



# Town of Sullivan's Island

## PLANNING COMMISSION

### MEMORANDUM

**To:** Town Council via LUNR Committee

**From:** Planning Commission

**Public Hearing Dates:** May 10, 2023, July 12, 2023, and September 13, 2023

**Topic:** Memorandum regarding Text Amendments based on the recommendations of the Historic Preservation and Design Study Group

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#### **BACKGROUND:**

The 2018 Comprehensive Plan established a goal for the Town to create a task force to “review zoning, administrative processes, and historical compatibility on Sullivan’s Island. The goal will be to maintain a sense of place while being respectful of the island’s traditional mass, height, and scale within each neighborhood”. In response to this goal the Town’s Land Use and Natural Resources (LUNR) committee of the Town Council convened a subcommittee of island residents in March 2022 to consider the built environment of the island, and the ordinances that shape new construction and preserve historic resources. The Historic Preservation and Design Study Group (HPDSG) met nine times between March and July of 2022 and concluded their work with a document listing a number of recommendations for updates to the Town’s ordinances, as well as a number of recommendations improving the processes and information the Town uses to preserve the island’s historic resources.

The HPDSG’s recommendations were formally presented to the LUNR committee in July 2022, and the LUNR committee forwarded the proposed text amendments of the Town’s Zoning Ordinance to the Planning Commission. In October 2022 the Planning Commission received the recommendations of the HPDSG for amendments to the Zoning Ordinance as forwarded by the LUNR committee. Each month from October 2022 through April 2023 the Planning Commission considered the recommendations made by the HPDSG and crafted ordinance amendments based on those recommendations with input from the public and the planning commissioners. In May 2023 the Planning Commission held an official Public Hearing to approve the draft language of the ordinance changes. Following the first Public Hearing there were some adjustments made to the substance of the ordinance changes and subsequent Public Hearings were held in July 2023 and September 2023 to nail down the appropriate recommendations and language of the proposed ordinances.

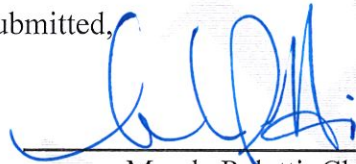
The result of the Planning Commission’s work over 11 months on the topics recommended by the HPDSG has resulted in 8 amended sections of the Zoning Ordinance for the Town Council to

consider. Attached to this memo are both the red-line and proposed language for the ordinance amendments being forwarded back to the Town Council.

**LAND USE POLICY 6: ADDRESS NEIGHBORHOOD AND COMMUNITY DESIGN CONCERNS REGARDING SENSE OF PLACE ON THE ISLAND.**

LU6.1 Establish a task force that will revise land use regulations by review of the existing Zoning Ordinance to ensure that future construction is respectful of the Island's traditional mass, height, scale, proportionality to lot size, neighborhood compatibility, and historic resources.	Town Council; Planning Commission	Ongoing
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Respectfully submitted,



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Manda Poletti, Chair

10.4.23

\_\_\_\_\_  
Date

\_\_\_\_\_  
, Vice Chair

\_\_\_\_\_  
Date

## **ORDINANCES 2023- XXX**

### **ORDINANCES TO AMEND THE ZONING REGULATIONS REGARDING HEIGHT, SCALE, AND MASS FOR NEW CONSTRUCTIONS, ADDITIONS, AND HISTORIC PROPERTIES: ZONING ORDINANCE SECTIONS §21-20, §21-25, §21-27, §21-27, §21-31, §21-43, §21-44, §21-138, & §21-140: CONSIDERATION OF TEXT CHANGES TO LIMIT HEIGHT, SCALE, AND MASS.**

WHEREAS, Chapter 21 of the Town of Sullivan’s Island Ordinance which is cited as “The Zoning Ordinance” was originally enacted in 1977; and

WHEREAS, the Town of Sullivan’s Island has, from time to time, amended certain sections of the Zoning Ordinance; and

WHEREAS, the 2018 Comprehensive Plan for the Town of Sullivan’s Island set a goal of forming a task force to review the zoning regulations to ensure the mass, height, and scale of construction on the island remains compatible with the historical character and development; and

WHEREAS, the task force, formed as the Historic Preservation and Design Study group met nine times to develop recommendations, which included amendments to several sections of the zoning ordinance; and

WHEREAS, those recommendations, along with public feedback, were reviewed and studied by the Planning Commission during their regular meetings from October 12, 2022, through September 13, 2023; and

WHEREAS, the Planning Commission held a public hearing on September 13, 2023 regarding proposed Zoning Ordinance text changes, at which time the Commission recommended to Town Council approval of proposed text changes; and

WHEREAS, Town Council deliberated and discussed recommendations for this issue at the Land Use and Natural Resource Committee on XXXX, 2023 and the regular Town Council meeting on XXXX, 2023, XXXX, 2023, and XXXX, 2023; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL IN MEETING DULY ASSEMBLED, that the following sections of the Town's Zoning Ordinance be amended as follows:

## Existing Ordinance (~~Red-line version~~)

### Sec. 21-20. Permitted, conditional, special exceptions and prohibited uses.

#### A. Permitted uses in the RS-District.

- (1) One single family detached dwelling per lot, designed for and occupied exclusively as a residence by one family, either owner or renter occupied.
- (2) Publicly owned facility or land.
- (3) Non-commercial horticulture or agriculture.

#### B. Conditional uses in the RS-District.

- (1) Accessory use in compliance with the provisions in Article XV.
- (2) Customary home occupation established under the provisions in Article XV.
- (3) Modular building unit as a single family detached dwelling provided it meets all requirements of the South Carolina Modular Building Construction Act being S.C. Code § 23-43-10 *et seq.*
- (4) Lots containing two occupied dwellings:
  - (a) Documentation that since August 1, 1977, both dwellings have been continually occupied by a family member or under a long-term rental agreement;
  - (b) If one or both buildings remain unoccupied or not rented for a period of more than one (1) year, then the right to occupy one of the two buildings shall be terminated; and,
  - (c) If rented, a current rental agreement must be on file with the Town.
- (5) Electrical and water meters:
  - (a) Only one electrical and/or water meter shall be allowed per residentially zoned lot.
  - (b) An owner shall be permitted to maintain additional meters if the additional meters were lawfully installed on a legally authorized dwelling for which a Certificate of Occupancy was duly issued at the time of the original ratification of the Zoning Ordinance in 1977; provided, such additional meter's use has not been discontinued as evidenced by a lack of use for a period of at least one (1) year. In the event any additional meter is removed, no additional electrical and/or water meter shall be reinstalled in place thereof.
- (6) Attached additions that do not share heated space with the principal dwelling provided
  - (a) No kitchen facilities are allowed, and
  - (b) Deed restrictions are placed on the property prohibiting rental as a separate dwelling, and
  - (c) Any attached addition with an established connection to the principal building, shall be located under one roof and retain a permanent floor constructed above grade. The length to width ratio of the proposed connection may not exceed a two to one (2:1) dimension ratio, with a minimum width of four (4) feet, a maximum length of twenty (20) feet, and shall be visually and



architecturally integrated with the existing principal building; said structures, as conditional uses, being reviewed and aesthetically approved by the Design Review Board. (9/17/2013)

**C. Special exceptions in the RS-District.**

(1) Definition and approval.

(a) A use permitted in a zoning district that possesses characteristics that require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location and therefore shall be approved by the Board of Zoning Appeals.

(b) In addition to requiring the approval of the Board of Zoning Appeals, special exceptions in the RS-Single Family District are subject to specific conditions that are enumerated by type of use.

