

TOWN OF SEABROOK ISLAND

DSO Advisory Committee Meeting

July 30, 2020 – 2:00 PM

Virtual Meeting (Zoom)

[Watch Live Stream \(YouTube\)](#)



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. DSO Advisory Committee Meeting:

- July 6, 2020

[Pages 2-3]

ITEMS FOR DISCUSSION

1. Review and Discussion of Draft DSO Articles:

- Article 16: Subdivision: Purpose & Procedures
- Article 17: Subdivision: Design Requirements

[Pages 4-11]

[Pages 12-18]

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

July 6, 2020 – 2:00 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Skip Crane (Chair), Wayne Billian, Katrina Burrell, Bob Driscoll, Ava Kleinman, Gary Quigley, Walter Sewell, Roger Steel, Ed Williams, Joe Cronin (Town Administrator)

Absent: None

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.

APPROVAL OF MINUTES

1. **DSO Advisory Committee Meeting: June 16, 2020:** Mr. Williams made a motion to approve the minutes from the June 16, 2020 meeting. Mr. Steel seconded the motion. The motion was **APPROVED** by a vote of 9-0.

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 article:

- Article 14: Signs (Sec. 14-14 to 14-8)
- Article 15: Site Development Plan

Committee members continued their discussion of the draft language for Article 14 (Signs). A detailed discussion took place regarding temporary and non-conforming signs, as well as enforcement procedures for sign violations.

The committee then reviewed, discussed and provided feedback on the proposed language for Article 15 (Site Development Plan). A detailed discussion took place regarding the role of the Zoning Administrator, Planning Commission and Town Council during the site plan review process, as well as the impact of the state's Vested Rights Act and the appeal process for site plans.

Mr. LeBlanc will incorporate the committee's recommendations into updated versions of Articles 14 and 15.

ADJOURN

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

Minutes Approved:



Joseph M. Cronin
Town Administrator

Subdivision: Purpose and Procedures

**Article
16**

Seabrook Island Development Standards Ordinance



Section 16.1 Scope and Purpose

- A. **Scope.** These regulations control the subdivision of land and the opening or extension of any streets or roads within the Town of Seabrook Island. They provide for review of the plans and specifications by the Planning Commission with regard to the width, character, and location of streets, alleys and roads in subdivisions; and the plans for locating water mains, sewer lines, and other utilities. Before any subdivision, street, alley, or road shall be laid out, they shall be required to have the approval of the Planning Commission, unless expressly exempt from the provisions of this article.
- B. **Purpose.** The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities of the state. In furtherance of this general intent, the regulation of land development by municipalities is authorized for the following purposes, among others, as stated in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976 § 6-29-1120, as amended:
1. To encourage the development of economically sound and stable municipalities;
 2. To assure the timely provision of required roads, utilities, and other facilities and services to new land developments;
 3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
 4. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
 5. To assure, in general, the wise and timely development of new areas, or redevelopment of areas in harmony with the town's comprehensive plan.

Section 16.2 Subdivision Type and Approval Authority

- A. **Exempt Subdivisions.**
1. **Criteria.** The following types of subdivisions are exempt from the planning commission review process outlined in this article. Exempt subdivisions are those that meet any of the following conditions:
 - a. The division of land into parcels of five (5) acres or more where no new street is involved.
 - b. The combination or recombination of portions of previously platted lots where the total number of lots is not increased; the resultant lots comply with the requirements of this ordinance; and where no new street or change in existing streets is involved.
 - c. The public acquisition by purchase of strips of land for widening or opening of streets.
 - d. When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land; provided, a statement is made on the plat describing the proposed transaction and certifying that any parcels thus created are not created as individual building lots.
 - e. Where properly platted lots or parcels are created and approved by judicial act, the zoning administrator may waive the requirements relevant to the design and improvement specifications. Where it appears that the newly created lots or parcels do not meet critical health standards, or suffer other shortcomings rendering them unfit for building purposes, he shall consult with the Town Attorney of the Town of Seabrook Island for possible injunction against recordation.
 2. **Review Procedure.** The zoning administrator shall be responsible for review and approval of exempt subdivisions.

3. Submittal Requirements. The application and content for a final plat, as specified in Section XXX, shall be applicable to exempt subdivisions. Exempt subdivisions should not have to provide the same detail as major or minor subdivisions.

