

# TOWN OF SEABROOK ISLAND

DSO Advisory Committee Meeting  
September 29, 2020 – 2:00 PM



Virtual Meeting (Zoom)

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

## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

#### 1. DSO Advisory Committee Meeting:

- September 17, 2020

[Pages 2-3]

### ITEMS FOR DISCUSSION

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

- Article 21: Nonconformities
- Article 23: Enforcement & Penalties
- Appendix A: Definitions

[Pages 4-7]

[Pages 8-11]

[Pages 12-25]

### 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

September 17, 2020 – 2:00 PM

Virtual Meeting Hosted via Zoom

[Live Streamed on YouTube](#)



## MINUTES

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

Absent: Gary Quigley, Walter Sewell, Ed Williams

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: August 20, 2020:** Town Administrator Cronin noted that the time of adjournment should have been listed as 4:44 pm. Mr. Driscoll made a motion to approve the minutes from the August 20, 2020 meeting, as corrected. Mr. Steel seconded the motion. The motion was **APPROVED** by a vote of 6-0.

### 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 19: Amendments
  - Article 20: Appeals

Committee members reviewed, discussed and provided feedback on the proposed language for Articles 19 and 20. A detailed discussion took place regarding the following topics:

- Article 19
  - Authority of the Planning Commission to initiate rezonings
  - Public hearing processes and requirements
  - Standing to appeal decisions
- Article 20

- Impacts of stays of legal proceedings and restraining orders
- Authority and limitations of the Board of Zoning Appeals
- Whether the town may establish additional criteria for variance requests beyond the four criteria listed in state law

Mr. LeBlanc will incorporate the committee's recommendations into updated versions of Articles 19 and 20.

## **ADJOURN**

There being no further business, Ms. Kleinman made a motion to adjourn the meeting. Mr. Steel seconded the motion. The motion was **APPROVED** by a vote of 6-0 and the meeting was adjourned at 4:20 PM.

Minutes Approved: Pending



Joseph M. Cronin  
Town Administrator

**Nonconformities**

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**Article  
21**

**Seabrook Island Development Standards Ordinance**

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### **Section 21.1 Intent**

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- A. It is recognized that there exist within zoning districts certain land uses, buildings, structures, and lots which were lawful before this ordinance was passed or amended, but are now prohibited, regulated, or restricted under the terms of this ordinance or may be affected by future amendments. It is the intent of this ordinance to permit legally established nonconformities to continue until they are removed, but not to encourage their survival.
- B. Nonconforming land uses, buildings, structures, and lots are declared by this ordinance to be incompatible with the provisions of the districts in which they are located. It is the intent of this ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, except as otherwise specifically permitted in this ordinance, nor be used as grounds for adding other land uses, buildings, or structures prohibited elsewhere in the district.
- C. Nothing in this ordinance shall require a change in the plans, construction, or designated use of any building which has been approved prior to the effective date of adoption or amendment, subject to the vested rights limitations of the State of South Carolina.
- D. Nothing in this ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a building, structure, or lot in violation of zoning regulation in effect at the time of the adoption of this ordinance.
- E. The existence of such nonconformities shall not be accepted as a basis for adding new land uses, buildings, structures, or lots otherwise prohibited in the same zoning district.
- F. The provisions of this ordinance apply to both lots or parcels of land and to individual uses or structures. Where more than one (1) nonconforming use or structure is allowed to continue on a lot or parcel after another nonconforming use or structure has been discontinued, the provisions of this ordinance shall not be waived in the case of the discontinued use or structure.

### **Section 21.2 Nonconforming Uses**

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- A. A nonconforming use may not be changed to or exchanged for another nonconforming use, except to be brought into conformity with this ordinance. When a nonconforming use has been changed to or exchanged for a conforming use, no nonconforming use may be reestablished.
- B. A nonconforming use may not be enlarged or extended, except to be brought into conformity with this ordinance.
- C. No part of any nonconforming use shall be moved unless that movement eliminates or reduces the nonconformity.
- D. A nonconforming use may not be reestablished after abandonment for a period of 12 consecutive months or 18 cumulative months in a two (2) year period. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, any of which shall constitute an intent on the part of the property owner to abandon the nonconforming use:
  - 1. utilities, such as water, gas and electricity, to the property have been disconnected; or,
  - 2. the property, buildings, or grounds have fallen into disrepair; or,
  - 3. signs or other indications of the existence of the nonconforming use have been removed; or,
  - 4. equipment or fixtures necessary for the operation of the nonconforming use have been removed; or,
  - 5. other actions which, in the opinion of the zoning administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

### **Section 21.3 Nonconforming Buildings and Structures**

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- A. If a nonconforming building or structure is moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this ordinance, with the exception of

property covered by the South Carolina Coastal Tidelands and Wetlands Act 48.39 Coastal Management Act and related laws dated July 1, 1988.

- B. Where a lawful nonconforming building or structure exists that does not conform with the requirements of this ordinance relative to, building size, lot coverage, height, setbacks, or parking that building or structure may continue to be occupied and used so long as it remains otherwise lawful, subject to the following provisions:
  - 1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by 50 percent or less of the distance required by this ordinance. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
  - 2. In the event that a nonconforming building or structure is destroyed to an extent of more than 66 2/3 percent of its replacement value, it shall be reconstructed only in conformity with the provisions of this ordinance.
- C. None of the provisions of this ordinance are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting an unsafe condition of the building or structure.

