



# Seabrook Island

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## Town of Seabrook Island DSO Blueprint

July 2019

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## I. Introduction

This blueprint serves as both the guide in the revision process, as well as a focus for discussions about proposed changes. The blueprint establishes the basic parameters for the new Development Standards Ordinance (DSO) and specifically addresses the following:

### Scope and Process

The process for updating the DSO has six basic steps. The essential early step, developing a “blueprint,” requires agreement on several elements of the ordinance, including format, style, organization, and general content as a prelude to actually drafting the new language.

- **Basic Understanding.** The process has begun with a review of the current DSO, Comprehensive Plan, and other development policies. A technical review was conducted of the land development regulations. Meetings were conducted with user groups and key persons to identify issues that need to be addressed in the new ordinance.
- **Blueprint.** The parameters for drafting the new DSO are established in the Blueprint. It highlights key issues, makes recommendations for change, and defines the overall document framework. Consensus at this point will establish the desired direction for the new DSO.
- **Ordinance Preparation.** Following endorsement of the DSO Blueprint, a first draft of the new ordinance will be prepared.
- **Ordinance Review.** The preliminary DSO draft will be reviewed with the Steering Committee. Revisions will be made based upon these reviews to generate a second draft.
- **Refinement.** The second draft will incorporate changes from the Steering Committee review sessions. Graphics and illustrations will be added; and a formal draft will be submitted for public review. The formal draft, along with input from the public and stakeholders, will be presented to the Planning Commission for further refinement, if needed, before proceeding into the adoption stage.
- **Adoption.** The formal adoption process will involve a recommendation for adoption of the new DSO from the Planning Commission, followed by a public hearing and final action by the Town Council.

### Current Regulations

- **Overview.** Key findings/impressions are summarized and serve to highlight significant issues to be described in more detail in Section IV.
- **Stakeholder Input.** A series of interviews and small group discussions was held with Town officials and others whose experience and perspective offered valuable insight into priority

issues to be addressed as the new DSO is crafted. A summary of those comments is included, along with a list of the persons and groups who contributed their input.

- **Existing Ordinance Technical Review.** The technical audit of the DSO is a detailed review, contained in Section III. It identifies a range of issues and shortcomings in the existing regulations. Many are fairly minor “house-keeping” items that can easily be addressed. Others, however, are significant and will require thoughtful discussion regarding departures from the current requirements and/or procedures. Still others involve substantive policy decisions that will require Town Council action. While many of those decisions can occur as we proceed through the review of the draft regulations, some will shape the form of the regulations and need to be made in this early stage of preparing the initial draft. Those key items are discussed in Section IV of this Blueprint.

## Key Issues and Recommendations

As noted, there are many issues that warrant conversation as the process moves forward. Some are integral to shaping the basic ordinance and should be discussed prior to the formulation of the draft. Those various topics are discussed in Section IV.

## Proposed DSO

The final section illustrates the suggested format for the final document. It consists of:

- **Draft Outline.** A draft table of contents has been prepared to illustrate how the new ordinance may be organized.
- **Sample Layout.** A sample layout has been provided to show how a typical chapter could be formatted. It is an illustrative example, not intended to be reviewed for content. The layout illustrates format and use of tables, graphics, and color, providing greater ease of use and more efficient organization.
- **Style Guide.** This defines the structure, organization, punctuation, and grammar to be used in the updated ordinance. If any deviations are desired from this style guide, they must be agreed upon and established at the next meeting.

## II. Scope and Process

The detailed Scope of Work is the step-by-step game plan for preparing the DSO and seeing it through to adoption. The Scope is described as follows:

### I. Organize

It is essential to begin the project with a clear understanding of roles, responsibilities and objectives. This initial step in the process will establish the working relationship between Town and PLB Planning, provide an orientation to the project, and define expectations. A multi-day visit will be scheduled to initiate the project (tasks 1.1 and 1.2) and obtain input from stakeholders (tasks 2.2 and 2.3).

#### Task 1.1 – Start-up Meeting:

Following a review of all relevant documents (task 2.1), the consultant will meet with the Seabrook Island team to accomplish the following:

- Clearly define expectations
- Identify preliminary issues
- Establish clear lines of communication and authority
- Determine regular meeting days/times for project coordination
- Collect all relevant materials (ordinances, plans, forms, meeting minutes, etc.)

#### Task 1.2 –Tour

Following the initial meeting, the consultant and Town staff/officials will tour the community to provide a first-hand familiarity with current conditions, range of land uses, quality of development, and issues previously discussed at the start-up meeting.

### II. Understand

To ensure that the project proceeds on solid footing, it is critical that we begin with a good understanding of current conditions and issues to be addressed. This will be achieved with a comprehensive audit of current regulations, a series of targeted interviews, and user-group discussions. We will also review prior meeting minutes, application forms, and related documents. As a result, PLB will have a firm grasp of the current regulations, as well as the perceptions of those who use those regulations, both from the enforcement side and the user's side.

Inevitably when talking to stakeholders, such as developers and engineers who use the ordinance, the issue of predictability is raised. Contrary to popular belief, developers are not opposed to regulation. In fact, many view it as essential to protecting their investment in the community. However, they also want to know that decisions will be fair and consistently applied, based on specific standards in the ordinance. Terms such as "substantial development, potentially detrimental, appropriate for the property, and architecturally compatible" have no

place in land use regulations and only lead to arbitrary, unpredictable and indefensible decisions.

### **Task 2.1 – Technical Audit**

Seabrook Island, like most communities, has a long list of ordinances and requirements dealing with land use, development, traffic and various other health, safety and welfare matters. This menu of regulations and standards is intended to protect the interests of the community and has been added to and revised since the original adoption in 1987 as needs change and new issues emerge. As a result, conflicts have arisen between various provisions; procedural complications have become apparent; interrelated requirements are scattered among dissimilar sections; and originally well-intentioned rules may now impede progress.

These challenges are not unique to Seabrook Island. The first step in addressing them is to identify them and sort out the solutions. This audit is intended to provide Town leaders and staff with a thorough review of the various land development-related regulations and identify obstacles that may be inhibiting their effectiveness. The result will be an audit report that provides a detailed assessment of the various regulatory ordinances and identifies shortcomings and provides specific recommendations for improvements, such as:

- Simplifying and changing wording
- Restructuring the format and organization
- Eliminating or adding zoning districts
- Clarifying definitions
- Identifying conflicting provisions
- Revising procedures
- Adding review standards
- Modifying specific requirements
- Removing extraneous provisions

### **Task 2.2 – Review Related Documents and Plans**

The consultant will also review the comprehensive plan, application forms, and minutes (past 12 months) of the Planning Commission and Board of Zoning Appeals.

### **Task 2.3 – Interviews**

Up to six individual interviews will be conducted with local officials and others identified by the Town who have a familiarity with zoning and development in Seabrook Island. The purpose of the interviews will be to identify specific concerns related to the regulations and the review processes. A summary of the interview results will be provided.

### **Task 2.4 – User Groups**

Up to four user group discussions will also be organized to provide another opportunity for key stakeholders to be involved early in the process. It is likely that groups of six to eight people each will be identified to participate. Possible groups to be represented may include:

- Land developers
- Local business owners
- Property owner's association
- Regime representatives
- Local architects, engineers and surveyors

The consultant will lead the user group discussions. A summary of findings will be provided.

### **III. Articulate**

Translating the wealth of information obtained earlier into a workable, readable, usable, predictable set of regulations is the challenge of this series of tasks.

#### **Task 3.1 –Blueprint**

The proposed process emphasizes an “up front” effort to develop a blueprint for the future DSO before drafting new language begins. This blueprint is intended to serve as a guide and reminder of where attention is to be focused, and to build consensus on changes so there are no surprises at the end of the process. The blueprint will address the following:

- Potential new format and organization
- Technical audit of the current ordinance
- Style guide, to determine document standards such as fonts, capitalization, use of comma vs. semi-colons, etc.
- Style of graphics, tables and illustrations to be used
- Agreement on how changes and policy issues will be illustrated or identified throughout the process, especially at the public hearing
- Outline concepts for new regulations identified through stakeholder discussions and review of current regulations and plans, such as:
  - Defining the intent and purpose of each district. It may be discovered that some districts are not needed or should be altered to make them more useful. Other district designations or some other techniques could be used in lieu of such districts to accomplish desired ends.
  - Providing tools to support the comprehensive plan's recommendations.
  - Reviewing the use of Planned Development districts as the appropriate tool to achieve desired goals.
  - Evaluating the ordinance's current review procedures and standards to determine if they should be altered to make decisions more predictable and defensible.
  - Reviewing current sign regulations and determining if they are generally consistent with recent Supreme Court rulings.
  - Reviewing landscaping, buffering, and tree preservation requirements and establishing a consistent baseline for future landscape improvements.
  - Reviewing encroachment regulations and determining if they effectively manage vehicular access along that segment of Seabrook Island Road controlled by the Town.

- Clarifying natural features setbacks and other environmental regulations.

**Task 3.2 –Review**

The Blueprint will be reviewed with Town staff and the Steering Committee to achieve consensus regarding the issues, objectives and priorities. One result of this meeting will be agreement on the sequence of output for review of individual sections/chapters.

**Task 3.3 – Town Council/Planning Commission Meeting**

A presentation will be made to a joint meeting of the Town Council and Planning Commission to describe the Blueprint, discuss the Town’s regulatory philosophy, and summarize the input received to date. The intent of the meeting will be to provide a progress report and obtain consensus regarding format, organization and overall approach for the DSO.

**Task 3.4 – Working Draft**

Following this meeting, the consultant will begin drafting the new DSO, based on direction received from the prior task. The draft will contain modified text and a reorganized structure for internal staff and steering committee review and comment. This initial draft will consist of text but will not include graphics or final formatting in anticipation of substantive revisions.

**Task 3.5 –Review**

The document will be provided for review and comment in manageable installments (related chapters). A series of up to five review meetings will be held between the steering committee and the consultant to discuss revisions, possible options, and other considerations to be incorporated into the formal draft.

**Task 3.6 – Formal Draft**

A second draft ordinance will be prepared, incorporating agreed-upon changes from the prior review of the working draft. This “formal” draft will be formatted and contain all graphics and illustrations that will be part of the final document. The purpose of this draft is to elicit input from Council, Planning Commission, stakeholders and the general public. A zoning map will be prepared. It is assumed a base zoning map in electronic format will be available from and provided by Charleston County.

**Task 3.7 – Public Input**

Input regarding the formal draft DSO and zoning map will be actively solicited. This could be in the form of a forum for the community-at-large to present the ordinance, describe significant changes, and obtain comments from the public. As an alternative, small group meetings could be scheduled to discuss the draft with representatives from the user groups (task 2.4) that were part of the prior stakeholder meetings or with others identified by the Town. Town staff will be responsible for scheduling, meeting location, and notification.

**Task 3.8 – Council/Planning Commission Presentation**

On the day following the public input session(s), the consultant will present the draft code to a joint Council/Planning Commission meeting, review the process, and summarize the public and



stakeholder input. The consultant will prepare a summary of public input obtained from Task 3.7 and present the results. The input will be discussed, and decisions made on additional revisions/edits to be made to the formal draft.

### **Task 3.9 – Final Draft**

Following the decisions regarding changes to the formal draft, the consultant will prepare a “final draft” (including map) to be submitted for public hearing and adoption.

## **IV. Adopt**

This final stage of the process involves the formal review, refinement and approval of the DSO.

### **Task 4.1 – Public Hearing**

The consultant will attend one public hearing to present the proposed ordinance and respond to questions and comments, as appropriate. Town staff will be responsible for posting all required public notices for the hearing. The hearing may be at the Planning Commission or first reading of the City Council.

### **Task 4.2 – Review**

Following the Planning Commission hearing, the Commission and staff will discuss comments received from the public and decide upon any refinements to be made. A list of reasonable changes and/or a marked-up version of the draft will be provided to PLB Planning.

