otherwise prohibited by this article, installed within a building in such a manner as to be visible to passersby outside the building.
   e. Signs utilizing LCD, LED or similar technology, such as an electronic changeable copy sign as any part of the sign face: provided, a digital gas pricing sign may be permitted in conjunction with a gas station freestanding sign.
   f. Signs utilizing tri-vision technology as any part of the sign face are prohibited.
   g. Signs imitating public warning or traffic devices. Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, and any sign that uses the words "stop," "danger" or other message or content in a manner that might mislead or confuse a driver, is not allowed. No red, green or yellow illuminated sign shall be permitted within 300 feet of any traffic light.
   h. Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or signs that emit smoke, vapor or odors.

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i. Signs that advertise an activity illegal under local, state or federal law.
j. Specific sign types, including:

i. Animated signs.
ii. Banners, except as otherwise provided as exempt or temporary signage by this article.
iii. Feather or quill signs.
iv. Inflatable signs.
v. Off-premise signs. Should these be allowed?
vi. Pole signs.
vii. Portable signs, except A-frame signs specifically allowed by this article as temporary signage for a special business promotion.
viii. Roof signs, including signs painted on or adhered to roofs. This prohibition does not apply to the fascia portion of a mansard roof or to the face of a parapet wall, provided the sign does not extend above the top of the mansard roof or parapet wall.
ix. Signs held or displayed by a person as advertising.
x. Signs mounted on flatbed or pick-up trucks for the primary purpose of mobile advertising.
xi. Snipe signs.
xii. Trucks, cars, trailers, aircraft, boats or similar vehicles used as signs is prohibited when the vehicle is parked on public or private property within 50 feet of any property line abutting a public street, except for those:

(a) Lawfully parked overnight or during non-business hours in a place not visible from a public or private street or within a designated truck parking or loading area;
(b) Making deliveries, sales calls, or other customary practices relating to doing business;
(c) Making trips to transport persons or property;
(d) Used in conjunction with active construction operations on a site; or
(e) Passenger vehicles, pick-up trucks, and vans containing signs that do not exceed 16 square feet in area painted on or permanently affixed to the doors or integral body panels and such vehicles are of a size that can fully fit within a standard parking space.

4. Not considered signs. The following are not considered signs and are not regulated by any provision of this article.

a. Seasonal and holiday decorations that convey no commercial messages.
b. Window displays of goods available within a business.
c. A building design or color that is associated with a particular establishment or organization, but which conveys no message.

B. **Definitions.** Terms used in this article shall have the definitions stated in *Appendix A*.
C. **Basic Standards**.

1. All permanent signs must be of a professional character, be erected by a qualified sign professional, and comply with the provisions of this article. Homemade lettered signs shall not be permitted, whether or not a permit is required, except for wire frame yard signs.
2. Signs may be externally illuminated, except as otherwise specified. Is internal illumination allowed now? Should it be?
3. Signs shall not be inconsistent with the appearance of the general neighborhood in which located.

D. **Content.** No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs:

1. No sign shall contain statements, words or pictures which describe or display "specified anatomical areas" or "specified sexual activities," as defined in *Appendix A*, or contain words vulgarity.
2. Text or graphics harmful to minors as defined by state or federal law;
3. Text or graphics that are obscene, fighting words, defamatory, inciteful to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;
4. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs;
5. Signs that provide false information related to public safety (e.g., signs that use the words ”stop” or “caution” or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that doesn’t exist; or
6. Text or graphics that provide false or misleading information in violation of the town’s code of ordinances.

E. **Sign Placement**.

1. No person shall construct, erect, operate, use, or maintain any sign without the written permission of the owner or other person in lawful possession or control of the property on which such structure or sign is located. Should off-premise signs be permitted (garage sales, political campaigns, directional, etc.)?
2. No person shall erect a sign on public property other than the governmental entity responsible for such property or public utility companies or contractors occupying or working on public property pursuant to government contract or franchise.

F. **Computation of Sign Area.**

1. For signs that have no identifiable frame or border, the area shall be the smallest rectangle that includes the extreme limits of the writing, representation, emblem, color, and/or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area measurement shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets other regulations of the town and is clearly incidental to the display itself.
2. The area of a sign structure shall be computed by means of the smallest rectangle that will encompass the extreme limits of the sign, by multiplying: the width of the sign body (exclusive of the sign's base or decorative cap, if any) measured at the widest portion of the sign body; times the total height of the sign as defined in this article under "sign height."