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#### **Section 21.4 Nonconforming Lots of Record**

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- A. In any zoning district, where a lot of record at the effective date of adoption of this ordinance does not contain sufficient land area or width to meet the requirements of the district in which it is located, such lot may be used as a building site for any use permitted in the zoning district in which the lot is located; provided, all structures on such a lot must conform to the district's minimum front and rear yard requirements. Side yard setbacks may be reduced in the same proportion as the existing lot width bears to the required width, but no less than five (5) feet. However, a side yard abutting a street shall not be reduced to less than the district requirement.
- B. Boundary line adjustments may be permitted between nonconforming lots or between a conforming and nonconforming lot; provided, the zoning administrator finds that the degree of nonconformity for any existing nonconforming lot is not increased due to such adjustments and no conforming lot shall be made nonconforming as a result.
- C. No person shall apply for a variance arguing a hardship based upon an attempt to re-establish a lot line, which has previously been abandoned, if said re-established lot line does not permit full compliance with all applicable ordinances.
- D. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or any future amendment, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of that parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this ordinance. This is a provision commonly found in other ordinances. Is it something that should be incorporated into this DSO?

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#### **Section 21.5 Non-Reversion**

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- A. Whenever the use of a building, structure or lot becomes nonconforming through an amendment to this ordinance or change in the district boundaries, the nonconforming use may be continued only as provided within this ordinance. Any use that is changed from nonconforming to a conforming use shall thereafter continue to be used only for a conforming use.

- B. Any nonconforming structure that is changed, in whole or in part, to a conforming structure, or to a structure that is closer to conformity than it was prior to the change, shall continue to be used or arranged as a conforming or more conforming structure. The structure shall not revert to its prior nonconforming status, or to a less conforming structure, at any time in the future.
- C. In no event shall a nonconforming lot be altered in a way that increases its nonconformity. And no conforming lot shall be altered in such a way as to create a nonconforming lot.

**Section 21.6                      Unlawful Nonconformities**

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Any land use, building, structure or lot established in violation of the provisions of this ordinance or any prior ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies, and safeguards of this ordinance.

DRAFT

**Enforcement and Penalties**

**Article  
23**

DRAFT

**Seabrook Island Development Standards Ordinance**



### **Section 23.1 Minimum Requirements**

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In the interpretation, application, and enforcement of this ordinance, all provisions shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.

### **Section 23.2 Public Nuisance, Per Se**

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Any building or structure which is erected, repaired, altered, or converted; or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions of this ordinance, is hereby declared to be a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.

### **Section 23.3 Enforcement**

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- A. Pursuant to SC Code 1976, § 6-29-905, this ordinance shall be administered and enforced by the zoning administrator. The zoning administrator may be assisted, as needed, in the administration and enforcement of this ordinance by other town officials, pursuant to their respective fields.
- B. Enforcement officials of the town are hereby authorized to enter upon private property for the purpose of enforcing the provisions of this ordinance or removing or abating any violation that may be present. It shall be unlawful for any person to interfere with, hinder or refuse to allow any properly identified enforcement official to enter upon private property for the purpose of enforcing the provisions of this ordinance or removing, investigating or abating violations.
- C. The enforcement duties shall include, but not be limited to:
  - 1. Investigating and resolving complaints pertaining to potential violation of the Development Standards Ordinance.
  - 2. Conducting inspections of buildings, structures and uses of land to determine compliance with the provisions of this ordinance.
  - 3. Enforcing the provisions of this ordinance, the decisions of the Board of Zoning Appeals and conditions placed upon a project in conjunction with land development approvals by the BZA, Planning Commission, and/or Town Council.
- D. The zoning administrator shall have the authority and duty to ensure that all buildings and structures and the use of all land complies with the provisions of this ordinance. Whenever the zoning administrator determines that a violation of this ordinance has occurred, or has received reliable information indicating that a violation of this ordinance is about to occur, he/she shall notify, in writing, the persons responsible for such violation, indicating the nature thereof and take such action as is necessary to correct the violation and prevent further similar violations from occurring.
- E. In general, the following steps shall be followed with respect to enforcing this ordinance and rectifying violations:
  - 1. Notice of Violation. Whenever the enforcement official shall find that there is a violation of the provisions of this ordinance, he/she shall serve notice to the owner and occupant of the premises to comply with the relevant provisions. Notification shall be considered sufficient if the notice is hand-delivered to the person to listed on the property tax rolls or deposited in the United States mail, properly stamped, certified, and sent to the address listed on the property tax rolls.
  - 2. Failure to Comply with Notice. If the person to whom the violation notice is directed fails or neglects to comply with the provisions of this section within 15 days after the notice has been

received, or within 20 days after a copy of the notice has been deposited in the United States mail, that person shall be considered in violation of this section and subject to the penalties set forth in this ordinance. However, the zoning administrator or other enforcement official may, in his/her sole discretion, depending on the nature of the violation, allow additional time in which to comply.

3. Stop Work Order. In the event the violation has not been corrected within the prescribed time period, the zoning administrator or other official may, depending on the nature of the violation, post a stop work order on the property. In such case, no further construction shall be permitted and all rights arising from any prior approvals shall be terminated until the violation is resolved and the stop work order is rescinded.
  4. Property subject to abatement of conditions. It shall be unlawful for any owner, agent, or occupant of any lot, parcel, or tract of land which is subject to the provisions of this ordinance to permit the conditions set forth in this section to exist or continue after receiving notice. It shall be the duty of the owner, agent, or occupant of any such lot, parcel, or tract in violation of the provisions of this ordinance to abate the unlawful condition.
- F. If a violation of this ordinance is not corrected within the time period provided, enforcement officials are authorized to enter upon such property and correct or abate such violations or take such other action as may be reasonably necessary to remove the threat to the public health, safety and welfare. All costs incurred in such action, including, but not limited to, inspection, administration, labor, equipment, court costs, and attorney's fees, shall become a lien on the subject property and shall be collected in the same manner as county taxes are collected.
- G. The remedies provided in this section are not mutually exclusive and shall be cumulative to other remedies provided in this ordinance and to any other remedy provided at law or in equity.
- H. In case any building is erected, constructed, reconstructed, altered, converted, or maintained or any building, structure, or land is or is proposed to be used in violation of the ordinance, the zoning administrator or any neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use.

