

TOWN OF SEABROOK ISLAND

DSO Advisory Committee Meeting

October 16, 2019 – 2:00 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. DSO Advisory Committee Meeting: August 1, 2019

[Pages 2–5]

ITEMS FOR DISCUSSION

1. Review and Discussion of Draft DSO Articles

[Pages 6-50]

- Article 2: Zoning Districts and Map
- Article 3: Conservation/Recreation Districts
- Article 4: Residential Districts
- Article 5: Support Districts
- Article 6: Mixed Use District
- Article 7: [Reserved]
- Article 8: Overlay District
- Article 9: General Provisions

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 nine members: one member from Seabrook Island Town Council, two members from the Board of Zoning Appeals, two members from the Planning Commission, three 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

August 1, 2019 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

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

Absent: Skip Crane (Chair)

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

Vice Chairman Quigley called the meeting of the DSO Advisory Committee to order at 2:35 PM. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **DSO Advisory Committee Meeting: May 16, 2019:** Mr. Steel made a motion to approve the minutes from the May 16, 2019 meeting. Mr. Williams seconded the motion. The motion was approved by a vote of 8-0.

INTRODUCTION

Town Administrator Cronin introduced committee members Walter Sewell and Wayne Billian, both of whom were unable to attend the kick-off meeting on May 16, 2019.

ITEMS FOR DISCUSSION

1. **Review and Discussion of DSO Blueprint:** Paul LeBlanc of PLB Planning Group presented an overview of his “technical audit” of the town’s existing DSO, as well as a “blueprint” for the proposed re-write. Mr. LeBlanc began his presentation by reviewing the main purposes of zoning and land development ordinances, including:
 - Protecting health, safety and public welfare;
 - Balancing community goals with private property rights;
 - Protecting property values;
 - Ensuring reasonable use of property; and
 - Implementing the vision and recommendations of the town’s Comprehensive Plan.

He then explained that the difference between the Comprehensive Plan and Zoning (DSO) is that the Comprehensive Plan is a policy document, or a “long-range vision,” that has been adopted by Council; whereas a zoning ordinance has the force of law and is used to implement the recommendations of the Comprehensive Plan. The town can deviate from the Comprehensive Plan, but it should not be easy to deviate from the DSO since it is the law.

Mr. LeBlanc explained the reasons for rewriting the town’s DSO. He stated that the DSO should:

- Be tailored specifically to Seabrook Island;
- Support the town’s new Comprehensive Plan;
- Reflect existing conditions and, where possible, reduce the number non-conformities;
- Remove barriers to owners making improvements to their properties; and
- Be simple to read and more user-friendly.

Mr. LeBlanc commented that he had met with many stakeholder on his last visit to Seabrook Island in order to learn about their concerns. Among the stakeholder’s concerns were:

- Flooding protection;
- Setbacks;
- Flexibility;
- Permitting requirements and procedures;
- Confusion among various layers of authority (Town, SIPOA and Regimes);
- Cumbersome review procedures;
- Differentiating between maintenance and improvements;
- Simplicity and understandability of requirements;
- The presence of a large number of non-conformities due to changes in the zoning ordinances over the years.

Mr. LeBlanc stated that more than 30 pages in the DSO Blueprint deal with an audit of the current DSO regulations and his comments are divided into three categories: Housekeeping, Significant Changes and Policy Changes. The comments that are considered “Housekeeping” are things that do not need debate or decisions by the DSO Advisory Committee or Town Council. The DSO Advisory Committee will spend time on the comments that are considered “Significant Changes” and “Policy Changes” and then make recommendations to Town Council in the form of a draft ordinance.

Some issues considered “Policy Changes” to be decided by Town Council would include:

- District Structure – Mr. LeBlanc stated that Council would have to decide if they wanted to maintain the existing zoning district structure, which is essentially Planned Development, or change to a more conventional zoning district structure. Mr. LeBlanc recommended that it be changed to a more conventional zoning district structure since a PD is a good zoning tool, but it is rarely used for the entire island as has been done at Seabrook Island. Town Administrator Cronin commented that there is currently a Master PUD that the County had before the town incorporated for all of

Seabrook Island; but, since incorporation, there are separate PD's for Camp St. Christopher, Bohicket Marina Village, Jenkins Point, Ocean Forest, Bohicket Creek Place, St. Christopher Oaks and the Village at Seabrook. Each of these have different requirements, which do not necessarily agree with the requirements of the DSO. If Council wishes to change the zoning structure, new requirements can be written for each of the districts. If Council does not eliminate the PD Districts, the existing PD's should all be updated individually and that work, which would be quite expensive and time consuming, would not be included in PLB Planning Group's current contract.

- Density/Minimum Lot Size – Currently, the minimum size for new lots is one acre, whereas a “conforming” lot is considered 17,500 sq. ft.
- New Multi-Family Development – Currently, no new multi-family development is permitted. Mr. LeBlanc remarked that, considering the broad definition of multi-family in the DSO, is that what the town wants going forward?
- Time Share vs. Rental – The Town Administrator commented that the DSO basically has no regulations relating to rental property; and, if this is changed, it will be a major policy decision.
- Buffering – Mr. LeBlanc commented that typically buffering is a landscape separation between dissimilar uses, but the town's DSO requires buffering between similar uses, such as between two commercial buildings.
- Delegation – Mr. LeBlanc stated that, if any decision making is delegated, there should be definite criteria to be followed. Town Administrator Cronin remarked that minor things that have previously been considered by the Planning Commission could be handled by staff and some things that are currently delegated to the Planning Commission are against State law.

Mr. LeBlanc stated that the newly adopted Seabrook Island Comprehensive Plan recommends changing the zoning from Planned Developments to more conventional zoning districts, but he would need affirmation that this is the direction that Council would like for him to follow. No matter what the zoning, whatever is done should be based on existing conditions that are in place now so as to reduce the number of existing non-conformities.

The format of the current DSO is not easily readable. Mr. LeBlanc recommended using the format that he has included in the DSO Blueprint and suggested using tables and graphics, which usually makes things easier to understand. The graphics will not be included in the initial draft but will be in the second draft, as well as subsequent drafts, of the ordinance.

Members of the committee discussed and provided feedback on a number of items highlighted in Mr. LeBlanc's presentation.

2. **Project Timeline and Meeting Schedule:** Mr. LeBlanc stated that the next step is to continue drafting the ordinance and work with the DSO Advisory Committee on updates and revisions. Mr. LeBlanc stated that the committee will hold at least five meetings to review and provide feedback on draft sections of the ordinance. Related chapters of the initial draft will be presented to the DSO Advisory Committee for their review and comment before the second draft ordinance is prepared in order to elicit comments from Council, Planning Commission, stakeholders and the general public. Input regarding the second draft will be actively solicited

in a manner that will be decided by the town. After the comments received from the public are discussed with Council and the Planning Commission, it will be decided if final revisions or edits should be made. Once the final edits are made, a final draft version of the ordinance will be prepared and submitted for public hearing and adoption. Town Administrator Cronin noted that the project timeline is subject to change based on the speed with which the committee moves through the draft updates. He stated that it was more important for the ordinance to be done right rather than done quickly.

ADJOURN

There being no further business, the meeting was adjourned at 4:53 PM.

Minutes Approved:



Joseph M. Cronin
Town Administrator



TO: Town of Seabrook Island DSO Advisory Committee
FROM: Paul LeBlanc, AICP
DATE: October 1, 2019
SUBJECT: Meeting Agenda

Our October 16 and 17 meetings will be the first review meetings to go through the preliminary draft of the new Development Standards Ordinance (DSO). There is a lot of material to digest, but your active participation in these meetings is essential to a successful outcome. Here are a few suggested ground rules to help us get through the material:

1. Come prepared. Review the materials before the meeting. Make notes and be ready to offer comments and ask questions. You will see that throughout the draft, I have inserted notes (in red) and highlighted significant changes (in yellow) to help you prepare.
2. Stay focused. The goal is to keep the meetings productive and get through all the material during our time together. So, it's important to keep to the topic, avoid war stories, and don't dominate the conversation. We'll go through all of the material; we'll keep moving forward until someone stops with a question or comment. Also note, this won't be your only chance to comment or make changes. It's only the first draft.
3. Consensus rules. It's unlikely that we'll achieve unanimity on each point. There aren't many absolute rights or wrongs when it comes to zoning. So, there will likely be disagreement on some points and after discussing them, I may ask for a show of hands regarding a decision and move on. If we can't come to some decision within a reasonable time, we'll save it for later and go on to the next item.
4. Move forward not back. Once we've covered an article, we want to proceed to the next ones. While it's sometimes unavoidable, if you haven't reviewed the material or miss a meeting, try to avoid going back to things the group has already covered at a prior session.

Articles 2 - 8. You will note that the first set of articles (zoning districts) is very different from the current DSO. Per my recommendation in the Blueprint analysis, the Town Council has agreed that the new regulations should be based on more traditional zoning districts that reflect existing conditions, rather than the blanket planned unit development (PUD) system that in many cases does not coincide with what has actually been developed.