Insert Graphic

3. The area of a freestanding or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, and are no more than three (3) feet apart at any point, the area of the two back-

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to-back faces shall be counted as one face. If the back-to-back faces are of unequal size, the larger of the sign faces shall be counted as the one (1) face.

4. For a kiosk or other cylindrical sign structure, the area of the sign face shall be the largest measurement achieved from any view of the sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.

Insert Graphic

G. **Height and Clearance.**

1. Sign clearance. The shortest vertical distance between the average grade of the ground immediately beneath the sign and the lowest point of the sign, including framework and embellishments, extending over that grade.
2. Sign height. As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average grade of the ground immediately beneath the sign; provided, that artificially constructed berms or other alterations of grade, shall not be used in determining height.

H. **Illumination and Movement**. Are LED signs permitted?

1. Signs shall not contain any intermittent, moving, blinking, flashing, oscillating, scrolling, or fluttering lights or animated parts; nor shall any device be utilized which has a changing light intensity, brightness of color or give such illusion, except as otherwise specifically permitted by this article.
2. The light source for any externally illuminated sign shall not be directly visible from adjacent streets or property. Exposed neon-type tubing as part of any sign and/or on a building shall not be permitted.
3. For all signs, the level of illumination emitted or reflected from a sign shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular traffic or pedestrians on any right-of-way or parking lot from which the sign may be viewed. All illumination must be of reasonable intensity and shall not spill onto adjacent properties or rights-of-way. Signs adjacent to residential buildings and streets shall not be of such brightness to cause reasonable objection from adjacent residential districts or uses nor to spill light and glare onto adjacent residential properties and structures.
4. Illuminated ground signs abutting a residential district or use shall be at least 25 feet from the abutting property line.
5. If illuminated, the illumination shall not interfere with the effectiveness of, or obscure, an official traffic sign, device, or signal.
6. If illuminated, the illumination shall be effectively shielded to prevent beams or rays of light from being directed at any portion of an abutting street or neighboring property.
   Will internally illuminated signs be permitted?

I. **Safety**.

1. Signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
2. No sign shall be so placed as to obstruct or interfere with a required doorway, other required means of ingress or egress, or traffic visibility.

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3. No sign shall be attached to the base of a ground sign, other than the display surface originally constructed as part of the sign. No sign shall be attached to or painted or otherwise displayed on a light standard, gasoline pump, fence, wall, post, or other structure, or to any supporting device, except as specifically authorized in this article.
4. Signs shall be constructed to withstand a wind pressure of at least 30 pounds per square foot of surface, and shall be otherwise fastened, suspended, or supported so not to be a menace to persons or property.
5. Signs erected, replaced, reconstructed, repaired, altered, relocated or maintained within the town shall conform to the requirements of the Charleston County building and electrical codes. Where the provisions of the building or electrical code and this article conflict or overlap, the more stringent requirement shall control.

Section14.3 Permitted Permanent Signs by District

A. **Permitted Signs**. The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in *Table 14-3*, issuance of a sign permit, and all other applicable regulations.

B. **Number**. For non-residential uses in any LC, CF, or MU district, a maximum of three (3) signs, specified in Table 14-3, shall be permitted on any lot, unless otherwise specified in *Table 14-3* for multi-tenant buildings, provided, for a lot occupied by a multi-tenant building, there shall be a maximum of two (2) signs plus each tenant may have one (1) wall, awning, canopy, or projecting sign.

Table 14-3 Signs By District	
Residential Districts	
Monument Signs for Non-Residential Uses	
Number	One (1) per street frontage
Size	16 sq. ft. maximum
Location	10 ft, from street right-of-way or easement line
Height	Six (6) ft. maximum
Other	External illumination, no changeable copy
Wall Sign for Non-Residential Use	
Number	One (1) per building
Size	One (1) square foot for each one (1) linear foot of building wall to which the sign is attached, but not exceeding a maximum size of 50 square feet
Location	Placed flat against the building wall
Other	External illumination, no changeable copy
Wayfinding Signs for Non-Residential Use	
Number	Two (2) signs maximum per driveway, one (1) on either side of the drive for ingress/egress
Size	Four (4) sq. ft. maximum
Location	The area between a street right-of-way or easement line and the minimum building setback (required front yard). May only be located within 3 feet of driveways that provide access into or from the property
Height	Three (3) ft. maximum
Other	External illumination
Gateway Signs for Residential Developments	
Number	Two (2) signs per entrance, one (1) on either side of entry street if attached to entry walls or