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## **Section 23.4                      Violations**

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- A. Any person violating the provisions of this ordinance or who knowingly permits any such violation to occur, fails to comply with any of the requirements hereof, or erects/establishes any building or structure or use in violation of the provisions of this ordinance or the conditions of any approval granted under this ordinance, shall be guilty of a misdemeanor subject to the enforcement provisions of this article.
1. It shall be unlawful for any person to make or cause to be made any unauthorized amendment to an approved site plan, fail to conform to an approved site plan, or begin any development before obtaining an approved site development plan and/or permit required by this ordinance.
  2. In case any building or structure is erected, constructed, reconstructed, altered, maintained or used in violation of this ordinance or amendment thereof, Town Council or any owner of real property adjacent or neighboring such structure or land who may be specially damaged by the violation, in addition to other remedies provided by law, may institute an injunction, abatement, or any appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use, or to prevent occupancy of the building, structure or land.

3. In the event any land is altered or trees destroyed in violation of this ordinance, in addition to the penalties set forth in this article, the violator shall replace or mitigate the property to its original condition to the extent possible.
- B. No permit shall be issued or approved unless the requirements of this ordinance or any amendments thereto are complied with. It is unlawful for any officials to issue permits for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure **without the approval of the zoning administrator**. *Does this happen now? Is it feasible for the zng adm to review all building permits, stormwater permits, etc. that are issued by the County?*
- C. Any permit or license issued in conflict with the provisions of this ordinance shall be considered null and void from the date of issue.
- D. Any subdivision of property conducted for the purpose of fraudulently circumventing this ordinance shall be considered void and the provisions of this ordinance shall apply.

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### **Section 23.5 Penalties**

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- A. Fines and mitigation requirements for violation of this ordinance shall be imposed by the zoning administrator, who shall notify the Planning Commission and Mayor of all such enforcement actions.
- B. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned not more than 30 days. Each day of violation shall constitute a separate offense.
- C. Failure to comply with the fines and/or mitigation requirements imposed pursuant to this Ordinance shall constitute grounds for the institution of legal proceedings to assure compliance with such enforcement actions.

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### **Section 23.6 Appeals**

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- A. Appeal of penalties and/or mitigation requirements shall be made to the Board of Zoning Appeals.
- B. Appeals from any criminal conviction in the municipal court for the violations of this ordinance shall be to the circuit court.

**Definitions**

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**Appendix  
A**

**Seabrook Island Development Standards Ordinance**

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**Section A.1 Definitions A - B**

*Accessory Building.* A use of a building or structure customarily incidental and subordinate to and detached from the principal use or building and located on the same lot with such principal use, uses, or building.

*Accessory Dwelling.* An attached or detached dwelling on the same lot or parcel as a principal dwelling, subordinate to and independent of the principal dwelling.

*Acreage, Gross.* All land under single title or ownership and recorded with the property deed and consisting of contiguous acreage, including submerged lands and wetlands.

*Acreage, Net.* The total area of high ground on a given lot or group of lots, including areas for proposed public and private roads.

*Antenna.* A device, dish, or array used to transmit or receive telecommunications signals.

*Beach Trust.* All lands located between the front property lines of any oceanfront lot and the highwater mark of the Atlantic Ocean and North Edisto River, directly in front of each such lot.

*Berm.* An earthen mound formed to shield undesirable views, decrease noise, or add topographical interest.

*Buffer.* Open spaces, landscaped areas, fences, walls, berms, or any combination used to physically separate or screen one (1) use or property from another or to separate a water course from development.

*Building.* Any structure having a roof supported by columns or walls and which is designed for shelter, storage, or enclosure of persons, animals, or property of any kind.

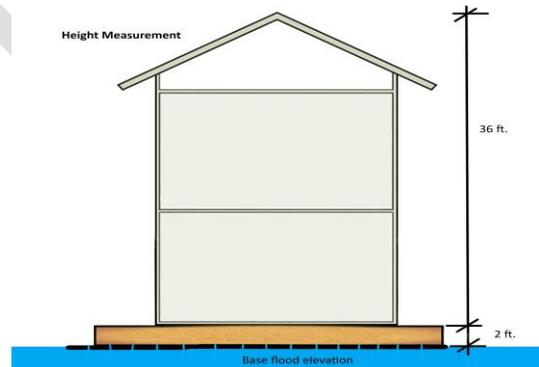
*Building Alteration.* Any addition to or reduction of a building, or any relocation of a building.

*Building Height.* The vertical distance measured from two (2) feet above the base flood elevation, as established by Town Code Title V, Chapter 2, to the highest point of the roof.

*Building Line (See: "Setback, Required").*

*Business Center.* Any two (2) or more businesses which:

1. are located on a single lot or parcel of property, share parking and access, and function as an integral unit; or
2. are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings; or
3. otherwise function and present the appearance of a single, contiguous business area.



**Section A.2 Definitions C - E**

*Cluster Subdivision.* A form of residential development that permits housing units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional sizes; provided, the density of the tract as a whole does not exceed the density allowed by the district under existing regulations and the remaining land area is devoted to common open space.

*Communications Tower.* A tower, pole or similar structure which supports a telecommunications antenna above ground in a fixed location, free-standing, or on a building.