(2) Historic structure used as accessory dwelling unit. As an incentive to preserve historic structures and avoid their demolition, a second dwelling may be constructed on the same lot as an historic structure, and the historic structure may be used as an accessory dwelling, when all of the following conditions are met:

(a) Prior use shall have been used as a dwelling; and

(b) The size of the historic structure is less than twelve hundred (1200) square feet of heated space at the time of its designation as historic and is listed as an historic property as described in Section 21-94 Historic Property Designation Criteria; provided, however, that a structure reduced to less than 1200 square feet of heated space after its designation as historic may qualify for special exception approval for an additional dwelling on the same lot, but only if the Design Review Board review determines and specifies in findings, that: (5-15-07)

a. Special circumstances justify such reduction in square feet based on the criteria listed in Section 21-94D. (1-8); and (5-15-07)

b. The portions removed from the historic property were added less than fifty (50) years ago and/or obscured an earlier feature of the historic house which contributed substantially to the most important elements of its historic character, definition and integrity. Examples of the latter instance include the removal of an enclosure of a porch when the open porch had been characteristic of a particular type of Island structure, or removal of an addition which covered a distinctive feature of the structure that is shared by neighboring structures. (5-15-07)

These provisions shall supersede any inconsistent provisions contained in other portions of Chapter 21 relating to the use of historic structures as accessory dwellings, including but not limited to Section 21-140. (5-15-07)

(c) In the event the historic structure does not meet current FEMA elevation requirements, the Design Review Board finds that bringing it into compliance would significantly impair the historic and architectural character of the structure; and

(d) In the event the historic structure meets current FEMA elevations requirements, the Design Review Board finds that there is no feasible design solution for an addition to the historic structure that would not significantly impair the historic and architectural character of the structure; and

(e) No separate utility service meters shall be permitted; and

~~(f) The bottom elevation of the new second structure's first story floor joists shall be no greater than two (2) feet above the FEMA base flood elevation; and~~

(ef) The Design Review Board must find that the height, scale, mass and placement of the second structure are appropriate to and compatible with the lot on which it is sited, the character of the historic structure and surrounding neighborhood. When necessary to achieve such appropriateness and compatibility, the Design Review Board may impose stricter limits on height, setback, size and coverage than those of the zoning standards; and

(hg) Permission to build a second structure and to use the historic structure as an accessory dwelling is approved as a special exception by the Board of Zoning Appeals; and

(ih) The following conditions as covenants running with the property shall be placed on the real estate title to the property by the owner of the lot by recording deed restrictions for the benefit of the Town of Sullivan's Island on the owner(s) title and recording the same in the RMC office for Charleston County before a building permit is issued:

(i) The lot shall remain in single ownership; more specifically, regardless of the type of ownership every owner, member, partner, shareholder, or unit owner, must have the same percentage of ownership in the historic structure as in any additional structure(s); and

(ii) Every owner, member, partner, shareholder or unit owner must have the same amount of control over the use of the historic structure as over any additional structure(s); and

~~(j) Discretionary increases by the Design Review Board in principal building coverage, impervious surface coverage and square footage may not be granted to properties with a second structure.~~

(ki) If the historic structure used as an accessory dwelling is damaged or destroyed, by natural disaster, civil strife or uncontrollable accident, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be repaired in accordance with its preexisting footprint, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged or destroyed structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be elevated over fifty percent (50%) above its original elevation, the Design Review Board shall determine whether or not the reconstruction shall be required to meet the current Zoning Ordinance's Setback requirements.

(Ord. 2018-07, passed 11-20-2018)

(lj) The historic structure used as an accessory dwelling may be used as a long-term rental, but only so long as the principal structure is occupied by an owner of the property as primary residence and a current business license is held on the same property. Primary residence is defined as a dwelling where the owner or owners reside on a permanent basis and are assessed at the four percent (4%) assessment rate on their ad valorem property tax.



(3) Religious institution:

- (a) Limited to one building per lot;
- (b) Housed in a permanent building;
- (c) Located on a lot not less than one-half (1/2) acre in area;
- (d) Provides off-street location for picking-up and dropping-off adults and children;
- (e) Provides adequate off-street parking, in accordance with Article XVI; and,
- (f) Meets the Setback and lot coverage standards of the RS District.

(4) Public utility substation:

(a) Shall be fenced or enclosed to provide adequate safety with a plan approved by the Design Review Board;

(b) Does not provide office, operational functions or storage of vehicles or equipment beyond the required utility equipment to provide service at that location;

(c) Meets the Setback and lot coverage standards of the RS District.

(5) Conservation Easement Uses as defined in Section 21-203 Definitions.

(a) Purpose. It is the purpose of this section to recognize that all properties on Sullivan's Island are part of a dynamic and ever-changing barrier island environment, vulnerable to erosion and catastrophic flooding events. Whereas all Island properties in close proximity to marshes, beaches and waterways are predisposed to erosion, loss of critical dune vegetation and structural damage during large storm events, the Town recognizes a need to develop innovative methods to incentivize the protection of open space, preserve view-shed corridors, and reduce the intensity of residential land uses. (11-17-15)

(b) Applicability. As an incentive to preserving environmentally sensitive properties zoned for residential purposes (RS District), property owners (grantor) may establish certain recreational uses and structures as part of a permanent conservation easement. These non-residential uses must include retaining or protecting natural or open-space values of real property, assuring its availability for noncommercial agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archeological aspects of real property. The Board of Zoning Appeals may authorize a conservation easement structure or use upon a finding that establishment of the use or structure will not be of a substantial detriment to an adjacent property or to the public good, and the granting of the use or structure will not harm the character of the district. (11-17-15)

(c) General Conditions.

i. Prior to issuance of a building permit the property owner must remove any previously constructed structures, driveways, recreational structures (pools, courts, sheds, etc.), pervious or impervious surfaces, and utilities associated with any previous residential or commercial development. (11-17-15)

ii. Use of the property for commercial or rental activity is expressly prohibited. (11-17-15)

iii. The use of the property shall be limited to owners and guests, not to exceed twenty-four (24) individuals at any given time. (11-17-15)

(d) Structures.

i. Size. One open-air structure (gazebo, cabana, pergola, arbor, or other open-air structure) not exceeding in square footage, five (5) percent of the parcel's total upland area, or two hundred fifty (250) square feet, whichever is less. A potential increase of two (2) percent will be allowed to the structure's square footage, with a 450 square foot maximum, if an existing residential structure has been removed from the parcel. (11-17-15)

ii. Height. Structure may not exceed a maximum height of ten (10) feet from the natural grade as measured from the center point of the proposed structure to the highest point of the roof. Height may be extended to thirteen (13) feet where the majority pitch of the structure's roof is 4/12 or more. An increase in height may be allowed if the roof's lowest horizontal structural member must be constructed above the Base Flood Elevation (BFE), however, under no circumstances may roof height exceed 3 feet over BFE. (11-17-15)

iii. Storage. The structure may contain no more than thirty (30) percent of the total allowed square footage as enclosed area designated for storage space. Enclosed area may include one shower stall and must be constructed with breakaway walls and designed in accordance with FEMA National Flood Insurance Program (NFIP) regulations and the Town of Sullivan's Island Flood Prevention Ordinance. (11-17-15)

iv. No rooftop seating or use will be permitted. (11-17-15)

v. Structure may not contain sewer facilities or portable sewage collection or disposal devices. Following the removal of any existing sewer facilities, all the requirements of Town Code of Ordinance [Chapters 50](#) and [51](#) shall be met (Water and Sewer Utility Regulations.) (11-17-15)

vi. Lighting. There shall be no exterior site or structural lighting. Interior lighting shall be designed and arranged to prevent glare on adjoining properties, adjacent Recreation and Conservation Area Districts, or any other area of the beach or marsh. (11-17-15)

vii. Building setback. Fifteen (15) foot setbacks are required from all property lines and must meet the approval of the South Carolina Department of Health and Environmental Control and Ocean and Coastal Resource Management (DHEC-OCRM) agencies prior to submitting an application for Special Exception consideration. The Board of Zoning Appeals may adjust the setback requirement in instances where severe erosion, historic structures, natural topography, or trees and vegetation poses an unnecessary hardship for meeting the required fifteen (15) foot setback. (11-17-15)