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Table 14-3 Signs By District	
	fences
Size	16 sq. ft. maximum sign face, not to exceed 40 percent of the sign structure or wall/fence to which it is attached
Location	At entrances to subdivision, minimum 10 ft. from street right-of-way or easement line
Height	Six (6) ft. maximum
Other	External illumination
Conservation and Recreation Districts	
Monument Sign	
Number	One (1) per street frontage
Size	16 sq. ft. maximum
Location	10 ft, from right-of-way
Height	Six (6) ft. maximum
Other	External illumination, no changeable copy
Wayfinding Signs	
Number	Two (2) signs maximum per driveway, one (1) on either side of the drive for ingress/egress
Size	Four (4) sq. ft. maximum
Location	The area between a street right-of-way or easement line and the minimum building setback (required front yard). May only be located within 3 feet of driveways that provide access into or from the property
Height	Three (3) ft. maximum
Other	External illumination
LC, CF, and MU Districts	
Monument Sign Changeable message signs (manual or electronic)?	
Number	One (1) per driveway entry
Size	32 sq. ft. maximum
Location	10 ft, from street right-of-way or easement
Height	Six (6) ft. maximum
Other	External illumination, no changeable copy
Wall Sign	
Number	One (1) per business establishment/occupant
Size	One (1) square foot for each one (1) linear foot of building wall to which the sign is attached, but not exceeding a maximum size of 50 square feet for single occupant buildings and a maximum of 24 square feet per occupant for multi-tenant buildings.
Location	Placed flat against the building wall
Other	External illumination, no changeable copy
Gateway Signs for Single Development Consisting of Multiple Buildings	
Number	Two (2) development identification signs per entrance, one (1) on either side of entry street if attached to walls or fences
Size	16 sq. ft. maximum sign face, not to exceed 40 percent of the sign structure or wall/fence to which it is attached
Location	At entrances to subdivision
Height	Six (6) ft. maximum
Other	External illumination; no monument signs for individual businesses or uses shall be permitted.
Awning, Canopy, or Projecting Sign	

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Table 14-3 Signs By District	
Number	One (1) per business
Size	Six (6) sq. ft. maximum
Location	Four (4) ft. maximum projection for projecting signs
Height	Eight (8) ft. minimum between sidewalk or grade and the bottom of the sign
Other	No illumination
Wayfinding Signs	
Number	Two (2) signs maximum per driveway, one (1) on either side of the drive for ingress/egress
Size	Four (4) sq. ft. maximum
Location	The area between a street right-of-way or easement line and the minimum building setback (required front yard). May only be located within 3 feet of driveways that provide access into or from the property
Height	Three (3) ft. maximum
Other	External illumination
Window Sign	
Number	One (1) per street frontage
Size	25 percent of the window surface to which it is attached
Location	On the inside surface of the window
Other	No illumination
SIOD	
Monument Sign	
Number	One (1) per driveway entry
Size	16 sq. ft. maximum
Location	10 ft, from right-of-way
Height	Six (6) ft. maximum
Other	External illumination, no changeable copy
Gateway Signs for Single Development Consisting of Multiple Buildings	
Number	Two (2) development identification signs per entrance, one (1) on either side of entry street if attached to walls or fences
Size	16 sq. ft. maximum sign face, not to exceed 40 percent of the sign structure or wall/fence to which it is attached
Location	At entrances to subdivision
Height	Six (6) ft. maximum
Other	External illumination; no monument signs for individual businesses or uses shall be permitted.

Section 14.4 Permitted Temporary Event Signs

A. **Temporary Event Signs; Allowed**.

1. Temporary event signs must comply with all requirements of this article, except as modified by the provisions of this Section, including the prohibitions of *Section 14.2* and general requirements applying to all signs.
2. Temporary signs, in addition to those allowed under *Section 14.3,* are allowed on a property for the duration of a temporary event for the periods specified in *Table 14-4*. Such additional signs shall not be restricted as to the message displayed on the sign but must comply with the provisions of this section.

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B. **Temporary Events**. A temporary event is an activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include, but are not limited to such activities as:

1. The offering of a property or premises for sale or rent.
2. An election, political campaign, referendum, or ballot proposition put to the voters as part of town, county, state or federal governance.
3. Special business promotions, such as but not limited to close-out sales, seasonal sales events, or grand openings.
4. A yard sale.
5. The construction of a building or development project, or the rehabilitation, remodeling or renovation of a building.
6. A public announcement of a special event or seasonal activity not intended for commercial use.

