

**6-1 GENERAL PROVISIONS**

**6-1.1 Establishment of the Shore Protection Line:** The shore protection line was approved by the Pawleys Island Planning Commission on February 26, 2001, and was established to protect sand dunes, critical habitat areas and endangered wildlife species. The location of the shore protection line may be found on Figure 2-B on page 2-13 of this Ordinance.

**6-1.2 Compliance:** No structure or land alteration shall hereafter be permitted unless it is in full compliance with the terms of these regulations and other applicable rules and regulations.

**6-1.3 Requirements:**

(A) No residential living unit, or habitable structure shall be built forward/eastward of the shore protection line. This does not apply to walkways or gazebos.

(B) There shall be no other alteration to the dunes, except as herein provided. Any activity that will disturb the beach or dune vegetation within any VE flood zone will require a permit from the Building and Zoning Office of the Town of Pawleys Island. Where it is necessary and required for surface installation of approved or authorized stairs, walkways and support columns, a permit may be issued. However, under certain other conditions permits may be obtained which may allow disturbance of the dunes provided the disturbance is mitigated. The following guidelines are established for dune protection:

- 1) Sand dunes shall not be altered in any form unless there is no feasible alternative to construct projects otherwise allowed under the State Beach Management Program. In such cases, it shall be demonstrated that the project to be constructed cannot avoid the sand dune by relocation or realignment on the property or by reasonable reduction in size of the construction, consistent with other surrounding properties or other changes to avoid or minimize the impacts;
- 2) Where unavoidable infringement of the dune system occurs, the construction shall be elevated at least two feet above grade where possible;
- 3) Once construction is completed, dunes that were destroyed or damaged, shall be restored to their original contours and revegetated. This requirement does not preclude any mitigation specified by the mitigation guidelines;
- 4) Sand dunes designated as critical habitat areas in the state or local beach management plan shall not be altered for any reason except as allowed in the "Guidelines for the Protection of Endangered Species and Critical Habitat";
- 5) All dune building, restoration, and re-vegetation shall be done in accordance with the standards established by the Building and Zoning Office of the Town of Pawleys Island;

UNIFIED DEVELOPMENT ORDINANCE - ARTICLE VI, Sand Dune Protection Regulations

- 6) During construction phases, the dunes may be disturbed where it is necessary and required to utilize pilings for the purposes of building habitable structures, and for walkways, docks, decks, etc. These pilings may be placed within the dune(s), so long as once the construction is completed, the dune(s) is/are restored to their original structure; and,
- 7) Any structure existing prior to April 15, 2002, shall be grandfathered and shall not be subject to the terms and conditions of these regulations. Applications for permits for additions, alterations and/or replacement of grandfathered structures shall comply with the requirements of this Ordinance.

**6-2 PROVISIONS FOR SHORELINE PROTECTION**

**6-2.1 Repair and Renovation of Habitable Structure:** Repair and renovation of a habitable structure located wholly or partially seaward of the shore protection line that is damaged less than 50% of its market value, due to earthquake, fire, flood and/or wind is allowed after notice and written documentation to the Building Inspector and his further recommendation to the Town Council for its approval.

**6-2.2 Replacement or Rebuilding of Habitable Structures:** A habitable structure located wholly or partially seaward of the shore protection line which has been damaged more than 50% of its market value due to natural causes may be replaced or rebuilt provided all of the following requirements are met:

- (A) The total square footage of the replaced structure seaward of the shore protection line does not exceed the total square footage of the original structure seaward of the shore protection line.
- (B) The linear footage of the replaced structure parallel to the coast does not exceed the original linear footage parallel to the coast.
- (C) The replaced structure is no farther seaward than the original structure.
- (D) Where possible, the replaced structure is moved landward of the shore protection line or if not possible, than as far landward as practicable, considering zoning and parking regulations.

**6-2.3 Special Permits:** The Town Council shall consider applications for special permits upon the review and recommendation of the Building Inspector. Special permits are to be issued only in situations where without such a permit, the property owner would have no reasonable use of his property. Specifically, the following criteria shall serve as guidelines when issuing special permits:

- (A) A structure cannot be constructed or reconstructed on a primary oceanfront dune or on the active beach, and in the event that the beach erodes so that in the future the permitted habitable structure is located on the active beach, the property owner agrees to remove the structure at his own expense;

**UNIFIED DEVELOPMENT ORDINANCE - ARTICLE VI, Sand Dune Protection Regulations**

- (B) There shall be no adverse impact on the stated policies of the Town, including the policies protecting the sand dunes;
- (C) SCDHEC-OCRM has already granted a special permit;
- (D) Necessary components of habitable structures, such as sewer lines and utilities, do not require separate special permits. However, decking, patios, driveways, etc., are not considered as necessary components of habitable structures and therefore these items must be shown on the permit application;
- (E) Generally, the Council considers special permits only under extraordinary circumstances. The Council may grant a special permit to construct a single-family house seaward of the setback line where such permit meets the conditions of other Town Ordinances provided that:
  - 1) The house is no larger than similar structures in the general neighborhood and in no case may it be larger than the limitations of Section 3-5.8 of this Ordinance;
  - 2) The house is no further seaward than the houses on either side unless this would preclude a house from being constructed on the lot; and,
  - 3) The permittee agrees to such other conditions as the Council deems are appropriate to promote the purposes of local and/or state beach management plans.

**6-3 VARIANCES**

- 6-3.1** Any request for a variance to the requirements of these regulations and any challenge to the interpretation of these regulations shall be filed with the Board of Zoning Appeals in accordance with the procedures contained in Section 3-7 of this Ordinance.