B. Minor Subdivisions.

1. Criteria. Minor subdivisions are land developments that consist of subdividing a tract or parcel of land into 10 or fewer lots; provided, no street right-of-way dedications are involved; no utility or drainage easements are found necessary; no new or residual parcels are created which do not conform to the requirements of these regulations; and the division is not considered an exempt subdivision.
2. Review Procedure. The zoning administrator shall be responsible for review and approval of minor subdivisions.
3. Submittal Requirements. The application and content for a final plat, as specified in Section XXX, shall be applicable to minor subdivisions; provided, the notification requirements for a preliminary plan, as specified in Section XXX, shall be met.

C. Major Subdivisions.

1. Criteria. Major subdivisions are land developments that consist of subdividing a tract or parcel of land into more than 10 lots or involve street right-of-way dedication or utility or drainage easements.
2. Review Procedure. The Planning Commission shall be responsible for review and approval of major subdivisions.
3. Submittal Requirements. The application and content for a preliminary plan, construction plan, and final plat, as specified in Section XXX, shall be applicable to major subdivisions.

Section 16.3 Procedures and Plan Requirements

- A. Application.** Requests for review and approval of any subdivision shall be submitted to the zoning administrator on an application form for that purpose. The application shall include a fee, as established by the Town Council, and all required drawings, documents, and information specified in this section. Incomplete applications or documentation will not be accepted and shall be returned to the applicant without further processing.

B. Preliminary Plan.

1. Application and Notification.
 - a. Application for a preliminary plan approval shall be accompanied by two (2) prints and one (1) electronic plan set which include all information specified in this subsection. The zoning administrator shall distribute copies of the preliminary plan to any association; regime; local, county, or state agency or department; and utility or other service providers, as applicable, who have requested copies of such plans prior to approval by the town.
 - b. The Planning Commission shall review each complete application for approval presented no less than 30 days prior to its regularly scheduled meeting.
 - c. Any person applying to subdivide property must give notice of the application as follows:
 - i. A copy of the application shall be submitted to the owners of all real property, as shown on current tax records, located within two (2) lots on all four (4) sides of the property to be subdivided. Notice shall be provided at least 30 days prior to the date set for a public hearing. The applicant shall file service of certified mail with date of service at the same time the application is filed. State law does not require a public hearing. Discuss!

- ii. If the subject property or adjoining property lies within an area subject to the rules of a regime, notice shall be given to the regime manager or president. Notice to a partnership may be made by serving any partner. Notice to a corporation may be made on any officer.
 - iii. No hearing on the application shall take place prior to the elapse of 30 days from the date of the filing of the application and the certificate of service.
 2. Preliminary Plan Requirements.
 - a. Plans shall be drawn on a sheet size of not less than 22 by 34 inches.
 - b. Where parcels **larger than 10 acres** are being proposed for subdivision, plans shall be drawn at a scale no smaller than one (1) inch equals 100 feet and may be drawn on more than one (1) sheet.
 - c. For **parcels of 10 acres or less**, a scale of one (1) inch equals 50 feet (1"=50') shall be used.
 - d. Even though an applicant intends to subdivide only a portion of a parcel or tract of land initially, the **preliminary plan shall show a proposed street and lot layout, drainage plan and other requirements for the entire parcel or tract** in which such portion is contained; provided, the Planning Commission may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.
 - e. The following information shall be required on each preliminary subdivision plan:
 - i. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), preparation date and subsequent revision dates, name of subdivider, and the name of engineer or surveyor with a seal and South Carolina Registration Number.
 - ii. All existing physical features of the land, including contours, drainage ditches, and roads. All contour information shall be based on mean sea level datum and shall be accurate within one-half (½) foot. The Benchmark, with its description, and the datum used for the survey shall be clearly noted on the plan.
 - iii. Existing tree canopy coverage, as required by Section 11.3.D.1.
 - iv. The courses and distances of the perimeter of the land involved, with the courses marked to show which are actual field observations and which are computed.
 - v. References to a known point or points such as street intersections and neighboring parcels.
 - vi. The total acreage of the land involved in the subdivision and the acreage above the critical line established by the OCRM.
 - vii. The names of adjacent landowners and streets, where known or available, and all intersecting boundaries or property lines.
 - viii. Proposed divisions to be created, including the right-of-way widths, roadway pavement widths, and names of streets; the locations of proposed utility installations; lot lines with dimensions and angles; lot area in square feet; sites reserved or dedicated for public uses open space; and sites for non-residential uses.
 - ix. Sight lines shall be cut a maximum of 200 feet apart for the purpose of making the topographic survey, and to allow visual inspection of the property after application has been made for approval of the preliminary plan.
 - x. General drainage features, including the proposed direction of drainage on each street, ditch, and lot indicated by the use of arrows and proposed street names.
 - f. Accompanying Information.
 - i. The preliminary plan shall be accompanied by a statement confirming the availability of and indicating the distance to and location of the nearest public water supply and public sanitary sewer lines.