Agenda for Wednesday PM

1. Meeting purpose
2. Ground rules
3. Summary of significant changes
4. Discussion/Comments regarding Articles 2 - 8

Agenda for Thursday

1. Continue discussion of Articles 2 - 8, as needed
2. General comments/questions
3. Set date for next sessions (November)

Proposed Zoning Transition Summary

New District Summary	Least Intense → Most Intense					
Existing Development Type →	Detached SF Units (Lg Lot) "Single-Family 1"	Detached SF Units (Med Lot) "Single-Family 2"	Detached SF Units (Sm Lot) "Single-Family 3"	Detached SF Units (Cluster) "Cluster Home"	Attached SF Units "Townhome"	MF Building(s) "Condo/Apartment"
District Abbreviation	R-SF1	R-SF2	R-SF3	R-CL	R-TH	R-MF
District Name	<i>Residential - Single-Family 1</i>	<i>Residential - Single-Family 2</i>	<i>Residential - Single-Family 3</i>	<i>Residential - Cluster</i>	<i>Residential - Townhome</i>	<i>Residential - Multi-Family</i>
Developments Included	Single-Family Lots (43,560 SF +)	Single-Family Lots (~ 17,500 SF +)	Haulover Point Circle Hidden Oaks Marsh Creek Homes Marsh Pointe Homes North Beach Village St. Christopher Oaks Village at Seabrook	Dune Crest Villas Duneloft Villas Sealoft Villas Summerwind Cottages Tarpon Pond Cottages Treeloft Villas	Beach Club Villas Bohicket Marina Villas (Part) Creek Watch Villas Deer Point Villas Dolphin Point Townhomes Fairway One Villas Fiddlers Cove Villas Golf Shore Villas Horseshoe Cove Villas Salt Marsh Townhomes Shadowwood Villas Shelter Cove Villas Spinnaker Beach Houses Wedgewood Villas	Atrium Villas Bay Pointe Villas Bohicket Marina Villas (Part) Center Court Villas Charlestowne Place Chateau by the Green Courtside Villas Heron Point Villas High Hammock Villas Live Oak Villas Marsh Walk Villas Ocean Wind Villas Pelican Watch Villas Racquet Club Villas

Land Use Summary	Least Intense → Most Intense					
Existing Development Type →	Detached SF Units (Lg Lot) "Single-Family 1"	Detached SF Units (Med Lot) "Single-Family 2"	Detached SF Units (Sm Lot) "Single-Family 3"	Detached SF Units (Cluster) "Cluster Home"	Attached SF Units "Townhome"	MF Building(s) "Condo/Apartment"
Structures Per Lot	1	1	1	1	1 (May Cover Multiple Lots)	1+
Units Per Lot	1	1	1	1	1	2+
Unit Type	SF Detached	SF Detached	SF Detached	SF Detached (Cluster Style)	SF Attached (Common Wall)	MF Attached (Stacked)
Regime or Association	No	No	Yes	Yes	Yes	Yes
Uniform Size & Appearance	No	No	Some Yes, Some No	Yes	Yes	Yes
Minimum Indiv. Lot Size	43,560 SF	17,500 SF	6,000 SF	N/A	N/A	N/A

Zoning Districts and Map

Article 2

Seabrook Island Development Standards Ordinance



Section 2.1 Districts Established

The following zoning districts are established by this ordinance:

Table 2-1, Zone Districts Established		
Category	Designation	District Name
Conservation/Recreation Districts	CP	Conservation-Preservation
	RC	Recreation
Residential Districts	R-SF1	Large Lot Single-Family
	R-SF2	Medium Lot Single Family
	R-SF3	Small Lot Single-Family
	R-CL	Single-Family Cluster
	R-TH	Townhome
	R-MF	Multiple-Family
Support Districts	LC	Limited Commercial
	CF	Community Facilities/Services
Mixed Use District	MU	Marina Mixed Use
Planned Unit Development District	PUD	Planned Unit Development
Overlay District	SIR	Seabrook Island Road

Note: It may not be necessary to have a PUD District. Open for committee discussion.

Section 2.2 Zoning Map

- A. **General.** The official zoning map designates the location and boundaries of the various districts established in this ordinance within the Town of Seabrook Island. The official zoning map shall be kept on file in the office of the zoning administrator and be available for public inspection during normal business hours. The original official version of the map shall be identified by the signature of the mayor and attested by the town clerk. Copies of the map may be kept in either hardcopy or digital form. The official zoning map, together with any amendments approved pursuant to [Article XXX](#), but not yet incorporated into the map, shall be the final authority as to the status of the current zone district classification of all land within the town.
- B. **Amendments.** The Town Council may, at its discretion or upon formal application, amend the zoning map, in accordance with the amendment procedures of [Article XXX](#).

Section 2.3 District Boundaries Interpreted

- A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following town boundaries shall be construed as following town boundaries.
- D. Boundaries indicated as approximately following the centerline of creeks, streams or rivers shall be construed as following such creeks, streams or rivers, or in the event of change in the location of creeks, streams or rivers, shall be construed as moving with the creek, stream or river.
- E. Boundaries indicated as approximately following the edge of a marsh or the OCRM Critical Line shall be construed as following that marsh or OCRM Critical Line, or in the event of change in location of that marsh edge or critical line, shall be construed as moving with the marsh edge or critical line.

- F. Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines, or other lines of government survey as they exist as of the effective date of this ordinance or applicable amendments thereto.

Section 2.4 Lots Divided by a Zoning Line

Where a zoning line divides a lot or where two (2) lots in different districts are combined, the entire lot shall be considered to be wholly within the more restrictive zoning district. Where two (2) lots are combined and one of the lots is within an overlay district, the entire lot shall be considered to be wholly within the overlay district. *Table 2-1* lists districts from most restrictive to least restrictive.

Section 2.5 Zoning of Vacated Areas

Whenever any street, alley, or other public way within the town is vacated by official governmental action, and when the lands within those vacated lands attach to and become a part of lands adjoining the street, alley, or public way, those lands shall automatically be subjected to the same zoning regulations as are applicable to the adjoining lands.

Section 2.6 Zoning of Annexed Property

When land is annexed into the town, its zoning designation shall be as established by the annexation ordinance. In instances when the zoning designation of land annexed into the town is not established by the annexation ordinance, it shall be zoned R-SF1 until or unless the Town Council takes action to classify it as another zone district.

Conservation/Recreation Districts

Article 3

Seabrook Island Development Standards Ordinance



Section 3.1 Purpose

- A. **CP, Conservation/Preservation District.** This district is established for the purpose of protecting and conserving wetlands and sensitive environmental areas; all that area within the corporate limits of the Town of Seabrook Island lying seaward of the South Carolina Ocean and Coastal Resource Management Critical Line and/or, when the corporate limit is located in water, marsh or wetlands, lying between the corporate limit line and the upland edge of such water, marsh or wetlands within the CP District.
- B. **RC, Recreation District.** This district provides for the leisure amenities that contribute to the enjoyment and relaxation of life on Seabrook Island.

Section 3.2 Schedule of Uses

Buildings or land shall not be used; and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 3-2* may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings in this district may be used by right.
- B. **Conditional Use (C).** Land and/or buildings in this district may be used by right, provided the specific conditions related to that use, as found in Article 10 are met.
- C. **Specific Conditions.** Indicates the relevant section outlining the specific requirements or conditions applicable to the conditional use which must be satisfied, in addition to the general criteria of Section 10.3.

Table 3-2 Schedule of Uses: Conservation/Preservation District			
Use	CP	RC	Specific Conditions
Accessory Uses			
Accessory uses and Structures	P	P	
Conservation			
Bulkhead and erosion control devices	P		
Community gardens	C		See Section ***
Wildlife refuge	P		
Entertainment, Hospitality, and Leisure			
Community swimming pools		P	
Equestrian facilities		P	
Fitness club/health spa		P	
Golf course/country club		P	
Marina		C	See Section ***
Open air recreation uses	C	P	See Section ***
Other Uses			
Wireless communication antennae and towers	C		See Section ***
Similar uses	C	C	See Section 9.6 H

Section 3.3 Spatial Requirements

- A. All lots and buildings shall meet the minimum area and width requirements of Table 3-3. New lots shall not be created, except in conformance with these requirements.

Table 3-3. Lot and Width Requirements, Conservation/Preservation District

Zoning District	Minimum Area	Minimum Width (ft.)
CP	-	-
RC	-	-

Lot Area Graphics

- B. All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 3-3a.

Table 3-3a. Dimensional Requirements, Conservation/Preservation District

Zoning District	Maximum Building Height (ft./stories) ¹	Minimum Yard Setbacks (ft.)			
		Front		Side	Rear
		Parking	Building		
CP	36	50	50	30	50
RC	36	30	20	20	30

Lot Setback Graphics

Section 3.4 Site Development Regulations

In addition to the requirements of this article, all development in the Conservation/Preservation District shall meet the applicable requirements as listed elsewhere in this ordinance:

- A. General Provisions – Article 9
- B. Conditional Use Requirements – Article 10
- C. Environmental Performance Standards – Article 11
- D. Trees, Landscaping and Buffering – Article 12
- E. Parking and Loading – Article 13
- F. Signs – Article 14
- G. Site Plan Review – Article 15

¹ Height shall be measured from a point 2 feet above base flood elevation.

Residential Districts

Article 4

Seabrook Island Development Standards Ordinance



Section 4.1 Purpose

- A. **RSF-1, Large Lot Single-Family.** This district is created to retain the character of established large-lot single-family neighborhoods and to provide a district that would allow for the creation of future estate-sized home sites. Other uses are also permitted that are compatible with and supportive of the character of the homes in this district.
- B. **RSF-2, Moderate Lot Single-Family.** It is the purpose of this district to encompass those early subdivisions that were developed prior to the incorporation of the Town of Seabrook Island and to establish development standards based on the existing moderate density conditions that will minimize nonconformities to the extent practical. Other uses are also permitted that are compatible with, and supportive of, the character of the homes in this district.
- C. **RSF-3, Small Lot Single-Family.** This district is intended to support established development patterns of those existing subdivisions containing single-family homes on small lots and to reduce existing nonconformities to the extent practical.
- D. **RCL, Single-Family Cluster.** This district is intended to accommodate single-family detached dwellings which are situated in a “cluster” style arrangement within a common regime or association, rather on traditional single-family lots, and to provide greater flexibility for their improvement and expansion.
- E. **RTH, Townhome.** This district is established specifically to accommodate townhome development at a reasonable density to afford an alternate form of residence within the community.
- F. **RMF, Multiple-Family.** This district is intended to support multiple-family dwellings, including condominiums and apartments, at moderate density as another residential option within the community.

Section 4.2 Schedule of Uses

Buildings or land shall not be used; and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 4-2* may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings in this district may be used by right.
- B. **Conditional Use (C).** Land and/or buildings in this district may be used by right, provided the specific conditions related to that use, as found in Article 10, are met.
- C. **Specific Conditions.** Indicates the relevant section outlining the specific requirements or conditions applicable to the conditional use which must be satisfied, in addition to the general criteria of *Section 10.3*.

