

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2022-04

ADOPTED JUNE 29, 2022

AN ORDINANCE TO REPEAL AND REPLACE THE TOWN OF SEABROOK ISLAND DEVELOPMENT STANDARDS ORDINANCE (“DSO”); TO REPEAL AND REPLACE THE TOWN OF SEABROOK ISLAND ZONING MAP; AND TO REPEAL CONFLICTING PROVISIONS FROM THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the current “Development Standards Ordinance for the Town of Seabrook Island” was adopted by the Mayor and Council of the Town of Seabrook Island upon passage of Ordinance No. 2011-02 on February 11, 2011 (hereafter, the “Existing DSO”); and

WHEREAS, the Existing DSO has been amended approximately twenty-four times over the proceeding eleven years, most recently upon the passage of Ordinance No. 2021-08 on July 8, 2021; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to repeal the Existing DSO and replace it with the provisions of a new “Town of Seabrook Island Development Standards Ordinance,” a copy of which is attached hereto as “Exhibit A” (hereafter, the “New DSO”); and

WHEREAS, the current “Official [Zoning] District Map” for the Town of Seabrook Island was made effective on August 24, 2004, upon passage by the Mayor and Council of the Town of Seabrook Island of Ordinance No. 2004-04 (hereafter, the “Existing Zoning Map”); and

WHEREAS, the Existing Zoning Map has been amended approximately thirty-six times over the proceeding eighteen years, most recently upon the passage of Ordinance No. 2021-10 on September 28, 2021; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to repeal the Existing Zoning Map and replace it with a new “Official Zoning Map of the Town of Seabrook Island,” a copy of which is attached hereto as “Exhibit B” (hereafter, the “New Zoning Map”); and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend the Town Code for the Town of Seabrook Island so as to repeal any provisions of the Town Code which conflict with the provisions of the New DSO; and

WHEREAS, as required by law, the Town of Seabrook Island Planning Commission reviewed the proposed New DSO and New Zoning Map during a regularly scheduled meeting on February 9, 2022, at which time members of the Planning Commission unanimously recommended in favor of adopting the same; and

WHEREAS, as required by law, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on May 17, 2022; and

WHEREAS, subsequent to amendments made by Town Council on April 26, 2022, and May 24, 2022, the Town of Seabrook Island Planning Commission conducted a second review of the proposed New

DSO and New Zoning Map on June 8, 2022, at which time members of the Planning Commission unanimously recommended in favor of adopting the same, inclusive of the amendments made by Town Council; and

WHEREAS, the Mayor and Council believe it is fitting and proper to adopt this ordinance to achieve the objectives referenced herein;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND, S.C.:**

SECTION 1. Repealing the Existing DSO. The Existing DSO is hereby repealed in its entirety.

SECTION 2. Adopting the New DSO. The New DSO, a copy of which is attached hereto as "Exhibit A", is hereby adopted by reference as if fully set forth within this section.

SECTION 3. Repealing the Existing Zoning Map. The Existing Zoning Map is hereby repealed in its entirety.

SECTION 4. Adopting the New Zoning Map. The New Zoning Map, a copy of which is attached hereto as "Exhibit B", is hereby adopted by reference as if fully set forth within this section.

SECTION 5. Amending Chapter 20 of the Town Code. The Town Code for the Town of Seabrook Island; Chapter 20, Planning and Development; is hereby amended to read as follows:

Chapter 20 - PLANNING AND DEVELOPMENT

ARTICLE I. Comprehensive Plan

Sec. 20-1. Adopted.

The "Town of Seabrook Island Comprehensive Plan," adopted by the Town Council on July 23, 2019, and inclusive of all maps, graphs, charts, attachments, and other descriptive materials, is hereby adopted and incorporated by reference as if fully set forth in this article and shall constitute the town's comprehensive plan as required under S.C. Code 1976, § 6-29-510.

Sec. 20-2. Applicability.

To the extent provided by state law and town ordinances, the town's comprehensive plan shall apply to and be used to guide and condition the use and development of land within the town's jurisdiction.

Sec. 20-3. Conflicts in state law procedure governed by title 6.

Whenever there is a difference in procedures authorized under S.C. Code 1976, titles 5 and 6, the procedures specified in title 6 shall control.

Secs. 20-4—20-19. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION

Sec. 20-20. Statutory authorization.

The state legislature has, in S.C. Code 1976, § 5-7-30, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the town does ordain the flood damage prevention and protection regulations of this article.

Sec. 20-21. Findings of fact.

- (a) The town's flood hazard areas are subject to periodic inundation, which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage.

Sec. 20-22. County ordinance adopted by reference; administration of article.

- (a) In order to protect public health and safety and minimize public and private losses due to flood conditions in specific areas of the town, the Charleston County Flood Damage Prevention and Protection Ordinance, as adopted by Charleston County Ordinance No. 2124 on October 6, 2020, is hereby adopted and incorporated by reference as if fully set forth in this section, mutatis mutandis.
- (b) The Town of Seabrook Island declares that the Charleston County Flood Insurance Study, which was adopted by Charleston County Ordinance No. 2124 on October 6, 2020, and which includes the Flood Insurance Rate Maps (FIRM), dated January 29, 2021, copies of which are on file in the office of the town's Zoning Administrator, the Charleston County Building Inspection Services Department, and online at charlestoncounty.org and msc.fema.gov, is hereby adopted and incorporated by reference as if fully set forth in this section. Letters of Map Change (LOMC) to these adopted maps which are duly authorized by the National Flood Insurance Program (NFIP) shall become effective immediately upon the date established by the NFIP.
- (c) The requirements of this section shall be administered by the town in conjunction with the administration of building and zoning permits, as required by chapter 6 and the Town of Seabrook Island Development Standards Ordinance (DSO).
- (d) Subsequent changes to the Charleston County Flood Damage Prevention and Protection Ordinance which are adopted by Charleston County Council following the effective date of this ordinance shall be adopted by ordinance of town council.

Sec. 20-23. Penalty.

A violation of the provisions of this article or the failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, imprisoned for not more than 30 days, or both, and in addition, shall pay all the costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the town from taking such other lawful actions as are necessary to prevent or remedy any violation.

SECTION 6. Codification. The town clerk/treasurer shall send the New DSO to the town's publishing company to be codified as soon as practical.

SECTION 7. Copies. Copies of the New DSO and New Zoning Map shall be made available for public inspection in the office of the town clerk/treasurer and on the town's website. Paper copies of the New DSO and New Zoning Map may be purchased from the town clerk/treasurer at a cost not to exceed \$25.00 each.

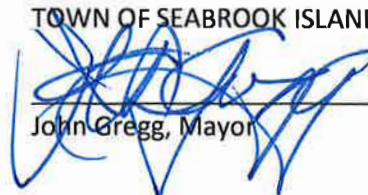
SECTION 8. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 9. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. Effective Date. This ordinance shall be effective from and after July 1, 2022.

SIGNED AND SEALED this 29th day of June, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the 28TH day of JUNE, 2022.

First Reading: April 26, 2022
Public Hearing: May 17, 2022
Second Reading: June 28, 2022

TOWN OF SEABROOK ISLAND


John Gregg, Mayor

ATTEST

Katharine
Katharine E. Watkins, Town Clerk

EXHIBIT A

To Ordinance No. 2022-04

Town of Seabrook Island Development Standards Ordinance

EXHIBIT B

To Ordinance No. 2022-04

Official Zoning Map of the Town of Seabrook Island