- ii. The preliminary plan shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.
3. Criteria for Review. The Planning Commission shall consider the following criteria before making a decision on a preliminary subdivision application. Whether the proposed subdivision will:
 - a. comply with all requirements of this ordinance;
 - b. minimize the detrimental impact to the site and surrounding environmental areas, and meet all buffer requirements through the protection of significant regulated trees and other distinctive natural vegetation;
 - c. assure safe and convenient ingress to and egress from the property; provide internal circulation, including access of service and emergency vehicles, consistent with town and county standards; proper design of off-street parking and loading areas; and written approval from the appropriate federal, state, county and municipal agencies. To the extent any proposed development is not served by a public road, the applicant must provide proof of a right to legally access such property;
 - d. be designed and located to mitigate the effects of tidal surge, flooding, and other natural hazards associated with placing such development on a barrier island, providing orderly arrangement and spacing of all buildings and structures;
 - e. minimize environmental damage caused by the destruction of natural vegetation including regulated trees, myrtles, other vegetation and plant life, along with natural features such as berms, sand dunes and marsh areas on the site;
 - f. provide all required utilities and services, including adequate fire protection capability;
 - g. make reasonable provision for recreation facilities and open space to meet the needs of the proposed development, taking advantage of available community open space and recreation facilities; and
 - h. demonstrate that reasonable consideration has been given to the proximity of public facilities such as fire and police service and health care facilities, and to the desirability of designating sites for such facilities within the site.
4. Planning Commission Action.
 - a. The Planning Commission shall grant approval or conditional approval or shall disapprove the completed application within 60 days of receiving a complete application and shall mail notice of its action to the applicant within five (5) business days after the regular meeting at which the application was considered.
 - b. Failure of the Planning Commission to act within 60 days of the receipt of a complete preliminary plan application is deemed to constitute approval, and the developer must be issued a letter of approval and authorization to proceed based on the plans and supporting documentation presented.
 - c. When a complete application for approval of a preliminary plan has been submitted in accord with these requirements, and it is apparent no action will be taken by the Planning Commission within 60 days, the time limit may be extended by mutual agreement of the Planning Commission and the applicant.
 - d. No improvements shall be made, nor shall permanent markers or monuments be installed, prior to receiving preliminary plan approval from the Planning Commission.
 - e. An approved preliminary plan shall be valid for two (2) years from the date of its approval, plus up to five (5) annual extensions.
 - i. Where a subdivision is being developed in phases, the one (1) year shall be measured from the date of the most recent final approval granted to a phase of the subdivision.

- ii. The applicant may submit a written request to the Planning Commission for an extension of time before the end of any one (1) year period. The approval of the preliminary plan shall never extend for a period of more than four (4) years beyond the first approval. However, upon **recommendation of the Planning Commission, Council may terminate** an approval, for cause, any time after one (1) year.

C. Construction Plan.

1. After approval of preliminary plan and before commencement of any work within the proposed subdivision, the zoning administrator shall submit and coordinate the review of road plans and profiles by Charleston County and drainage plans by SCDHEC-OCRM.
2. The approval of the road and drainage plans shall apply only for the duration of the approved preliminary subdivision plan.
3. Following approval of the road and drainage plans, construction may commence on the proposed road and drainage improvements.