C. **Temporary Signs Permitted**.

Table 14-4, Temporary Sign Regulations	
Sale or Lease of a Building or Premises	
Sign type and number	One (1) wire frame or rigid frame yard sign per frontage
Location	Outside the street right-of-way or easement
Size	Five (5) sq. ft. maximum
Duration	From date of listing thru three (3) days after sale closing or lease execution
Building Construction or Remodeling	
Sign type and number	One (1) wire frame or rigid frame yard sign per lot
Location	Outside the street right-of-way or easement
Size	Five (5) sq. ft. maximum for wire frame or 10 sq. ft. for rigid frame
Duration	Date of issuing building permit thru seven (7) days after receiving C of O
Subdivision or Condominium Project Under Development	
Sign type and number	One (1) rigid frame yard sign per entrance into the subdivision or development
Location	Setback at least five (5) ft. from the street right-of-way or easement
Size	Maximum 16 sq. ft.
Duration	Date of preliminary plat or site plan approval thru sale of 75% of lots/buildings, or 12 months of no building permits being issued; whichever occurs first
Public Issue	
Sign type and number	One (1) wire frame yard sign, except during the period noted below during which there shall be no limit on number
Location	Outside the street right-of-way or easement
Size	Five (5) sq. ft. maximum
Duration	Multiple signs may be displayed during the period beginning 60 days before a public election thru five (5) days after election
Special Business Promotion	
Sign type and number	Any combination of two (2) of the following: one (1) rigid frame or wire frame sign, one (1) banner, or (1) window sign
Location	Five (5) feet from any street right-of-way or easement line
Size	Maximum five (5) sq. ft. for wire frame, 16 sq. ft. for rigid frame, 16 sq. ft. for banner, and up to 50 percent of the window to which a window sign is attached.
Duration	Three (3) days prior to the start of the sale event through the last day of the event, not exceeding seven (7) days. No more than seven (7) total days may

	be allowed on the same property during any month, regardless of the number of businesses on the property.
Yard Sale	
Sign type and number	One (1) wire frame yard sign
Location	Outside the street right-of-way or easement
Size	Five (5) sq. ft. maximum
Duration	Two (2) days prior to announced date of sale until end of the sale, not exceeding five (5) days. No more than one (1) such event may be allowed on the same property during any month.
Nonprofit Public Announcement	
Sign type and number	Any combination of two (2) of the following: banners, wire frame yard signs, and/or rigid frame yard signs
Location	Five (5) feet from any street right-of-way or easement line
Size	Maximum five (5) sq. ft. for wire frame, 16 sq. ft. for rigid frame, 16 sq. ft. for banner
Duration	Seven (7) days prior to the start of the event through the last day of the event, not exceeding 10 days.
Other Temporary Events	
Sign type and number	As determined by zoning administrator
Location	
Size	
Duration	

D. **Construction and Lighting Standards of Temporary Signs**.

1. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board, or illustration board.
2. The words, letters, figures, symbols, logos, fixtures, colors or other design elements that convey the sign's message shall be permanently applied to the sign's face.
3. Temporary signs shall not be illuminated.

E. **Temporary Banners**. One (1) banner is allowed as temporary signage during a special business promotion event or nonprofit public announcement in accordance with the duration, number, size, location and lighting limitations of this section, and in accordance with the following additional provisions:

1. Such a banner shall be placed on the site or on a building in such a manner as not to create a safety hazard as determined by the zoning administrator. The banner shall meet the same setback requirements as all other temporary signs. The banner shall not be attached to or hung from an existing freestanding sign or used as any other form of sign.
2. A banner that is larger than 16 square feet in size is not allowed.

Section 14.5 Sign Permits

A. **Permit Required**. It is unlawful for any person to erect, repair, alter, relocate or display within the Town of Seabrook Island, any sign or other advertising device, as defined in this article, without first obtaining a sign permit from the zoning administrator and paying all required fees. Permits shall not be required for ordinary repair and maintenance of a sign. Such ordinary repair and maintenance includes changing light bulbs, painting, and other minor work which does not involve structural or color changes.