(e) Parking.

i. A maximum of two vehicles will be permitted on the subject property. (11-17-15)

ii. All parking surfaces must remain in its natural state or turf grass. No additional impervious or engineered surfaces will be permitted. (11-17-15)

iii. No temporary outdoor storage of vehicles, recreational vehicles, boats, camping facilities, temporary event structures, machinery, or beach equipment shall be permitted except during the daytime use of the property. (11-17-15)

(f) Open Storage. No permanent outdoor storage permitted. Outdoor storage is defined as the keeping within an unroofed and unenclosed area any foods, material, merchandise, or vehicles. (11-17-15)

(g) Neighborhood Compatibility. The Design Review Board must review all proposed conservation easement structures to ensure design compatibility with the surrounding neighborhood and ensure an environmentally sensitive, low scale design, which maximizes public view corridors. No structure height, square footage, or massing increases will be permitted by the Design Review Board. (11-17-15)

(h) Legal Instrument for Permanent Protection. The instrument of permanent protection shall be a permanent conservation easement recorded by the Charleston County Register of Mesne Conveyance Office (RMC), concurrent with the issuance of a Town of Sullivan's Island Building Permit and land disturbance permit: (11-17-15)

i. A land trust or similar conservation-oriented non-profit organization (grantee) with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions, and; (11-17-15)

ii. The Town shall receive a copy of the Annual Conservation Easement Inspection Report, and; (11-17-15)

iii. The Town of Sullivan's Island shall reserve a third-party right of enforcement in the conservation easement agreement. (11-17-15)

**D. Prohibited uses in the RS-District.**

(1) Residences that contain less than one thousand (1,000) square feet of enclosed living area;

(2) Erosion control structures.

(3) Guest bedroom or dwelling unit for a person or persons not meeting the Zoning Ordinance's definition of "family" or not lawfully occupied in accordance with (6) below .

(4) Mobile homes or manufactured homes.

(5) Non-commercial horticulture or agriculture that includes poultry, bovine or swine or any other type of non-traditional animal or reptile.

(6) Vacation Rentals other than those permitted in accordance with ARTICLE XIII.

# Proposed Ordinance

## Sec. 21-20. Permitted, conditional, special exceptions and prohibited uses.

### A. Permitted uses in the RS-District.

- (1) One single family detached dwelling per lot, designed for and occupied exclusively as a residence by one family, either owner or renter occupied.
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  - (b) If one or both buildings remain unoccupied or not rented for a period of more than one (1) year, then the right to occupy one of the two buildings shall be terminated; and,
  - (c) If rented, a current rental agreement must be on file with the Town.
- (5) Electrical and water meters:
  - (a) Only one electrical and/or water meter shall be allowed per residentially zoned lot.
  - (b) An owner shall be permitted to maintain additional meters if the additional meters were lawfully installed on a legally authorized dwelling for which a Certificate of Occupancy was duly issued at the time of the original ratification of the Zoning Ordinance in 1977; provided, such additional meter's use has not been discontinued as evidenced by a lack of use for a period of at least one (1) year. In the event any additional meter is removed, no additional electrical and/or water meter shall be reinstalled in place thereof.
- (6) Attached additions that do not share heated space with the principal dwelling provided
  - (a) No kitchen facilities are allowed, and
  - (b) Deed restrictions are placed on the property prohibiting rental as a separate dwelling, and
  - (c) Any attached addition with an established connection to the principal building, shall be located under one roof and retain a permanent floor constructed above grade. The length to width ratio of the proposed connection may not exceed a two to one (2:1) dimension ratio, with a minimum width of four (4) feet, a maximum length of twenty (20) feet, and shall be visually and

architecturally integrated with the existing principal building; said structures, as conditional uses, being reviewed and aesthetically approved by the Design Review Board. (9/17/2013)

**C. Special exceptions in the RS-District.**

(1) Definition and approval.

(a) A use permitted in a zoning district that possesses characteristics that require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location and therefore shall be approved by the Board of Zoning Appeals.

(b) In addition to requiring the approval of the Board of Zoning Appeals, special exceptions in the RS-Single Family District are subject to specific conditions that are enumerated by type of use.

(2) Historic structure used as accessory dwelling unit. As an incentive to preserve historic structures and avoid their demolition, a second dwelling may be constructed on the same lot as an historic structure, and the historic structure may be used as an accessory dwelling, when all of the following conditions are met:

(a) Prior use shall have been used as a dwelling; and

(b) The size of the historic structure is less than twelve hundred (1200) square feet of heated space at the time of its designation as historic and is listed as an historic property as described in Section 21-94 Historic Property Designation Criteria; provided, however, that a structure reduced to less than 1200 square feet of heated space after its designation as historic may qualify for special exception approval for an additional dwelling on the same lot, but only if the Design Review Board review determines and specifies in findings, that: (5-15-07)

a. Special circumstances justify such reduction in square feet based on the criteria listed in Section 21-94D. (1-8); and (5-15-07)

b. The portions removed from the historic property were added less than fifty (50) years ago and/or obscured an earlier feature of the historic house which contributed substantially to the most important elements of its historic character, definition and integrity. Examples of the latter instance include the removal of an enclosure of a porch when the open porch had been characteristic of a particular type of Island structure, or removal of an addition which covered a distinctive feature of the structure that is shared by neighboring structures. (5-15-07)

These provisions shall supersede any inconsistent provisions contained in other portions of Chapter 21 relating to the use of historic structures as accessory dwellings, including but not limited to Section 21-140. (5-15-07)

(c) In the event the historic structure does not meet current FEMA elevation requirements, the Design Review Board finds that bringing it into compliance would significantly impair the historic and architectural character of the structure; and

(d) In the event the historic structure meets current FEMA elevations requirements, the Design Review Board finds that there is no feasible design solution for an addition to the historic structure that would not significantly impair the historic and architectural character of the structure; and

(e) No separate utility service meters shall be permitted; and

(f) The Design Review Board must find that the height, scale, mass and placement of the second structure are appropriate to and compatible with the lot on which it is sited, the character of the historic structure and surrounding neighborhood. When necessary to achieve such appropriateness and compatibility, the Design Review Board may impose stricter limits on height, setback, size and coverage than those of the zoning standards; and

(g) Permission to build a second structure and to use the historic structure as an accessory dwelling is approved as a special exception by the Board of Zoning Appeals; and

(h) The following conditions as covenants running with the property shall be placed on the real estate title to the property by the owner of the lot by recording deed restrictions for the benefit of the Town of Sullivan's Island on the owner(s) title and recording the same in the RMC office for Charleston County before a building permit is issued:

(i) The lot shall remain in single ownership; more specifically, regardless of the type of ownership every owner, member, partner, shareholder, or unit owner, must have the same percentage of ownership in the historic structure as in any additional structure(s); and

(ii) Every owner, member, partner, shareholder or unit owner must have the same amount of control over the use of the historic structure as over any additional structure(s); and

(i) If the historic structure used as an accessory dwelling is damaged or destroyed, by natural disaster, civil strife or uncontrollable accident, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be repaired in accordance with its preexisting footprint, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged or destroyed structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be elevated over fifty percent (50%) above its original elevation, the Design Review Board shall determine whether or not the reconstruction shall be required to meet the current Zoning Ordinance's Setback requirements.