D. Final Plat.

1. Application. Applications for final plat approval shall include all information as specified below. The final plat may be submitted for approval in phases conforming to the approved preliminary plan. Complete applications for final plat approval shall be submitted to the zoning administrator at least 15 days prior to the next regularly scheduled Planning Commission meeting.
2. Final Plat Requirements. The final plat shall be drawn in ink, on a material specified by the Register of Deeds as acceptable for recording, on 22 by 34 inch sheets, and at a scale of one (1) inch equals 100 feet (1" = 100') or larger. A PDF copy shall also be provided. If necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.
 - a. *Plat content*. The final plat shall show the following:
 - i. All information required on the preliminary plan, with the exception of topographic data.
 - ii. All property lines with accurate bearings or deflection angles. If a control traverse is run between any two (2) points on any property lines, then it shall be noted.
 - iii. For property lines which are curves or are in part curves, the following shall be shown: arc length (indicating whether the arc method or chord method was used), Delta angle, degree of the curve, tangent distance, length of curve, and radius. Also, in dashed lines, the chord length from property corner to property corner along the curve shall be shown with appropriate bearings and angles.
 - iv. The location of points of intersection where circular curves are not used.
 - v. Block and lot numbers suitably arranged by simple system.
 - vi. Certificates.
 - (a) A surveyor's certificate as to accuracy of survey and plat. "I (name of surveyor), a registered surveyor of the State of South Carolina do hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property and that all necessary markers have been installed and the precisions is 1: _____ "(state actual precision). The unadjusted field measurement of lots and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the S.C. Board of Engineering Examiners.
 - (b) A statement of dedication by the property owner of streets, rights-of-way, easements, and other sites for public use. If any change in ownership is made

subsequent to the submission of the plat and prior to the granting of final approval, the statement of dedication shall be corrected accordingly.

- (c) The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
- (d) Where a parcel of land is proposed to be used as the site for utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulation substation, gas pressure control station, or similar facilities whose nature is such that the parcel's area or width may appropriately be less than the established minimum, a statement which describes the proposed transaction, stipulating the use and certifying that any parcels thus created are not created as individual building lots.

- vii. All easements including their width and centerline.
- viii. Delineation of the OCRM Critical Line.

b. *Accompanying documentation.*

- i. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate to title or affidavit and prior to the granting of final approval by the Planning Commission, then a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the Planning Commission.
- ii. In subdivisions where existing public water and public sewer systems have been extended and/or a new system installed, a certification of inspection from the South Carolina Department of Health and Environmental Control shall be submitted to the Planning Commission.
- iii. When the Planning Commission has approved the plat, a certificate noting such approval and carrying the signature of the zoning administrator and the Planning Commission Chair, or their designees, shall be placed on the original drawing of the plat.

c. *Statements on plat.* The Town reserves the right to require additional statements to be placed upon the plat if the proposed subdivision does not meet all requirements of the subdivision regulations. These notes shall be included in the approval of the final plat. In addition, the following statements shall be placed upon the plat if the proposed roads and drainage have not been constructed in conformance with standards and specifications of the town's **Road Code**:

- i. "The approval of this plat does not obligate the Town of Seabrook Island in any way to accept for maintenance any of the roads or easements shown hereon."
- ii. "WARNING! Approval of this plat by the Planning Commission of the Town of Seabrook Island and/or Town Council of the Town of Seabrook Island does not indicate approval nor adjudicate title of the access or right-of-way shown hereon."

d. *Notes for conditional plats.* Where plats are submitted under the performance bond or letter of credit provisions for CONDITIONAL approval, the following notes shall be placed on the plat:

- i. "This plat submitted for pre-selling under the irrevocable letter of credit provision of the Subdivision Regulations."
- ii. "Approval of this plat does not authorize occupancy."
- iii. "Duration of approval shall be for one year." The duration of approval should be for two (2) months longer than the time desired or required to complete the amenities for

which the bond is posted. The conditional approval will expire approximately two (2) months before the expiration date of the letter of credit (or performance bond). This will permit the Town of Seabrook Island sufficient time to complete the work in the event of default.