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B. **Applications**. Applications for sign permits shall be filed with the zoning administrator. No work shall commence until the sign is approved. Applications shall include the following:

1. A working drawing showing elevations, dimensions of the sign(s), colors to be used, construction materials, and details for anchoring the sign to a structure or the ground. Similar information, as appropriate, is to be submitted with awning permit applications.
2. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected.
3. An illustration of the proposed sign and a color photograph(s) of the area and, if applicable, the building facade upon which the proposed sign is to be erected shall be submitted with each sign application, showing in detail the physical conditions within the sign area, as well as the facades of any adjoining buildings.

C. **Fees**. Every applicant, before being granted a permit, shall pay a fee as required by the Town's adopted fee schedule.

D. **Review**. All signs must be approved by the zoning administrator before a permit may be issued. The following procedures shall apply to all applications:

1. The zoning administrator shall determine the appropriateness of a proposed sign based on the following criteria:

   a. Whether the sign conforms to the requirements of this article;
   b. Whether the sign in any manner affects public health, safety, or welfare; and
   c. Whether the sign construction meets applicable code requirements.

2. Upon determining compliance with the above criteria, the zoning administrator shall issue the necessary permit.
3. The zoning administrator is granted the discretion to make as a condition of the issuance of a sign permit, the requirement that each sign erected, constructed, or maintained shall be plainly and permanently marked with the name of the person erecting, constructing or maintaining such sign.
4. Any person aggrieved by the decision of the Zoning Administrator may file an appeal to the Board of Zoning Appeals, as provided in *Article XXX*.

Section 14.6 Nonconforming Signs

A. Signs that, on the effective date of this article or any amendments thereto, were approved and legally erected under previous sign restrictions, and that became or have become nonconforming with respect to the requirements of this article due to its adoption or amendment, may continue in existence subject to the remaining provisions of this section.

1. No increase in size of the nonconforming sign shall be permitted.
2. Any existing sign that has become nonconforming with respect to setback from a street due to road widening may be moved to meet the setback requirement of this article; provided, the sign shall not be increased in size, shape or changed in any manner, except to become conforming.
3. In all zoning districts, the following signs shall be prohibited and shall be removed by the owner:

   a. Signs illegally erected or maintained with respect to prior ordinances.
   b. Signs located in the public right-of-way (except as permitted by this article).

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B. Existing, legally nonconforming signs, hereafter reconstructed, repaired, altered or replaced due to damage incurred by an act of God or other accident, shall be allowed to be restored to their original condition.
C. Unless the structural base, pole or support of a sign is completely replaced; repairs, alterations and replacements made to legally nonconforming signs including, but not limited to, LED/LCD reader boards, do not constitute a new sign and thus will be allowed to be restored to their original condition. Some communities establish a threshold (e.g., repairs exceeding 50% of the replacement cost) beyond which the sign must conform. Consider such a provision.
D. Minor repairs and maintenance of nonconforming signs such as electrical repairs or lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted, except to make the sign comply with the requirements of this article.
E. Upon failure to comply with any requirement of this section, the zoning administrator or his authorized agent may cause the removal of such sign at the owner's expense.

Section14.7 Inspection and Maintenance

A. The zoning administrator shall periodically inspect each sign to ascertain its general soundness and compliance with the requirements of this article. Responsibility for the safety of signs and security of their attachment or erection, however, remains at all times with the sign owner.
B. Every sign, regardless of whether a permit or fees are required, shall be maintained in a safe, presentable and sound structural condition at all times, including repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

Section 14.8 Enforcement

A. The provisions of this article shall be enforced by the zoning administrator, with the aid of the police department and other town agencies.
B. The zoning administrator shall cause the removal of any sign that, in his sole discretion, endangers the public safety, such as an abandoned; dangerous; or materially, electrically or structurally defective sign. Any other sign for which no permit has been issued or which is otherwise in violation of this article shall also be subject to removal in accordance with this section.
   1. The zoning administrator shall prepare a written notice to be sent by certified and first class mail which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within a specified time period, the sign shall be removed in accordance with the provisions of this section.
   2. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign, and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to that person's last known address, if any, and posted on the sign or on the premises.
C. Any person having an interest in the sign or the property may appeal the determination of the zoning administrator ordering removal or compliance by filing a written notice of appeal to the Board of Zoning Appeals within 10 business days after receipt of notice. Procedures for the appeal shall be the same as provided in *Article XXX.*
D. Notwithstanding the above, in cases of emergency, the zoning administrator may cause the immediate removal of a dangerous or defective sign without notice.
E. Any sign removed by the zoning administrator pursuant to the provisions of this section shall become the property of the town and may be disposed of in any manner deemed appropriate. The cost of removal of the sign by the town shall constitute a lien against the property and shall be

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recoverable in the same manner as town property taxes. The cost of removal shall include any and all incidental expenses incurred in connection with the sign's removal.