*Comprehensive Plan.* The plan for future land use and development of the Town of Seabrook Island adopted by the Town Council.

*Conditional Use.* A use other than a “permitted use” in a zoning district, administratively permitted subject to compliance with added conditions specified within this ordinance for that specific use.

*Condominium.* A type of development in which the dwellings, offices, floor area, etc. are owned individually and the structure, common area, and joint facilities are owned collectively by all individual owners on a proportional and undivided basis. In the case of a multiple-family residential condominium, ownership does not extend beyond the interior face of the exterior walls; for a single-family detached condominium, ownership does not extend beyond the drip-line of the roof; or some combination of the two in the case of a single-family attached condominium.

*Council.* The elected Town Council of the Town of Seabrook Island.

*Critical Area.* Tidelands, coastal waters, wetlands, marshes, and the beach/sand dunes systems determined by the South Carolina Department of Health and Environmental Control’s Office of Ocean and Coastal Resource Management (SC DHEC-OCRM).

*Critical Line.* A delineation of critical area boundaries, determined by the South Carolina Department of Health and Environmental Control’s Office of Ocean and Coastal Resource Management (SC DHEC-OCRM).

*Cul-de-Sac.* A local street with a single common ingress and egress and with a circular turnaround or similar configuration at the end.

*DBH (Diameter at Breast Height).* A standard method of measuring the size of a tree taken at 4.5 feet above the ground.

*Deck.* An open and uncovered horizontal surface, attached to and accessible from the principal structure, which is constructed so rain can pass directly through it to the ground beneath. A deck having a roof or other covering is considered a porch.

*Density, Gross.* The number of dwelling units or residential lots per gross acre of land.

*Density, Net.* The number of dwelling units or residential lots per net acre of land.

*Development.* Any manmade change to improved or unimproved real estate, including but not limited to: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; mining, dredging, grading, paving, excavation, or drilling operations; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover. The following do not constitute development within the meaning of this ordinance: agricultural uses; transfer of title, leases, and easements; or maintenance as defined in this article.

*Dwelling.* A building or portion of a building designed and occupied exclusively for residential purposes by any individual or family unit, having permanent provisions for living, sleeping, eating, cooking, and sanitation. A recreation vehicle, vehicle chassis, tent, or other transient sleeping accommodation is not considered a dwelling.

1. *Dwelling, Multi-Family.* A building, or portion thereof, designed, constructed, altered, or used for occupancy by three (3) or more families, living independently of each other and each doing

their own cooking within their dwelling unit; with the number of families in residence not exceeding the number of dwelling units provided.

2. *Dwelling, Single-Family, Attached.* A dwelling designed for occupancy by one (1) family in a row of at least three (3) dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls. This dwelling type may also be referred to as townhomes or rowhouses.
3. *Dwelling, Single-Family, Detached.* A free-standing dwelling, other than a mobile or manufactured home, designed to be occupied exclusively by one (1) family.
4. *Dwelling, Single-Family, Villa.* A detached or attached single-family dwelling or multiple-family dwelling unit, the ownership of which does not extend beyond the interior face of the exterior walls in the case of a multiple-family villa, or the drip-line of the roof in the case of a single-family detached villa, or some combination of the two in the case of a single-family attached villa. *Is this definition needed at all? It's not a dwelling type and only references ownership. Does the definition of "condominium" suffice?*
5. *Dwelling, Two-Family.* A detached building designed for and occupied exclusively by two (2) families living independently of one another and each doing their own cooking within their own dwelling, also referred to as a duplex.

*Easement.* A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

*Erosion.* The wearing away of land surface by the action of wind, water, gravity, or any combination of those forces.

### Section A-3 Definitions F- I

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*Family.*

1. An individual; or
2. One (1) or more persons related by blood or marriage with any number of natural children, foster children, stepchildren or adopted children, plus not more than two (2) unrelated persons living together as a single housekeeping unit; or
3. A group of not more than four (4) persons not related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit.

*Fence.* An artificially constructed barrier, typically constructed of posts, wire, and/or wood, erected to enclose, screen, or separate areas.

*Flood.* A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff or surface waters from any source.

*Flood Elevation, Base (BFE).* The highest predicted flood elevation of a stream during the 100-year flood or the one (1) percent event, as determined by the Federal Emergency Management Agency (FEMA).

*Flood Hazard Area.* That area designated by FEMA on official flood hazard area maps, subject to a one (1) percent or greater chance of flooding in any given year.

**Floor Area, Gross.** The total horizontal area of all floors of a building, including mezzanines, measured from the interior faces of the exterior walls of a building.

**Floor Area, Livable.** The total area of all floors within a dwelling unit whose height is more than half above the finished grade, having a minimum floor-to-ceiling height of seven and one-half (7½) feet, located on a permanent foundation, wired for electrical service, and fully enclosed for year-round use. This term shall not include garages.

**Floor Area, Usable.** The actual occupied area not including unoccupied accessory areas such as corridors, stairways, bathrooms, storage rooms, mechanical/utility rooms, and closets.

**Frontage.** The distance between the side lot lines measured at the street right-of-way line.

**Garage.** An attached or detached enclosed structure, on a lot or in a multi-family development, devoted to or designed for the storage of vehicles, not exceeding trucks of one-half (½) ton capacity.