- iv. "The approval of this plat in no way obligates the Town of Seabrook Island to accept for continued maintenance any of the roads or easements shown hereon."
3. Planning Commission Action.
- a. If the final plat conforms to the approved preliminary plan and the requirements of these regulations, the Planning Commission shall grant final approval.
 - b. The Planning Commission shall grant final approval or shall disapprove the application within 60 days of receipt of a complete application and shall mail notice of its action to the applicant within five (5) business days after the meeting at which the application was considered. Failure of the Planning Commission to act within 60 days of the receipt of a complete final plat application, shall constitute approval and the applicant shall be issued a letter of approval and authorization to proceed based on the plans and supporting documentation submitted.
 - c. The zoning administrator shall cause the approved final plat to be recorded. A fee may be charged for copying and recording a plat in accordance with the adopted fee schedule for land development applications.
 - d. Unless specifically noted on the plat and accepted as public by action of the Town Council, all roads and drainage easements within the plat shall be private. A maintenance agreement for such privately owned infrastructure shall be filed as part of the final plat application.
 - e. When the Planning Commission has approved a final plat, it shall cause its action to be noted on the face of the original drawing which is to be recorded. Such approval shall not be noted on the plat until all the requirements of these regulations are met.
 - f. The original drawing of the final plat which is to be filed and recorded, plus four (4) prints of such plat, shall be submitted with the application.
 - g. One (1) print shall be retained by the Zoning Administrator of the Town of Seabrook Island to be used when necessary for house numbering.

Subdivision: Design Requirements

**Article
17**

DRAFT

Seabrook Island Development Standards Ordinance



Section 17.1 Purpose

The regulations in this article are intended to provide for the harmonious development and a consistent standard of quality within the Town of Seabrook Island. The objectives are to secure a coordinated street layout and efficient transportation network; to protect residential areas from through traffic and related hazards; to ensure proper street intersection design; to achieve individual lots of maximum utility; to secure adequate provision of light, air, water supply, drainage, and sanitary sewer facilities; to facilitate adequate provision of transportation, recreational areas, and other public services and facilities; to provide accurate land records and boundary identification for the convenience and protection of the public; and to ensure the proper recording of survey data prior to selling land.

Section 17.2 Design Standards

- A. **Minimum Requirements.** The following design standards shall be considered minimum requirements; however, higher standards are to be encouraged in subdivision design.
- B. **Blocks.** The lengths, widths, and shapes of blocks shall be determined with regard to:
1. Provision of adequate building sites suitable to the special needs of the type of use (residential, commercial, community facilities, other) contemplated.
 2. Zoning requirements as to lot sizes and dimensions.
 3. Needs for convenient access, circulation, control, and safety of street traffic.
 4. Limitations and opportunities of topography and drainage features.
- C. **Lots.** The size and width of lots shall be as required by the applicable zoning district regulations and sufficient with respect to depth, shape, and orientation to accommodate reasonable development within required building setback lines and in relation to existing natural features.
1. **Orientation.** All quadrangle lots, and so far as practical all other lots, should have side lines at right angles to straight street lines or radial to curved street lines.
 2. **Depths.** Depth of residential lots shall not exceed two and one-half (2½) times the width, except in the case of attached or multiple-family dwellings or in cases where portions in excess of that depth are for the purpose of providing separation from major streets, non-access reservations, easements, or marshes. The depth-to-width ratio shall not apply in cases where the width of a lot exceeds 300 feet for its entire depth.
 3. **Clear Vision Corners.** Corner lots shall have extra widths where necessary to permit the establishment of clear vision corners, per *Section 2.4A*.
 4. **Double Frontage (Through Lots).** Double frontage lots shall not be permitted, except where essential to provide separation of residential development from a collector street. In such case, an easement of at least 10 feet in width, across which there shall be no right of access, shall be required along the lot lines abutting the collector street. No right of access shall be granted except by Planning Commission.
 5. **Access to Streets.** All lots shall have frontage on and be provided access to streets which have been constructed in conformance with the standards and specifications 's in the town's **Road Code**.
 - a. The Planning Commission may approve lots, parcels, or tracts that are accessed from private streets; provided, new streets are constructed in conformance with standards and specifications prescribed in the current version of the town's Road Code.
 - b. Approval of private streets shall be contingent upon a binding provision for continued maintenance of such streets by an "approved" Homeowners' Association or other responsible entity. Such association or entity shall be an organization operating under agreements of public record that have been reviewed and considered legally binding by the

town attorney. This will ensure that the Town of Seabrook Island shall not be liable for any maintenance and upkeep responsibilities. The agreements shall provide for an easement and lien against abutting lots or membership in favor of the association or entity for the continued maintenance of such streets.