### **Task 4.3 – Planning Commission Recommendation**

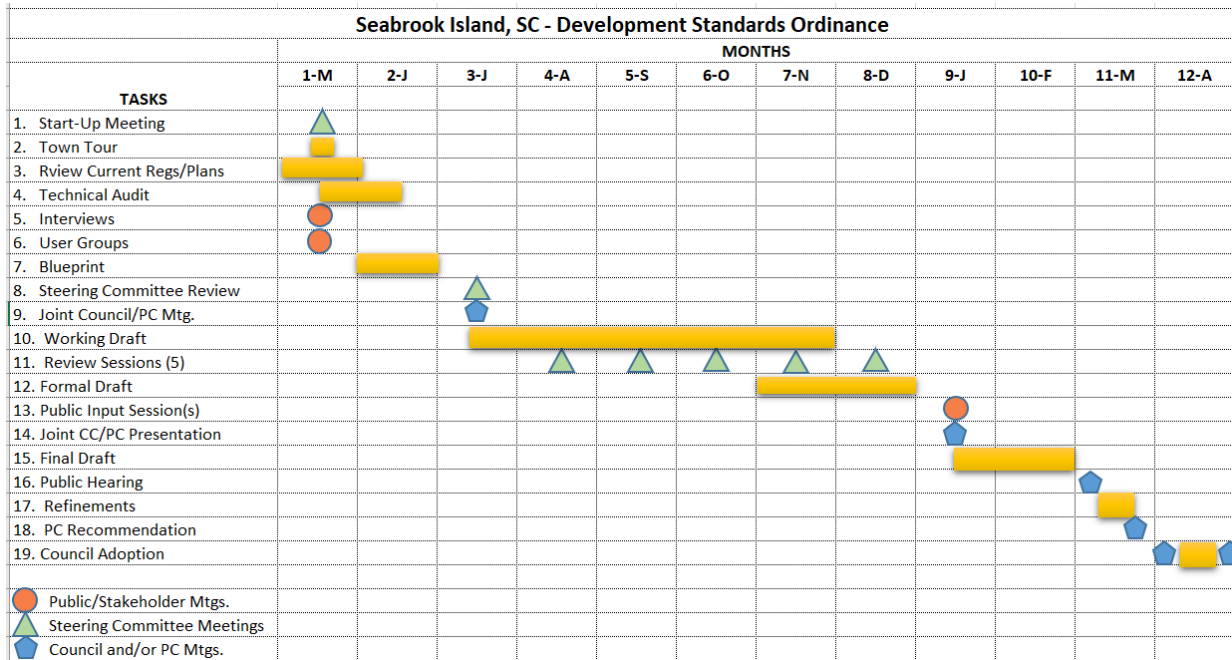
An addendum of changes, supplementing the final draft, will be provided to the Planning Commission to be recommended and forwarded to the Town Council for final approval.

### **Task 4.4 – Council Adoption**

The final ordinance and the addendum of changes, if needed, will be submitted to the Council for adoption. Following adoption, the consultant will prepare the full DSO, as adopted. The final adopted ordinance and zoning map will be provided in an electronic format in Microsoft Word.

## Schedule

The DSO is scheduled to be completed within a period of 12 months. While the intent is to move the process along as expeditiously as possible, it is also essential that sufficient time be allotted to the advisory committee, stakeholders, local officials, and the general public to review, digest and respond to the proposed new regulations. While the schedule serves as a targeted timeline, it may be subject to change during the course of the project.



### III. Current Regulations

Seabrook Island, like most communities, has a long list of ordinances and requirements dealing with land use, development, traffic and various other health, safety and welfare matters. This menu of regulations and standards is intended to protect the interests of the community and has been added to and revised over many years as needs changed and new issues emerged. As a result, conflicts have arisen between various ordinances; procedural complications have become apparent; interrelated requirements are scattered among dissimilar regulations; and originally well-intentioned rules may now impede desired goals. To further complicate matters, Seabrook Island is unique in that the entire community is essentially a planned development subject to multiple levels of authority. In addition to the governmental regulations imposed by the Town, there are other layers of governance created by the Seabrook Island Property Owners Association (SIPOA), along with its Architectural Review Board, and by numerous regimes (comparable to neighborhood associations).

The first step in addressing these challenges is to identify them and sort out solutions. This report is intended to provide Town leaders and staff with a comprehensive review of the various community development-related regulations and identify obstacles that may be inhibiting their effectiveness.

A review of the Town's Development Standards Ordinance has been completed, resulting in a detailed technical assessment of the requirements, procedures, overlap and conflicts, along with recommended changes to address these items.

The following pages summarize recommendations related to the DSO. A comprehensive technical assessment of the ordinance is also included. It is intended to offer guidance to staff and decision-makers for improving the regulations, addressing inconsistencies, strengthening requirements and making the Town's procedures more user-friendly. Ultimately, this assessment will guide the creation of a new Development Standards Ordinance.

#### Overview

The following is a summary of key findings and recommendations related to the DSO.

- **Organization and Format.** The structure of the ordinance could be greatly improved. Related provisions are dispersed throughout the ordinance rather than being consolidated in one article (Planned Development, for example). The numbering system and lack of headings make deciphering the ordinance unnecessarily difficult.
- **Readability.** In addition to the general organization of the document, its readability could be improved through simple editing and greater use of tables and graphics. Whole pages could be reduced to a simple table that would be more concise and easier to understand. Adding graphics to illustrate certain definitions and other provisions would also add clarity.

- **District Structure.** While the ordinance contains several “conventional” zoning districts, these only seem to serve as placeholders that contain baseline requirements for the various planned development districts blanketing the Town. This system appears to date back to the pre-incorporation era when the entire island was master planned and under the control of the County. However, now the districts depicted on the Town’s Official Zoning Map don’t correspond with those contained in the DSO. Consideration should be given to replacing the multiple planned development districts with more conventional zoning districts.
- **Nonconformities.** Much of the exiting development apparently pre-dated the Town’s incorporation. In addition, zoning regulations adopted at the time of incorporation didn’t fully address existing conditions (setbacks in particular). As a result, there are substantial nonconformities throughout the Town, making it difficult to improve or expand without variances. New regulations should strive to reduce, if not eliminate, the widespread nonconformities that currently exist.
- **Standards.** Many of the provisions that require “discretionary” decisions, such as site plan review, Planned Development, and conditional uses, lack sufficient standards to guide the decisions. Consistency, predictability, and fairness are essential in zoning. Without adequate (i.e., objective) standards, decisions will be unavoidably arbitrary and less likely to withstand judicial scrutiny in the event of a challenge.
- **Procedures.** Multiple bodies and layers of review are part of even the simplest requests. Lengthy and costly procedures should be scrutinized and streamlined. Requiring zoning permits for interior remodeling, for example, imposes an unnecessary and costly burden on property owners. The purpose of a zoning permit should be to ensure conformity with the Town’s zoning ordinance, not to enforce compliance with other Town requirements such as the business license ordinance. In addition, the interrelationship among the Town, SIPOA, Architectural Review Board, and regimes should be clarified to define roles, responsibilities, and authority. Some residents seem confused about what, if any, jurisdiction the Town even has regarding property development on the island.
- **Delegation.** Opportunities should be sought to delegate decision-making. To save time and expense, site plan review of minor additions and certain exterior renovations could appropriately be given to staff rather than the Planning Commission. In addition, incorporating provisions that allow staff or Planning Commission to modify or waive certain requirements, based on specific criteria, can streamline procedures, allow greater flexibility, and reduce the need for formal variances.

## Stakeholder Input

Ten individual and small group discussions were conducted with various stakeholders to obtain insights regarding the DSO and the development approval process. Participants included: Town Council, Planning Commission, Board of Zoning Appeals, SIPOA, Architectural Review Board, Seabrook Island Club, regime representatives, staff, builders and developers, and realtors. The following summarizes the more frequent comments received during the discussions.

- Flood protection and stormwater
  - Flood regs need to require first floor at base flood elevation, plus 2 feet freeboard
  - Stormwater regulated (somewhat) by SIPOA
  - Clarify height limits in DSO, may be conflicting provisions
  - Lot coverage should include drives and patios
  - SIPOA counts drives and patios as part of lot coverage, DSO doesn't
  - Delete reference to rain gardens (not workable on SI due to high water table)
  - Retain more stringent flood requirements
  - Need to identify flooding as significant issue (sea rise, impact on tributaries, stormwater implications)
  - Need to protect the environment
  - Need to evaluate whether changes to the proposed FEMA rate maps will place people and property at risk, particularly in areas where base flood elevations are being reduced
- Marsh setbacks
  - Marsh setbacks are common variances
  - Establish marsh setback for buried propane tanks
  - Marsh setbacks from critical line frequent variance (boundary moves)
  - Native plants, indigenous materials should be required; address retaining existing vegetation along marsh
- Flexibility
  - More flexibility needed to address nonconforming conditions and reduce variance requests
  - Flexibility (Zoning administrator discretion)
  - DSO is too inflexible
  - Provide flexibility (find a way to say "yes")
- Permit requirements
  - Permits & procedures (don't require unnecessary information)
  - Building permit expiration of 12 months is too short; increase to 18 months or change to "continuous activity" provision as specified by Charleston County
  - "Zoning permit" may be misnomer
  - Permits required for interior improvement should not be in DSO
  - Review encroachment permit requirements – 1/2 mile spacing
  - Permits for interior work weeds out unlicensed contractors and ensures permits are obtained
  - Simplify permitting process
- Conflicting regulations between DSO and regimes
  - Conflicts exist between regime standards and DSO
  - Most villas pre-dated DSO, regimes should note issues common to their properties and amend ordinance
  - Regimes allow things contrary to DSO
  - Each regime can have its own rules if approved by SIPOA, but not less restrictive

- Decision standards
  - Add objective standards & criteria
  - No specific standards established for design review of non-residential projects (color, materials, landscaping, etc.). Need to reference ARB standards
  - Design standards needed for non-residential development and projects outside the gate that are not controlled by the POA
  - Standards & criteria need to be objective
- Simplify
  - Readable and simple
  - Eliminate and rezone existing PUDs and PDDs
  - Permits required for interior improvement should not be in DSO
  - Seabrook process simpler than county's for new construction
  - Simplify permitting process
  - DSO must be user-friendly
  - Simplify procedures
  - Relax unnecessary/unimportant requirements
  - Any change required by county or other higher governmental authority that creates a nonconformity should not have to get variance from BZA
- Review procedures
  - PC role is minimal, could be done by staff
  - Define role of Planning Commission (See SC Guide)
  - Review of residential projects starts with SIPOA; application forwarded to ARB, regime, and town
  - SIPOA doesn't review non-residential (commercial) or anything outside the gates
  - SIPOA reviews site work, drainage, landscaping, architecture, color, lighting, additions, and change of footprint
  - Staff reviews changes that don't affect footprint (300 so far in 2019)
  - SIPOA reviews generally w/in 1 week, then up to 30 days for PC review
  - DSO unnecessarily requires preliminary and final reviews by PC
  - Seabrook should consider having an in-house building department; county is unresponsive and turn-around time is excessive
- Maintenance vs. improvement
  - DSO needs to distinguish between maintenance and improvement (new roof should be maintenance)
  - Encourage property improvement
  - Establish property maintenance requirements
- Setbacks
  - Define "structure" re: setbacks (something built above grade?)
  - Require parking lot setbacks and provide for other encroachments (patios, HVAC, generator stands, propane tanks, pergolas, parking lot light fixtures, etc.)
  - Beach setback too complicated, simply require setback from OCRM defined line
  - Address encroachments into setbacks
  - Property lines for multi-family units may be the drip-line of the building, so setback requirements are not like typical single-family lots. This also creates

challenges for additions and modifications which are technically located on common open space

- Nonconforming conditions
  - More flexibility needed to address nonconforming conditions and reduce variance requests
  - Many nonconforming conditions exist throughout the island – setbacks, fences, retaining walls
  - Need to accommodate long-standing nonconformities
  - Any change required by county or other higher governmental authority that creates a nonconformity should not have to get variance from BZA

## Technical Audit

The current DSO was reviewed in detail. The following pages present the comments and recommendations resulting from that review. As noted previously in this Blueprint, many of the comments are easy fixes, adding or deleting unnecessary provisions, clarifying wording, moving items to more appropriate locations in the document, etc. Others relate to “significant” items that will likely necessitate some discussion and may involve a departure from the current regulations. Finally, there are comments and recommendations that would affect the fundamental regulatory approach and will require the attention of the Town Council.