F. When it is determined by the zoning administrator that the sign would cause imminent danger to the public safety and contact cannot be made with a sign owner or building owner, no written notice shall be required. In this emergency situation, the zoning administrator shall document the imminent danger and attempts to contact the sign owner, and may correct the danger, all costs being charged to the sign owner and property owner.

G. If it is necessary for the zoning administrator to remove a sign pursuant to this section and material derived from the removal can be sold or salvaged, the zoning administrator may cause that material to be sold at private or public sale at the best price obtainable. The proceeds, if any, shall be used to offset the costs of removal. Where the proceeds derived from such a sale are less than the cost of removal, the deficiency shall constitute a lien against the property on which the sign is located, such lien to be collectible in the same manner as town property taxes.

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Site Development Plan

Article 15

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Seabrook Island Development Standards Ordinance

Section 15.1 Purpose

The purpose of this article is to establish a uniform set of requirements for the planning and design of developments within the town in order to achieve the following objectives: to determine compliance with the provisions of this ordinance; to promote the orderly development of the town; to prevent depreciation of land values; to ensure a consistent level of quality throughout the community; to ensure a harmonious relationship between new development and the existing natural and manmade surroundings; to achieve the purposes of the Town of Seabrook Island Comprehensive Plan; to promote consultation and cooperation between applicants and the town in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the comprehensive plan.

Section 15.2 Applicability

Varying levels of site plan review are established, depending on the scale of the proposed project and potential impacts it may have on the community and immediate surroundings. This section defines the parameters under which varied levels of plans are required and the responsible review authority, as follows:

A. **Administrative Review**. The zoning administrator shall review site plans in connection with the creation of a use or the erection of a building or structure as indicated in Table 15-2. These projects are typically minor in scale and don't necessitate a detailed set of plans.
B. **Preliminary Plan Review**. The Planning Commission shall act upon all preliminary site plans for projects of larger scale or potentially greater impact, addressing conformance with the ordinance requirements, compatibility with the surroundings, integration with the community character, and protection of the environmentally sensitive
C. **Final Plan Review**. The zoning administrator and other applicable staff, consultants, and agencies shall act upon all final site plans, following the Planning Commission's preliminary plan review. The final plan will contain the technical details that require engineering or other professional expertise.
D. **Applicable Projects**. *Table 15-2* specifies the project categories applicable to each level of site plan.

Table 15-2, Site Plan Review Level

Applicable Projects	Administrative	Preliminary	Final
New construction of a principal building in any zoning district		X	X
All conditional uses		X	X
Construction of a new accessory building, not exceeding 600 sq. ft.	X		
Construction of a new accessory building, greater than 600 sq. ft.		X	X
Additions of less than 10 percent of the current gross floor area of an existing building or 5,000 sq. ft., whichever is less, in any zoning district.	X		
Additions of 10 percent or more of the current gross floor area of an existing building or greater than 5,000 sq. ft., in any zoning district.		X	X
Construction or expansion of a parking lot, not involving new buildings or additions	X		

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Table 15-2, Site Plan Review Level			
Applicable Projects	**Administrative**	**Preliminary**	**Final**
When, in the opinion of the zoning administrator, a project which otherwise qualifies for administrative review may have a significant impact on surrounding properties, he may, in his sole discretion, submit the site plan to the Planning Commission for review. In such cases, the procedures for preliminary and final plan review shall be followed.	X		
Any mixed-use district		X	X
As otherwise required by this ordinance			X

Section 15.3 Exemptions

Site plan review shall not be required for any home occupation or accessory building, nor for a single or two-family dwelling when permitted by right on a lot on which there exists no other building or use.

Section 15.4 Application and Review

The process of reviewing a site plan shall be as follows:

A. **Administrative Plan Reviews**. Administrative reviews shall be performed by the zoning administrator, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the town, shall be submitted to the zoning administrator along with an application for that purpose and a fee, as established by the Town Council.
2. The zoning administrator shall review the site plan for completeness, and shall obtain comments, as he/she considers necessary, from town staff, as well as representatives from SIPOA, any outside agency, department, entity or consultant as he or she deems appropriate.
3. The zoning administrator shall consider the site plan, any comments received, and the applicable standards of this ordinance and shall either approve the plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met. At the zoning administrator's sole discretion, the application may be submitted to the Planning Commission for comment or a decision.
4. The reasons for the zoning administrator's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
5. If approved, two (2) copies of the site plan shall be signed and dated by the zoning administrator and the applicant. One (1) copy shall be kept on file with the town and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and zoning administrator prior to issuance of any permits.