(Ord. 2018-07, passed 11-20-2018) (DATE)

(j) The historic structure used as an accessory dwelling may be used as a long-term rental, but only so long as the principal structure is occupied by an owner of the property as primary residence and a current business license is held on the same property. Primary residence is defined as a dwelling where the owner or owners reside on a permanent basis and are assessed at the four percent (4%) assessment rate on their ad valorem property tax.

(3) Religious institution:

(a) Limited to one building per lot;

(b) Housed in a permanent building;

(c) Located on a lot not less than one-half (1/2) acre in area;

- (d) Provides off-street location for picking-up and dropping-off adults and children;
- (e) Provides adequate off-street parking, in accordance with Article XVI; and,
- (f) Meets the Setback and lot coverage standards of the RS District.

(4) Public utility substation:

(a) Shall be fenced or enclosed to provide adequate safety with a plan approved by the Design Review Board;

(b) Does not provide office, operational functions or storage of vehicles or equipment beyond the required utility equipment to provide service at that location;

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(c) General Conditions.

i. Prior to issuance of a building permit the property owner must remove any previously constructed structures, driveways, recreational structures (pools, courts, sheds, etc.), pervious or impervious surfaces, and utilities associated with any previous residential or commercial development. (11-17-15)

ii. Use of the property for commercial or rental activity is expressly prohibited. (11-17-15)

iii. The use of the property shall be limited to owners and guests, not to exceed twenty-four (24) individuals at any given time. (11-17-15)

(d) Structures.

i. Size. One open-air structure (gazebo, cabana, pergola, arbor, or other open-air structure) not exceeding in square footage, five (5) percent of the parcel's total upland area, or two hundred fifty (250) square feet, whichever is less. A potential increase of two (2) percent will be allowed to the structure's square footage, with a 450 square foot maximum, if an existing residential structure has been removed from the parcel. (11-17-15)

ii. Height. Structure may not exceed a maximum height of ten (10) feet from the natural grade as measured from the center point of the proposed structure to the highest point of the roof. Height may be extended to thirteen (13) feet where the majority pitch of the structure's roof is 4/12 or more. An increase in height may be allowed if the roof's lowest horizontal structural member must be constructed above the Base Flood Elevation (BFE), however, under no circumstances may roof height exceed 3 feet over BFE. (11-17-15)

iii. Storage. The structure may contain no more than thirty (30) percent of the total allowed square footage as enclosed area designated for storage space. Enclosed area may include one shower stall and must be constructed with breakaway walls and designed in accordance with FEMA National Flood Insurance Program (NFIP) regulations and the Town of Sullivan's Island Flood Prevention Ordinance. (11-17-15)

iv. No rooftop seating or use will be permitted. (11-17-15)

v. Structure may not contain sewer facilities or portable sewage collection or disposal devices. Following the removal of any existing sewer facilities, all the requirements of Town Code of Ordinance [Chapters 50](#) and [51](#) shall be met (Water and Sewer Utility Regulations.) (11-17-15)

vi. Lighting. There shall be no exterior site or structural lighting. Interior lighting shall be designed and arranged to prevent glare on adjoining properties, adjacent Recreation and Conservation Area Districts, or any other area of the beach or marsh. (11-17-15)

vii. Building setback. Fifteen (15) foot setbacks are required from all property lines and must meet the approval of the South Carolina Department of Health and Environmental Control and Ocean and Coastal Resource Management (DHEC-OCRM) agencies prior to submitting an application for Special Exception consideration. The Board of Zoning Appeals may adjust the setback requirement in instances where severe erosion, historic structures, natural topography, or trees and vegetation poses an unnecessary hardship for meeting the required fifteen (15) foot setback. (11-17-15)

(e) Parking.

i. A maximum of two vehicles will be permitted on the subject property. (11-17-15)

ii. All parking surfaces must remain in its natural state or turf grass. No additional impervious or engineered surfaces will be permitted. (11-17-15)

iii. No temporary outdoor storage of vehicles, recreational vehicles, boats, camping facilities, temporary event structures, machinery, or beach equipment shall be permitted except during the daytime use of the property. (11-17-15)

(f) Open Storage. No permanent outdoor storage permitted. Outdoor storage is defined as the keeping within an unroofed and unenclosed area any foods, material, merchandise, or vehicles. (11-17-15)



(g) Neighborhood Compatibility. The Design Review Board must review all proposed conservation easement structures to ensure design compatibility with the surrounding neighborhood and ensure an environmentally sensitive, low scale design, which maximizes public view corridors. No structure height, square footage, or massing increases will be permitted by the Design Review Board. (11-17-15)

(h) Legal Instrument for Permanent Protection. The instrument of permanent protection shall be a permanent conservation easement recorded by the Charleston County Register of Mesne Conveyance Office (RMC), concurrent with the issuance of a Town of Sullivan's Island Building Permit and land disturbance permit: (11-17-15)

i. A land trust or similar conservation-oriented non-profit organization (grantee) with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions, and; (11-17-15)

ii. The Town shall receive a copy of the Annual Conservation Easement Inspection Report, and; (11-17-15)

iii. The Town of Sullivan's Island shall reserve a third-party right of enforcement in the conservation easement agreement. (11-17-15)

**D. Prohibited uses in the RS-District.**

(1) Residences that contain less than one thousand (1,000) square feet of enclosed living area;

(2) Erosion control structures.

(3) Guest bedroom or dwelling unit for a person or persons not meeting the Zoning Ordinance's definition of "family" or not lawfully occupied in accordance with (6) below .

(4) Mobile homes or manufactured homes.

(5) Non-commercial horticulture or agriculture that includes poultry, bovine or swine or any other type of non-traditional animal or reptile.

(6) Vacation Rentals other than those permitted in accordance with ARTICLE XIII.

## Existing Ordinance (~~Red-line version~~)

### Sec. 21-25. Principal building coverage area.

#### A. Definitions.

(1) Principal Building Coverage Area. The Lot Area covered by the Principal Building measured vertically downward from the Principal Building's exterior walls to the ground (also known as the building footprint area), but excludes areas covered only by:

- (a) accessory structures not readily useable as living space;
- (b) exterior porches and decks; and,
- (c) exterior stairs.

(2) Principal Building. A building or buildings in which the principal use of the lot is conducted. The term also specifically applies to multiple dwellings located on the same lot, including an historic structure used as an accessory dwelling unit. (5-15-07)

#### B. Permitted principal building coverage area.

(1) Lot Area equal, to or greater than fifteen thousand (15,000) square feet:

(a) Principal Building Coverage Area shall be no greater than fifteen percent (15%) of the Lot Area.

(b) Example (18,000 sf Lot Area):  $18,000 \text{ sf lot} \times 15\% = 2700 \text{ sf Principal Building Coverage Area permitted (15\% of Lot Area)}$ .

(2) Lot Area less than fifteen thousand (15,000) square feet:

(a) Principal Building Coverage Area shall be no greater than fifteen percent (15%) times Lot Area plus fifteen thousand (15,000) square feet minus the Lot Area times five percent (5%).

(b) Example (12,000 sf Lot Area):  $(15\% \times 12,000 \text{ sf}) + [(15,000 \text{ sf} - 12,000 \text{ sf}) \times 5\%] = 1950 \text{ sf Principal Building Coverage Area permitted (16.3\% of Lot Area)}$ .