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
<b>General Comments</b>					
	Numbering	Numbering format is awkward (e.g., 1.30.10). All subparagraphs should be numbered or lettered for ease of reference. An outline format is suggested (i.e., Sec. 1.30, A., 1., a., i.)			X
	Legalese	In order to make the document more user-friendly, terms such as “herein”, “hereafter”, “hereby”, *** could be removed.			X
	Graphics/Tables	The DSO would benefit from the use of graphics to illustrate common provisions (e.g., yards, lot types, building height, corner clearance, etc.). Additional tables should be used to simplify and facilitate the user’s understanding of the requirements (e.g., permitted uses, permitted signs by district and buffering requirements).			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
	Districts	The existing zoning districts should be reevaluated to determine if they're needed, should be revised, if others are needed, and if the current approach to requiring all new development to be processed as PDD is appropriate.	X		
	Table of Contents	A table of contents would be helpful at the beginning of the ordinance			X
	Contradictions	The ordinance seems to be riddled with contradictory provisions. Or the language isn't sufficiently clear to distinguish between those provisions.			X
	Planned Development	It appears the fundamental zoning tool is the Planned Development District. However, the regulations related to PDD are scattered throughout the ordinance. In addition, there are several PDD subdistricts and even more Planning Areas. If PDD is to be retained as the tool that controls future development, a major overhaul of those regulations is needed. Further, SC law REQUIRES a Planned Development to have a mixture of commercial and residential uses. This type of mixed-use development may not be appropriate in all locations, and may be inconsistent with the town's comprehensive plan.		X	
	Decision Standards	Many of the decisions called for in the ordinance lack sufficient standards on which to make a decision. When cited at all, the standards and criteria are typically subjective and prone to overly broad discretion. Phrases such as: "potentially detrimental impacts", "appropriate protection", "orderly arrangement", "architecturally compatible", and "sufficient size" are subject to arbitrary and inconsistent interpretation.		X	
	Appendices	For ease of reference, consider adding appendices to the ordinance with items such as a consolidated table of permitted uses by district, a consolidate table of dimensional requirements by district, a list			X



Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		of approved and/or prohibited tree species, and a current fee schedule. These would not be part of the adopted ordinance and, therefore, could be changed as needed without the process of formally amending the ordinance.			
	Administration and Enforcement	There should be a general article regarding overall administration of the ordinance, violations, penalties, performance guarantees, and similar generally applicable provisions in one place.			X
<b>Article 1.0 – Purpose, Authority and Jurisdiction</b>					
1.20	Authority	Delete dates and ordinance number references to Comp Plan. It should be sufficient to note the ordinance is based on the Town’s most current comp plan.			X
1.30.10	Comp Plan	Again, remove date references. Consolidate this paragraph with 1.20			X
1.40	Territorial Jurisdiction	Is this provision still applicable? Does the Town of extraterritorial jurisdiction? Does state law still allow it?			X
1.50	Applicability	Opening paragraph should be revised without reference to dates. Decisions should be made re: which existing zoning districts are needed and which, if any, new ones may be added. Use of PDD throughout the community merits discussion.	X		
1.60	Continuation	There are references to Charleston County throughout the ordinance. Is this still relevant? Does the County assert any control over the Town’s land use decisions? Reference to expiration of prior approvals and permits is puzzling. Zoning runs with the land. It seems that this provision relates more to nonconforming conditions and should be addressed as such elsewhere in the ordinance.		X	
<b>Article 2.0 – Definitions and Interpretation</b>					
2.10 (d)	Average Lot Area	Delete. The term is not used in the DSO. Also inconsistent with “Net Acreage” definition.			X
(g)	Building Alteration	Delete. The term is not used in the DSO			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
(i)	Building Line	Revise. Definition is awkward and should be simplified.			X
(j)	Change of Use	Delete. The term is not used in the DSO			X
(l)	Commercial zoning use	Delete. The term is not used in the DSO and not necessary since uses are listed in the commercial zoning district			X
(m)	Communications Tower	Why is the definition limited to those “operated for commercial purposes”? A tower owned and operated by the Town is still a tower.			X
(q)	Density	Delete reference to “gross floor area per acre used for nonresidential purposes”. This is not used in the ordinance and not a typical use of the term. Lot coverage or floor area ratio are used to address floor area limitations.			X
(r)	Development	Definition is very broad and should be more narrowly defined. A change in use of an interior space is not necessarily a development. Likewise, increasing noise levels within an existing building doesn’t constitute a development. Revise to focus on physical construction and alterations of the land. Also, the second paragraph exempts “public projects” from this definition. This is inconsistent with Sec. 6-29-770 of the SC Code of Laws.			X
(u)	Dwelling, Multi-Family	Should discuss the inclusion of “detached” dwellings, patio homes, cluster houses, villas, and condominiums as part of the multi-family definition. The definition should not be broadened beyond its accepted meaning to encompass arrangement on a lot or type of design (patio, villa, or cluster) for detached dwellings. Likewise, “condominium” is a form of ownership, not a land use. Whether a multi-family unit is leased or owned doesn’t change the land use in zoning.		X	
(v)	Dwelling, Rentals	Delete. This is not a definition. It’s a regulation that should be located elsewhere in the ordinance, such as whole-house rental or bed and breakfast.			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
(x)	Family	Revise and delete the last sentence. This is regulatory language and should not be in a definition. Move to land use regulation.			X
(y)	Family, Immediate	Delete. The term is not used in the DSO			X
(z)	Financial Assurances	Delete. The term is not used in the DSO			X
(cc)	Garage	Revise and simplify. No need to note “lot or multi-family” structure. They’re both residential. Simply an attached or detached structure designed for the parking and storage of...			X
(dd)	Gross Acreage	Revise to indicate entire lot of record within the property lines.			X
(ee)	Guesthouse	Why distinguish re: “non-paying guests”? How is this enforced? Is this considered an “accessory dwelling”? Could it be used as a mother-in-law apartment? Definition of guesthouse or accessory dwelling should also be defined to include facilities for living, sleeping, bathing and cooking. Absent any one or more of these facilities, the unit cannot function as a separate dwelling.		X	
(gg)	Home Occupation	Last sentence is regulatory. Delete and move to regulations (e.g., conditions of approval for home occupation)			X
(hh)	Improvement	Revise. Including the terms “alteration” and “development” creates a potential inconsistency, since both of those terms include change of use which may not be an improvement and which differs from the physical changes/activities listed in this definition.			X
(kk)	Loading Space	Revise. This is awkward and overly specific.			X
(ll)	Light Industrial Use	Delete. The term is not used in the DSO and is redundant. The list of allowed uses in the Industrial District is sufficient.			X
(mm)	Lot	Delete “suitable for building purposes”. This is irrelevant. A lot may be covered by wetlands and unbuildable but if described and recorded, it’s still a lot.			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
(pp)	Corner Lot	Revise to address a lot on a curved street with a radius of less than 135 degrees			X
(ss)	Map, etc.	Revise and distinguish between the "official" zoning map and all others that may be in circulation.			X
(vv)	Open Air Merchandising	Delete. The term is not used in the DSO			X
(xx)	Parking Lot	Change "storing" to "parking"			X
(yy)	Parking Space	Revise. Current definition is very broad. Could be construed to be the lawn in front of someone's home. Should state something like a defined space within a dedicated parking lot meeting the dimensional and design requirements of this ordinance.			X
(aaa)	PDD	Revise to clarify the intent and purpose, rather than the mechanics.			X
(ggg)	Setback	Revise and simplify			X
(iii)	Sign	Revise. The word "publicity" is not appropriate by itself. Words such as "identify" and "inform" are more appropriate so as not to reference the content of the message. Also, all sign-related definitions in Article 12 should be moved here.			X
(nnn)	Structure	The definition of "lot coverage" uses the term "structures". Are signs, fences, walls, etc. intended to be part of the lot coverage calculation? Revise and clarify			X
	Additional Definitions	Add definitions for: diameter at breast height (DBH), frontage, nonconforming use, nonconforming structure, nonconforming lot, planning areas.			X
<b>Article 3.0 – Nonconforming Developments</b>					
3.20 (a)	Nonconforming Uses	(a) This provision could be construed to prohibit the sale of a nonconforming business to a new owner even though the type of business remains the same (e.g., Bill's Bait 'n Tackle to Joe's Bait Shop).		X	
(b)	Discontinuance	Criteria should be added to establish a finding that the use has been discontinued.			X
3.30.20	Damaged NC Structure	Revise and simplify. Instead of using the term "damaged beyond repair" initially,			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		specify more than 66.6 % of the replacement value. Add criteria to guide the determination (which should be made by the Board of Appeals) re: allowing repair in excess of 66.6%.			
3.30.40	Modification	This provision is very strict. A typical nonconforming structure is a building that no longer meets one or more setback requirements or height limitation. It is common to allow expansion of such a structure; provided, the expansion meets the current ordinance requirements. A more specific method of determining valuation should be defined, rather than “as determined by the town”.		X	
3.40.10	NC Lots	Nonconformity of lots is based on minimum area and width requirements. Because the lot may be too narrow, it is common to allow a proportionate reduction in the side setback requirements in relation to the required width, but not less than a set distance (e.g., 5 feet) to ensure separation between adjacent buildings and emergency access.		X	
3.40.21	Boundary Line Adjustments	This provision allows for lot lines that were previously adjusted to be re-adjusted to the original location. If the initial lot line adjustment resulted in a lot becoming less nonconforming, a re-adjustment should not be permitted that would allow the lot to revert to its prior nonconforming condition. However, this would also necessitate a change to the minimum 1 acre lot size as currently required.		X	
<b>Article 4.0 – Establishment of Zoning Districts and Map</b>					
4.10	Official District Map	Revise and simplify.			X
4.10.10	New Map	Could be combined with previous paragraph or deleted altogether.			X
4.30	Zoning Districts Defined	This section states the principal zoning philosophy of the Town, i.e., all future development will be undertaken as Planned Development (of which there appear to be three different PDD types).	X		

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		Yet, the section goes on to enumerate six traditional districts. In zoning, these six districts would be considered to be legacy districts if intended to be place-holders and not used in the future. A discussion is warranted regarding the zoning/development philosophy and whether there are more suitable methods of achieving the Town’s desired goals. If PDD is required as the zoning tool to be applied to all areas of the Town, the six individual zoning districts could be deleted. Also, there is no Multiple-Family District.			
<b>Article 5 – Zoning District Specifications</b>					
	General	All districts should be reformatted to use tables for allowed uses and dimensional requirements. Clear and specific purpose statements should be part of every district to create a framework for the allowed uses and establish a link to the comprehensive plan recommendations. The conventional districts should be listed in order, followed by the PDD. Conditional use requirements could be moved to a separate article that details the review and approval procedures, as well as the specific requirements pertaining to each conditional use.		X	
5.10.10	AGC Purpose	The purpose statement should be expanded to provide a better understanding of the importance of this district and where it is to be applied. Consideration should be given to revising this district as an overlay district and changing the name.		X	
5.20.10	Agricultural - General Purpose	Is there any (or enough) active agriculture on the island to warrant an agricultural district, the primary intent of which is to promote agriculture?		X	
5.20.20	Permitted Uses	The uses listed are not necessarily consistent with the purpose of promoting agriculture.		X	
5.20.30 (a)	Conditional Uses - ADUs	Min. parcel size is 1.5 acres to qualify for an accessory dwelling but the minimum			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		lots area required within this district is 5 acres. Paragraph (a) should be deleted as unnecessary. Also, terminology should be consistent. The first paragraph refers to “accessory dwelling units” but most other provisions refer to “guesthouse”.			
(b)		Does “attached to the principal residential structure” mean physically connected or located on the same lot? Paragraph (f) prohibits subdividing the lot so the ADU is always part of the same parcel. This suggests that it might be located elsewhere on the property. Clarify.			X
(f)		The phrase “applicant has agreed to place” should be changed to “a deed restriction shall be placed” to make it clear that the deed restriction must be in place and recorded prior to any permits being issued for the ADU.			X
5.20.40	Min. Lot Size	A five acre minimum is established but there is no minimum width requirement. A five acre lot width should be 225 – 250 feet to ensure a usable parcel that is not too narrow and excessively deep. A 1:3 or 1:4 width/depth ratio on large parcels is appropriate. This will also ensure that a narrow parcel isn’t created which later necessitates variances in order to meet the 50 foot side yard requirements.		X	
5.20.70	Maximum Height	There is no Section 7.90, as referenced here			X
5.30.10	Single-Family District – Purpose	The purpose should be revised to emphasize the positive attributes of the district and its relationship to the Comprehensive Plan. Delete the negative statements.			X
5.30.20	Permitted Uses	Where are churches, schools, and parks permitted? These are typically allowed and desired within residential neighborhoods. They don’t appear to be allowed in any district (with the exception of parks in the AG District).		X	
5.30.20 (c)	Accessory Uses	The term is already defined. There is no need to repeat the definition here.			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
5.30.30	Conditional Uses	Same comments as in 5.20.30			X
5.30.40.10	Lot Area	A one acre minimum lot size for new lots vs. 17,500 s.f. for existing is a substantial increase. Have any calculations been made regarding the build-out capacity of the town at various lot sizes, cost/revenue impact on municipal services, traffic implications, etc.?	X		
5.30.40.30	Lot Frontage	A 50 foot wide lot is extremely narrow on a 17,500 s.f. lot, much less a one acre lot. If the lot is 50 feet wide, only 20 ft. would be available for a building if the required 15 foot yard is provided on each side.		X	
5.30.50.40	Accessory Building Location	This prohibition should apply to all accessory buildings and would be more appropriately found in a General Provisions article.			X
5.40.10	PDD Defined	This paragraph could be deleted and replaced with a "Qualifying Conditions" paragraph that lists the minimum requirements. Why does the land have to be zoned AG before becoming a PDD? It isn't clear how this PDD relates to the others listed among the districts (i.e., PDD-Parks and Recreation, and PDD-Commercial-Retail-Office). Does this preclude other land from being rezoned to PDD?	X		
5.40.20	PDD Purpose	Revise to better explain the importance and goals of planned development and how it relates to the other zoning districts.			X
5.40.30	Mandatory Procedure	Why is PDD required for all sites over 5 acres? Consider whether this is necessary and if there are alternative zoning tools available to accomplish the desired goals. Items (a) through (e) would be more relevant in the Purpose subsection.	X		
5.40.30.20	Application	Revise. The requirements for a site plan to be submitted with the PDD application should be expanded and more specific. Consider a preliminary site plan sufficient for the initial rezoning to PDD, followed by a final site plan with specific engineering,		X	



Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		grading, landscaping, materials, etc. after the zoning is approved.			
5.40.30.30	PC Recommendation	There should be standards/criteria to guide the Planning Commission decision regarding PDDs. Otherwise, the applicant is subject to the whims of the PC. Zoning cannot be based on a “we’ll know it when we see it” approach. Decisions must be based on standards that are (to the extent possible) objective to ensure consistent and fair treatment.		X	
5.40.30.40	Amendments	Consider distinguishing between major and minor amendments and allowing administrative review and action on minor amendments (e.g., reducing the number of buildable lots or increasing the amount of open space).		X	
5.40.40	Permitted Uses	This seems to suggest that all uses, other than industrial, may be permitted within a PDD. Simplify and say that.			X
5.40.40 (b)	Multi-Family	This provision precludes development of any new multi-family on the island. Is that the intent?	X		
5.40.40.10	Parks and Recreation Subdistrict	What is the “original intended use”? Where is this identified? Clarify.			X
5.40.40.20	Beaches as a Trust Property	Is there a Trustee of the Beach? What is this subdistrict? Does it exist?		X	
5.40.50	Conditional Uses	It is not necessary to provide for Conditional Uses here. All uses within a PDD are subject to approval and conditions.		X	
5.40.50.20	Communication Towers	Why are towers restricted to one specific development? It may be more appropriate to establish location criteria within the Tower regulations and allow them in any location that meets the criteria (e.g., industrial district or on municipal property).		X	
5.40.60	Minimum Requirements	The minimum requirements for the various uses are the same as in the conventional districts related to those uses. There is no provision within PDD to allow flexibility or creativity (the main	X		

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		reasons for allowing planned development). Consider providing incentives in exchange for obtaining a higher standard of development, more amenities, and/or greater creativity.			
5.50.10 (a)	Retail Trade	The list of retail uses is very narrow. Are grocery stores, tailors, and barber shops deliberately excluded? An alternate approach would be to define categories of use such as retail, personal service, and office rather than listing a few specific uses and regulate retail, in particular, by size. For example, retail establishments less than 4,000 s.f. would be permitted by right. Those between 4,000 and 10,000 s.f. would be conditional uses. Larger than 10,000 would not be permitted or would be subject to other requirements.		X	
5.50.20	Conditional Uses	The criteria listed in (a) – (h) are very vague and subjective. Examples include: “potentially detrimental impacts”, “safe location”, “orderly arrangement”, “minimizes environmental damage”, “all reasonable means”, “appropriate for the property”. Standards and criteria should be objective to facilitate consistency and predictability in their application for the Town and the applicant.		X	
5.50.20.10	Communication Tower	Subsection 5.40.50.20 states that towers and antenna are only permitted in one specific district. This conflict should be rectified. Also, this paragraph is confusing. What “further review” would be needed? Based on what? Under SC law, the PC should not have involvement in this decision.		X	
5.50.30	Minimum Area	If the intent of this district is to control the scale of commercial development and if such development is only permitted within a PDD, the minimum lot size in excess of a half-acre should be reduced.		X	
5.50.40.10	Front Setback	50 feet is excessive if the intent is to control the scale of development. Bringing the building closer to the street		X	

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		and putting parking on the side or rear would be more in keeping with the established and desired character of the community.			
5.50.40.20	Side Setback	A 50 foot side yard is extreme and out of character with the scale of commercial uses. Even 20 feet is unnecessary (results in 40 feet between buildings). The requirement for buffering and landscaping between two similar uses is unusual. Buffering is usually required to separate and protect dissimilar uses of varied intensity. Again, if commercial is only allowed in a PDD, more flexibility should be offered.		X	
5.50.40.30	Rear Setback	Buffering and landscaping should not be needed in the rear yard between two similar uses, unless to screen loading areas, trash receptacles, etc.		X	
5.50.40.40	Alternate Setbacks	This provision allows the Planning Commission to approve alternate setbacks for developments on 25 or more acres. What is the rationale for this? As noted above, the criteria for such a decision are very subjective and ill-defined (“potential detrimental impacts”, “safe location”, “efficient use”, “are appropriate”). In any case, this should be a Board of Appeals decision.		X	
5.60.10	Industrial Uses	“Amenity equipment” is not defined and subject to broad interpretation. Likewise, “cleaning, maintenance, and laundering services” is broad and undefined. More specificity is needed regarding the uses that are allowed in the Industrial District. Is an industrial district even needed?		X	
5.60.20	Lot Area	Earlier provision stated that all new development must be done as a PDD and industrial uses are specifically prohibited within PDD. How can a “newly created light-industrial lot” be authorized? In any case, a 15,000 s.f. minimum area is very small, especially considering commercial uses must have 25,000 SF.		X	

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
5.60.30	Minimum Setbacks	100 foot setback on a 15,000 SF lot is excessive and likely undoable. Reconsider front and side setback requirements.		X	
5.70	Government Property	See comment 5.50.20.10 above.		X	
<b>Article 6.0 – Approved Planned Developments</b>					
6.10.10	Seabrook PDD Background	It’s not clear what this is and how it relates to the prior PDD district. If PDs are retained, there should be a single Article encompassing all of the PDD districts, subdistricts, regulations, and procedures. Currently, they’re scattered throughout the ordinance and there is little or no context to facilitate an understanding or how they relate to one another. In addition, this background summary is extraneous and should be deleted. The acronym “PUD” is used here instead of “PDD”. Be consistent.		X	
6.10.20	Governing Master Plan	Is this still relevant? If so, in order to simplify, this paragraph should be revised to state that land shall be developed in accordance with the most recently adopted Town Master Plan. How does this Master Plan relate to the Town Comprehensive Plan? Are they the same? If not, some clarification of the purpose of each should be provided.		X	
6.10.30	Density Allocation	The reference to “Planning Area” should be clarified. Are the Planning Areas identified in the Master Plan? If not, where? There should be specific criteria to guide the Planning Commission decision about transferring density from one Planning Area to another.			X
6.10.30.10	Residential Unit Allocation	This establishes a maximum number of new (since 1983) multi-family and single-family units permitted. Is this still in force? A prior provision (5.40.40 (b)) stated that no new multi-family would be permitted. Are these in conflict or is there an exception to the prior rule?		X	

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
6.10.30.10 (b) and .20	Areas 5A and 6	Site-specific amendments should not be in the ordinance. Delete.			X
6.10.40	Use and Development Requirements	This subsection is redundant and unnecessary. Subsections .10 and .20 are site/area-specific and should not be in the ordinance.			X
6.20 – 6.80	Individual PD Districts	The specifics of each PDD shouldn't be cited in the ordinance. The approval of each project is based on a site plan and a resolution that would include any conditions of approval. Amendments to that plan and approval will be on the record and need not be inserted into the ordinance. This only complicates the ordinance and necessitates a formal change to the ordinance each time an individual PDD is altered. Reference to the adopted PDD resolution should be sufficient to satisfy statutory requirements.			X
<b>Article 7.0 – Lot and Building Requirements</b>					
7.10	Uniform Application	Revise and clarify. What is a "use classification" or "kind of structure"?			X
7.20.10	Lots Served by Public Systems	Heading doesn't convey the paragraph content.			X
7.20	Lot Area Requirements	This entire section could be deleted. The provisions of the various subsections are either already stated within the respective districts or should be.			X
7.20.20	Single-Family Lots	This provision is redundant. Already stated in the lot area requirements for the Single-Family Residential and PDD districts. Delete.			X
7.20.31	PDD Lots	Are there any PD sites in excess of 100 acres? Is this provision needed? If retained, this provision should be revised, simplified, and moved to the PDD provisions. Consider a lot averaging provision which would permit greater flexibility without increasing density.		X	
7.20.32	Utilities	To simplify, these facilities could all be incorporated into a definition of "essential			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		services” and given more flexibility from the ordinance requirements.			
7.20.50	Nonresidential Lots	Delete. This is unnecessary and already addressed in the Parking article			X
7.30	Minimum Frontage	Delete as unnecessary. These provisions are already stated or should be in the individual district requirements.			X
7.40	Lot Width Standards	Delete as unnecessary, as noted above.			X
7.50.10	Single-Family	Move to Lot Area Requirements in the Single-Family District. Delete the second sentence, as unnecessary. Lot coverage is a defined term (but definition should be revised).			X
7.50.10.10	Nonconforming Single-Family	This chart seems unnecessarily specific, considering the relatively minor resulting difference in coverage. Fewer groupings of lot sizes should be considered. Also note that minimum setback requirements would still apply. Is there an inventory of nonconforming lots? Is this provision even needed?		X	
7.50.20	Multi-Family	Move to Lot Area Requirements in Multiple-Family District. It’s not necessary to list the types of dwellings included in the category. “Multiple-Family” is a defined term.			X
7.50.30	Commercial	Same comment as above. Move to District requirements and delete explanation of “coverage”. This should be in definition.			X
7.50.40	Light Industrial	Same comment as above			X
7.60.10.10	Corner Lots	Revise and simplify. Corner Lot is a defined term, no need to repeat the definition here.			X
7.60.10.20	Frontage Lots	Revise and simplify. Frontage Lot is a defined term, no need to repeat the definition here.			X
7.60.20	Single-Family Setbacks	Delete. The setback requirements are already stated in the SFR District. A footnote could be added there to denote exceptions.			X
7.60.20.40	Nonconforming Lots-Side Setback	Side setback is more relevant to lot width than area. See earlier comment re: basing		X	

Section	Provision	Comment	Type of Change		
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		setback on ratio of nonconforming width to required width, but no less than X.			
7.60.20.50	Setback Exemptions	Revise and expand to address all allowed encroachments into required yards, i.e., HVAC, steps, bay windows, eaves, fences, decks, patios, etc. Even below ground propane tanks could be included. These encroachments should be listed in table format to simplify. Accessory building setbacks should also be addressed, but separately from these encroachments.		X	
7.60.30, .40, .50, and .60	Multi-Family, Marsh, and Open Space Lot Setbacks	Move to Lot Area Requirements in District, per prior comments			X
7.60.30.10 and 40.10	Front	This is inconsistent with prior requirement for corner lots which states both street yards are front yards.		X	
7.60.40.20	Side: Zero Lot Line	Revise. On a zero lot line, there is only one side yard. Delete reference to “both side yards”.			X
7.60.80	Encroachments	Note above comment re: HVAC encroachment. Group all such encroachments together in a table format.			X
7.60.80.30	Driveway Location	Move this to 7.60.70 with other driveway location requirements.			X
7.70	Supplemental Multi-Family Standards	These should be moved to the District requirements. A Multiple-Family District should be added to distinguish from Single-Family Residential.		X	
7.70.11	Dwellings/gross acre	Gross acreage is a defined term, no need to redefine it here.			X
7.70.13	Dwelling Unit	Delete. This is a defined term and limits occupancy to one family.			X
7.70.15	Site Plan	Delete. Already covered elsewhere in the ordinance.			X
7.70.20	Detached Construction	Same comments applicable to 7.70.11, .13, and .15 above			X
Note	Detached Multi-Family	The note inserted between 7.70.20.13 and 7.70.30 should be removed and made part of the definition of Detached Multiple-Family Dwelling.			X
7.70.30	Combination Construction	“Architecturally compatible” is subjective and arbitrary. More specific guidance is needed here, e.g., building materials, roof		X	

Section	Provision	Comment	Type of Change		
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		style, window and door treatment, etc. This subsection should be moved to a Multiple-Family District, as noted above.			
7.80	Commercial-Retail-Office	Move to CRO District			X
<b>Article 8.0 – General Development Requirements</b>					
8.10	Applicability	Redundant. Delete.			X
8.20.10	Downsizing	Redundant. Delete.			X
8.30	Lot Density	Heading should be changed to better convey the intent of the provision. Use of the word “density” is misleading. The two paragraphs should be combined and simplified.			X
8.40.10	Buffers	This subsection should be moved to Article 10, with the Buffers, Landscaping, and Tree Protection requirements. Subsection 8.40.10.30 should be deleted.			X
8.40.30.10	Fences and Walls	“Low and short landscaping fences” is not defined. A maximum height, length, and opacity should be specified. The heading of this paragraph should be “Front Yard Fencing”		X	
8.40.30.21	Fence Materials	More specificity is needed re: what will be acceptable. “Harmonious and architecturally compatible” is too subjective.		X	
8.40.30.22	Architectural Review Board	Is there such a Board? If so, is it a designated Board established by the Town and appointed by Council with membership requirements and rules of procedure. Or is it akin to a homeowner’s association in which case, the rules of the association are separate from zoning and not enforceable by the Town. Clarify.		X	
8.70.20 (e)	Awnings	Note subparagraph numbering format inconsistent with the ordinance. “Compatible color, shape, and size” subjective. More guidance needed re: what is acceptable or not.		X	
8.70.30	Time Sharing	This exclusion should be reviewed. Is it defensible considering the availability of short-term rentals in town? What is a quarter-share ownership and why is that acceptable? At a minimum, differentiate	X		



Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		between “Vacation Multiple Ownership Interests” (up to 13 interest) and “Vacation Time Sharing Plans” (more than 13 interests), as these terms are defined in state law.			
8.70.60	Underground Storage Tanks	Delete the last sentence of the paragraph re: violation. This is unnecessary and subject to the same enforcement and penalty provisions as all requirements of the ordinance.			X
8.70.70	Antenna	Restate this in the affirmative, i.e., “Radio towers, transmission towers, ...shall only be permitted in accordance with the following:”			X
8.70.70.10 (d)	Tower Visibility	There are no National Register properties in the Town?			X
(f)	Collocation	Revise to make this a stronger requirement (e.g., “The antenna shall be located on an existing tower, unless the applicant demonstrates that...” “Approval of a new tower shall be conditioned upon an agreement to permit future collocation of at least three (3) other antennae on the tower, unless...”		X	
(g)	Lighting	Revise to eliminate redundant phrasing.			X
(l)	Wires and Anchors	Revise to require monopole structure.			X
8.70.80.10	Satellite Receivers	As written, this would permit the architectural review board to approve something of lesser desirability than the Planning Commission would otherwise allow. There should be minimum requirements that must be met regardless of who reviews it.		X	
8.70.80.20	Non-residential Receivers	Revise to be more definitive than “fully screened from public view”. For example, “shall not be visible from any adjoining street, parking area, or residentially zoned property.”			X
<b>Article 9 – Environmental Performance Standards</b>					
9.10	Vegetation	“Substantial vegetation” is completely subjective. Minimum size and type of vegetation needs to be specified.		X	
9.10.10	Beaches as Trust Sub-district	Are the referenced maps and documents still relevant and are they available?		X	

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
9.10.10 (c)	Violation	Delete as unnecessary. All violations of the DSO are subject to the applicable enforcement provisions of the ordinance.			X
9.20	Coastal Tidelands and Wetlands Act	Is this necessary? State law will pre-empt local law. What happens when the DSO is more restrictive than the act?		X	
9.40.30	Accessory Uses	This subsection singles out accessory uses. Why? The regulations should be applicable to all buildings and structures. The term “uses” may be too broad. Or it should read: “buildings, structures, or uses”		X	
<b>Article 10 – Buffers, Landscaping, and Tree Protection</b>					
10.10 (a)	Purpose	Are there any actual “agricultural” lands in the Town? If not, this term should be removed. It could be replaced with “conservation”.		X	
10.20	Definitions	All definitions should be in one place, i.e., the Definitions article.			X
(i)	Parking Space	This is different from the definition in Article 2 and is too broad. Taken literally, it could apply to someone’s front lawn.		X	
10.30	Buffering of Incompatible Uses	Article 10 uses three different terms regarding the need for buffering... noncomplementary uses, incompatible uses, and dissimilar uses. One term should be used consistently.			X
(a)-(d)	Dissimilar Uses	This listing and much of Sec. 10-30 should be put in table form for ease of understanding. (d) refers to “different types of buildings”. This needs to be clarified. What is a different type of building (wood vs. brick, residential vs. commercial, single-story vs., two-story)?		X	
10.30. 10 10 and 20	Location of Buffers	These two subparagraphs should be combined with (a) – (d) above.			X
10.30. 20	Buffer Requirements	A 50 foot buffer may be excessive and unnecessary between some uses (e.g., detached single family and villas or cluster homes which are considered multiple-family). Consider having varying levels of buffer (e.g., A, B, and C) with different widths and planting/screening	X		

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		requirements, based on the two adjacent uses or districts. These should be listed in table format for ease of reference.			
10.30.21	Shrubs or Hedges	Is this the height at time of planting or within a specified time period? A minimum spacing should be specified. Or the paragraph should state that “if hedges are used as a screen/buffer, they shall be at least six feet at time of planting.”		X	
10.30.22	Shade Tree	One per 50 feet specifies the number of trees to be planted but not the spacing. If this is to serve as a “buffer” between potentially incompatible uses, the spacing should be specified (again, based on different levels of buffer) to ensure sufficient screening and separation. Minimum tree size listed in 10.30.33 should be specified here.		X	
10.30.30	25 Acres or More	This subsection shouldn’t be needed. The buffer requirement should apply around the perimeter of a development, not within a development. Since all projects have to be done as planned development, there is opportunity to consider landscaping and buffering on the interior of a project as part of site plan review.		X	
10.40	Landscape Requirements for Development	The term “landscaped area” is vague. Is lawn sufficient to satisfy this requirement? More specificity is needed, e.g., landscaped street yard, screening around the perimeter of a parking lot, etc.		X	
10.40.10 10	Subdivision Tree Canopy	A maximum of 30 percent tree canopy may be removed. How is this determined? It is common to require a tree survey/inventory as part of site plan or plat approval. The plan would indicate the location, type, and size of existing trees and those that would be removed. This should be a requirement, not an option.		X	
10.40.20 (a)	Site Developments	The terms “appropriate proportion” and “within the developed area” are vague. More specific requirements are needed.		X	

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
10.50	Standards for Installation of Landscape Mtls.	A requirement should be added that materials shall be maintained in a healthy growing condition and any dead or diseased trees by replaced.			X
10.60.10	Wall or Fence	Stone or brick should be listed, as well. Minimum height should be specified here or elsewhere in the article.			X
10.70.20	Tree Credit	Several places in the ordinance specify measurement of trees as 4 ½ feet above the ground. This is known as “diameter at breast height (DBH)”. The term should be defined and simply referred to as DBH throughout the ordinance rather than continually repeating the measurement height.			X
10.70.60	Tree Replacement	This paragraph fixes responsibility for tree replacement in residential areas but not nonresidential areas. That should be corrected.			X
10.80.10	Tree Removal Permit	The zoning administrator is only responsible for issuing a permit if there is no Architectural Review Board. This should not be the responsibility of an ARB.		X	
10.80.12	SIPOA ARB	This paragraph is not needed in the ordinance. Delete			X
10.80.20	Removal on Subdivision or Site Plan	Revise and simplify. This paragraph is confusing.			X
10.80.22	Marking	Second sentence includes double negative and should be restated to clarify.			X
10.80.40.10	Permit Approval	This paragraph contradicts prior paragraphs (10.80.10 and .11) that state the ARB may approve removal.		X	
10.80.50	Special Authorization	What is the “special permit” referenced here?		X	
10.90	Landscaping for Off-Street Parking	This section may be more appropriate if inserted into the Parking Lot Design section of Article 11.			X
10.90.10.20	Width of Strip	A five foot wide strip is insufficient to accommodate a large shade tree.		X	
10.90.10.21	Shrubs and Hedges	Minimum height should be three feet to screen headlights of parked cars. Note that this subparagraph conflicts with Sec. 11.70.20.20		X	

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
10.90.10.22	Shade Tree	Planting the trees in either the perimeter strip or interior islands should not be an option. They should be required in both locations. Requiring them within five feet of the paved area can be problematic as the root zone spreads.		X	
10.90.10.30	Protection from Encroachment	This provision is difficult to decipher. Needs to be revised or deleted.		X	
10.90.20.10	Interior Landscape Area Size	90 SF and five feet wide are too small to accommodate any meaningful vegetation. The interior island should be at least the size of a parking space.		X	
10.100	Severe Site Constraints	This provision is very vague and subjective. More guidance is needed.		X	
<b>Article 11 - Parking</b>					
11.20	Spaces Required	This entire table of parking requirements should be reviewed and revised, as needed. Many of the standards exceed generally accepted standards and result in excess pavement and loss of green space (e.g., single family dwellings, retail, and offices)		X	
11.20	Spaces in Excess of 250	This unnumbered paragraph should be revised or deleted. Why 250 spaces? Are there any parking lots that size in Town? Reference is made to the "property" rather than the "use". Parking is based on use, not property. There should be a provision that allows the PC to modify the parking requirement for any use, regardless of the number of spaces; provided, there are criteria for how that decision is made. Another approach to consider is eliminating minimum requirements for nonresidential uses and establishing a maximum that can only be exceeded with PC approval.		X	
11.40	Handicapped Parking	Consider removing. All parking must comply with the Federal ADA requirements. If those requirements change, the ordinance unnecessarily has to be amended.			X
11.50	Shared Parking	The requirement that "periods of use must not overlap" is overly restrictive.		X	

Section	Provision	Comment	Type of Change		
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		Typically, the regulation addresses “peak hours of use”.			
11.60.10	Parking space dimensions	One size does not fit all. Different requirements should be used for 90 degree, 60 degree, 45 degree and parallel. Dimension should be measured from the concrete stop. An image would be beneficial.		X	
11.60.20	Handicapped Space Size	Consider removing. This is regulated by the ADA and is not necessary in the ordinance.			X
11.60.30	Parking Angles	Delete. This is unnecessarily prescriptive. More flexibility should be allowed based on the design and layout of the site.		X	
11.60.40	Appropriate Spaces	Revise. “Appropriate” is subjective. State in the affirmative that signs shall be posted, as needed, to designate fire lanes, circulation routes, no parking, and other directives. There’s no need to specify handicapped parking, as that’s required by Federal law.			X
11.70.10	Entrances	“Kept to a minimum” is subjective and arbitrary. Limit access to one driveway, unless a traffic study demonstrates the need for an additional drive. Sixty foot spacing is too close. Even at a 25 MPH speed limit, the separation should be about 125 feet between driveways and streets.		X	
11.70.20.20	Screening from Residential	This paragraph isn’t needed. The ordinance already requires a perimeter buffer around the parking lot and a landscape buffer between dissimilar zoning districts. Delete.			X
11.70.30	Landscaping	As noted previously, the parking lot landscaping requirements in Article 10 should be moved here.			X
11.70.40	Pervious Surface	Consider encouraging pervious surfaces, rather than making it difficult to use.		X	
		Consider adding provisions for bicycle and golf cart/lsv parking.		X	
<b>Article 12 – Signs</b>					
12.10	Definitions	All definitions should be in one place, Article 2. Other definitions should be			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		added to the list, e.g., identification sign, wall sign, monument sign, placard, pole sign, temporary sign, roof sign, etc.			
(h)	Sign	Revise and simplify.			X
(i)	Sign Area	Revise. The method of measuring sign area and height should be specified. A graphic illustration would aid the understanding of this requirement.			X
12.30	Exempt Signs	Add language noting that signs are exempt from permit requirements and expand list (e.g., addresses, on-premise directional signs, flags, garage sale, temporary help wanted, historic landmark, etc.)			X
12.50	Prohibited Signs	Revise and expand to specify signs types that are prohibited (e.g., balloon signs, vehicle-mounted signs, off-premise signs, roof signs, etc.)			X
12.60	Allowable Signs	Revise and separate into categories, e.g., residential signs, business signs, institutional signs. Use table format for ease of determining number, size, placement by sign type. (Note that many of the regulations specify sign content. In 2015, the US Supreme Court (Reed v. Gilbert) handed down a sweeping decision regarding free speech and content-based sign regulation.)			X
12.60.10	Real Estate Signs	Add the maximum number allowed and setback requirements, if any		X	
12.60.20.10	Institutional ID Signs	Expand to specify limits re: number, placement, lighting, height		X	
12.60.20.20	Construction Signs	This sign type applies only to single-family projects. It should be expanded to address all construction. Specifying the sign content is problematic, as worded. Also, 16 SF for a home construction project seems large. Why are the sign specifications so prescriptive?		X	
12.60.50	Directional Sign	This term should be defined. The placement, height, lighting should be specified. The term “public sign” is confusing and should be revised.		X	
12.60.60 (c)	Political Signs	What is “jurisdictional control”? Are signs permitted within a private street		X	

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		easement or county street right-of-way? For public safety, signs (other than government signs) should not be permitted within such easements or right-of-way. Many communities limit the time period during which these signs may be erected and the number allowed per candidate or issue.			
12.60.70	Community Signs	Define. What is a “theme”? Revise this paragraph to specify size, location, material, etc. Delete the phrase “shall not advertise anything more than...”. This is content-based regulation. A definition of this sign type should be worded to denote the purpose of the sign and who may erect one without dictating content.		X	
12.60.80	Commercial Area Signs	This sign type is described as a directory of multiple businesses in an area. No specifications are provided. Number, location, size, and lighting should be established in the regulation, not arbitrarily.		X	
12.60.90	Layout/Map Sign	How is this different than the Commercial Area sign? This should be deleted. A map could be incorporated into the Commercial Area sign, rather than having two separate sign types.		X	
12.60.100	Vending Machine Signs	The prohibition re: internal illumination on a vending machine seems unworkable. A Coca Cola machine, for example, will have a large can and logo on its face and be lit from within. Is that not permitted, not enforced? Clarify.		X	
12.60.110	Door Entry Signs	Is this the only sign permitted for each individual business (no wall sign, canopy sign, monument sign???)? Placement and maximum size should be specified. Size can vary significantly, depending on whether it’s 25% of the door or the window. Also, this is content-based regulation and should be discussed. The second (unnumbered) paragraph should specify minimum clearance between the		X	