**Grade, Finished.** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

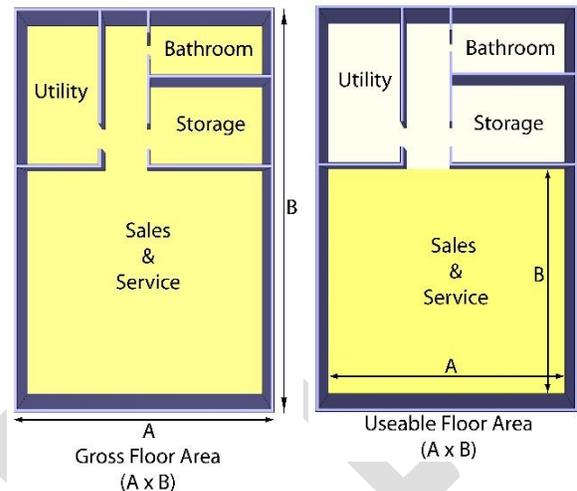
**Grade, Natural.** The elevation of the ground level in its natural state before construction, filling, or excavation.

**High Ground.** That portion of a lot or tract of land exclusive of naturally occurring water bodies and any areas lying below the OCRM critical line or any areas within the jurisdiction of the U.S. Army Corps of Engineers as shown on a plat or site plan that has been stamped by the OCRM or the U.S. Army Corps of Engineers, or both.

**Home Occupation.** An occupation, profession, or trade customarily and commonly carried out by an occupant in a dwelling unit as an accessory use which is clearly incidental and subordinate to the principal residential use.

**Hotel.** A building under single management, operated for profit, that provides rooms or suites intended primarily as sleeping accommodations for the general public to rent on a daily basis for registered guests. A hotel includes a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also include, but not be limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities, and similar facilities/services intended principally to serve registered guests.

**Improvement.** The construction, reconstruction, or alteration of buildings, but not including normal maintenance, and the establishment of basic services and amenities associated with a development activity including, but not limited to, streets and sidewalks, parking areas, landscaping, water and sewer systems, drainage systems, property markers and monuments, and recreation facilities, (e.g., lakes, swimming pools, tennis courts, golf courses, riding stables, clubhouses, cabanas, marinas, docks).



*Impervious Surface.* Any material which substantially reduces or prevents absorption of stormwater into the earth.

**Section A.4 Definitions J - P**

*Kennel.* A building or other premises on which three (3) or more dogs, cats, or other household pets, four (4) months of age or older, are boarded, bred, or sold for commercial purposes.

*Land Disturbing Activities.* Any activity involving the clearing, cutting, excavating, filling or grading of land or other activity that alters land topography or vegetative cover.

*Loading Space, Off-Street.* An area of prescribed size meeting the requirements of this ordinance and reserved for pick-up and delivery vehicles serving the use on a lot.

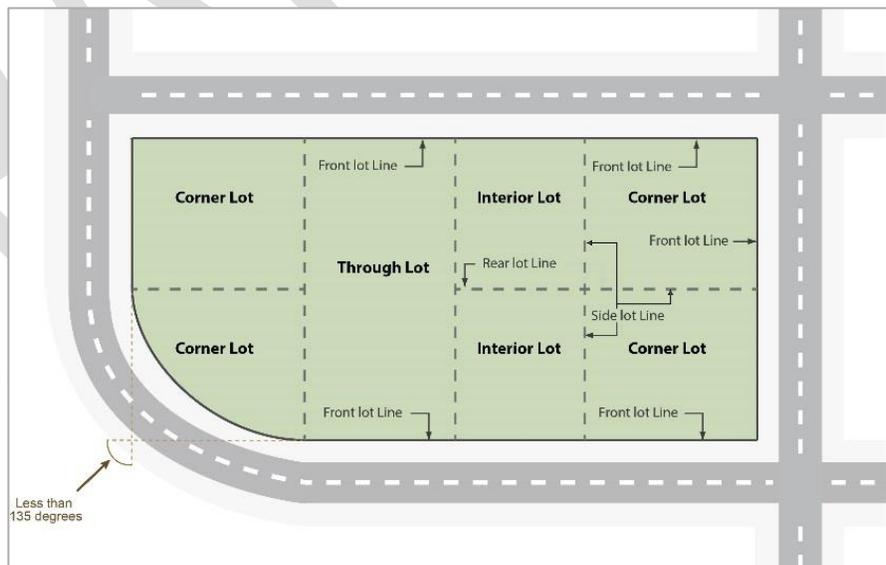
*Livestock.* Domesticated animals, including but not limited to cattle, pigs, sheep, goats, chickens, and llamas, raised in an agricultural setting to produce commodities such as meat, eggs, milk, fur, leather, and wool.

*Lot.* A parcel of land defined by a legally approved and recorded subdivision plat or metes and bounds description that has been recorded in the office of the county register of means conveyance. "Lot" includes the term "plot."

*Lot Area.* The total horizontal area within the lot lines of the lot, excluding any street right-of-way or easement dedicated for street purposes.

*Lot Coverage.* The amount of a lot covered by structure(s), as determined by the footprint of all structures. **Same as current DSO definition. Should it be changed to include parking, drives, and other paved surfaces?**

*Lot, Corner.* A lot with at least two (2) contiguous sides abutting the intersection of two streets, forming an interior angle of less than 135 degrees. Also a lot abutting a curved street shall be considered a corner lot if the tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, meet at an interior angle of less than 135 degrees.



*Lot, Depth.* The horizontal distance between the front and rear lot lines of interior and corner lots, or between the front lines of a through lot, measured along the median line between the side lot lines.

*Lot, Double Frontage (also termed a Through Lot).* A lot having frontage on two (2) more or less parallel streets, as distinguished from a corner lot. A corner lot shall be considered having double frontage if it has access on three (3) or more sides.

*Lot, Interior.* A lot other than a corner or through lot.

*Lot Width.* The horizontal distance between side lot lines measured at the two (2) points where the required front setback line intersects the side lot lines.