(3) Examples.  $\frac{1}{2}$  acre Lot 21,780 sf = 3267 sf Coverage (15%).

(a)  $\frac{1}{3}$  acre Lot 14,505 sf - 2176 sf Coverage (15%).

(b) 1-4 acre Lot 10,890 sf - 1634 sf Coverage (20%).

(c) Lot 5,000 sf = 1250 sf Coverage (25%).

#### C. Design Review Board.

(1) The Design Review Board may increase by no more than twenty percent (20%) the maximum permitted Principal Building Coverage Area if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII, ~~except as provided in Section 21-20C.(2)(j) regarding historic properties with a second structure on the same lot.~~ (5-15-07)

(2) *In cases of interpretation of Enclosed Principal Building Coverage Area, the Design Review Board shall determine what portion of the Enclosed Principal Building Coverage Area shall be included or excluded in the calculations.*

# Proposed Ordinance

## Sec. 21-25. Principal building coverage area.

### A. Definitions.

(1) Principal Building Coverage Area. The Lot Area covered by the Principal Building measured vertically downward from the Principal Building's exterior walls to the ground (also known as the building footprint area), but excludes areas covered only by:

- (a) accessory structures not readily useable as living space;
- (b) exterior porches and decks; and,
- (c) exterior stairs.

(2) Principal Building. A building or buildings in which the principal use of the lot is conducted. The term also specifically applies to multiple dwellings located on the same lot, including an historic structure used as an accessory dwelling unit. (5-15-07)

### B. Permitted principal building coverage area.

(1) Lot Area equal, to or greater than fifteen thousand (15,000) square feet:

(a) Principal Building Coverage Area shall be no greater than fifteen percent (15%) of the Lot Area.

(b) Example (18,000 sf Lot Area):  $18,000 \text{ sf lot} \times 15\% = 2700 \text{ sf Principal Building Coverage Area permitted (15\% of Lot Area)}$ .

(2) Lot Area less than fifteen thousand (15,000) square feet:

(a) Principal Building Coverage Area shall be no greater than fifteen percent (15%) times Lot Area plus fifteen thousand (15,000) square feet minus the Lot Area times five percent (5%).

(b) Example (12,000 sf Lot Area):  $(15\% \times 12,000 \text{ sf}) + [(15,000 \text{ sf} - 12,000 \text{ sf}) \times 5\%] = 1950 \text{ sf Principal Building Coverage Area permitted (16.3\% of Lot Area)}$ .

(3) Examples.  $\frac{1}{2}$  acre Lot 21,780 sf = 3267 sf Coverage (15%).

(a)  $\frac{1}{3}$  acre Lot 14,505 sf - 2176 sf Coverage (15%).

(b) 1-4 acre Lot 10,890 sf - 1634 sf Coverage (20%).

(c) Lot 5,000 sf = 1250 sf Coverage (25%).

### C. Design Review Board.

(1) The Design Review Board may increase by no more than twenty percent (20%) the maximum permitted Principal Building Coverage Area if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII. (5-15-07)

(DATE)

*(2) In cases of interpretation of Enclosed Principal Building Coverage Area, the Design Review Board shall determine what portion of the Enclosed Principal Building Coverage Area shall be included or excluded in the calculations.*

## Existing Ordinance (~~Red-line version~~)

### Sec. 21-27. Principal building square footage.

#### A. Purpose and definition.

(1) Purpose: The overall size of a Principal Building in relation to lot size affects the impact of the Principal Building's scale and mass on adjacent buildings and the Island as a whole. Improving the relationship between lot size and the Principal Building by limiting the Principal Building's maximum size promotes greater compatibility of new construction with existing development and contributes to overall neighborhood compatibility.

(2) Principal Building Square Footage: The entire square footage of the Principal Building or Buildings measured from the outside of the exterior walls, specifically including more than one dwelling on the same lot and historic structures used as accessory dwelling units, but not including (5-15-07) (12-17-13)

(a) interior space not readily useable as living space (attic used only for storage or parking area beneath dwelling);

(b) structures that are not used as living space;

(c) exterior porches and decks; and,

(d) exterior stairs.

#### B. Permitted principal building square footage.

(1) Lot Area of five thousand (5,000) square feet or less: Principal Building Square Footage limited to twenty four hundred (2400) square feet.

(2) Lot Area exceeding five thousand (5,000) square feet: maximum Principal Building Square Footage of twenty four hundred (2400) square feet may be increased 10 sf for every additional 100 square feet of Lot Area.

(3) Equation:  $[(\text{Lot Area} - 5000 \text{ sf}) / 100 \text{ sf}] \times (10) + 2400 = \text{Principal Building Square Footage}$ .

Examples:

(a) 1/2 acre Lot 21,780 sf = 4078 Principal Building Square Footage.

(b) 1/3 acre Lot 14,505 sf = 3351 Principal Building Square Footage.

(c) 1/4 acre Lot 10890 sf = 2989 Principal Building Square Footage.

(d) Lot 5,000 sf = 2400 Principal Building Square Footage.

(4) The maximum permitted Principal Building Square Footage is fifty six hundred (5600) square feet for any newly constructed single-family home. Existing buildings shall be exempt from the 5600 square foot requirement and able to utilize their total principal building square footage for single-family use. (12-17-13)

### C. Design Review Board.

(1) The Design Review Board may increase by no more than ~~twenty-five~~ fifteen percent (~~25~~ 15%) and not to exceed five hundred (500) square feet added to the maximum permitted Principal Building Square Footage if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII, ~~except as provided in Section 21-20C.(2)(j) regarding historic properties with a second structure on the same lot~~ except:

(i) In cases of the special exception, Section 21-20 C. (2), allowing a second residential structure on a lot with the historic structure used as an accessory dwelling unit, wherein the Design Review Board may permit increases in the Principal Building Square Footage by no more than twenty-five (25%), or

(ii) In cases where the subject property has been designated historic, per Section 21-94, wherein the Design Review Board may permit increases in the Principal Building Square Footage by no more than twenty (20%). (5-15-07)

(2) However, in no case shall any Principal Building Square Footage exceed 5,600 square feet or, when applicable, the principal square footage permitted in [Sec. 21-27](#) B(4). (5-15-07) (12-17-13)

D. Notwithstanding any of the requirements in [Sec. 21-27](#) A-C above, single family residential structures in the CCOD 1 District may be permitted only if the principal building coverage area shall not exceed 80% of the maximum principal building square footage otherwise permitted in [Sec. 21-27](#) A-C. The Design Review Board shall not have the authority to increase the principal building square footage as set forth in [Sec. 21-27](#) (C) for single family residential structures on CCOD 1 or 2 Overlay District lots; provided, however, the Design Review Board may exercise the discretion described in [Sec. 21-49](#). (6/19/07) (3/20/12)

## Proposed Ordinance

### Sec. 21-27. Principal building square footage.

#### A. Purpose and definition.

(1) Purpose: The overall size of a Principal Building in relation to lot size affects the impact of the Principal Building's scale and mass on adjacent buildings and the Island as a whole. Improving the relationship between lot size and the Principal Building by limiting the Principal Building's maximum size promotes greater compatibility of new construction with existing development and contributes to overall neighborhood compatibility.

(2) Principal Building Square Footage: The entire square footage of the Principal Building or Buildings measured from the outside of the exterior walls, specifically including more than one dwelling on the same lot and historic structures used as accessory dwelling units, but not including (5-15-07) (12-17-13)

(a) interior space not readily useable as living space (attic used only for storage or parking area beneath dwelling);

(b) structures that are not used as living space;

(c) exterior porches and decks; and,

(d) exterior stairs.