Table 4-2 Schedule of Uses: Residential Districts							
Use	RSF-1	RSF-2	RSF-3	RCL	RTH	RMF	Specific Conditions
Accessory Uses							
Accessory dwelling unit	C	C					See Section ***
Accessory uses and structures	P	P	P	P	P	P	
Bed and breakfasts	C						See Section ***
Non-Residential							
Day care, family	C	C	C	C	C		See Section ***
Home occupations	C	C	C	C	C	C	See Section ***

Table 4-2 Schedule of Uses: Residential Districts

Use	RSF-1	RSF-2	RSF-3	RCL	RTH	RMF	Specific Conditions
Non-commercial community or neighborhood activity uses such as clubhouse, fitness center, park/playground, swimming pool and off-street parking	C	C	C	C	C	C	See Section ***
Utility substation or subinstallation, including water towers	C	C	C	C	C	C	See Section ***
Residential							
Multi-family dwellings						P	
Short-term rental units	C	C	C	C	C	C	See Section ***
Single family dwellings	P	P	P	P			
Townhomes					P		
Two-family dwellings					P		
Vacation multiple-ownership interest units					C	C	See Section ***
Vacation time sharing plan units					C	C	See Section ***
Other Uses							
Greenways and non-motorized trails/pathways	P	P	P	P	P	P	
Open space preserve areas such wetlands and habitat refuge areas	P	P	P	P	P	P	
Similar uses							See Section 9.6 H

Discuss to what extent, if any, time-shares may be allowed and controlled.

Section 4.3 Spatial Requirements

- A. All lots and buildings shall meet the minimum area and width requirements of Table 4-3 for those lots recorded prior to the adoption of this ordinance. New lots, recorded on or after the adoption of this ordinance, shall conform with the requirements of Table 4-3a.

Table 4-3. Lot and Width Requirements for Lots Recorded Prior to ****

Zoning District	Minimum Lot Area (sq. Ft.)	Minimum Lot Width (ft.)	Maximum Density (units/acre)
RSF-1	43,560	125	1
RSF-2	17,500	85	2
RSF-3	6,000	45	[3, 4 or 5?]
RCL	5 acres ¹		5
RTH	5 acres ¹		7
RMF	5 acres ¹		12

Lot Area Graphics

¹ Minimum acreage applies to the net developable area of the development parcel to be occupied by the residential uses.

Table 4-3a. Lot and Width Requirements for Lots Recorded After ***

Zoning District	Minimum Lot Area (sq. Ft.)	Minimum Lot Width (ft.)	Maximum Density (units/acre)
RSF-1	43,560	125	1
RSF-2	17,500	85	2
RSF-3	6,000	45	[3, 4 or 5?]
RCL	5 acres ¹		5
RTH	5 acres ¹		7
RMF	5 acres ¹		12

Lot Area Graphics

- B. All structures and their placement on a lot recorded prior to the adoption of this ordinance shall conform to the minimum dimensional requirements listed in Table 4-3b. Structures erected on new lots, recorded on or after the adoption of this ordinance, shall conform with the requirements of Table 4-3c.

Table 4-3b. Dimensional Requirements for Lots Recorded Prior to ***

Zoning District	Maximum Building Height (ft./stories) ²	Minimum Yard Setbacks (ft.) ³					Lot Coverage (%)	Min. Floor Area ⁴ (sq. ft.)
		Front		Side		Rear		
		Park'g.	Bldg.	Total	Least			
RSF-1	36	-	30	-	15	25	35	1,200
RSF-2	36	-	30	-	15	25	40	1,000
RSF-3	36	-	30	15 ⁵	7.5 ⁵	25	50	850
RCL	36	-	20 ⁶	6		6	40	4
RTH	36	20 ⁶	20 ⁶	6		6	50	4
RMF	36	20 ⁶	30 ⁶	6		6	60	4

Note: setbacks will be verified based on existing conditions in the respective developments. Minimum floor area requirements should be consistent with SIPOA standard.

Lot Setback Graphics

² Height shall be measured from a point 2 feet above base flood elevation.

³ Average established setback shall apply, as applicable, in RSF-1, 2, and 3 Districts per Section ***.

⁴ Minimum floor area requirements are for single family detached dwellings in the RSF-1, RSF-2 and RSF-3 districts. The minimum required floor area for units in the RCL, RTH and RMF districts shall be determined by the number of bedrooms, as follows: efficiency unit – 650, 1 bedroom – 800, 2 bedroom – 1,000, 3 bedroom – 1,200. An additional 100 square feet shall be provided for each bedroom over 3.

⁵ Side setback shall be the greater of 15 feet between buildings or seven and one-half (7 ½) feet from the property line.

⁶ Front setbacks shall only apply along perimeter streets, not including interior streets within a development. No minimum side yard shall be required; provided, a minimum separation distance of 25 feet shall be maintained between the ends of buildings and from perimeter property lines. No rear yard shall be required; provided, a minimum separation distance of 30 feet shall be maintained between the rear of any building and an adjacent building or a perimeter property line.

Table 4-3c. Dimensional Requirements for Lots Recorded After ***

Zoning District	Maximum Building Height (ft./stories) ²	Minimum Yard Setbacks (ft.) ³					Lot Coverage (%)	Min. Floor Area ⁴ (sq. ft.)
		Front		Side		Rear		
		Park'g.	Bldg.	Total	Least			
RSF-1	36	-	30	-	15	25	35	1,200
RSF-2	36	-	30	-	15	25	40	1,000
RSF-3	36	-	30	15 ⁵	7.5 ⁵	25	50	850
RCL	36	-	20 ⁶	6		6	40	4
RTH	36	20 ⁶	20 ⁶	6		6	50	4
RMF	36	20 ⁶	30 ⁶	6		6	60	4

Lot Setback Graphics

Section 4.4 Site Development Regulations

In addition to the requirements of this article, all development in the Residential Districts shall meet the applicable requirements as listed elsewhere in this ordinance:

- A. General Provisions – Article 9
- B. Conditional Use Requirements – Article 10
- C. Environmental Performance Standards – Article 11
- D. Trees, Landscaping and Buffering – Article 12
- E. Parking and Loading – Article 13
- F. Signs – Article 14
- G. Site Plan Review – Article 15

Support Districts

Article 5

Seabrook Island Development Standards Ordinance



Section 5.1 Purpose

- A. **CF, Community Facilities District.** It is the purpose of this district to provide suitable locations for those facilities that generally comprise the public and quasi-public infrastructure for the community.
- B. **LC, Limited Commercial District.** This district is intended to provide a concentrated location for various businesses of a type, scale, and character that are in harmony with the residential nature of the Seabrook Island community and support the daily needs of its residents and visitors.

Section 5.2 Schedule of Uses

Buildings or land shall not be used; and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 5-2* may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings in this district may be used by right.
- B. **Conditional Use (C).** Land and/or buildings in this district may be used by right, provided the specific conditions related to that use, as found in Article 10 are met.
- C. **Specific Conditions.** Indicates the relevant section outlining the specific requirements or conditions applicable to the conditional use which must be satisfied, in addition to the general criteria of Section 10.3.

Table 5-2 Schedule of Uses: Support Districts			
Use	LC	CF	Specific Conditions
Accessory Uses			
Accessory uses and structures	P		
Drive-in and drive-through facilities for automated teller machines, banks, pharmacies and similar uses (not including drive-through restaurants)	C		
Outdoor seating at eating/drinking establishments	C		See Section ***
Outdoor storage facilities		C	See Section ***
Entertainment, Hospitality, and Leisure			
Establishments serving alcoholic beverages	C		See Section ***
Hotels	P		
Marina	C		
Restaurants (not including drive-through facilities)	P		
Office			
Banks, savings & loans, and similar financial institutions	P		
Government offices	P	P	
Medical, dental or chiropractic office, including clinics and/or laboratory	P		
Offices, general and professional	P		
Veterinary offices and clinics	C		See Section ***
Retail			
Establishments, not exceeding 5,000 square feet, selling goods at retail within a fully enclosed building	P		
Establishments larger than 5,000 square feet but not more than 10,000 square feet, selling goods at retail within a fully enclosed building	C		See Section ***
Services			

Table 5-2 Schedule of Uses: Support Districts

Use	LC	CF	Specific Conditions
Kennels	C		See Section ***
Municipal facilities, including storage and maintenance facilities		P	
Personal services	P		
Photographic studios	P		
Water and wastewater treatment facilities		C	See Section ***
Wireless communication antennae and towers	C	C	See Section ***
Other Uses			
Similar uses	C	C	See Section 9.6 H

Section 5.3 Spatial Requirements

- A. All lots and buildings shall meet the minimum area and width requirements of Table 5-3. New lots shall not be created, except in conformance with these requirements.

Table 5-3. Lot and Width Requirements, Office/Service/Retail District

Zoning District	Minimum Lot Area (sq. Ft.)	Minimum Lot Width (ft.)
LC, Limited Commercial	15,000	80
CF, Community Facilities	15,000	80

Lot Area Graphics

- B. All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 5-3a.

Table 5-3a. Dimensional Requirements, Office/Service/Retail District

Zoning District	Maximum Building Height (ft./stories) ¹	Minimum Yard Setbacks (ft.)			
		Front		Side	Rear
		Parking	Building		
LC	36	²	30	15 / 30	20 / 30
CF	36		30		

Lot Setback Graphics

¹ Height shall be measured from a point 2 feet above base flood elevation.

² Parking shall not be permitted within the front yard.

Section 5.4 Site Development Regulations

In addition to the requirements of this article, all development in the OSR District shall meet the applicable requirements as listed elsewhere in this ordinance:

- A. General Provisions – Article 9
- B. Conditional Use Requirements – Article 10
- C. Environmental Performance Standards – Article 11
- D. Trees, Landscaping and Buffering – Article 12
- E. Parking and Loading – Article 13
- F. Signs – Article 14
- G. Site Plan Review – Article 15

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Mixed-Use District

Article 7

Seabrook Island Development Standards Ordinance



Section 7.1 Purpose

MU, Mixed-Use District. This district is established for the purpose of offering a tool that permits a combination of residential and non-residential uses within a cohesive integrated development. A variety of housing types is encouraged at moderate densities, along with complementary office, retail, and service uses in scale with the character of the district and surrounding area. Size limits are imposed to ensure that nonresidential uses remain appropriate to the district intent.

Section 7.2 Schedule of Uses

Buildings or land shall not be used; and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 7-2* may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings in this district may be used by right.
- B. **Conditional Use (C).** Land and/or buildings in this district may be used by right, provided the specific conditions related to that use, as found in Article 10 are met.
- C. **Specific Conditions.** Indicates the relevant section listing the requirements or conditions applicable to the conditional use.