Section	Provision	Comment	Type of Change		
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		bottom of the sign and the sidewalk (8 feet is typical).			
12.60.120	Food Service Signs	Why is this category of business given individual treatment? The difference is not substantial enough to warrant two separate regulations. What is “pertinent marketing information” and why is that not permitted for other business types? Combine 100 and 120. Where are the “Exhibits” that are referenced in this Article?		X	
12.60.130	Temporary Signs	Revise. Specify size, location, criteria.		X	
12.60.140	Boat Signs	There are three separate requirements for boat signs. Why is such a distinction necessary?		X	
12.60.150	Take Away Flier	Is it necessary to regulate these? Are two separate regulations needed? What is a “service establishment”?			
12.60.160	Real Estate Display	Revise and regulate as a “window sign” without specifying content.		X	
12.60.180	Promotional Marketing Signs	If these are in the “breezeway”, do they need to be regulated at all? Are they visible from a street or parking lot? Why is it necessary to specify the three categories of merchants? The second (unnumbered) paragraph should be listed separately as an allowed individual business sign.		X	
12.60.190	Reserved Parking Signs	Is this necessary in a private parking lot? Why are size and type of lettering dictated?		X	
12.60.200	Awning Signs	Clarify. Is this allowed for each individual business? Can the awnings have internal illumination?			X
12.100.20	Approval Criteria	The term “appropriateness” is subjective; and the four criteria are, likewise, subjective. Individual sign regulations should be specific as to allowed size, location, lighting, and other applicable requirements. If the sign meets those requirements, it should be approved. A12.esthetic preferences, not stated in the ordinance, are inappropriate.		X	

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
12.110.20.10	Lettering	The limit on letter height for window and entry door should be moved to the applicable section (12.60.110)			X
12.120	Requirements for Specific Sign Types	Ground and wall signs aren't noted as permitted in any of the prior provisions for businesses or other uses. Where are these signs allowed?		X	
12.120.20 (c)	Wall Sign Size	Revise and clarify. Does 100 linear feet relate to an individual store front or to the shopping complex? Is a wall sign only allowed for stores with more than 100 feet of front façade? Consider a sign area in proportion to the front façade, not to exceed a maximum size limit. Most communities prohibit roof signs. Why allow them?		X	
<b>Article 13 – Permitting Applications and Procedures</b>					
13	General	The headings and format should be consistent for each of the permit types, e.g., purpose, applicability, application requirements, review criteria, time limits, etc..			X
13.10	Zoning Permit	The reference to "Section 14 or 15" should probably be "Article 14 or 15".			X
13.10 (b)	Land Altering	The definition should be in Article 2			X
13.10.10	Use	Zoning governs use. A new use should require a zoning permit to determine that the location is properly zoned for that use		X	
13.30	Zoning Permit Application	Most of this section could be condensed to a paragraph stating a complete application must be submitted. The application form should contain the applicable requirements and checklists.			X
13.40.20	Conditional Uses	This paragraph is unnecessary. This is a procedure that is discretionary and does not require action by the Planning Commission. The Zoning Administrator can submit whatever information he/she chooses without authorization in the Ordinance. Delete.			X
13.50.30	Prerequisites for approval	County permits are not issued unless and until a town zoning permit is approved, as specified in Sec. 13.50.60.20. State			X

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		permits, in some instances, may also be issued after town zoning approval.			
13.50.70	Permit Time Limits	Subparagraphs 10 and 20 are inconsistent with the State’s Vested Rights Act			X
13.60	Encroachment Permit	The phrase “in any way impacts” is very broad, especially with respect to streets. It can be argued that any development anywhere nearby may contribute traffic to a street within the Town. Examples or criteria should be added to this paragraph to provide guidance regarding what constitutes an “impact”. Also, PC decision can only be appealed to Circuit Court according to State law.		X	
13.60.10 (a)	Information Required	“Traffic flow and volume study” is not a generally used term. Change to “traffic impact analysis” and include (here or elsewhere in the ordinance) the minimum required information for such an analysis. Also state for each of the required studies in this section that they be prepared by a professional engineer (transportation or civil, as applicable) registered in the State of South Carolina.		X	
13.70.60.20	Building Errors	This is an unusual provision. Is it needed?		X	
13.80	Temporary Use Permits	Temporary uses should be defined. This provision is open-ended. Consider delegating review and approval to staff.			X
13.80.40	Procedures for Issuance	This section describes the process, but Section 13.80.10 precedes this and states that Council approves the permit. Sec. 13.80.10 should be inserted in the appropriate place within this “Procedures” section.			X
13.80.40.20	Planning Commission review	This allows for the review process to be bypassed in the event of “time constraints”. Reconsider this. It is the applicant’s responsibility to submit the request in sufficient time to allow for the required review. If timing is really an issue, consider changing the process (perhaps eliminating PC review of any temporary use request). Depending on	X		

Section	Provision	Comment	Type of Change		
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		the nature of the temporary uses, it might even be delegated to the Zoning Administrator with appropriate review criteria.			
13.80.40.30	Nonconforming Activities	What constitutes a nonconforming activity that merits a temporary use permit? The term “nonconforming” may be misleading since it has a specific meaning in the context of zoning. If the activity doesn’t conform to the Town requirements, it shouldn’t be allowed. Revise and clarify		X	
13.90	Vested Rights	This section seems out of place within an article dealing with permits and procedures. It should probably be moved to Article 14 (site plan) or a general administration article.			X
13.90.10	Definitions	Move to Article 2			X
<b>Article 14 – Site Plan Requirements</b>					
14.10.13	Any Remodeling...	Revise. This paragraph is very difficult to follow. This sentence is inconsistent with 14.20.13 (which included maintenance). Ordinary maintenance should not require site plan review.			X
14.20.10	Procedures	Consider allowing for administrative review (zoning administrator) for small projects (minor additions, parking lot expansion, new buildings under a certain size, etc.).	X		
14.20.20	Architectural Compatibility	More specific review criteria should be stated. Terms such as “architectural compatibility” and “harmonious development” are vague and arbitrary. Zoning decisions should not be based on a “we’ll know it when we see it” approach.		X	
14.20.20.10	Architectural Review	It is not clear if the ARC review is advisory to the Planning Commission or binding. The PC should be the final review authority. The application should be made to the Zoning Administrator who forwards it to the ARC for review and <u>recommendation</u> to the Planning Commission as part of its site plan review authority.	X		

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
14.20.30	Multi-Family Development	Why are only multi-family projects singled out for review by the fire district? What about commercial and institutional uses?		X	
14.30	Preliminary Site Plan	Consider making preliminary site plan an option rather than required. For small projects and individual buildings, the applicant should have the choice of submitting a full detailed site plan.		X	
14.30.30 (e)	Preliminary Site Plan Submission	A sedimentation control plan should not be necessary for a preliminary plan. This should be on the final plan after building placement, grading, tree removal, and other critical elements have been determined.		X	
(f)(2)	Location of Off-Site Features	A distance should be specified rather than "in the area of the property". For example, "all existing buildings, structures, driveways and street intersections within 300 feet".		X	
(g)	Site Development Plan	Require that the plan be prepared by a registered civil engineer, architect, or landscape architect rather than "of professional quality".		X	
(g)(2)	Traffic Impact Analysis	A TIA should not be needed for every project. Usually a threshold is established (e.g., more than 50 peak hour trips) to determine when one is needed.		X	
14.30.40 (b)	Preliminary Commission Review	"Detrimental impact" is arbitrary. Elaborate with examples of potential nuisance effects that might be detrimental. Subparagraph (g) may be sufficient in lieu of (b). Also add a criterion related to conformance with the Town's Comprehensive Plan goals and recommendations.		X	
14.30.50(a)	Notice and Authority	This statement is already included in 14.30.40 above. Delete one or the other.			X
14.30.60	Time Limitation	Must be consistent with Vested Rights Act		X	
14.40.20 (d)	Landscape Plan	This should be prepared by a registered landscape architect		X	
14.40.30 (c)	Planning Commission Action	Revise first line. Planning Commission doesn't "recommend". It either approves or disapproves.			X

Section	Provision	Comment	Type of Change		
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14.40.50	Time Limit	One extension of up to an additional 12 months should be provided.		X	
14.40.61	Minor Amendments	This provision is helpful in specifying the administrative authority for approving minor plan changes. However, the phrase “make other than minor adjustments” is used throughout the paragraph and does not define “minor adjustments”. More specificity is needed to define the parameters within which staff has approval authority.		X	
<b>Article 15 – Subdivision Approvals</b>					
15.0	Purpose	Number format is not consistent with prior Articles (15.0 should be 15.10). Legalese (aforesaid, hereinafter) and extraneous wording (Planning Commission of the Town of Seabrook Island) should be removed.			X
15.10	Exemptions	Consider adding an exemption for the subdivision of property which is intended to be subdivided and set aside for conservation purposes (i.e. development rights on the new lot have been extinguished by a conservation easement)		X	
15.20	Review Procedures	By exempting small plats (10 lots or less) from preliminary plat review if no new streets are required, is the ordinance encouraging developers to create a row of lots along an existing collector street rather than providing interior access? It may be helpful to insert a flow diagram to illustrate the review procedures.		X	
15.40.20	Scale	1:200 scale is very small. 1:100 is more useful. Sec. 15.40.20.20 allows 100 scale drawings for “small areas”. What constitutes a small area? It would be better to require 1:100 scale unless the plat exceeds a set number of acres for which 200 scale or multiple sheets would be permitted.			X
15.40.40 (a)	Required Information	This should specifically require a boundary survey certified by a professional surveyor.			X

Section	Provision	Comment	Type of Change		
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15.50.20.10	Adjoining Property Notification	Delete this provision. There is not a “hearing” and public opinion should not factor into the review process.		X	
15.50.30	Review Criteria	The first sentence references a Planning Commission recommendation, but the Planning Commission is the decision-maker. That sentence also states that they shall “give consideration to” the criteria listed. This implies that the criteria are only guidelines. Revise to note that the Planning Commission shall only approve the preliminary plat upon a finding that all criteria are satisfied.		X	
15.60.20	Time Limit Extension	Other provisions specify different time limits (9 months, 2 years, etc.). This should be consistent with Vested Rights Act. This subsection should also specify that requests for annual extensions be submitted in writing. Note that the PC approves the preliminary plat but termination of the approval must come from Council. Is this a statutory requirement? In any case, there should be criteria listed to support the termination of an approval.		X	
15.70.10	Lot, Road, and Drainage Data	Approval of design details for roads and drainage come after the preliminary plat is approved by the Planning Commission. Is this an extra unnecessary step? If those design details are included with the initial application, staff and consultants could perform their review and offer comments/recommendations to the Planning Commission that would get incorporated as conditions of an approval or necessitate adjustments to the plan.		X	
15.70.20	County Review	Does Charleston County have approval authority or advisory review? This needs clarification. The preceding paragraph states that the zoning administrator has approval authority, but this paragraph suggests otherwise. Clarify		X	

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
15.90	Final Plat Submission	"Large subdivision" should be defined. Presumably, this is any subdivision of more than 10 lots.			X
15.90.10	Prints	Should require a copy of the plat in electronic format.			X
15.90.10	Copies	Is this required?			X
15.100.40	Denials	Should an applicant be prohibited from submitting an amended plat for 1 year after a plat has been denied?		X	
15.100.41	Waiting Period	The second line refers to "the appropriate committee". What is this? Can the committee(s) be named so the procedure is more clear?			X
Gen Note	RMC to ROD	Charleston County changed the name of Register of Mesne Conveyances to Register of Deeds on Jan 1, 2018. All references to RMC should be revised.			X
<b>Article 16 – Design and Improvement Standards</b>					
16.10.10	General	"Suitable provisions are made for satisfactory drainage" is very vague. Who makes this determination? Revise and cite the decision-maker (Town Administrator, Town Engineer, or Zoning Administrator). Also, to the extent there is a local, county, state, or federal law that establishes limits and/or standards, it should be referenced.		X	
16.10.20.10	Block Lengths	It is common to specify a maximum block length. Is there a standard that has been used and can be inserted here?		X	
16.10.30	Lots	This is a subjective standard and should be deleted. If the lot meets the minimum requirements of the zoning ordinance, it should be approved (see 16.10.20.10(b)). Determination of the adequacy of a lot would come during site plan review when a specific building footprint and parking layout are shown.		X	
16.10.30.20	Depth	Why are subdivisions of three or fewer lots exempted from the width/depth ratio?		X	
16.10.30.30	Sight Easements	Only the first sentence is necessary. "Sight area easement" should be defined in Article 2 and simply referenced here			X