#### B. Permitted principal building square footage.

(1) Lot Area of five thousand (5,000) square feet or less: Principal Building Square Footage limited to twenty four hundred (2400) square feet.

(2) Lot Area exceeding five thousand (5,000) square feet: maximum Principal Building Square Footage of twenty four hundred (2400) square feet may be increased 10 sf for every additional 100 square feet of Lot Area.

(3) Equation:  $[(\text{Lot Area} - 5000 \text{ sf}) / 100 \text{ sf}] \times (10) + 2400 = \text{Principal Building Square Footage}$ .

Examples:

(a) 1/2 acre Lot 21,780 sf = 4078 Principal Building Square Footage.

(b) 1/3 acre Lot 14,505 sf = 3351 Principal Building Square Footage.

(c) 1/4 acre Lot 10890 sf = 2989 Principal Building Square Footage.



(d) Lot 5,000 sf = 2400 Principal Building Square Footage.

(4) The maximum permitted Principal Building Square Footage is fifty six hundred (5600) square feet for any newly constructed single-family home. Existing buildings shall be exempt from the 5600 square foot requirement and able to utilize their total principal building square footage for single-family use. (12-17-13)

### **C. Design Review Board.**

(1) The Design Review Board may increase by no more than fifteen percent (15%) and not to exceed five hundred (500) square feet added to the maximum permitted Principal Building Square Footage if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII except:

(i) In cases of the special exception, Section 21-20 C. (2), allowing a second residential structure on a lot with the historic structure used as an accessory dwelling unit, wherein the Design Review Board may permit increases in the Principal Building Square Footage by no more than twenty-five (25%), or

(ii) In cases where the subject property has been designated historic, per Section 21-94, wherein the Design Review Board may permit increases in the Principal Building Square Footage by no more than twenty (20%). (5-15-07)  
**(DATE)**

(2) However, in no case shall any Principal Building Square Footage exceed 5,600 square feet or, when applicable, the principal square footage permitted in [Sec. 21-27](#) B(4). (5-15-07) (12-17-13)

D. Notwithstanding any of the requirements in [Sec. 21-27](#) A-C above, single family residential structures in the CCOD 1 District may be permitted only if the principal building coverage area shall not exceed 80% of the maximum principal building square footage otherwise permitted in [Sec. 21-27](#) A-C. The Design Review Board shall not have the authority to increase the principal building square footage as set forth in [Sec. 21-27](#) (C) for single family residential structures on CCOD 1 or 2 Overlay District lots; provided, however, the Design Review Board may exercise the discretion described in [Sec. 21-49](#). (6/19/07) (3/20/12)

## Existing Ordinance (~~Red-line version~~)

### Sec. 21-31. Foundation height.

**A. Purpose.** The first-floor height of new Principal Buildings are regulated by FEMA's base flood elevation (BFE) and the town's local freeboard requirements to minimize flood risk and protect against storm surge. However, the overall foundation height should be limited to ensure Neighborhood Compatibility with historic structures and non-elevated homes located throughout the town.

#### **B. Design standards.**

(1) The bottom elevation of the Principal Building's lowest horizontal structural member shall be no more than eight (8) feet above finished grade.

(2) The finished floor shall be no more than nine (9) feet four (4) inches above finished grade.

(3) If the base flood elevation (BFE) conflicts with the maximum height limitations noted above in Sections 21-31 B. (1-2), the lowest horizontal structural member shall be no higher than the design flood elevation (DFE) with a finished floor elevation (FFE) no higher than two (2) feet above DFE elevation.

(4) The standards outlined in B (1-3) do not apply to designated historic buildings. Designated historic building must comply with the standards set forth in Section 21-44 ~~and shall not exceed more than one (1) foot above the required base flood elevation (BFE).~~

(Ord. 2020-17, passed 11-17-2020)

**C. Design Review Board.** *The Design Review Board may grant up to a one foot (1') modification in this Design Standard if the modification or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII.*

**D. CCOD Lots.** (3/20/12) Structures located on lots within the CCOD Overlay Districts shall not have their foundation heights set by reference to Sec. 21-31, but rather shall be governed by the foundation height requirements set forth specifically within the Overlay ordinance. See Sec. 21-49. (3/20/12)

## Proposed Ordinance

### Sec. 21-31. Foundation height.

**A. Purpose.** The first-floor height of new Principal Buildings are regulated by FEMA's base flood elevation (BFE) and the town's local freeboard requirements to minimize flood risk and protect against storm surge. However, the overall foundation height should be limited to ensure Neighborhood Compatibility with historic structures and non-elevated homes located throughout the town.

#### **B. Design standards.**

(1) The bottom elevation of the Principal Building's lowest horizontal structural member shall be no more than eight (8) feet above finished grade.

(2) The finished floor shall be no more than nine (9) feet four (4) inches above finished grade.

(3) If the base flood elevation (BFE) conflicts with the maximum height limitations noted above in Sections 21-31 B. (1-2), the lowest horizontal structural member shall be no higher than the design flood elevation (DFE) with a finished floor elevation (FFE) no higher than two (2) feet above DFE elevation.

(4) The standards outlined in B (1-3) do not apply to designated historic buildings. Designated historic building must comply with the standards set forth in Section 21-44.

(Ord. 2020-17, passed 11-17-2020) **(DATE)**

**C. Design Review Board.** *The Design Review Board may grant up to a one foot (1') modification in this Design Standard if the modification or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII.*

**D. CCOD Lots.** (3/20/12) Structures located on lots within the CCOD Overlay Districts shall not have their foundation heights set by reference to Sec. 21-31, but rather shall be governed by the foundation height requirements set forth specifically within the Overlay ordinance. See Sec. 21-49. (3/20/12)

## Existing Ordinance (~~Red-line version~~)

### Sec. 21-43. Preservation of historic properties.

**A. Purpose.** Sullivan's Island has a rich architectural and cultural history as reflected in the Historic Sites Survey, 2003 that inventoried over three hundred (300) Principal Buildings that are part of the Island's historical roots. Increases in land values and more restrictive buildable area standards have increased the rate at which many of these historically significant or contributing structures have been demolished.

**B. Exceptions to standards.** If efforts are made to retain a Principal Building because it is an historically significant or contributing building (*an historic property as described in Sec. 21-94. Historic property designation criteria*)) that is compatible with existing development, the Design Review Board may:

~~(1) Where an addition is made to an historic structure, exempt up to fifty (50%) of the Principal Building's existing square footage, building coverage (footprint) and impervious surface coverage (for example, a new structure on a half acre lot with an existing historic structure with two thousand (2,000) Principal Building Square Footage, an addition to the Principal Building could contain 3,078 square feet, for a total Principal Building Square Footage of 5,078 square feet. However, in no case may the resulting total actual square footage of both structures exceed 5,600 square feet (this exemption does not apply where a second structure is built on the lot);~~

(21) Exempt the Principal Building's pre-existing nonconforming Setbacks in order to permit additions in keeping with the Principal Building's historic character; and,

(32) Permit the Principal Building to be used as accessory dwelling unit only specified in previous section 21-20 C, occupied by persons meeting the Zoning Ordinance's definition of "family."

**C. Design Review Board.** *The Design Review Board shall make case-by-case determinations to decide to what extent the above exemptions shall be granted if the Principal Building is listed as an historic property as described in Sec. 21-94. Historic property designation.*

## Proposed Ordinance

### Sec. 21-43. Preservation of historic properties.

**A. Purpose.** Sullivan’s Island has a rich architectural and cultural history as reflected in the Historic Sites Survey, 2003 that inventoried over three hundred (300) Principal Buildings that are part of the Island’s historical roots. Increases in land values and more restrictive buildable area standards have increased the rate at which many of these historically significant or contributing structures have been demolished.