Table 7-2 Schedule of Uses: Mixed-Use District

Use	MU	Specific Conditions
Accessory Uses		
Accessory uses and structures	P	
Drive-in and drive-through facilities for automated teller machines, banks, pharmacies, and similar uses (not including drive-through restaurants)	C	See Section ***
Home occupations	C	See Section ***
Outdoor display areas for retail establishments	C	See Section ***
Outdoor seating areas for restaurants, taverns and similar establishments	C	See Section ***
Outdoor storage facilities	C	See Section ***
Entertainment, Hospitality, and Leisure		
Establishments serving alcoholic beverages	P	
Fitness club/health spa	P	
Hotels	P	
Marina	C	See Section ***
Restaurants (not including drive-through facilities)	P	
Office		
Banks, savings & loans, and similar financial institutions, not including check cashing, payday lending, title loan establishments.	P	
Government offices	P	
Medical, dental or chiropractic office, including clinics and/or laboratory	P	
Offices, general and professional	P	
Residential		

Table 7-2 Schedule of Uses: Mixed-Use District

Use	MU	Specific Conditions
Dwellings on upper floors above businesses	C	See Section ***
Multiple-family dwellings	P	
Short-term rental	C	See Section ***
Single-family dwellings	P	
Townhome	P	
Two-family dwellings	P	
Retail		
Establishments, not exceeding 5,000 square feet, selling goods at retail within a fully enclosed building	P	
Services		
Personal services	P	
Places of worship	C	See Section ***
Wireless communication antennae and towers	C	See Section ***
Other Uses		
Similar uses		See Section 9.6 H

Note: this is a new concept. It can be limited to a location outside the gate and/or could be expressly intended to be applied to future annexation.

Section 7.3 Spatial Requirements

- A. All lots and buildings shall meet the minimum area and width requirements of Table 7-3. New lots shall not be created, except in conformance with these requirements.

Table 7-3. Lot and Width Requirements, Mixed-Use District

Zoning District	Size			Area Occupied by Non-Residential Uses (%)		Minimum Width (ft.)
	Project Area (acres)		Min. Open Space (%)	Minimum	Maximum	
	Minimum	Maximum				
MU	5	40	20	20	50	200

Lot Area Graphics

Table 7-3a. Dimensional Requirements, Mixed-Use District

Zoning District	Maximum Building Height (ft./stories) ¹	Minimum Yard Setbacks (ft.) ²³			
		Front		Side	Rear
		Parking	Building		
MU	36	20	20	20	40

¹ Height shall be measured from a point 2 feet above base flood elevation.

² Setbacks apply to the perimeter boundary of the project area. Individual setbacks within the mixed-use development shall be determined during the development plan review process, based on the setback requirements for the zoning district corresponding with the proposed use.

³ Marsh setbacks shall also apply, as required at Section XXX.

Lot Setback Graphics

- B. All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 7-3a.

Section 7.4 Review Procedures

All requests for approval of a mixed-use zoning district shall be subject to the review and approval procedures of this section. Mixed-use zoning may be established on any property at the initiation of the Town of Seabrook Island or by rezoning application submitted by the property owner. If initiated by the town, development of the property shall be subject to review and approval of concept and final development plans, in accordance with the applicable provisions of this section.

A. Approval Authority.

1. The zoning administrator and Planning Commission shall have review and recommendation authority for the concept plan.
2. The Town Council shall have final approval authority for the concept plan.
3. The zoning administrator shall have approval authority for a final plan/site-specific plan where no major changes to the approved concept plan, as defined in **Article XXX**, are required.

B. Pre-application Review.

1. All applicants seeking mixed-use zoning approval shall schedule a pre-application conference with the zoning administrator to discuss the proposed development prior to submitting an application. The zoning administrator may include representatives from any outside agency, department, entity or consultant as he or she deems appropriate. At the pre-application conference, the zoning administrator shall review a proposed sketch plan.
2. At minimum, the sketch plan shall contain the following information:
 - a. Location map of the proposed site;
 - b. General description of proposed land uses, including approximate location and acreage; and
 - c. Proposed gross residential density of the development, type of dwellings proposed, and net residential density of individual areas or parcels within the development.
3. A narrative description shall also accompany the sketch plan. The narrative shall describe how the proposed mixed-use zoning and uses relate to the goals and recommendations of the Seabrook Island Comprehensive Plan. The narrative shall also describe any anticipated inconsistencies between the proposed development and the provisions of this article.
4. The zoning administrator shall review the sketch plan and narrative and advise the applicant regarding conformance or inconsistencies with the requirements of this article and any modifications that may be required to comply with the ordinance. Once the pre-application process is complete, if the applicant wishes to proceed with the zoning application, a concept plan of the entire mixed-use development shall be prepared and submitted with a formal application.

C. Concept Plan.

1. Application requirements.

- a. A complete application shall be filed on a form provided by the zoning administrator, along with the application fee, a concept plan meeting all requirements of this section and any development conditions proposed by the applicant. Incomplete applications or concept plans shall be returned to the applicant without further processing.
- b. Unless specifically modified by development conditions accepted by the Town Council, a mixed-use development shall comply with all regulations in effect at the time of rezoning approval.
- c. The mixture of uses shall be limited to those specified in *Table 7-2*.

2. Concept plan requirements. At minimum, the concept plan shall contain the following information in schematic form, unless specifically waived by the zoning administrator:

- a. A title, giving the names of the developers and property owners, the date, scale, and the person or firm preparing the plan.
- b. A vicinity map and north arrow.
- c. The location and size of the project site, including the total gross acreage and total high ground
- d. The current zoning of the subject property and surrounding properties.
- e. The landowners and general land use of adjoining properties.
- f. Location of proposed uses assigned to sub-areas.
- g. A tabulation of total dwelling units and gross residential densities and the gross floor area to be devoted to non-residential uses and activities.
- h. Location of existing flood zones, marshes, and other riparian areas, and significant environmental features.
- i. General layout of transportation routes including streets and major pedestrian ways.
- j. The location of existing infrastructure (examples include roadways, sidewalks, and proximity of nearest water and/or sewer mains).
- k. Conceptual location for any proposed public uses including schools, parks, fire and medical emergency services, etc.
- l. General areas to be designated for common open space.
- m. Tree survey in accordance with **Section XXX**.
- n. A traffic impact analysis shall be required. The analysis must be prepared by a professional transportation engineer with expertise in the preparation of traffic impact analyses and shall contain all information required in **Section XXX**.
- o. A phasing plan, if applicable.

3. Review and approval.

- a. *Staff review.*

- i. Upon receipt of a complete mixed-use development application, the zoning administrator shall distribute the application materials to the appropriate town staff, as well as representatives from any outside agency, department, entity or consultant as he or she deems appropriate.
 - ii. The zoning administrator shall prepare a staff report based on the comments provided by other reviewers. The report and recommendations shall be forwarded to the Planning Commission for review and recommendation.
 - iii. The zoning administrator shall provide notice as required by **Section XXX** and schedule consideration of the mixed-use application on the next available Planning Commission agenda. The zoning administrator will then inform the applicant/agent when the request will appear on the Planning Commission agenda for action on the application. The applicant or authorized representative must be present at the meeting or the matter will not be heard.
 - b. *Optional joint work session.* The applicant may request a joint work session with the Town Council and Planning Commission to provide an opportunity to present the application and respond to any initial questions that members may have regarding the proposed development.
 - i. If the request is granted, the zoning administrator shall schedule the joint work session and notify the applicant when the session will occur.
 - ii. No decision or final action may be taken at a joint work session.
 - c. *Planning Commission review and recommendation.*
 - i. The zoning administrator shall present the staff report to the Planning Commission.
 - ii. After allowing time for presentation from the applicant and public comments, if any, the Planning Commission shall consider the application for conformance with the requirements of this ordinance and the review criteria in *Section 7.5*.
 - iii. The Planning Commission shall then make a recommendation to the Town Council to approve or deny the application.
 - d. *Town Council hearing and final decision.*
 - i. The staff report and Planning Commission recommendations shall be forwarded to the Town Council for review and final decision.
 - ii. The zoning administrator shall provide notice, as required by Sec. XXX, for a public hearing and schedule the mixed-use application on the next available Town Council agenda.
 - iii. The zoning administrator shall present the staff report and Planning Commission recommendation.
 - iv. After allowing time for presentation from the applicant and public hearing comments, the Town Council shall consider the application for conformance with the requirements of this ordinance and the review criteria in *Section 7.5*.
 - v. Following the rezoning procedures, as specified in **Section XXX**, the Town Council shall approve, deny, or refer the application back to the Planning Commission for further consideration.
4. Development conditions. The applicant may offer conditions to be attached to the rezoning. Proposed conditions shall be submitted as part of the application and concept plan.

- a. Conditions may be more restrictive than the requirements of this article but shall not alter the intent of the applicable mixed-use district nor permit uses not otherwise authorized by *Table 7-2*.
- b. The conditions shall be described in writing.
- c. The development conditions shall be binding upon the property, unless amended in conformance with the requirements of this section. Upon approval of the final plan, the approved development conditions shall be recorded in the Register of Deeds Office.
- d. If phasing is proposed, the applicant shall provide a general breakdown showing the various phases and the estimated schedule of construction.

D. Final Plan or Site-Specific Plan.

1. Phasing. The mixed-use development may be completed in multiple phases. If the development is to be completed in a single phase, the applicant shall prepare and submit a final development plan. If the development is to be completed in more than one phase, the applicant shall prepare and submit a site-specific plan prior to construction of each phase of the project. In either case, the final plan/site-specific plan shall contain the elements required in **Section XXX** for final development plans and conform to the previously approved concept plan.
2. Zoning administrator review and approval.
 - a. The zoning administrator shall distribute the final plan/site-specific plan application to the appropriate town staff, as well as representatives from any outside agency, department, entity or consultant as he or she deems appropriate.
 - b. Once the plan has been received and reviewed by the appropriate reviewers and the applicant has met all of the required elements of this ordinance, any other applicable regulations, and the approved concept plan and development conditions, the zoning administrator shall issue a final approval.
 - c. If the plan is inconsistent in any aspect with the approved concept plan, the zoning administrator shall follow the procedure specified in this section for amending an approved plan.