6. Area Subject to Flooding. A plat of a proposed subdivision submitted to the planning commission for approval which contains lands subject to flooding shall clearly identify the base flood zone.

D. Arterial Streets.

1. *Designation*. That portion of Seabrook Island Road (Road S-1875) lying between the end of Land Fall Way and Kiawah Island Parkway is designated as an arterial street.
2. *Design*. Due to the volume of traffic and purpose which arterial streets are intended to serve, access control is warranted in order to provide and maintain the safe and uncongested flow of vehicles. Such controls may include boulevard design, limits imposed on the number and spacing of individual driveways, and separate turning lanes.
3. *Requirements*. The regulations applicable to that segment of Seabrook Island Road under the jurisdiction of the Town of Seabrook Island are specified in Article 8, Seabrook Island Road Overlay District.
4. *Future Arterial Streets*. As future development occurs, the Planning Commission may designate new arterial streets as defined in this ordinance. Such street(s) shall be subject to the provisions of this article.

E. Streets. The layout of streets as to location, character, width, and grade shall conform to adopted town plans, where applicable. Streets shall be designed to afford convenient access to existing or planned street systems and abutting properties, and to minimize the impact upon topography, natural features, and drainage systems.

1. No road improvements shall commence until the zoning administrator shall affix his signature to the original drawing of the plans and profiles, as submitted. All improvements shall conform to that set of signed plans and profiles.
2. Local streets shall be arranged to discourage through traffic. **Discuss.**
3. Where a subdivision abuts or contains an existing or proposed arterial street and where a thoroughfare plan indicates a limited access road, the Planning Commission may require frontage roads or similar marginal access streets, reverse frontage with screen planting, deeper lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
4. Reserve strips or parcels controlling access to streets are prohibited, except where justification is shown by the developer.
5. Off-set street intersections on opposite sides of a street shall be no closer than one hundred twenty-five (125) feet, measured centerline to centerline.
6. A tangent of at least one hundred (100) feet shall be introduced between reverse curves on arterial streets.
7. Streets shall be laid out to avoid acute angles between streets at their intersections, except in the cases of merging streets.
8. Property lines at street intersections shall be rounded with a radius of not less than 15 feet. Larger radii may be required by the Planning Commission when, in its opinion, such design is advisable to permit the construction of curbs of large radius.
9. Street right-of-way widths shall be 50 feet, except arterial street right-of-way shall be no less than 60 feet and the Planning Commission may require up to 100 feet, depending on traffic volumes and geometric design. In all cases, the subdivider shall be required to dedicate the full

width of any required right-of-way to the home owner's association, in the case of private streets, or to the applicable public entity for public streets; provided, the public entity accepts that street dedication.