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		and elsewhere in the ordinance, as needed. Also, determine if actual easement is necessary			
16.10.330.51	Private Street Access	This provides for Town Council consideration of private streets in subdivisions. However, only the Planning Commission is responsible for approval of plats. This should be clarified to either grant approval authority of private streets to the PC or indicate the procedure and timing at which a request must be submitted to the Council.		X	
16.10.40.10	Arterial Street Designation	Only Seabrook Island Road is an arterial street. However, subsequent paragraphs refer to "arterial streets". In any case, this paragraph could be moved to Article 2 under the definition of "Arterial Street".			X
16.10.40.50(a)	Studies	The standard term for this study is Traffic Impact Analysis.			X
16.10.50.90	Street Right-of-Way	The unnumbered paragraph following the table contradicts the table which indicates most streets must have a ROW of 60 feet. But the language implies that ROW of more than 50 feet will only be required based on traffic need. Likewise, 16.10.50.100 requires a minimum of 60 feet of ROW. Clarify or reconcile these provisions.		X	
16.10.50.130	Cul de Sacs	A 100 foot diameter for the turn-around is much more than typical. Reconsider. In any case, cul de sacs and other dead-end streets should not be permitted, except in exceptional situations (presence of natural features) which inhibit a through street.		X	
<b>Article 17 - Modifications</b>					
17.10	Modifications and Waivers	This paragraph should more clearly distinguish between the applicability of this article to plats and the authority of the Board of Zoning Appeals with respect to other provisions of the ordinance. Consider deleting this article completely and treating any deviation from the requirements as a variance to be heard by the BZA.		X	

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17.10.10	General Criteria	These criteria are similar to those cited in 19.30 for the BZA. The criteria should be different and should relate to the design standards of the subdivision, not to lot size, width, or setback requirements (the province of the BZA).		X	
<b>Article 18 – Violations and Penalties</b>					
18.10	Violations of Ordinance	The first sentence should be revised. The phrase regarding the zoning administrator’s duties that states “ensure that all buildings and structures and the use of all land complies...” infers that building construction is within the purview of the zoning administrator. This is obviously not the case.		X	
18.10.40	Land Altered or Trees Destroyed	This paragraph should reference penalties provided in the ordinance, not just this article. The tree preservation regulations, for example, provides for mitigation and other remedies that are relevant to this paragraph.			X
<b>Article 19 – Administration and Appeals</b>					
19.10.10(a)	Interpreting	Criteria should be added to guide the interpretation of similar uses (e.g., traffic generation, hours of operation, scale of building, peak activity, etc.). Also note, this paragraph (and several subsequent paragraphs) refers to special exception uses. However, there are no special exception uses listed in the districts, no definition of special exception uses, and no procedures for reviewing these uses. Delete.		X	
19.20	Planning Commission	It would be helpful to list the principal duties of the Commission.			X
19.30.10	Appeals	This should be expanded to note that the BZA may hear administrative appeals from any individual or body (not just the zoning administrator) authorized to make a decision under the DSO.		X	
19.30.30	Special Exceptions	There are no special exception uses listed in the districts. Delete, unless conventional districts replace PDDs, as			X

Section	Provision	Comment	Type of Change		
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		recommended, in which case special exceptions may be needed.			
<b>Article 20 – Amendments to the Ordinance and Map</b>					
20.10.10	Ordinance Amendments	Does the Town allow anyone other than the zoning administrator, PC, or Council to initiate an amendment to the text?	X		
20.10.20	Map Amendments	Taken literally, this paragraph would not allow the PC to initiate a map change. Revise.		X	
20.10.40	Public Hearing	Are there situations in which Council would have authorized the PC to hold the public hearing (per 20.50.20.)? Change “no amendment to this Ordinance or map shall be considered by Town Council...” to “may be approved by Town Council...”	X		
20.20.20	Zoning Change Request	Rather than “submitted in writing” which could be a letter, this should say “shall submit a request on an application form, along with a required fee”. The last part of the sentence should state “...shall review all applications for completeness within...” and add “Incomplete applications shall be returned to the applicant without further action.”		X	
20.20.20.10	Complete Applications	It isn’t necessary to list all the required information. The application form will contain that.			X
20.20.20.20	Planned Developments	Same comment as above. The required information will be listed on the application form. Is a “vellum” drawing still required? Consider mylar or digital format.		X	
20.20.20.20(a)	PUD Master Plan	The site plan requirements should be listed in Article 14 or Sec. 5.40.			X
20.20.20.20(b)	Narrative	Same comment as above. Also, consider deleting (6), marketing report. Such reports are not helpful and can’t guarantee the success of any project.		X	
20.30	Zoning Administrator Review	Depending on the scale and complexity of a request, 15 days may not be sufficient to complete a review and submit a written report in advance of a PC meeting.		X	
20.40.10(g)	Construction Traffic	All development will generate construction traffic to some extent. The		X	

Section	Provision	Comment	Type of Change		
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		routing of such traffic, hours of activity, etc. should be addressed during site plan review, not rezoning.			
20.40.10(j)	Conservation of Properties	This criterion is very subjective. If the request is consistent with the comprehensive plan, it should be presumed to be appropriate. Delete.		X	
20.40.10(c), (e), (f), (m), (n)	Infrastructure and Services	These criteria could be consolidated into a single statement regarding the adequacy of existing or proposed public facilities and services to support the uses allowed within the proposed zoning district.		X	
20.40.20	Added PUD Criteria	These should be moved to Section 5.40 as part of the PUD criteria.			X
20.50	PC Review	What is the “additional” 30 days? Is that in addition to the 15 days for the zoning administrator’s review? For a complex rezoning or controversial PUD, one month may be insufficient to make a decision. Is this a statutory requirement?		X	
20.50.10	Preliminary Approval	See prior comment about revising the PUD process for this reason. This should be the standard process for all PUDs. The initial plan need not be so detailed as to require precise engineering, landscape plans, grading, etc. Once the zoning is approved, the developer can move forward with confidence and incur the cost of preparing the detailed plans.		X	
20.50.10.10	Density	The preliminary plan should denote the number of residential units, i.e., density, and that should be a part of the zoning approval. The final site plan should then conform to that preliminary plan re: use, density, and other general characteristics.		X	
20.50.30	Extension of Time Limit on PC Decision	See prior comment re: 30 day time limit. The PC should have more time without the necessity of the applicant agreeing to it. Consider increasing to 60 days.		X	
20.50.40	Approval Without Recommendation	If the PC does not have a quorum at its meeting and the applicant does not request an extension of the 30 day limit, this provision would suggest that there would be a presumed recommendation of	X		

Section	Provision	Comment	Type of Change		
			Policy	Significant	House-keeping
		approval without any real consideration of the request. Revise.			
20.60	Town Council Consideration	See prior comments about public hearing.	X		
20.70.30(a)	Landowner Comments	Whether there is a PC public hearing or not, why would the property owner not be allowed to present his/her request? This seems a very basic due process right if the PC is going to make a recommendation regarding the request.		X	
20.80.10	Council Public Hearing	This paragraph should be revised. As noted in a prior section, Council may authorize the PC to hold the hearing in which case a Council hearing is not required.		X	
<b>Article 21 - Fees</b>					
21.50	Fee Schedule	The schedule should be removed from the ordinance so an amendment to the ordinance is not required each time fees are changed. The schedule could be adopted/updated as an exhibit in the annual budget.		X	

## IV. Key Issues and Recommendations

The previous chapter identifies, in detail, the comments, viewpoints and recommendations related to the current Development Standards Ordinance. There are several that merit highlighting here in hopes of generating conversation by Town leaders that results in a consensus regarding the desired action going forward. It is assumed there is general, perhaps unanimous, agreement that the Town would be best served by the comprehensive rewriting of the Development Standards Ordinance. The DSO would be designed to achieve several goals:

- be more readable,
- eliminate redundancy and conflicting provisions,
- be reorganized to make it user-friendly,
- restructure procedures to be more efficient,
- establish standards to guide decisions and improve predictability,
- facilitate improvement of properties, and
- support the recommendations of the Seabrook Island Comprehensive Plan.

While there are many options for achieving these goals, the technical audit and input from stakeholders and staff suggest several substantive recommendations for consideration. The extent to which some or all of these recommendations are supported will determine the overall framework and key provisions for the new ordinance. These include:

- District Structure: Currently, most properties are zoned PUD. Specific requirements within each of the several PUDs across the Town vary and, in many cases, are at odds with the actual development that has occurred. Existing setbacks don't conform to required setbacks; required lot area isn't applicable to villas; and widespread nonconforming conditions require frequent variances. PUD districts should be replaced by more traditional zoning districts that reflect actual uses and development patterns, including expanding the list of available districts, such as small-, medium- and large lot single-family residential, and different types of multi-family districts (townhome, villa, condo/apartment), possibly a mixed-use district, etc.
- Standards: Specific standards and criteria need to be incorporated into the ordinance to guide discretionary decisions. This is essential to achieving consistency, fairness and predictability for the applicant and the Town. It also strengthens the defensibility of zoning decisions when those standards are uniformly applied.
- Decision-Making Authority: Broadening the scope of projects subject to administrative site plan review, for example, could expedite and simplify procedures. Delegating temporary use approvals to staff instead of Planning Commission may be another opportunity. Allowing staff or Planning Commission the discretion to waive or modify certain land development requirements (parking, buffering, landscaping, etc.), based on objective criteria, would reduce the number of variances and provide more flexibility.
- Review Procedures. The process of maneuvering a project through the multi-layered review and permitting system should be improved. The steps and authority should be

clarified. Information requirements should be scrutinized to ensure that only those items needed to make a decision are required. Extraneous and costly detail should be eliminated. Permits for interior improvements as a means of ensuring contractor registration should be reconsidered.

- Delegation of Legislative Authority: The DSO should not have one set of regulations for properties inside the gate and another set for properties outside. This may be considered an unlawful delegation of authority. Instead, the town should adopt minimum criteria that will apply throughout the town. Any regime or association may, at its discretion, adopt and enforce more restrictive criteria.
- Comprehensive Plan: The Town's comprehensive plan should be a foundation for zoning decisions. A more integral relationship should be established between plan goals and recommendations and the land development regulations needed to achieve them.

This list obviously does not represent all of the significant changes proposed. Many others are recommended in the technical audit but those highlighted above require decisions early in the process, as they will determine the overall framework for the new regulations and may require, to some degree, policy shifts.

## V. Proposed Unified Development Ordinance

### Suggested Outline/Table of Contents

#### **Division I – Purpose and Organization**

Article 1 – Enactment, Title and Purpose, Rules of Construction

#### **Division II – Zoning Districts**

Article 2 – Zoning Districts and Map

Article 3 – Conservation District

Article 4 – Residential Districts

Article 5 – Commercial Districts

Article 6 – Facilities and Amenities District

Article 7 – Planned Development District

Article 8 – Overlay Districts

#### **Division III – Site Development Requirements**

Article 9 – General Provisions

Article 10 – Conditional Use Requirements

Article 11 – Environmental Performance Standards

Article 12 – Trees, Landscaping and Buffering

Article 13 – Parking and Loading

Article 14 – Signs

Article 15 – Site Plan Review

#### **Division IV – Subdivision of Land**

Article 16 – Scope and Purpose

Article 17 – Application and Approval Procedures

Article 18 – Design Requirements

Article 19 – Required Improvements

Article 20 – Plat Specifications

#### **Division V – Administrative Provisions**

Article 21 – Duties and Responsibilities

Article 22 – Permits and Fees

Article 23 – Amendments

Article 24 – Appeals

Article 25 – Nonconformities



## Article 26 – Enforcement and Penalties

### **Appendix**

Appendix A – Definitions

Appendix B – Consolidated Table of Uses

Appendix C – Consolidated Table of Dimensional Requirements

## Sample Format

# Article 6

## Residential Districts

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# *Example*

*Intended to illustrate format only. Districts, uses, and requirements are not related to Seabrook Island*

**Section 6.1 Purpose**

- A. **"R-1," Low Density Residential District.** The R-1 District is intended to accommodate single family residential subdivision and in-fill development at densities of approximately four units per acre, along with related uses. Land within this district will be served by public sanitary sewer and water facilities.
- B. **"R-2," Moderate Density Residential District.** The R-2 District is intended to encompass much of the Village’s existing single-family residential neighborhoods and accommodate similarly situated new and in-fill development at densities of up to eight units per acre. This district also permits the introduction of attached residential units and non-residential uses that are compatible and in scale with the established single-family neighborhood character. Land within this district will be served by public sanitary sewer and water facilities.
- C. **"R-3," High Density Residential District.** The R-3 District is intended to promote a high quality mix of residential units, including multiple family dwellings, at a density of up to 12 units per acre. Other compatible, non-residential uses may also be permitted. Public sanitary sewer and water facilities are required.

**Section 6.2 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 6-2* 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 14 are met.
- C. **Specific Conditions.** Indicates requirements or conditions applicable to conditional uses, as listed in Article 12, Conditional Use Requirements.