Note: What authority, if any, does SIPOA have during the review of the final development plan?

E. Amendments. Any and all amendments to the concept plan and/or final/site-specific plans for the mixed-use shall be subject to the following review procedures:

1. The zoning administrator shall have the authority to approve:
 - a. Changes which result in a decrease in approved density or building size, either residential or non-residential.
 - b. Change in land use designation from multi-family, two-family, or townhome to single-family or a change from any other use to open space/passive recreation; provided, the minimum required proportion of non-residential uses shall be retained.
 - c. Change in infrastructure features (i.e., roads/access, sewer, water, storm drainage) internal to the mixed-use area which are clearly beneficial to the occupants of the mixed-use area and will have no impact on adjoining or off-site properties.
 - d. Movement of buildings within the same general vicinity as shown on the approved plan.
 - e. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
2. All other changes shall be considered as a new application and processed in accordance with the provisions of *Section 7.4 C and D*.

Section 7.5 Development Review Criteria

Applications for mixed-use development shall only be approved upon a finding of compliance with the following criteria:

- A. **Rezoning Criteria.** The criteria of **Article XXX** for rezonings shall be satisfied.
- B. **Development Plan Standards.** The standards of **Section XXX** for development plans shall be satisfied.
- C. **Consistency with Comprehensive Plan.** All mixed-use development shall be designed, constructed and maintained in conformance with the applicable guidelines and standards established by the Town of Seabrook Island Comprehensive Plan.
- D. **Integration with Transportation System.** Mixed-use developments shall be designed to integrate into the adjacent transportation system relative to:
 - 1. Pedestrian connections to ensure accessibility to current or future development, if applicable;
 - 2. Connectivity to existing and future roadways, sidewalks and pathways;
 - 3. Complete streets roadway design that accommodates vehicular, pedestrian, and bicycle transportation modes;
 - 4. Strategic locations of parking lots and structures to facilitate shared parking; and
 - 5. Access management to provide internal connections between uses and prohibit individual driveway access to perimeter roads.
- E. **Impact on Infrastructure.** The development is staged in a manner that allows for and facilitates the timely provision of public utilities, facilities and services.
- F. **Compatibility of Uses and Structures.** The mixed-use development is planned so land uses and densities create an appropriate transition to existing or planned uses and densities on adjoining properties.
- G. **General site design:** The following characteristics shall be incorporated into the mixed-use development:
 - 1. Pedestrian accessibility/concentration of development (critical mass) in a compact, walkable area.
 - a. Uses are concentrated to promote convenient pedestrian access.
 - b. Pedestrian circulation is clearly defined and connects all uses.
 - c. Bicycle and pedestrian access are provided to adjacent developments.
 - d. Sidewalks are provided on each side of rights-of-way or private streets throughout the development.
 - e. Strip commercial development characterized by single story uncoordinated, unconnected buildings with large street frontage parking lots is specifically prohibited. Strip malls with uncoordinated, unconnected out-parcels are prohibited. All structures are fully integrated into the mixed-use project through common design themes (including, but not limited to, lighting, benches, landscaping, other decorative features but not necessarily building design), integration with a variety of uses, nonlinear arrangement, common spaces, pedestrian walkways, vehicular access connections, and other features.

2. Plazas, courtyards and other common areas are provided for public gathering and interaction. Amenities, such as benches, planters, lighting, fountains, art, and landscaping that further the design theme of the project and encourage interaction shall be provided.
3. Mixed-use projects require special attention to building design because of the relationship of land uses in close proximity. Functional integration of residential and commercial uses shall be considered during design of mixed-use projects. The following standards are intended to guide development of mixed-use projects:
 - a. The mixed-use development shall be designed and developed to provide an appropriate interrelationship between the various uses and structures within the development through the use of complementary materials, unified streetscape treatment, buffering, connectivity for vehicular and pedestrian movement, building orientation, parking location and height transition.
 - b. Residential and commercial uses may be located within the same or adjoining structures, provided applicable health and safety regulations are followed.
 - c. Structures shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Structures shall have consistent scale and massing to create a unified project. Compatibility with the immediate context is required. However, gradual transitions in scale and massing are permitted.
 - i. Blank walls shall be avoided by including ground floor windows, recesses, extensions and breaks in roof elevation.
 - ii. Design shall provide differentiation between ground level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.
 - iii. Design shall ensure privacy in residential sectors through effective window placement, soundproofing, landscape screening, or orientation of outdoor living areas (e.g., balconies, porches and patios). Opposite facing windows at close distances should be offset vertically or horizontally or employ appropriate materials (e.g., glazed or tinted) to protect privacy.
4. Housing diversity shall be required.
 - a. At least two (2) different residential types (single-family, multiple-family, townhome, cluster, or two-family) with a range of prices and sizes shall be incorporated into the development.
 - b. Where incorporated into the mixed-use development, single-family lot sizes shall be varied to provide a mixture of lot sizes.
5. Permitted flexibility in lot sizes, setbacks, street widths and landscaping shall result in a more livable development, preservation of natural features, and creation of open space consistent with the policies of the comprehensive plan and this ordinance.

Section 7.6 Site Development Regulations

In addition to the requirements of this article, all development in the Mixed-Use District shall meet the applicable requirements as listed elsewhere in this ordinance:

- A. General Provisions – Article 9
- B. Conditional Use Requirements – Article 10
- C. Environmental Performance Standards – Article 11
- D. Trees, Landscaping and Buffering – Article 12
- E. Parking and Loading – Article 13
- F. Signs – Article 14
- G. Site Plan Review – Article 15

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Seabrook Island Road Overlay District

Article 8

Seabrook Island Development Standards Ordinance



Section 8.1 Purpose

As the only public right-of-way providing access to and from Seabrook Island, it is essential to maintain a safe, efficient, functional, and attractive corridor along Seabrook Island Road. This overlay district is established for that purpose. Regulations are established by this article to manage access to and from abutting properties, create an inviting and unified appearance along the corridor, protect the corridor's prized natural features, promote alternate modes of transportation, and preserve the value of abutting properties.

Section 8.2 Applicability

- A. An overlay district is hereby established for a portion of Seabrook Island Road, beginning at its intersection with Betsy Kerrison Parkway and continuing in a southwesterly direction for a distance of approximately one mile, and extending 250 feet in both directions from the outer edge of the public right-of-way. The boundaries of the overlay district shall be as illustrated on the official zoning map referenced in *Section 2.2*.
- B. The requirements of the Seabrook Island Road Overlay District shall apply only to property located within the corporate limits of the Town of Seabrook Island. Property within the boundaries of the overlay district, but located outside the corporate limits of the town, as of the effective date of this ordinance, shall become subject to the requirements of this section only upon annexation into the town; provided, any construction or other development activity within the public right-of-way, including but not limited to encroachment permits, shall be subject to the requirements of this article.
- C. The requirements of this article are in addition to, and shall supplement, those imposed on the same lands by any underlying zoning provisions of this ordinance or other ordinances of the Town of Seabrook Island. To the extent a conflict exists, these regulations shall supersede all conflicting regulations, unless otherwise specified.

Section 8.3 District Requirements

- A. **Permitted Uses.** Any use allowed within the underlying zoning district shall be permitted within the overlay district, subject to the applicable requirements of the underlying district, unless superseded by this article.
- B. **Spatial Requirements.** Except as otherwise specified for this overlay district, the spatial requirements of the underlying district shall control.
- C. **Access.** Control over the number and location of access points along Seabrook Island Road, as specified in this section, is necessary to reduce congestion, improve safety, maintain acceptable traffic flow, and minimize confusion. Therefore, the standards of this section shall apply to all property having frontage on and direct access to that segment of Seabrook Island Road under the jurisdiction of the Town of Seabrook Island.
 - 1. Driveway Location in General.
 - a. Driveways shall be positioned to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
 - b. Driveways, including the radii, but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage of the property being served, unless otherwise approved by the Planning Commission, and upon written certification from the adjacent property owner agreeing to such encroachment.
 - 2. Access Permit.

- a. A permit shall be required for any property (whether within or outside the corporate limits of the town) which is proposed to have access to Seabrook Island Road via driveway or street; which in any manner may impact drainage to, from, or under the road; and/or which in any manner may impact utilities (whether owned and/or operated by the town or others) located beneath the surface of the road or right of way.
 - b. Applicants shall furnish a site development plan, as required by **Section XXX** and such additional information concerning the proposed project, as may be required by the town, including the following, at no expense to the town, before a permit is considered:
 - i. a traffic impact analysis, prepared by a qualified transportation engineer registered in the State of South Carolina;
 - ii. a drainage study to the town's specifications which identifies and quantifies drainage from the proposed development, including its impact on existing roadway drainage systems and compliance with all applicable provisions of the town's stormwater program;
 - iii. a study to the town's specifications which identifies and quantifies impact of the proposed development on utilities located beneath the surface of any potentially affected public street or right of way.
 - c. Completed permit applications, including any required studies, shall be submitted to the Planning Commission for review and approval prior to issuance of a permit by the zoning administrator. At its sole discretion, the Planning Commission may request independent consultant review of studies, plans, and other documents submitted as part of the application. The cost of such review shall be borne by the applicant.
 - d. The Planning Commission may attach such conditions of approval as it deems necessary to protect the interests of the town, public street or right-of-way, and drainage system and utilities, including without limitation requiring the applicant to:
 - i. construct improvements and/or erect traffic signs and/or signals determined to be necessary to mitigate traffic impacts from the proposed development, or alternatively, make payment to the town to defray the entire cost of such improvements;
 - ii. install replacements and/or modifications to existing roadway drainage systems, as specified by the town, or alternatively, make payment to the town to defray the entire cost of such replacements and/or modifications; and
 - iii. repair and/or replace buried utilities as specified by the town, or alternatively, make payment to the town to defray the entire cost of doing the same or reach agreement regarding the costs with any utility not controlled by the town.
3. Driveway Spacing.
- a. Minimum spacing between two driveways, or between a driveway and a street intersection, whether on the same or on opposite sides of the street, shall **be 600 feet**. The minimum spacing shall be measured from centerline to centerline for driveways and from nearest pavement edge to nearest pavement edge for driveways and street intersections. **Note: 600 ft. is the approximate average spacing between existing roads and drives along SI Road.**
 - b. To reduce left-turn conflicts, new driveways shall be aligned with those across the street, where possible. If alignment is not possible, driveways shall be offset from those on the opposite side of the street **at least 200 feet**. This requirement may be reduced by the

Insert graphic

Planning Commission, as provided in subsection 4 below, where there is insufficient frontage and shared access with an adjacent site is not feasible. Greater offsets may be required depending on the expected inbound left-turn volumes of the driveways.