B. **Preliminary Plan Reviews**. Preliminary site plan reviews shall be performed by the Planning Commission, as follows:

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1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the town, shall be submitted to the zoning administrator along with an application for that purpose and a fee, as established by the Town Council.
2. The zoning administrator shall review the site plan for completeness, and shall obtain comments, as he or she considers necessary, from SIPOA, any outside agency, department, entity, or consultant as he or she deems appropriate.
3. Once the zoning administrator determines that the site plan is complete, he or she shall transmit the site plan, along with comments from town departments, agencies, and consultants to the Planning Commission for consideration at its next meeting.
4. The Planning Commission shall consider the site plan and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met. The Planning Commission review shall be based on the requirements of this article and, specifically, the review standards of *Section 15.6*.
5. The reasons for the Planning Commission's action shall be stated in writing and provided to the applicant.
6. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
7. If approved, two (2) copies of the final site plan shall be signed and dated by the zoning administrator and the applicant. One (1) copy shall be kept on file with the town and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the mayor, prior to issuance of any permits.

C. **Final Plan Reviews**. Final site plan review shall be performed by the zoning administrator, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the town, shall be submitted to the zoning administrator along with an application for that purpose and a fee, as established by the Town Council.
2. The zoning administrator shall review the site plan for completeness and notify the applicant of any deficiencies. If the plan is not complete, has not been revised to reflect conditions of approval from the Planning Commission's review of the preliminary site plan, or is inconsistent in substance from the approved preliminary plan, it shall be returned to the applicant for revision without further review.
3. Once the zoning administrator determines that the site plan is complete, he or she shall transmit the site plan for review and comment to SIPOA, any outside agency, department, entity, or consultant as he or she deems appropriate.
4. The zoning administrator shall consider the site plan, along with the comments from all other reviewers, and shall either approve the site plan; approve the plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met. The review shall be based on the requirements of this ordinance, technical design requirements for engineering, and the review standards of *Section 15.6*.
5. If approved, two (2) copies of the final site plan shall be signed and dated by the zoning administrator and the applicant. One (1) copy shall be kept on file with the town and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the zoning administrator, prior to issuance of any permits.

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Section 15.5 Site Plan Requirements

A. **Required Content**. Each site plan submitted shall contain the following information, as applicable:

Table 17-5, Site Plan Required Information

Required Information	Site Plan Level		
	Administrative	Preliminary	Final
General Information			
Date, north arrow and scale	X	X	X
Name and address of property owner and petitioner	X	X	X
Location sketch	X	X	X
Legal description of the subject property	X	X	X
Existing zoning classification of subject property	X	X	X
Size of subject property (in acres)	X	X	X
Name and firm address of plan preparer	X	X	X
Preparer's professional seal			X
Existing Conditions			
Boundary survey	X	X	X
Property lines and required setbacks	X	X	X
Location, width and purpose of all easements	X	X	X
Location and dimensions of all existing structures on the property	X	X	
Location of all existing driveways, parking areas and total number of existing parking spaces on the property	X	X	
Location of all existing structures, driveways and parking areas within 300 feet of the subject property		X	
Location of all existing structures, driveways and parking areas within 50 feet of the subject property	X		
Abutting street right-of-way width		X	
Existing topographic contours (2 ft. intervals)	X	X	
Generalized soil types within project site		X	
Existing water bodies (streams, ponds, wetlands, marshes, etc.)	X	X	
OCRM critical line	X	X	
Existing type and location of vegetation, incl. size of trees > six (6) inch DBH	X	X	
Size and location of existing utilities (water, sanitary and storm)	X	X	
Location of all existing surface water drainage facilities	X	X	
Proposed Development			
Layout and typical dimensions of proposed parcels and lots		X	X
General location of proposed buildings		X	
Location and dimensions of all proposed buildings	X		X
Gross floor area of all buildings and percent lot coverage		X	
Finished floor elevations of all buildings	X		X
Number of proposed dwelling units (by type – detached, attached, multiple-family, etc.), including typical floor plans for each type of unit		X	X
Location of all proposed streets, drives and sidewalks	X	X	X
Dimensions and radii of proposed drives, acceleration/deceleration lanes and sidewalks	X		X