10. Alleys may be permitted where required to provide for access to off-street parking, loading and unloading, and service areas. Alley design and construction shall conform to the requirements of the Town of Seabrook Island Road Code.
 11. Dead-end streets shall not be permitted, unless the Planning Commission determines that no reasonable alternative is available due to the presence of poor soil conditions, marsh or water features, or other natural impediment. In any case, no dead-end street shall exceed 800 feet in length, measured from the edge of the intersecting street to the end of the pavement at the closed end. The closed end of the street shall be constructed with a turn-around with a diameter of 80 feet or such other configuration approved by the fire district that will accommodate maneuvering of fire apparatus in the event of an emergency. A landscaped island shall be installed in the center of the turn-around.
 12. Streets and intersection approaches shall not be excessive in grade, not be less than three-tenths (3/10) of one (1) percent in the gutter profile. Some deviation from these grades may, however, be permitted by the zoning administrator, in consultation with the county or a consulting engineer, where necessary to adjust to topographical conditions.
 13. The inverted crown sections, with or without adjoining parking, shall only be permitted in multi-family developments and shall be privately maintained. While a portion of this section may be used for parking facilities and/or access from these facilities, they must connect to service or collector streets. All sections shall be constructed in conformance with the current edition of the Road Code.
 14. Street names shall not duplicate or bear a confusing similarity with the names of existing streets. Street names shall be subject to review and approval by the Planning Commission. Where it is determined that duplication or confusion may occur, the Planning Commission shall require the subdivider to substitute names free from duplication or confusion.
 15. Street signs shall be designed and constructed in accordance with the requirements of the Seabrook Island Property Owners Association, unless otherwise specified by the Planning Commission for public streets.
- F. **Utilities.** All utilities shall be installed below ground.
1. **Drainage.**
 - a. The standards set forth in the OCRM "Stormwater Management Guidelines" shall be used in determining stormwater runoff and marsh standards for any project. Existing natural drainage shall be maintained or relocated in conformance with these design standards.
 - b. Drainage requirements for retention and detention must meet OCRM requirements. Calculations and plans showing these requirements shall be prepared and submitted by a professional engineer registered in the State of South Carolina.
 - c. No subdivision shall block or obstruct the natural drainage of an adjoining area.
 - d. Lots less than 200 feet in depth shall be provided with means for positive drainage and shall have a slope of not less than 0.70 percent to an approved swale, ditch, gutter, or other type of approved drainage facility.
 - e. Where an existing ditch is maintained by the Town of Seabrook Island without a drainage easement, the town may improve the ditch to town standards, subject to the availability of personnel and equipment for this work; provided, the property owner grants and dedicates a drainage easement in accordance with the requirements of the town's Road Code.

- f. Where an existing subdivision or developed area has documented flooding or other problems attributable to a poorly performing drainage system and that system is maintained by the Town of Seabrook Island, but is not located within a drainage easement, the town may be requested to undertake necessary improvements. Subject to the availability of personnel and equipment, the town may agree to perform the necessary work; provided, the property owner grants and dedicates a drainage easement in accordance with the requirements of the town Road Code. No such improvements will be made, however, if the required work is to be done by the developer within a reasonable length of time and will correct or considerably improve the drainage situation in the subdivision or development area.
2. Water and Sewer Service.
 - a. The developer shall install public water and public sanitary sewer lines.
 - b. No individual subsurface sewage disposal systems are authorized within the Town of Seabrook Island. Only public or private central sewer systems, meeting the requirements of the South Carolina Department of Health and Environmental Control (SCDHEC), are authorized.
 3. Easements.
 - a. Drainage easements shall be provided and dedicated in accordance with the requirements of the current edition of the Town of Seabrook Island Road Code.
 - b. Easements for drainage or sewer along rear and side property lines may be required where deemed necessary by the town. Drainage easements shall not be allowed to traverse lots except as provided in this article. Redesign of the lot arrangement may be required to meet extreme drainage conditions.
 - c. Easements shall center along or be adjacent to a common property line where practical.
 - d. All easements for drainage or sewer shall be cleared of undergrowth, trees, and other obstructions by the developer prior to final approval. This shall not apply to easements provided for possible future use.
 4. Electrical and Telephone Service. Electrical and telephone wires shall be placed underground on the interior of the development site, unless otherwise permitted by the Planning Commission.
 5. Fire Hydrants. In accordance with the adopted fire code, fire hydrants shall be installed along all subdivision streets. Fire hydrants shall also be installed along those perimeter streets abutting the subdivision and with which any subdivision street intersects. Spacing between hydrants along the perimeter street(s) shall be as required by the fire district.

Section 17.3 Required Improvements.

A. Monuments.

1. A monument shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Monuments shall also be set on right-of-way line (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked.
2. Monuments shall be one of the following:
 - a. A reinforced concrete monument with a brass or copper pin in the top. Concrete monuments shall be a minimum of three (3) feet long and have a minimum cross-

dimensional area of nine (9) square inches. They shall protrude above the ground not less than two (2) inches and not more than six (6) inches.

- b. An iron pipe or pins having a minimum diameter or three-fourths ($\frac{3}{4}$) inches hollow or one-half ($\frac{1}{2}$) inches solid steel. Such iron pins will be a minimum of two (2) feet in length and shall extend above the ground at least one (1) inch.

- i. Monuments shall be installed prior to the submission of and approval of the final plat.
- ii. The location and type of all monuments used shall be indicated on the final plat.