4. Modification of Requirements.

- a. Modification to the spacing and other requirements above may be permitted by the Planning Commission under the following conditions and if the criteria of subsection b are satisfied.
 - i. The modification will allow an existing driveway to remain that does not meet the standards of this section but that has, or is expected to have, very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to impact safe traffic operations.
 - ii. The use is expected to generate a relatively high number of trips (exceeding 200/peak hour) and an additional driveway will improve overall traffic operations.
 - iii. Practical difficulties exist on the site (sight distance limitations, existing development, soil conditions, the presence of marsh or wetlands, or unique site configuration) that make compliance unreasonable; or existing off-site driveways make it impractical to fully comply with the standards.
 - iv. Because of restricted turning movements or the presence of a median that restricts turning movements, the driveway does not contribute to congestion or create an unsafe situation.
- b. The Planning Commission may waive certain requirements of this section upon consideration of the following:
 - i. The proposed modification is consistent with the general intent of the standards of this section and the recommendations of the Seabrook Island Comprehensive Plan.
 - ii. Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
 - iii. Shared access has been provided, or the applicant has demonstrated it is not practical.
 - iv. Such modification is the minimum necessary to provide reasonable access, will not impair public safety, will not prevent the logical development or redevelopment of adjacent sites, and is not simply for convenience of the development.

5. Driveways Permitted.

- a. In the case of a corner lot or parcel, access shall only be provided from the intersecting street, not from Seabrook Island Road.
- b. One (1) driveway may be permitted to serve an individual lot or parcel; provided, the minimum spacing requirements of this section shall be maintained.
- c. The use of shared driveways or access roads is encouraged.
- d. One (1) additional driveway may be permitted for a property only as follows:
 - i. The Planning Commission determines, based on a traffic impact analysis, that projected traffic volumes warrant an additional access and traffic operations will be improved along the road as a result; and
 - ii. The minimum spacing requirements of this section will be met.

6. Driveway Design.

- a. All driveways shall be designed according to the standards of the Town of Seabrook Island, including the provision of necessary drainage facilities and utilities.

- b. For high traffic generators or where high left-turn demand is expected, the Planning Commission may require separate right- and left-turn egress lanes.
- c. Where a boulevard entrance is proposed by the applicant or required by the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will use the driveway. The minimum area of the island shall be 180 square feet. The Planning Commission may require landscaping, tolerant of street conditions, on the section outside the public right-of-way.

7. Shared Driveways and Service Roads.

- a. Where the Planning Commission determines that traffic operations and safety along the Seabrook Island Road corridor will be benefitted, a shared driveway or service road connecting two (2) or more properties or uses may be required.
- b. A shared driveway or service road shall be within a recorded access easement. A draft of the access easement shall be provided to the town for review prior to filing.
- c. The number of access points along a service road shall be according to the standards of this section. The Planning Commission may allow temporary access where the service road is not completed if a financial guarantee is provided which assures elimination of the temporary access upon completion of the service road. Building permits shall not be issued until the financial guarantee has been submitted to the town.

8. Service Road Design Standards. Service roads shall generally be parallel to the front property line and may be located either in front of, adjacent to, or behind principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing and proposed buildings and anticipated traffic flow for the site. However, placement of the service road intersection with the driveway providing access to Seabrook Island Road shall be as far as possible from the street for safe and efficient operation. The separation distance between the nearest edge of the street and the nearest edge of a service road or drive aisle shall be equal to at least one-fifth of the lot depth, but no less than 100 feet.

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- a. *Access easement.* The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be 40 feet wide, except an access easement parallel to the public street right-of-way may be 30 feet wide, if approved by the Planning Commission. The required width shall remain free and clear of obstructions, unless otherwise approved.
- b. *Construction and materials.* Service roads shall have a base, pavement and curb with gutter in accordance with town standards for public streets, except the service road shall have a minimum pavement width of at least 24 feet.
- c. *Parking.* The service road is intended to be used exclusively for circulation, not as a parking or maneuvering aisle. The posting of "no parking" signs may be required along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available; provided, the layout allows removal of the parking in the future to permit extension of the service road.
- d. *Access to service road.* The Planning Commission shall approve the location of all access points to the service road; provided, a minimum separation distance of 125 feet shall be maintained between driveways along the service road.

- e. *Maintenance.* Each property owner shall be responsible for maintenance of the easement and service road.
- D. **Landscaping.** The area between a service road and the public street right-of-way shall be planted as a **street yard greenway**, as specified in **Section XXX**.
- E. **Signs.** The sign requirements of Article XXX shall apply; provided, however, only one (1) ground sign shall be permitted within 50 feet of the road right-of-way line and shall comply with the following requirements:
 - 1. Maximum area: 12 square feet
 - 2. Maximum height: six (6) feet
 - 3. Minimum setback from road right-of-way: 10 feet
 - 4. External illumination only
- F. **Lighting.** **Lighting shall meet the requirements of Section XXX.**
- G. **Non-motorized Connectivity.** All properties subject to this overlay district shall provide paved connections to existing pathways for pedestrians and cyclists.

Section 8.4 Site Design Regulations

In addition to the requirements of this article, all development in the SIR Overlay District shall meet the applicable requirements as listed elsewhere in this ordinance:

- A. General Provisions – Article 9
- B. Conditional Use Requirements – Article 10
- C. Environmental Performance Standards – Article 11
- D. Trees, Landscaping and Buffering – Article 12
- E. Parking and Loading – Article 13
- F. Signs – Article 14
- G. Site Plan Review – Article 15

General Provisions

Article 9

Seabrook Island Development Standards Ordinance



Section 9.1 General Compliance

A. Ordinance Compliance.

1. Except as otherwise provided in this ordinance, no building, structure or premises shall be used or occupied; and no building or part of any building or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with the provisions of this ordinance.
2. No lot may be altered or diminished in size to less than the minimum requirements of this ordinance; provided, a lot may be reduced below the requirements of this ordinance to meet the needs of a private or public utility (e.g., a pumping station or electrical substation).

B. **Unlawful Buildings and Uses.** Any building, use, or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this ordinance shall continue to be unlawful, unless expressly permitted by this ordinance. Such unlawful buildings, uses, or lots shall not be considered to be nonconforming buildings, uses, or lots of record and shall not be afforded any protections or allowances otherwise granted to legally nonconforming buildings, uses, or lots.

C. **Withholding Approval.** The Town Council, Planning Commission, Board of Zoning Appeals, zoning administrator, or other authorized board, commission or administrative staff may, in its sole discretion, withhold approval of any plan, use or permit request pending receipt of permits or approvals from other local, county, state, or federal departments or agencies.

D. Excavations or Fill.

1. The construction, maintenance, or existence within the town of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, is hereby prohibited; provided, this section shall not apply to the following:
 - a. any excavation under a permit issued by the zoning administrator where such excavation is properly protected and warning signs are posted in such manner as approved by the town; and
 - b. natural water bodies, marshes, or ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.
2. No property shall be increased in size by filling an abutting water body or marsh by any method.

E. Trash, Litter, and Junk.

1. It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement, or storage of trash, litter, or junk on premises in the town, except in a lawfully licensed disposal facility; provided, such items may be stored in watertight storage receptacles designed for the temporary accumulation of trash for a period not to exceed seven (7) days. Waste receptacles shall not be left unattended in any yard longer than a period of 48 hours, unless they are kept or enclosed in a permanent structure designed to prevent disturbance of such receptacles by animals or severe weather conditions.
2. No property owner shall use any area of that property as a dumping site for any type of debris whether natural, construction materials, garbage, or other debris.
3. During new home construction or substantial remodeling, building sites shall be kept clean. A dumpster must be provided on the site and must be emptied before exposed trash is visible. All building debris, stumps, trees, etc., must be removed from each building lot by the builder as often as necessary to keep the building site free of debris. Temporary sanitary facilities shall be provided and shall be located off the street right-of-way and screened so they are not visible from the street.

Section 9.2 Buildings

A. Accessory Buildings.

1. Accessory buildings or garages shall be considered to be part of the main building if structurally and architecturally integrated into the main building, or if attached by an enclosed breezeway or similar enclosed structure.
2. Detached accessory buildings shall not be located closer than 10 feet to the main building or any structural appurtenance attached to the main building, such as a porch or raised deck.
3. No accessory building shall be located in a front yard or side yard. **Discuss**
4. No accessory building shall be constructed on a lot before the principal building or use is constructed on the lot.
5. Accessory buildings shall be set back from side and rear lot lines at least one-half (½) the required distance for the principal building, but no less than five (5) feet. However, if the rear lot line of the property on which the accessory building is located is also the side lot line of the neighboring property, the accessory building shall be set back the same distance from the rear lot line as the required side yard setback for a principal building.
6. If a detached garage is accessed from an alley, there shall be no rear setback requirement.
7. No more than one (1) accessory building, with a maximum floor area of ***** sq. ft.**, shall be erected on any individual single-family residential lot. **Note: consideration should be given to regulating the permitted size of an accessory building in relation to the size of the lot.**
8. Accessory buildings in the RCL, RTH, and RMF districts shall meet the minimum setback requirements for principal buildings. Detached garages shall be exempt from the limits on number and size. In addition, up to three (3) accessory buildings serving a development of multiple units may be permitted for maintenance and storage; provided, the total area shall not exceed ***** sq. ft.**
9. The area of accessory buildings shall be included in the maximum lot coverage.
10. The maximum height of an accessory building shall not exceed 14 feet. **Discuss**
11. No accessory building, except as may otherwise be permitted in this ordinance, shall be occupied or rented for residential use.
12. Accessory buildings on lots within nonresidential districts shall comply with all yard setback requirements for principal buildings within the district in which located.

- B. **Restoring Unsafe Buildings.** Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official, or required to comply with his lawful order; provided, such restoration shall be subject to and completed in accordance with the applicable building code and all other applicable ordinances.