**B. Exceptions to standards.** If efforts are made to retain a Principal Building because it is an historically significant or contributing building (*an historic property as described in Sec. 21-94. Historic property designation criteria*)) that is compatible with existing development, the Design Review Board may:

(1) Exempt the Principal Building’s pre-existing nonconforming Setbacks in order to permit additions in keeping with the Principal Building’s historic character; and,

(2) Permit the Principal Building to be used as accessory dwelling unit only specified in previous section 21-20 C, occupied by persons meeting the Zoning Ordinance’s definition of “family.” (DATE)

**C. Design Review Board.** *The Design Review Board shall make case-by-case determinations to decide to what extent the above exemptions shall be granted if the Principal Building is listed as an historic property as described in Sec. 21-94. Historic property designation.*

## Existing Ordinance (~~Red-line version~~)

### Sec. 21-44. Elevating historic buildings.

**A. Purpose.** To preserve the character of designated historic properties and surrounding neighborhoods, an integrated design approach shall be taken when elevating Sullivan's Island Landmarks and Traditional Island Resources.

**B. Design Standards.** Any proposed elevation or site relocation of an historic structure shall carefully consider site conditions (site elevations and topography), parcel access, typology of architecture, building composition and scale, and its context with adjoining historic properties while employing the following standards:

(1) Height: To minimize the height of elevating historic structures, the finished floor elevation (FFE) shall exceed no more than ~~one (1) foot above the required FEMA base flood elevation (BFE)~~ three (3) feet above finished grade.

(2) Composition and Scale: To maintain an historic building's visual character and design compatibility with the surrounding neighborhood, an elevation design plan shall be submitted to illustrate the composition and scale of the building's principal architectural features are being maintained and will remain proportional to the elevated foundation.

(3) Perspective and Orientation: Any proposed elevation or relocation should maintain the building's historic perspective from the principal right-of-way. All historic architectural elements should be maintained after elevation or relocation.

(4) Scale Minimization and Architectural Screening: Appropriate measures should be introduced into the site design to reduce or eliminate negative visual effects from the elevation of a historic structure. These elements include fencing, landscaping (foundation plantings), stair configuration and any other site considerations noted by the Design Review Board.

**C. Design Review Board.** *Design Review Board shall make may on a case-by-case basis, increase the height of a historic structure by up to two (2) feet above the standard set forth in Section 21-44 B. (1) and make other determinations of the above design criteria to achieve greater neighborhood compatibility and to achieve the goals and standards of the Historic Preservation Overlay District (Article XI).*

(Ord. 2017-04, passed 8-15-2017)

## Proposed Ordinance

### Sec. 21-44. Elevating historic buildings.

**A. Purpose.** To preserve the character of designated historic properties and surrounding neighborhoods, an integrated design approach shall be taken when elevating Sullivan's Island Landmarks and Traditional Island Resources.

**B. Design Standards.** Any proposed elevation or site relocation of an historic structure shall carefully consider site conditions (site elevations and topography), parcel access, typology of architecture, building composition and scale, and its context with adjoining historic properties while employing the following standards:

(1) Height: To minimize the height of elevating historic structures, the finished floor elevation (FFE) shall exceed no more than three (3) feet above finished grade.

(2) Composition and Scale: To maintain an historic building's visual character and design compatibility with the surrounding neighborhood, an elevation design plan shall be submitted to illustrate the composition and scale of the building's principal architectural features are being maintained and will remain proportional to the elevated foundation.

(3) Perspective and Orientation: Any proposed elevation or relocation should maintain the building's historic perspective from the principal right-of-way. All historic architectural elements should be maintained after elevation or relocation.

(4) Scale Minimization and Architectural Screening: Appropriate measures should be introduced into the site design to reduce or eliminate negative visual effects from the elevation of a historic structure. These elements include fencing, landscaping (foundation plantings), stair configuration and any other site considerations noted by the Design Review Board.

**C. Design Review Board.** *Design Review Board may on a case-by-case basis, increase the height of a historic structure by up to two (2) feet above the standard set forth in Section 21-44 B. (1) and make other determinations of the above design criteria to achieve greater neighborhood compatibility and to achieve the goals and standards of the Historic Preservation Overlay District (Article XI).*

(Ord. 2017-04, passed 8-15-2017) (DATE)

## Existing Ordinance (~~Red-line version~~)

### Sec. 21-138. Accessory structures.

#### A. Accessory structures shall

(1) Be located a minimum of twenty (20) feet to the rear of the principal building's primary front facade; provided, however, that for lots adjacent to the RC-1 or RC-2 District zones, accessory structures may be allowed in the yard area abutting the RC District or in the yard area abutting the street. (11-20-07)

(2) (a) Not exceed the greater of twenty-five percent (25%) of the principal buildings square footage in total combined square footage of all accessory structures or 750 square feet; and no one (1) structure may exceed 750 square feet in total area; total area to include square footage below BFE (Base Flood Elevation), above BFE and any roof overhang or shed roof, excluding any roof overhang less than 30 inches beyond the footprint of the structure; a cantilevered section of a structure will not be considered a roof overhang; and further provided that the accessory structure footprint shall not exceed 625 square feet, measured between the exterior walls of the structure. (11-20-07)

~~—(b) The Design Review Board may grant no more than a twenty (20%) percent increase in this zoning standard, if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII, and with particular consideration of the size and floor elevation of the principal dwelling. (11-20-07)~~

(3) (a) Not exceed 15 feet in height, except that the height may be extended to 18 feet where the pitch of the accessory structures roof is not less than seven on twelve (7/12); dormers will be limited to twenty percent (20%) of the roof area with no one dormer exceeding six (6) feet in length measured at the portion of the wall plate parallel to the exterior of the structure at the lowest roof edge; (11-20-07)

(b) The Design Review Board may grant no more than a 20% increase in this zoning standard, if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII, and with particular consideration of the size and floor elevation of the principal dwelling. (11-20-07)

(4) Not have any one wall that exceeds twenty five (25) feet in length; (11-20-07)

(5) (a) Not be closer to any Lot Line than ten (10) feet; or thirty (30) feet from street pavement; whichever is greater; (11-20-07)

(b) The Design Review Board may grant no more than a 40% decrease in this zoning standard, if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII. (11-20-07)

(6) Not encroach upon the RC-1 or RC-2 required setback; and, (11-20-07)

(7) Not have a separate electric meter, but may utilize such plumbing fixtures as sinks, hose bibs and outdoor showers located below BFE; provided such plumbing fixtures are attached to a non-breakaway vertical support member, employ a disconnect



valve located above BFE and are not connected to the sanitary sewer system. (11-20-07)

B. Types of Accessory Structures. For the purpose of applying the zoning standards provided in (A) above, only the following structures are considered an Accessory Structure: Cabana, garage, gazebo, greenhouse of personal use, personal storage building, shed, tool room or workshop, and any other structure having a roof. (11-20-07)

## Proposed Ordinance

### Sec. 21-138. Accessory structures.

#### A. Accessory structures shall

(1) Be located a minimum of twenty (20) feet to the rear of the principal building's primary front facade; provided, however, that for lots adjacent to the RC-1 or RC-2 District zones, accessory structures may be allowed in the yard area abutting the RC District or in the yard area abutting the street. (11-20-07)