- B. Maintenance.** Unless otherwise specified, the town shall maintain only those easements and public improvements specifically accepted for town maintenance. Covenants shall stipulate that contiguous owners shall be responsible for general maintenance of other easements and improvements. Duly appointed officials of the Town of Seabrook Island or utility company with lines in such easements shall have full right of access. **This entire Maintenance subsection should be discussed re: Town policy.**

1. Maintenance of drainage systems by a public entity, as applicable, shall be limited to that work necessary to ensure the proper flow of water within the structure. This work includes repairs to damaged pipes and removal of sedimentation and vegetation that impedes the proper flow of water within a structure as determined by the town zoning and building officials. The cutting of vegetation and removal of foreign material from areas around the drainage structures, that are part of the overall drainage plan of a land development project, as required by this ordinance and/or duly accepted by **Town Council**, is the responsibility of the owners of the property on which the drainage structure is located.
2. A guarantee for the maintenance of the improvements prior to final acceptance by the town shall be posted for that period between completion and acceptance in an amount **established by Town Council**, but not to exceed 25 percent of the improvement cost.
3. The applicant shall make such adequate provisions, as required by the Planning Commission, for the perpetual maintenance of all required improvements (private roads, pedestrian paths and bikeways, drainage facilities, and any such other improvements) in the development until such obligations have been assumed by another entity. Such maintenance agreement shall be in the form of:
 - a. perpetual maintenance agreement;
 - b. homeowner's association;
 - c. landowner's agreement; and/or
 - d. creation by developer of a performance bond or other form of security, as determined appropriate by the Planning Commission.
4. Where maintenance of the required improvements is being assumed by another entity, the developer must submit documents demonstrating that such entity shall assume the responsibility for providing services to maintain these facilities otherwise provided by the Town of Seabrook Island. Such entity shall be:
 - a. organized for the purposes of, but not limited to, operation and maintenance of roads, pedestrian paths and bikeways, drainage facilities, and common open space that will NOT be dedicated to the town, and
 - b. duly chartered by the State of South Carolina and recorded with the Town of Seabrook Island Clerk of Court.
5. If at any time, the association desires public maintenance of any facilities, those facilities shall first be determined to meet town standards. Town Council shall be under no obligation to accept responsibility for any such facilities.

Section 17.4 Modifications

A. Modifications and Waivers.

1. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual environmental conditions that the strict application of the requirements contained in the subdivision regulations would result in substantial hardship or inequity, the planning commission may modify or waive, except as otherwise indicated, requirements of design, but not of procedure or improvements, so the subdivider may develop the property in a reasonable manner. However, at the same time, the public welfare shall be protected; and the general intent and spirit of this ordinance shall be preserved. Such modification or waiver may be granted upon written request of the subdivider stating the reasons for each modification or waiver and may only be granted by an affirmative vote of two-thirds (2/3) of the membership of the planning commission.
2. Modification or waiver of any other spatial, dimensional, or zoning requirement of the zoning district in which the subject property is located or of this ordinance may only be considered by the Board of Zoning Appeals.
3. A “substantial hardship” shall not include financial hardships.

B. Criteria.

1. General Criteria. The applicant shall submit a petition stating clearly and definitely the reason for a proposed modification or waiver of any subdivision requirement. Consideration shall be given to the following factors:
 - a. Unique conditions that justify altering the requirements due to their effect on the property involved and are not generally shared by other properties in the town;
 - b. Undue hardships that will result from adherence to the subdivision requirements;
 - c. Modifications or waivers granted would not be detrimental to adjacent property or to the public health, safety, general welfare, and interest.
2. Criteria in Specific Situations.
 - a. The proposed development meets all dimensional requirements for individual lots in accordance with the zoning district in which they are located.
 - b. Required site and soil evaluation may be waived when parcels of land of five (5) or more acres are being created for purposes other than building lots or tracts. Plats so presented must be captioned accordingly and shall be required to conform to all remaining requirements of this article. The stamp of approval will denote that Health Department approval is not included.

Section 17.5 Appeals

- A. Staff action to approve or disapprove a land development plan may be appealed to the planning commission by any party in interest. The planning commission must act on the appeal within 60 days, and the action of the planning commission is final.
- B. An appeal from the decision of the planning commission must be taken to the circuit court within 30 days after actual notice of the decision.