Section 9.3 Lots

- A. **Corner Lots.** On corner lots, the minimum front yard requirement shall be met on each street. Each corner lot shall be comprised of two (2) front yards and two (2) side yards. Corner lots shall have extra widths where necessary to permit the establishment of sight area easements, as required at **Section 9.4A.**
- B. **Cul de Sac Lots.** In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the required front setback line. Cul-de-sac lots shall have a minimum width of 40 feet at the front lot line; provided, if the minimum required lot width is less than 40 feet, the minimum width at the front lot line shall be at least 60 percent of the minimum required width.

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C. **Through Lots.** On through lots, the minimum front yard requirement shall be met on each street.

D. **Lots Abutting Water Bodies and Marshes.** Lots abutting or containing a waterbody or marsh shall comply with the following regulations:

1. The lot width on the street side shall not be less than the minimum width required for the zoning district in which the lot is located.
2. The lot shall meet the minimum width requirements of the zoning district in which the lot is located, measured at the ordinary highwater mark between side lot lines.
3. Waterfront lots shall be considered through lots with both the waterside and street side considered to be front yards. The front yard on the waterside shall be the area between the ordinary highwater mark and the nearest wall of the principal building.
4. Accessory buildings shall be permitted within the waterside front yard, but not within the required waterside setback area, and shall comply with all applicable requirements of *Section 12.1 A*.

E. **Minimum Lot Frontage.** All lots and parcels created after the effective date of this ordinance shall have the required frontage upon and be accessed from a public right-of-way or private street easement.

F. **Required Area or Space.** No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make the area or space smaller than the minimum required under this ordinance. If already less than the minimum size required, the area or space shall not be further divided or reduced.

Section 9.4 Setbacks

A. **Clear Vision Corner.** In all zoning districts, signs, fences, walls, structures, benches, shrubbery or other potential obstructions to vision, shall not be permitted to exceed a height of three (3) feet above the center line finished grade of the road within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point where the right-of-way lines intersect; provided, utility poles, street lights and street signs shall be exempt from this requirement.

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B. **Driveways.**

1. No part of a driveway for a single-family residence shall be closer than three (3) feet to the side property lines on nonconforming lots and six (6) feet on all other lots.
2. No driveway shall be constructed within 50 feet of an intersecting street right-of-way.
3. A shared driveway for cluster, townhome, or multi-family lots or developments is permitted to cross property lines for those properties accessed by that driveway.
 - a. All such driveways shall be engineered on site development plans and presented to the zoning administrator at the time of application. With the approval of the Planning Commission, shared driveways for cluster, townhome, and multi-family developments may be permitted.
 - b. In such instances, the driveway must be a minimum of 16 feet wide.
 - c. The zoning administrator must further certify that the proposed shared driveway does not in any manner affect proper ingress or egress to the properties sharing such driveway or other adjoining properties.
 - d. Where shared driveways are approved, regime covenants must clearly define ownership and maintenance responsibilities of the owners sharing the driveway.

- C. **Front Yards.** All yards abutting upon a street right-of-way, whether public or private, shall be considered as front yards for setback purposes, except as otherwise provided in this ordinance.
- D. **Encroachments in Right-of-Way.** No buildings, structures, service areas or off-street parking and loading facilities, except driveways, shall be permitted to encroach into street rights-of-way or easements.
- E. **Encroachments into Required Yards.** Certain structures and architectural features may project into the required yard setbacks, as shown in **Table 9-4 E**: **Note: this is an expanded list of allowed encroachments and a new format. Please consider their applicability/relevance to existing conditions.**

Table 9-4 E, Encroachments into Required Yard Setbacks			
Type of Feature	Allowed Encroachment into a Setback		
	Front Yard	Side Yard	Rear Yard
Accessory structures	See Section ***		
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a 3-foot side yard setback		
Air conditioning units, generators and other mechanical equipment ¹	None	5 ft.	5 ft.
		No more than 5 ft. from the building and no closer than three (3) feet to adjoining property line	
Arbors, trellises and pergolas (attached to principal building)	5 ft.	3 ft.	10 ft.
Awnings and canopies			
Balconies	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Driveways	See Section 9.4b		
Eaves and gutters	2 foot	2 foot	2 foot
Fences and walls	See Section ***		
Flagpoles	Permitted up to 6 ft. from all lot lines		
Light poles (not including ground-mounted lights)	Permitted up to 6 ft. from all lot lines		
Outdoor fireplaces and pits	None	None	Up to 10 ft. from a rear lot line

Table 9-4 E, Encroachments into Required Yard Setbacks

Type of Feature	Allowed Encroachment into a Setback		
	Front Yard	Side Yard	Rear Yard
Paved and brick paver patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed ¹	10 ft.	Up to 6 ft. from a side lot line	10 ft.
Porches, decks and stoops, uncovered and unenclosed ²	5 ft., but no closer than 20 ft. to the front lot line	3 ft.	Up to 15 ft. from a rear lot line or critical line
Signs	See Article XXX		
Stairways (not including steps to main floor entry)	5 ft.	3 ft.	10 ft.
Swing sets and similar play structures (attached)	None	Up to 6 ft. from a side lot line	10 ft.

- G. **Setback Requirements.** All setbacks shall be measured from the property lines; provided, if a marsh is present on the property, the setback shall be the greater of the minimum yard or marsh setback requirement. If located on a private road, the setback shall be measured from the right-of-way line or 30 feet from the edge of pavement, whichever is greater. A building shall not be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the setback requirements of the district in which it is located.
- H. **OCRM Critical Line.** Whenever this ordinance requires measurement from, or based on, the South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management (SCDHEC-OCRM) critical line, the critical line shall have been reviewed and certified by SCDHEC-OCRM within the previous five (5) years. Notwithstanding this requirement, critical areas by their nature are dynamic and subject to change over time. As such, in the event there is reason to believe a critical area has changed since its last review (even if the review occurred within five (5) years), the property owner may be required to have the critical line reviewed again and, if such a change has occurred, relocated before making any determinations requiring a measurement based on the critical line.
- I. **Marsh and Open Space Setbacks.**
1. The minimum setback for a structure on a lot abutting the marsh shall be twenty-five (25) feet from the SCDHEC-OCRM critical line or the lot line, whichever is more landward.
 2. On lake, lagoon, or golf course lots the minimum rear lot setback of the residential structure must be twenty-five (25) feet. **Discuss**
 3. Open decks, porches, or stoops may encroach into the setback as specified in **Table 9-4 E**.

¹ Building code may necessitate additional fire protection. Equipment shall not be located within any easement.

² Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks applicable to the principal building.

Section 9.5 Structures

A. Awnings.

1. All awnings shall be securely attached to and supported by a building wall. No other means of support will be approved.
2. No part of the awning or its supporting frame shall be less than seven (7) feet above the sidewalk over which it is erected.
3. No advertising shall be placed on any awning.

B. Fences and Walls.

1. Walls and Fences. In the event a wall or fence is used or required, the following shall apply:
 - a. Any open spaces or non-solid areas shall be evenly spaced;
 - b. Walls must be made of stucco, cypress, pressure-treated wood, wood composite, brick, stone, architectural concrete masonry units (CMU), or similar materials;
 - c. Fences must be made of stucco, cypress, pressure-treated wood, wood composite, iron, powder coated aluminum, or similar materials. Barbed wire, concertina wire, razor wire, chain link, poultry wire and vinyl are strictly prohibited;
 - d. Walls and fences shall be constructed with quality materials and workmanship in accordance with prevailing building industry standards for appearance, soundness, safety and resistance to decay and weather, and shall be maintained in good repair;
 - e. Walls and fences shall be located no closer to a side or rear property line than fifty percent (50%) of the required side or rear setback for principal structures;
 - f. No wall or fence shall be permitted within a required marsh or beachfront setback area;
 - g. No wall or fence shall be taller than six (6) feet in height, measured from the finished elevation at its base to the highest point of the wall or fence; provided, however, the Planning Commission may allow a wall or fence to exceed six (6) feet in height when the wall or fence is used to screen a public building or storage yard, utility structures or equipment, or an approved outdoor storage area in a district zoned for agricultural, commercial, governmental, industrial, or parks and recreation uses.
 - h. Walls and fences shall not exceed a height of three (3) feet within any sight easement or clear vision triangle;
 - i. When a wall or fence has both a finished side and an unfinished side, the finished side shall face the adjoining property or, if on the interior of the site, shall face outward toward the perimeter of the site;
 - j. Plant materials, where required, shall be installed on the exterior side of the wall or fence; and
 - k. Walls and fences shall not be constructed in a way that negatively impacts drainage on the site or on adjacent properties.
- l. The requirements of this section shall not apply to the repair, replacement or reconstruction of any wall or fence which was legally in existence as of the effective date of this ordinance. Any such wall or fence may be repaired, replaced or reconstructed, provided:
 - i. The extent of any non-conforming element shall not be increased. For the purpose of this section, the term "element" shall include the design, materials, height and/or location of the existing fence;
 - ii. The extent of any previously non-conforming element may not be re-established once that element has been brought into conformity, or made less non-conforming, with the provisions of this ordinance;

- iii. In the case of replacement or reconstruction, installation of the new wall or fence shall be completed no more than 120 days following demolition or destruction of the wall or fence which it will replace. The Zoning Administrator may authorize a one-time 60-day extension in the event he or she finds, in writing, that installation may not be completed within 120 days due to circumstances which are beyond the applicant's control; and
 - iv. Nothing in this paragraph shall be interpreted to conflict with or supersede the requirements of the International Swimming Pool and Spa Code, or any other building code adopted by the South Carolina Building Codes Council.
- m. The provisions of this section shall not apply to the construction and/or maintenance of any wall, revetment, riprap or similar structure which has been duly permitted by the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (OCRM).
- 2. **Hedges.** Whenever a hedge is used in landscaping buildings other than single-family homes, the hedge shall be installed with plants of sufficient size and spacing as to attain the height required and opacity of at least seventy-five percent (75%) within two (2) years of planting. If a hedge is not in compliance with the above height and opacity requirements within two (2) years after planting, the hedge must be completed with mature plants at developer expense.
- C. **Height Exceptions.** Height limitations of this ordinance shall not apply to monuments, water towers, transmission towers, utility poles, chimneys, flag poles, or farm structures not intended for human occupancy. They do, however, apply to decks, widow walks, and similar structures, erected on top of a building.
- D. **Mechanical Appurtenances.**
 - 1. Mechanical units located on the ground shall be located in the rear or side yard in accordance with the requirements of **Table 9-4 E**.
 - 2. When attached to a building, the mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing so as not to be visible from neighboring property and to provide sound buffering. Screening shall comply with the requirements of **Section XXX**.
 - 3. If located on the roof of a building or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.
 - 4. Mechanical units shall not be placed within any easement.
 - 5. The mechanical equipment shall be elevated to meet the requirements of the Federal Emergency Management Agency (FEMA) and the Town of Seabrook Island Building Code and Development Standards Ordinance.
 - 6. All such equipment shall be located to have the least adverse impact on surrounding property owners.
 - 7. A permit shall be obtained from the zoning administrator.
- E. **Swimming Pools, Spas, and Hot Tubs.** Any swimming pool, spa, hot tub or similar structure whose depth at any point exceeds 24 inches shall be subject to the following regulations and shall be fenced securely, in accordance with the applicable requirements of the Seabrook Island Building Code.
 - 1. Swimming pools, spas, hot tubs and similar structures shall only be permitted in the rear yard.
 - 2. Swimming pools, spas, hot tubs and similar structures, whether above or below ground, shall be subject to all setback requirements for structures.
 - 3. As required by the South Carolina Building Codes, all in-ground pools must be fenced.