*Maintenance.* Activities required or undertaken to conserve as nearly, and for as long as possible, the original condition of a building or property while compensating for normal wear and tear. Examples include, but are not limited to, painting, window/door replacement, reroofing/residing, interior remodeling, and similar activities.

*Manufactured Home or Housing Unit.* A detached single-family dwelling unit designed to be transported after fabrication on its own wheels; arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, connection to utilities, and the like. For the purposes of this Ordinance, the term "mobile home" but not "travel trailer" shall be defined as a manufactured home.

*Map, Zoning.* The official zoning map of the Town of Seabrook Island, South Carolina, bearing the seal of the town together with the signature of the Mayor, as well as the date of adoption of the map by Town Council.

*Marina.* A dock or basin providing secure moorings for pleasure boats and often offering ancillary services such as supplies, fuel, and/or repair facilities.

*Mean Sea Level.* The average height of the sea for all stages of the tide.

*Nonconforming.* A term applied to lots, structures, and uses of land which were lawful before the adoption of this ordinance or subsequent amendment but which, as a result of such adoption, are prohibited or no longer comply with the requirements of this ordinance.

*Open Air Recreation.* Public or private lands and/or facilities devoted to the enjoyment of outdoor leisure activities, such as: swimming pools, fishing, beaches, boat ramps, docks, piers, lifeguard stations, boardwalks, athletic fields and courts, and natural preserves.

*Open Space.* Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment. Open space does not include streets, drives, off-street parking and loading areas, except as ancillary to the open space use.

*Overlay District.* A district that applies supplementary regulations to land which is classified into a specific zoning district.

*Parking Lot.* Any public or private open area designed and used for the express purpose of parking motor vehicles on a temporary basis in conformance with the requirements of this ordinance.

*Parking Space—Off Street.* A defined space within which a motor vehicle is parked, exclusive of driveways and access aisles.

*Patio.* A hard-surfaced, unroofed area adjacent to the principal dwelling intended for outdoor seating, entertainment, and similar activities.

*Performance Guarantee.* A bond, letter of credit, cash deposit, or similar financial instrument deposited with the town or other public authority by a developer or property owner to help ensure that all required site improvements are properly installed in a timely manner, in accordance with approved plats and construction plans.

*Permitted Use.* A use of property specifically allowed within a zoning district wherever that district exists in the town; provided, all dimensional and other requirements applicable to that district are satisfied.

*Person.* Any individual, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, legal entity, or any combination acting as for himself, herself, or itself or as the servant, employee, agent, or representative of another.

*Personal Service Establishment.* Any business primarily engaged in the provision of frequent or recurrent needed services for an individual. Examples include, without limitation: beauty and barbershops, shoe repair shops, watch repair, and tailor shops.

*Place of Public Worship.* A building or structure, or groups of buildings or structures which, by design and construction, are primarily intended for conducting organized religious services and associated accessory uses that are noncommercial in nature.

*Planning Commission.* The Town of Seabrook Island Planning Commission.

*Plat.* A map or drawing upon which is depicted the layout of a subdivision for approval.

*Porch, Enclosed.* A roofed structure with walls whose surface area is at least 50 percent glass or screen, attached to or a part of a building, and which is directly accessible to and from the building.

*Porch, Unenclosed.* A roofed structure without walls, attached to or part of a building, and which is directly accessible to and from the building. The term "unenclosed porch" shall include any veranda, terrace, portico, or similar projection from a main wall of a building and covered by a roof.

*Primary Dune.* The major front dune immediately behind the beach.

*Principal Use.* The main or primary use to which land or a structure is devoted.

### **Section A.5 Definitions Q - T**

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*Regime.* Similar to a condominium, a regime is a type of development created under the South Carolina Horizontal Property Act that allows for the creation of an organization to regulate the general common and limited common elements of the development.

*Restaurant.* A building or part of a building where food is prepared and served for compensation on the premises and more than half the revenue is obtained from the sale of food.

*Restaurant, Drive-Through.* A restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

*Retail.* Sale to the ultimate consumer for direct consumption and not for resale.

*Retail Establishment.* A business providing retail sale of new products to the public and may also render services incidental to the sale of such products.

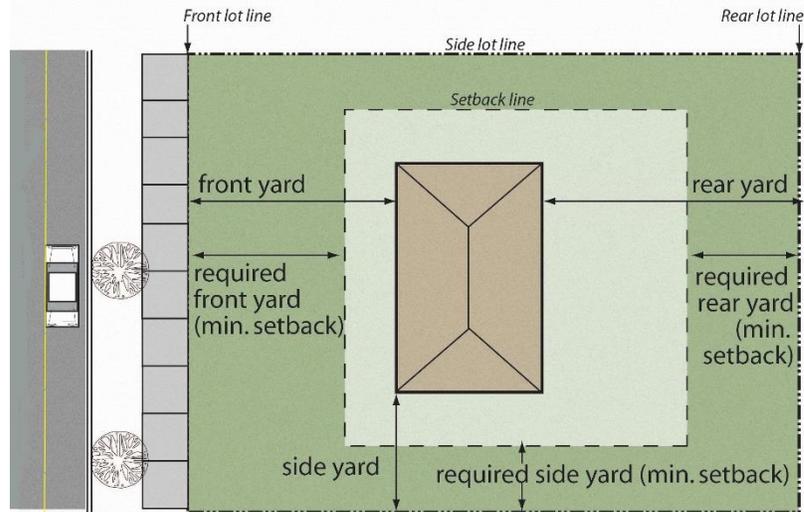
*Road Code.* The Charleston County Zoning and Land Development Regulations Road Construction Standards as adopted in their entirety by reference by the Town of Seabrook Island Town Council.

*SDHEC-OCRM.* South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management.