Table 6-2 Schedule of Uses: Residential Districts				
Use	R-1	R-2	R-3	Specific Conditions
<b>Residential</b>				
Single-family dwellings	P	P	P	
Two-family dwellings		P	P	
Attached single family dwellings		P	P	
Multi-family dwellings			P	
Accessory dwelling unit	C	C	C	Section ***
Bed and breakfasts	C	C	C	Section ***
Boarding homes			C	Section ***
Day care, family	C	C	C	Section ***
Day care, group	C	C	C	Section ***
Foster care home, adult family	C	C	C	Section ***
Foster care home, child	C	C	C	Section ***

<b>Table 6-2 Schedule of Uses: Residential Districts</b>				
<b>Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Specific Conditions</b>
Accessory uses and structures	C	C	C	Section ***
<b>Non-Residential</b>				
Home occupations	C	C	C	Section ***
Professional offices	C	C	C	Section ***
Art, music and dance studios	C	C	C	Section ***
<b>Recreation</b>				
Golf courses and country clubs	C	C	C	Section ***
Private non-commercial recreation	C	C	C	Section ***
Public parks/playgrounds	P	P	P	
<b>Public/Quasi-public</b>				
Cemeteries	C	C	C	Section ***
Churches and customary related uses	C	C	C	Section ***
Cultural buildings	C	C	C	Section ***
Schools (elementary, middle and high)	C	C	C	Section ***

**Section 6.3 Spatial Requirements**

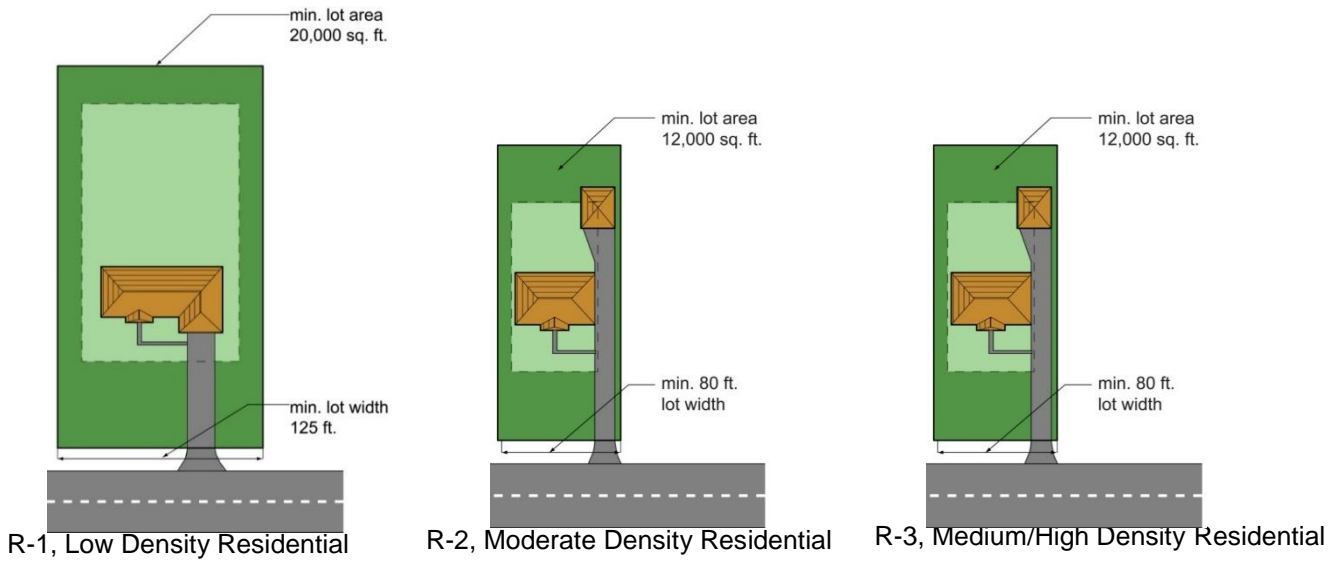
- A. All lots and buildings shall meet the minimum area and width requirements of Table 6-3. New lots shall not be created, except in conformance with these requirements.

<b>Table 6-3. Lot and Width Requirements, Single Family Residential Districts</b>		
<b>Zoning District</b>	<b>Minimum Lot Area (sq. Ft.)<sup>1</sup></b>	<b>Minimum Lot Width (ft.)</b>
<b>R-1, Low Density Residential</b>	<b>20,000</b>	<b>125</b>
<b>R-2, Moderate Density Residential</b>	<b>12,000<sup>2</sup></b>	<b>80</b>
<b>R-3, High Density Residential</b>	<b>6,000<sup>3</sup></b>	<b>45</b>

<sup>1</sup> Public water and sanitary sewer are required for all property in these districts.

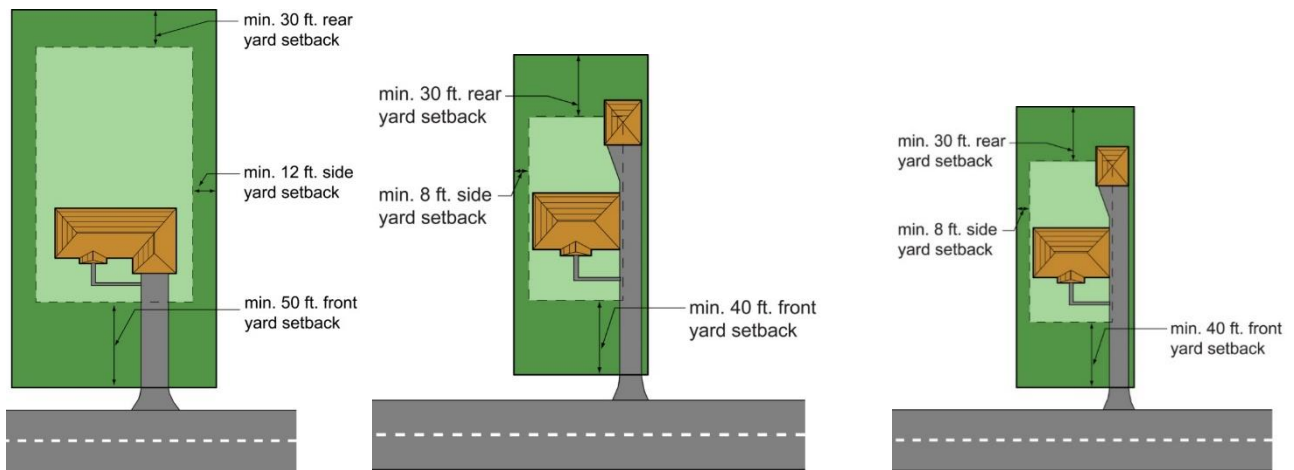
<sup>2</sup> Two-family and attached single family dwellings shall provide 5,000 square feet per unit.

<sup>3</sup> Two-family dwellings shall provide 4,000 square feet per unit. Attached single family and multi-family dwellings are permitted a density up to 12 units per acre.



B. All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 6-3a.

Table 6-3a. Dimensional Requirements, Residential Districts								
Zoning District	Maximum Building Height (ft./stories)	Minimum Yard Setbacks (ft.) <sup>4</sup>					Lot Coverage (%)	Min. Floor Area <sup>5</sup>
		Front		Side		Rear		
		Park'g	Bldg.	Total	Least			
R-1	35/2.5	25	25	25	10	30	35	1,000
R-2	35/2.5	25	25	15	5	25	40	900
R-3	35/2.5	30	30	15	5	15	50	750



<sup>4</sup> Average established setback shall apply, where applicable, in accordance with Section \*\*\*.

<sup>5</sup> Minimum floor area requirements are for single family detached dwellings. For two-family, attached single family and multi-family, the minimum required floor area shall be determined by the number of bedrooms, as follows: efficiency unit – 500, 1 bedroom – 700, 2 bedroom – 800, 3 bedroom – 900. An additional 100 square feet shall be provided for each bedroom over 3.

**Section 6.4                    Site Development Regulations**

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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 11
- B.     Conditional Use Requirements – Article 12
- C.     Environmental Performance Standards – Article 13
- D.     Trees, Landscaping and Buffering – Article 14
- E.     Parking and Loading – Article 15
- F.     Signs – Article 16
- G.     Site Plan Review – Article 17

## Style Guide

The following style guide defines the proposed layout, organization, and grammar in the Development Standards Ordinance. If any deviations from this guide are desired, they must be identified prior to drafting the document. Any subsequent changes that are inconsistent with the approved style guide will be outside the scope of the professional services agreement.

### Fonts

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1. 18 point Calibri font, bolded, will be used for each article title:

## **Article III Residential Zoning Districts**

2. 12 point Calibri font, bolded will be used for each section title:

### **Section 3.1 Intent**

3. 11 point Calibri font will be used for the body of text:

The Single-Family Residential Districts are intended to provide sites for one-family detached dwellings and residentially related uses.

4. References to the titles of all Articles, Sections, Subsections and Tables within the text will be *italicized*:

The following uses may be permitted by obtaining Conditional Use approval when all applicable standards cited in *Article 17.18* and specific standards of *Section 17.18.A* are met.

5. Size 10 Calibri font will be used for headers:

Single Family Residential Districts

6. Size 9 Calibri font will be used for footers:

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### Line Spacing and Justification

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1. Single line spacing will be used with 6pt separation between paragraphs (this document is an example).
2. All text will be left-justified.

### Ordinance and Page Numbering

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1. Articles will be numbered in numerical order, starting with Article 1.
2. Sections will be numbered in numerical order, starting with “#.1” with “#” signifying the article

number.

3. A traditional outline numbering and spacing format will be used within each section, as follows:
  - A. Subsection Heading. (if applicable)
    1.
      - a.
        - i.
4. Each article will have self-contained page numbering, starting with “page #-1”, with “#” representing the article number.

## Capitalization

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1. Capitalize words that refer to a body or commission (like Town Council, Planning Commission).
2. Capitalize the names of geographic divisions, regions, and localities such as Towns, Cities, Rivers, Lakes and Streets.
3. Capitalize titles when preceding a name only (Mayor Ciancio vs. the mayor of Seabrook Island)
4. The words plan and ordinance will not be capitalized unless at the beginning of a sentence or part of the proper title of a document (Development Standards Ordinance).
5. The words section and article shall be capitalized only when referring to a specific section or article (this section and Section 17. 2 A.1).

## Punctuation Marks

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### Commas

1. Commas separate complete thoughts joined by these simple conjunctions: and, but, or, for, nor, so, yet.
2. The Oxford comma will be used.
3. Commas separate items in a series consisting of three or more words, phrases, or even whole clauses.
4. Commas separate long introductory phrases and clauses from the main body of a sentence.
5. Commas enclose parenthetical expressions.
6. Commas separate nonessential modifying and descriptive phrases and clauses from a sentence, especially those clauses beginning with who, which, or that.
7. Commas separate titles and degrees from names.

### Quotation Marks

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1. Use quotation marks to enclose direct quotations.
2. Use quotation marks to indicate that a word is used in a special or abnormal sense.
3. Always place periods and commas inside of closing quotation marks.
4. Always place semicolons and colons outside of closing quotation marks.
5. Place dashes, exclamation marks, and question marks inside of quotation marks if they are part of the quotation; otherwise, place them outside of quotation marks.

**Semi-colons**

1. Use semicolons to link complete thoughts that could otherwise stand alone as separate sentences.
2. Use semicolons to separate items in series when one or more of the items has a comma.

**Ampersands**

1. Use the written-out version of signs and symbols in text unless the nature of the text is such that readers would expect to see signs and symbols (planning and zoning not planning & zoning, off-street parking and loading not off-street parking & loading).

**Hyphenation**

1. Hyphenate two or more words that act together to create a new meaning (single-family, mixed-use). The word after the hyphen is not capitalized except where an organization has branded a phrase (Form-Based Code).
2. Hyphenate compound numbers from twenty-one to ninety-nine.
3. Avoid using hyphens with most prefixes (nonconforming).

**Numbers**

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1. Numbers one (1) through nine (9) should be spelled out with the numeric character in parentheses afterwards, except in tables and graphics.
2. Numbers 10 and above will only use the numeric character.
3. When used at the beginning of a sentence, a number is always spelled out.
4. Always use figures for percentages and decimal fractions.
5. Always use figures for dates.
6. Spell out feet and inches (not 'and ") including square feet. Abbreviations (ft., sq. ft., ac.) may also be used.

**Acronyms**

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1. When using an acronym, write it out the first time in each article with the acronym in parentheses after the words, and then the acronym may be used for the remainder of the
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article, e.g., Development Standards Ordinance (DSO).

2. Do not use periods between the letters in an acronym. (US vs. U.S., SC vs. S.C.).
3. Abbreviations with periods should be typed without spaces between letters and periods (e.g. or i.e.).
4. Acronyms can be made plural by simply adding a small “s” to the end, do not use an apostrophe unless it is possessive (there are many PUDs vs. the PUD’s scale was the primary concern of the public). Same with dates (1990s).

## Words

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1. Stormwater
2. Setback
3. Mixed-use
4. Nonconforming
5. Single-family
6. Multiple-family
7. Two-family