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Table 17-5, Site Plan Required Information			
Required Information	**Site Plan Level**		
	Administrative	**Preliminary**	**Final**
Parking areas (including dimensions of typical space and total number of spaces to be provided), and unloading areas	X		X
Location of walls and fences	X	X	
Location, height, and materials of walls and fences			X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for common or public use	X	X	X
All deed restrictions or covenants			X
Grading plan (2 ft. intervals)			X
Sedimentation control plan	X		
Landscape plan, per *Section XXX*			X
Exterior lighting location, fixture type, and photometric plan		X	X
Signs (location, dimensions, setbacks), *per Article XXX*	X		X
Narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces	X	X	
Proposed method of handling sanitary sewage and providing potable water		X	
Exact location of all utility services, including connection points to the main systems and fire hydrant locations	X		X
Preliminary drainage plan		X	
Location and type of all proposed surface water drainage facilities	X		X
Traffic impact analysis, per *Section XXX*, if applicable			X
Building Details			
Typical elevation views of all sides of each building type	X		X
Color and material specifications	X		X
Building height	X	X	X
Gross and net floor area of non-residential buildings	X		X
Livable floor area of dwellings by type	X		X
Additional Information			
Any other information required by the zoning administrator or Planning Commission needed to evaluate compliance with other applicable provisions of this ordinance	X	X	X

B. **Information Waiver**. Specific requirements of any required site plan may be waived by the respective reviewer, zoning administrator or Planning Commission, as applicable, where it is determined that such information is not relevant to the subject request.

Section 15.6 Review Criteria

A site plan shall be approved only upon a finding of compliance with the following standards:

A. The site plan must comply with all standards of this article and all applicable requirements of this ordinance and all other applicable laws and regulations.
B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
C. The site must be designed to minimize hazards to adjacent property, and reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.

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D. Unless a more specific design standard is required by the town through a different ordinance, all uses and structures subject to site plan review shall comply with the following design standards:

1. Traffic Circulation. The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties. Right-of-way recommendations for major streets, as contained in the South Bryan County Transportation Study or comparable plan or study adopted by Town Council, shall be met and setbacks from such streets shall be measured accordingly.
2. Stormwater. Stormwater detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies and paved areas by underground surface drainage system.
3. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.
4. Screening. Where non-residential uses abut residential uses, appropriate screening shall be provided, in accordance with *Article 15*, so as to shield residential properties from noise, headlights and glare.
5. Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.
6. Utility Service. All utility service shall be underground, unless impractical and approved by the town engineer.
7. Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
8. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.
9. Water and Sewer. Water and sewer installations shall comply with all town specifications and requirements.
10. Signs. Permitted signs shall be located to avoid creating distractions, obstructions and visual clutter.
11. Building Design. New or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity.

Section 15.7 Conditions

Conditions which are designed to ensure compliance with the intent of this ordinance and the Town of Seabrook Island Code of Ordinances may be imposed on site plan approval.

Section 15.8 Changes to an Approved Plan

Changes to an approved site plan shall be permitted only under the following circumstances:

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A. The holder of an approved site plan shall notify the zoning administrator of any proposed change to the site plan.
B. Changes to an administrative site plan may be approved by the zoning administrator.
C. Minor changes to final site plans may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

    1. Reduction in building size.
    2. Increase in building size up to five (5) percent of total approved floor area.
    3. Movement of buildings or other structures by no more than 10 feet.
    4. Modification to the parking lot layout; provided, the number of approved spaces is not reduced.
    5. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
    6. Changes in building materials to a comparable or higher quality.
    7. Changes in floor plans which do not alter the character of the use.
    8. Changes required or requested by a town, county, state, or federal regulatory agency in order to conform to other laws or regulations.

D. A proposed change to a final site plan, not determined by the zoning administrator to be a minor change, shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application for final site plan approval.

Section 15.9 Time Limits

Site plan approval shall expire 24 months after the date of approval, unless substantial construction has been commenced and is continuing. The zoning administrator, in the case of an administrative site plan, or the Planning Commission, in the case of a final site plan, may grant one extension of up to 12 additional months; provided the applicant requests an extension, in writing, prior to the date of expiration of the site plan. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

Section 15.10 Appeals

Any person having a special interest in a decision relating to the approval or denial of a site plan or the conditions imposed shall have the right to appeal the decision to the Town Council.

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