**Setback.** The horizontal distance between front, side, or rear lot lines and the nearest building wall located on that lot.

**Setback, Required.** The minimum required horizontal distance prescribed by the zoning district, measured from the front (typically a street right-of-way), side, or rear lot line to the nearest building wall or as otherwise specified for single-family detached condominiums.

**Short-Term Rental.** A business engaged in the rental of an entire dwelling unit or a portion of a dwelling unit to provide guest lodging for pay for periods not-to-exceed 29 days and which does not include serving food.



**Shrub.** A woody plant, smaller than a tree, consisting of multiple stems originating from or near the ground that usually attains a mature height of no more than fifteen (15) feet.

**Sign.** Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others and which is located on or attached to premises, real property, structures on real property, or a vehicle, and which is visible from a public street or way.

1. **Awning Sign.** A sign painted on, printed on, or attached flat against the surface of an awning.
2. **Banner Sign.** A sign of fabric, thin plastic or similar lightweight material that is mounted to a pole or a building at one (1) or more edges and is intended or displayed as commercial speech. Flags shall not be considered banners.
3. **Changeable Message Sign.** A portion of a sign on which copy may be frequently changed either manually or electronically, including a sign with a fixed or changing display message composed of a series of lights that may be changed through electronic means. Changeable copy signs include the following types:
  - a. **Manual:** A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered by placing such letters or other message elements directly on the sign face by hand.
  - b. **Electronic:** A sign whose alphabetic, pictographic, or symbolic informational content can be changed and is displayed electrically or electronically.
4. **Feather Sign.** A freestanding sign, typically consisting of a single plastic or metal pole or shaft, stuck in the ground or otherwise fastened at the base, displaying an attached pennant consisting of fabric or other flexible material that is usually vertically elongated, and may be in the shape of a feather, tear drop, quill, or similar configuration.
5. **Gateway Entry Sign.** A sign identifying a platted subdivision, residential complex, mixed-use development, or business center.
6. **Incidental Sign.** A sign, emblem or decal no larger than one and one-half (1½) square feet in area. Such signs are normally located on doors, windows, vending machines, and gas pumps or in parking lots or loading areas, may be freestanding or building signs, and are generally not readily visible or legible from public rights-of-way.

7. Memorial Sign. A non-illuminated sign, tablet, or plaque commemorating a person, event, structure, or site.
8. Monument Sign. A freestanding sign in which the entire bottom of the sign base structure is in contact with the ground, providing a solid and continuous background for the sign from the ground to the top of the sign structure. The base of a monument sign is as wide as or wider than the sign body.
9. Nameplate. A non-illuminated, on-premise sign giving only the name, address, and/or occupation of the occupant or group of occupants of the premises.
10. Pole Sign. A sign mounted on one (1) or more freestanding posts or columns so the sign body is elevated at least eight (8) feet above the ground, and the supporting posts or columns are each less than 25 percent of the width of the sign body.
11. Portable Sign. Any sign, except a sidewalk/sandwich board sign, which is not permanently affixed to a building, structure, or the ground.
12. Projecting Sign. A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 48 inches from the face of the building or wall.
13. Roof Sign. A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.
14. Sandwich Board Sign. A freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way.
15. Snipe Sign. A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects, and the subject matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.
16. Wall Sign. A sign fastened directly to or placed directly upon the exterior wall of a building facade, with the sign face parallel to the wall and extending from the surface of the wall no more than 12 inches.
17. Window Sign. Any sign which is permanently painted on, applied to, attached to, or projected upon the glass area of a building, including doors, and whose identification, message, symbol, insignia, visual representation, logo type, or any other form which communicates information is intended to be read from off-premises, contiguous property, or a public right-of-way.
18. Yard Sign, Rigid Frame. A yard sign, consisting of a frame or skeleton made of steel, wood or similar sturdy material placed into the ground, that resists bending or movement and is capable of withstanding wind turbulence while supporting a sign of permitted size.
19. Yard Sign, Wire Frame. A yard sign, usually consisting of a fairly pliable "H"-shaped wire frame, one end of which is typically inserted into a plastic sign and the other end is inserted into the ground.

*SIPOA*. The Seabrook Island Property Owners Association.

*Site Development Plan*. A detailed drawing showing proposed buildings, uses or reuses of all land, open space, location of major structures, recreation areas, schools and public facilities and such other planning elements and reasonable design criteria as deemed necessary to illustrate compliance with the requirements of this ordinance.

*Small Wireless Facility*. Small wireless facility' means radio transceivers; surface wave couplers; antennas; coaxial or fiber optic cable located on a pole or support structure, immediately adjacent to a pole or support structure, or directly associated with equipment located on a pole or support structure and within a one hundred-yard radius of the pole or support structure; regular and backup power supplies and

rectifiers; and associated ancillary equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meets both of the following qualifications:

1. each wireless provider's antenna could fit within an enclosure of no more than six (6) cubic feet in volume; and
2. all other wireless equipment associated with the small wireless facility, whether ground or pole mounted, is cumulatively no more than twenty-eight cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters, concealment elements, network interface devices, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services. The term 'small wireless facility' does not include: the pole, support structure, or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; wireline backhaul facilities; or coaxial or fiber optic cable that is between small wireless facilities, poles, or support structures or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

**Special Event.** An activity (occurring one or more times) involving the assembly or the intention of attracting 100 or more people for cultural, ceremonial, educational, entertainment, or celebratory purposes, regardless of profit or non-profit status. Such activity includes, but is not limited to: weddings, receptions, recitals, art exhibits, religious ceremonies, limited youth activities, book readings, wine/food tastings, executive retreats, circuses, fairs, carnivals, festivals, auctions, concerts, and any activity which is advertised or marketed in any form including, but not limited to: posters, business cards, invitations, internet, and media outlets. This definition does not include private parties or private functions that do not meet the above stated criteria. **Is this term used?**

**Street, Arterial.** A major through street designed primarily for the movement of large volumes of traffic from one area to another.