- a. The fence must be forty-eight (48) inches in height, with an opening in one direction that does not exceed five and one-half (5½) inches.
- b. The fence must be accented with landscaping on all exterior sides not abutting a building so as to minimize its visual impact.
- c. In lieu of fencing, certified mechanical pool covers may be approved by the zoning administrator.
- d. Fencing material around community pools must be approved by the zoning administrator. Only materials that are harmonious and architecturally compatible with surrounding areas and developments shall be approved.

F. Temporary Structures.

1. Temporary Structures and Tents.

- a. No structure of a temporary nature shall be authorized or allowed to remain on any property; and no trailer, camper, shack, tent or other similar structure shall be used as a residence or for any other purpose, except for construction trailers and temporary sanitary facilities as provided for elsewhere in this ordinance.
- b. Large tents and other temporary structures associated with approved recreational activities and events may be erected with the authorization of the zoning administrator. In making such determination, the zoning administrator shall consider traffic patterns to and from the structure, its proximity to nearby residences, potential noise from amplified music or other sources, the hours of the event for which the tent or structure is being erected, and the number of days it will be present.
- c. All such structures or tents shall meet the minimum setback requirements of the zoning district in which they are located.

2. Temporary Storage Units.

- a. It shall be unlawful to place or permit the placement of a temporary storage unit on any property for more than seven (7) consecutive days; provided, a longer period may be approved by the zoning administrator for building construction or remodeling projects.
- b. Temporary storage units shall only be placed upon or within a driveway, parking area or, if access exists to the rear of the lot, the rear yard.
- c. No temporary storage unit shall be placed upon or within public property or a public place, including without limitation, a street, sidewalk or outlawn.
- d. The temporary storage unit shall not exceed eight (8) feet in height, eight (8) feet in width and 16 feet in length.
- e. The temporary storage unit shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the unit.
- f. The temporary storage unit shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.
- g. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, or goods for property other than the property where the storage unit is located or any illegal or hazardous material. Upon reasonable notice, the zoning administrator may inspect the contents of any temporary storage unit at any reasonable time to ensure compliance with these requirements.
- h. Any temporary storage unit which is not removed at the end of the time for which it may lawfully remain in place, may be removed by the town immediately, without notice, and the cost of such removal may be assessed against the property on which the unit was located.

- i. A sign identifying the storage unit supplier, mounted on the temporary storage unit, shall not require a sign permit; provided, the storage unit is in compliance with this subsection and all other applicable ordinances.

Section 9.6 Uses

- A. **Combination Construction.** A combination of attached and detached residential construction will not be allowed unless the Planning Commission has reviewed the proposed development and determined that the proposed structures are architecturally compatible with each other and with surrounding structures. If a combination of attached and detached construction is used, these homes shall meet the following requirements:
1. There shall be no more than six (6) dwelling units per gross acre.
 2. No more than three (3) dwelling units shall be attached per building. The dwellings shall be attached by a common dividing wall(s) from ground to roof to one (1) or more units. Separate access shall be available for each unit from the exterior. This requirement, however, shall not apply within the MU, Mixed-Use District.
 3. Each dwelling unit shall be designed for, and occupied as, a residence by one family.
 4. Each attached dwelling unit shall have a minimum size of 1,200 square feet of heated area.
 5. All dwelling units must share a common regime for maintenance and landscaping.
- B. **Illegal Dwellings.** The use of any floor area below base flood elevation for dwelling purposes is prohibited in all zoning districts, unless the floor area meets the applicable building code requirements. Buildings erected as garages or accessory buildings, except approved accessory dwelling units, shall not be occupied for dwelling purposes.
- C. **Principal Use.** A lot or parcel shall not be devoted to more than one (1) principal use, or contain more than one (1) principal building; except for groups of multiple family buildings, business establishments, or other buildings which are determined by the zoning administrator to be a principal use collectively, based on the following considerations:
1. individual buildings share common parking areas;
 2. access to the buildings/uses is provided via shared access drives or streets;
 3. buildings are under single ownership; or
 4. individual activities support one another (such as marina/convenience store or cycle rental/retail sporting goods).
- D. **Domestic Animals.**
1. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals commonly considered household pets is permitted in any residential district; provided, no more than three (3) dogs or cats, six (6) months of age or older, in any combination shall be kept or housed in or at one (1) dwelling.
 2. The keeping of animals not generally considered to be household pets, including, but not limited to, exotic animals, horses, pigs, sheep, cattle, goats and poultry is prohibited in all zoning districts, except on bona fide farms within the CP District.
- E. **Outdoor Storage.** Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted as a conditional use within those districts and under such conditions as specifically authorized by this ordinance.
- F. **Parking, Storage, and Repair of Vehicles.**
1. It shall be unlawful for the owner, tenant or lessee of any building or land within the town to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment,

or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the South Carolina Motor Vehicle Code, or do not have a current license and registration as required for operation by the South Carolina Motor Vehicle Code.

2. The repair, restoration and maintenance of vehicles in any residential district or on property containing a dwelling unit, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 24 hours. All such repair shall take place on private property and may not be conducted within the public right-of-way or private street easement.
 3. It shall be unlawful for the owner, tenant or lessee of any lot or building in a residential district or on property containing a dwelling unit to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.
- G. **Recreational Vehicle Storage.** Recreational vehicles may be located outside an enclosed building on any lot within a residential district; provided, the following requirements are met:
1. If located on an interior lot, recreational vehicles shall not be permitted in the front yard. On a corner or through lot, recreational vehicles shall not be permitted in any yard abutting a street.
 2. Notwithstanding the provisions of **Subsection G.1**, recreational vehicles may be parked within any yard on a hard-surfaced area for up to 48 hours within a seven (7) day period for purposes of cleaning, loading or unloading.
 3. Recreational vehicles may be stored for extended periods within a non-required side or rear yard; provided, the vehicle is on a hard-surfaced area suitable for that purpose and is screened from view of adjoining properties in accordance with the requirements of **Section XXX**.
 4. Recreational vehicles may be used for temporary occupancy for periods not to exceed 48 hours; provided, the recreational vehicle contains sleeping accommodations and is solely for the use of the owner of the lot or guests of the owner. Recreational vehicles shall not be rented for use as temporary sleeping quarters or vacation homes. **Note: is this subsection needed at all? Are boats, RVs, etc. allowed to be parked on a lot?**
- H. **Similar Uses.** Every type of potential use cannot be addressed in this ordinance, each district provides for "similar uses" referencing this section. All requests for a use not specifically addressed in any zoning district shall be submitted to the zoning administrator for review, based on the following standards.
1. A finding has been made by the zoning administrator that the proposed use is not listed as a permitted or conditional use in any zoning district.
 2. If the use is not addressed in this ordinance, the zoning administrator shall select the use listed which most closely approximates the proposed use, using criteria such as the nature of the use, conformance with the purpose of the zoning district in which it is proposed, aesthetics, traffic characteristics, and potential nuisance effects (noise, vibration, dust, smoke, odor, glare, hours of operation).
 3. Once a similar use is determined, the use shall comply with any conditions and review procedures that may apply to that use, including the conditional use requirements of **Article 10**, as applicable.

4. If the zoning administrator determines a proposed use is not similar to any use addressed in the ordinance, the applicant may petition for an amendment to the ordinance, as described in **Article XXX**.
 5. The determination as to whether a proposed use is similar in nature and class to another permitted or conditional use within a district shall be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the zoning administrator to be similar shall thereafter be included in the enumeration of the uses.
- I. **Voting Place.** The provisions of this ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal, or other public election.

Section 9.7 Utilities and Services

- A. **Essential Public Services.** The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district and shall be exempt from the application of this ordinance; provided, buildings, parking areas and other uses or structures accessory to the essential service shall not be exempt and shall conform to all applicable ordinance requirements and procedures. This provision, however, shall not be construed to waive the rights of the Town of Seabrook Island to require that specific services be installed underground.
- B. **Water and Sanitary Sewer Service.** No structure for human occupancy shall, after the effective date of this ordinance, be erected, altered or moved upon any lot or premises and used, in whole or in part, for dwelling, business, industrial, institutional or recreational purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities shall conform to the minimum requirements for such facilities as established by the State of South Carolina, Charleston County, Town of Seabrook Island, and other relevant government codes, ordinances and standards.
- C. **Underground Storage Tanks.** All underground storage tanks utilized for the storage of propane gas, oil, fuel or other substances shall be secured in place by straps, bands or other fastening devices sufficient to keep the tanks securely in place and to prevent them from rising above ground level. Any underground storage tank already in place at the time this ordinance is adopted shall be brought into compliance within two (2) years. Installing or allowing the installation of an underground tank in violation of this ordinance shall be a misdemeanor and prosecuted in accord with **Article XXX** of this ordinance. **Note: should setbacks, especially from marshes, be required?**

General note: Should we include a section in this article here about minimum flood elevations?