(2) (a) Not exceed the greater of twenty-five percent (25%) of the principal buildings square footage in total combined square footage of all accessory structures or 750 square feet; and no one (1) structure may exceed 750 square feet in total area; total area to include square footage below BFE (Base Flood Elevation), above BFE and any roof overhang or shed roof, excluding any roof overhang less than 30 inches beyond the footprint of the structure; a cantilevered section of a structure will not be considered a roof overhang; and further provided that the accessory structure footprint shall not exceed 625 square feet, measured between the exterior walls of the structure. (11-20-07) (DATE)

(3) (a) Not exceed 15 feet in height, except that the height may be extended to 18 feet where the pitch of the accessory structures roof is not less than seven on twelve (7/12); dormers will be limited to twenty percent (20%) of the roof area with no one dormer exceeding six (6) feet in length measured at the portion of the wall plate parallel to the exterior of the structure at the lowest roof edge; (11-20-07)

(b) The Design Review Board may grant no more than a 20% increase in this zoning standard, if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII, and with particular consideration of the size and floor elevation of the principal dwelling. (11-20-07)

(4) Not have any one wall that exceeds twenty five (25) feet in length; (11-20-07)

(5) (a) Not be closer to any Lot Line than ten (10) feet; or thirty (30) feet from street pavement; whichever is greater; (11-20-07)

(b) The Design Review Board may grant no more than a 40% decrease in this zoning standard, if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII. (11-20-07)

(6) Not encroach upon the RC-1 or RC-2 required setback; and, (11-20-07)

(7) Not have a separate electric meter, but may utilize such plumbing fixtures as sinks, hose bibs and outdoor showers located below BFE; provided such plumbing fixtures are attached to a non-breakaway vertical support member, employ a disconnect valve located above BFE and are not connected to the sanitary sewer system. (11-20-07)

B. Types of Accessory Structures. For the purpose of applying the zoning standards provided in (A) above, only the following structures are considered an Accessory

Structure: Cabana, garage, gazebo, greenhouse of personal use, personal storage building, shed, tool room or workshop, and any other structure having a roof. (11-20-07)

## Existing Ordinance (~~Red-line version~~)

### Sec. 21-140. Historic structures.

A. Historic structures as accessory dwelling units in the RS-Residential District. (5-15-07)

**Historic structures are permitted as an accessory dwelling in the RS-Residential District subject to the following conditions:** As an incentive to preserve historic structures and avoid their demolition, a second dwelling may be constructed on the same lot as an historic structure, and the historic structure may be used as an accessory dwelling, when all of the following conditions are met:

1. Prior use shall have been used as a dwelling; and
2. The size of the historic structure is less than twelve hundred (1200) square feet of heated space at the time of its designation as historic and is listed as an historic property as described in Section 21-94 Historic Property Designation Criteria; provided, however, that a structure reduced to less than 1200 square feet of heated space after its designation as historic may qualify for special exception approval for an additional dwelling on the same lot, but only if the Design Review Board review determines and specifies in findings, that: (5-15-07)
  - a. Special circumstances justify such reduction in square feet based on the criteria listed in Section 21-94 D. (1-8); and (5-15-07)
  - b. The portions to be removed from the historic property were added less than 50 years ago and/or obscured an earlier feature of the historic house which contributed substantially to the most important elements of its historic character, definition and integrity. Examples of the latter instance include the removal of an enclosure of a porch when the open porch has been characteristic of a particular type of Island structure, or removal of an addition which covered a distinctive feature of the structure that is shared by neighboring structures. (5-15-07)
3. In the event the historic structure does not meet current FEMA elevation requirements, the Design Review Board finds that bringing it into compliance would significantly impair the historic and architectural character of the structure; and
4. In the event the historic structure meets current FEMA elevations requirements, the Design Review Board finds that there is no feasible design solution for an addition to the historic structure that would not significantly impair the historic and architectural character of the structure; and
5. No separate utility service meters shall be permitted; and
- ~~6. The bottom elevation of the new second structure's first story floor joists shall be no greater than two (2) feet above the FEMA base flood elevation; and~~
76. The Design Review Board must find that the height, scale, mass and placement of the second structure are appropriate to and compatible with the lot on which it is sited, the character of the historic structure and surrounding neighborhood.

When necessary to achieve such appropriateness and compatibility, the Design Review Board may impose stricter limits on height, setback, size and coverage than those of the zoning standards; and

87. Permission to build a second structure and to use the historic structure as an accessory dwelling is approved as a special exception by the Board of Zoning Appeals; and

98. The following conditions as covenants running with the property shall be placed on the real estate title to the property by the owner of the lot by recording deed restrictions for the benefit of the Town of Sullivan's Island on the owner(s) title and recording the same in the RMC office for Charleston County before a building permit is issued:

(i) The lot shall remain in single ownership; more specifically, regardless of the type of ownership every owner, member, partner, shareholder, or unit owner, must have the same percentage of ownership in the historic structure as in any additional structure(s); and

(ii) Every owner, member, partner, shareholder or unit owner must have the same amount of control over the use of the historic structure as over any additional structure(s); and

~~10. Discretionary increases by the Design Review Board in principal building coverage, impervious surface coverage and square footage may not be granted to properties with a second structure.~~

449. If the historic structure used as an accessory dwelling is damaged or destroyed, by natural disaster, civil strife or uncontrollable accident, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be repaired in accordance with its pre-existing footprint, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged or destroyed structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be elevated over fifty percent (50%) above its original elevation, the Design Review Board shall determine whether or not the reconstruction shall be required to meet the current Zoning Ordinance's Setback requirements.

(Ord. 2018-07, passed 11-20-2018)

4210. The historic structure used as an accessory dwelling may be used as a long-term rental, but only so long as the principal structure is occupied by an owner of the property as primary residence and a current business license is held on the same property. Primary residence is defined as a dwelling where the owner or owners reside on a permanent basis and are assessed at the four percent (4%) assessment rate on their ad valorem property tax.

B. This accessory use shall be permitted if approved as a Special Exception in the RS-Residential District under ARTICLE III. Sec. 21-20 C. and upon the approval of the Board of Zoning Appeals.

## Proposed Ordinance

### Sec. 21-140. Historic structures.

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3. In the event the historic structure does not meet current FEMA elevation requirements, the Design Review Board finds that bringing it into compliance would significantly impair the historic and architectural character of the structure; and
4. In the event the historic structure meets current FEMA elevations requirements, the Design Review Board finds that there is no feasible design solution for an addition to the historic structure that would not significantly impair the historic and architectural character of the structure; and
5. No separate utility service meters shall be permitted; and
6. The Design Review Board must find that the height, scale, mass and placement of the second structure are appropriate to and compatible with the lot on which it is sited, the character of the historic structure and surrounding neighborhood. When necessary to achieve such appropriateness and compatibility, the Design Review Board

may impose stricter limits on height, setback, size and coverage than those of the zoning standards; and

7. Permission to build a second structure and to use the historic structure as an accessory dwelling is approved as a special exception by the Board of Zoning Appeals; and

8. The following conditions as covenants running with the property shall be placed on the real estate title to the property by the owner of the lot by recording deed restrictions for the benefit of the Town of Sullivan's Island on the owner(s) title and recording the same in the RMC office for Charleston County before a building permit is issued:

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9. If the historic structure used as an accessory dwelling is damaged or destroyed, by natural disaster, civil strife or uncontrollable accident, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be repaired in accordance with its pre-existing footprint, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged or destroyed structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be elevated over fifty percent (50%) above its original elevation, the Design Review Board shall determine whether or not the reconstruction shall be required to meet the current Zoning Ordinance's Setback requirements. (DATE)

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