**Street, Collector.** A public or private street designed primarily to connect private ways serving multi-family complexes or other local streets with arterial streets and may be expected to carry a significant volume of traffic having neither origin nor destination on the street.

**Street, Local.** A public or private street used primarily for providing direct access to abutting property.

**Street, Private.** Any vehicular access not dedicated to the public that has been platted and recorded as a private street.

**Street, Public.** A street dedicated to the public and maintained by a governmental unit.

**Structure.** Anything constructed or erected, which requires, more or less, permanent location on the ground or is attached to something having a permanent location on the ground, including by way of example, but not limited to, buildings, sheds, patios, porches, gazebos, decks, tennis courts, screened enclosures, swimming pools, driveways, parking areas, and sidewalks, unless otherwise stated in this ordinance. Lawful walls or fences, utility poles, basketball goals, play sets, mailboxes, retaining walls, or sea walls shall not be considered structures for purposes of this ordinance.

**Structural Alteration.** Any change or replacement in the supporting members of a building or structure, including foundation, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or exterior walls.

*Subdivision.* All divisions of a tract or parcel of land into two or more lots, building units, or other division, for the purpose, whether immediate or future, of sale, legacy, transfer or resale and which involves all division of land involving a new street or change in existing streets.

*Substantial Construction.* The site has been rough-graded, drainage system and/or stormwater management facilities have been rough graded, erosion and sedimentation control measures are in place, and construction of the use is actively proceeding to completion.

*Substantial Remodeling.* Any combination of repairs, reconstruction, alteration, or improvements to the exterior walls, roof, or supporting members of a building or structure, including bearing walls, columns, beams, or girders.

*Substantial Vegetation.* All groupings of trees and shrubs whose spread is twenty (20) feet or more in width.

*Temporary Event.* 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. a holiday celebration,
2. an organized festival,
3. a block party,
4. a seasonal activity, or
5. a business promotion.

*Temporary Structure or Building.* A portable building, trailer, tent, or similar structure not located on a permanent foundation and intended to accommodate a use or activity of limited duration which is specifically permitted by this ordinance.

*Time Share.* The use of land or the buildings thereon, or any part thereof, as living quarters by one or more individuals or families where the intended duration of occupancy is normally less than thirty (30) consecutive days and when the basis for the right to such occupancy is dependent upon the acquisition, either through title or lease, of units of time which entitle the purchaser to exclusive possession of the premises. Timesharing use includes fee simple ownership, commonly called "interval ownership" and right of use or non-fee contract.

*Town.* The Town of Seabrook Island, South Carolina.

*Town Administrator.* The manager for the Town of Seabrook Island, or his/her designee.

*Traffic Impact Analysis.* A specialized engineering study, prepared by a qualified transportation engineer, that determines the potential traffic impacts of a proposed use or development and, at a minimum, specifically addresses:

1. the existing traffic conditions, expected future traffic conditions without the development, and expected future traffic conditions with the development in place for all roadway users;
2. potential for existing and planned multimodal systems (bike paths, walking trails, transit) to accommodate the additional demand;
3. additional transportation needs, beyond those already programmed or included in the local transportation plan, required to maintain a satisfactory level of service (LOS); and

4. recommended roadway and/or system improvements that may be necessary to accommodate the expected development traffic.

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## **Section A.6            Definitions U - Z**

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*Use.* The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

1. Use, Accessory. A use of land or building, or a portion thereof, that is subordinate to, and customarily associated with, the principal use.
2. Use, Nonresidential. Any use of property or buildings that is not a residential use.
3. Use, Principal. The primary purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used.
4. Use, Residential. A principal use that is intended for occupancy by an owner or lessee as their permanent place of abode.
5. Use, Temporary. A use of a lot or lots of limited duration and established in connection with a construction project, real estate development, temporary event, or similar activity of a limited duration.

*Utility, Private.* Any privately-owned company or corporation which provides the general public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, and/or treatment or other services.

*Utility, Public.* Any agency which, under public franchise or ownership provides the general public with electricity, gas, heat, steam, communication, transportation, water, sewage collection and/or treatment, or other services.

*Utility Substations and Subinstallations.* Stormwater control structures and transformers and structures housing transformers, pumps, and similar equipment.

*Variance.* An authorization by the Board of Zoning Appeals granting relief from the strict requirements of this ordinance and doing substantial justice, where literal enforcement would result in a practical difficulty or unnecessary hardship.

*Waterbody.* Any pond, lake, lagoon, channel, wetland, or basin which ordinarily or intermittently contains water and which has a discernible shoreline including those that are the result of development.

*Wetlands.* Any area subject to periodic or intermittent flooding and defined and/or regulated as a "wetland" by either the South Carolina Ocean and Coastal Resource Management or the U.S. Army Corps of Engineers.

*Yard.* The open spaces on a lot located between a building and a lot line. The term “required yard” shall refer to that portion of the yard lying between the lot lines and the minimum required setback lines.

1. Yard, Front. The space extending the full width of the lot, the depth of which is the distance between the front lot line and the nearest building line of the principal building.
2. Yard, Rear. The space extending the full width of the lot, the depth of which is the distance between the rear lot line and the nearest building line of the principal building.
3. Yard, Side. The space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the side lot line to the nearest building line of the principal building.

*Zoning Administrator.* The person appointed by Town Council to administer and enforce this ordinance.

