

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

November 4, 2020 – 1:30 PM

Virtual Meeting (Zoom)

[Watch Live Stream \(YouTube\)](#)



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. **Regular Meeting: October 14, 2020**

[Pages 3–5]

OLD BUSINESS ITEMS

There are no Old Business Items

NEW BUSINESS ITEMS

1. **Rezoning Request: 2726 Old Forest Drive**

[Pages 6–17]

An ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 149-06-00-010, containing approximately 0.25 +/- acres located at 2726 Old Forest Drive, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District

2. **Text Amendment: ADU's, Short-Term Rentals, Vac. Clubs & Timeshares** [Pages 18–40]

An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; so as to add definitions for "Dwelling, Accessory," "Short-Term Rental Unit," "Vacation Club Unit," "Vacation Time sharing Lease Plan," "Vacation Time Sharing Ownership Plan," and "Vacation time sharing plan;" to delete definitions for "Dwelling, Rental" and "Guesthouse;" and to modify the definition for "Family;" Article 5, Zoning District Specifications; Section 5.20, Agricultural-General (AG); Subsection 5.20.30, Conditional Uses; so as to amend the requirements for Accessory Dwelling Units and to establish Short-Term Rental Units and Vacation Club Units as allowed conditional uses in the AG zoning district; Section 5.30, Single-Family Residential District (SR); Subsection 5.30.30, Conditional Uses; so as to amend the requirements for Accessory Dwelling Units and to establish Short-Term Rental Units and Vacation Club Units as allowed conditional uses in the SR zoning district; and Section 5.40, Planned Development District (PDD); Subsection 5.40.50, PDD Conditional Uses; so as to establish Accessory Dwelling Units,

Short-Term Rental Units and Vacation Club Units as allowed conditional uses within PDD zoning districts; and Article 8, General Development Requirements; Section 8.70, Restricted Uses; Subsection 8.70.30, Time Sharing; so as to amend the prohibition on Vacation Time Sharing Plans

3. Text Amendment: Fee Schedule

[Pages 41–47]

An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 21, Fees; so as to amend the fee schedule for various application and service fees

4. Text Amendment: Building Height

[Pages 48–51]

An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; so as to add definitions for “base flood elevation (BFE),” “Design Flood Elevation (DFE),” and “Freeboard,” and to amend the definitions for “Building Height” and “Flood Hazard District”; and Article 7, Lot and Building Requirements; Section 7.90, Height Limitations; so as to amend the maximum height requirement for structures within the town

ITEMS FOR INFORMATION / DISCUSSION

1. Update on the Effective Date of New FEMA Flood Maps

ADJOURN

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

October 14, 2020 – 1:30 PM



Virtual Meeting Hosted via Zoom

[Live Streamed on YouTube](#)

MINUTES

Present: Ken Otstot (Chair), Stan Ullner (Vice Chair), Wayne Billian, Jim Newton, Sharon Welch, Joe Cronin (Town Administrator)

Absent: None

Guests: Mike Fielding (Low Tide Brewing), Tara Romano (Neil Stevenson Architects), Katrina Burrell (SIPOA)

Chairman Otstot called the meeting to order at 1:36 PM and welcomed everyone in attendance. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled and that the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **Regular Meeting: September 9, 2020:** Mr. Billian made a motion to approve the minutes from the September 9, 2020, meeting as submitted. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 5-0.

OLD BUSINESS ITEMS

1. **Text Amendment: Procedures for Naming & Renaming of Streets:** Chairman Otstot noted that there was a draft ordinance in the agenda packet and asked if members had any questions for town staff. Town Administrator Cronin noted that the fee amount for street renaming requests will be included in a separate ordinance.

There being no further discussion, Mr. Billian made a motion to recommend in favor of approving the ordinance. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 4-0.

Mr. Newton joined the meeting at 1:46 pm.

NEW BUSINESS ITEMS

1. **Commercial Review: Brew Pub at Bohicket Marina:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and approve proposed

modifications to portions of an existing building located at Bohicket Marina as part of a commercial upfit for a brew pub. These modifications included:

- Construction of a new roof canopy over the existing second story deck (to match the existing standing seam roof);
- Construction of a new wraparound deck (weathered wood, painted to match existing);
- Construction of a new exterior stair on the creek side of the building;
- Replacing an existing window on the second floor with a new entry door;
- Extending the existing second floor deck out 5' 4";
- Installation of new wooden columns to support the roof canopy (painted to match existing); and
- Installation of new 42" metal cable railings with wood cap.

Town Administrator Cronin noted that there were also several interior modifications, including upfit and installation of new brewing equipment, floor drainage and vent; however, these modifications did not require review and approval by the Planning Commission.

Ms. Tara Romano (Architect) of Neil Stevenson Architects and Mr. Mike Fielding of Low Tide Brewery provided additional information and answered questions from members of the Planning Commission.

There being no further discussion, Mr. Newton made a motion to approve the designs as submitted. Dr. Ullner seconded the motion. The vote on the motion was as follows:

<u>IN FAVOR (YES)</u>	<u>OPPOSED (NO)</u>
Otstot	Billian
Ullner	
Newton	
Welch	

The motion was **APPROVED** by a vote of 4-1.

There being no further discussion, Dr. Ullner made a subsequent motion to accept the proposed improvements as "final" approval and waive the required "preliminary" review. Mr. Newton seconded the motion. The vote on the motion was as follows:

<u>IN FAVOR (YES)</u>	<u>OPPOSED (NO)</u>
Otstot	Billian
Ullner	
Newton	
Welch	

The motion was **APPROVED** by a vote of 4-1.

2. **Commercial Review: Brew Pub at Bohicket Marina:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and approve proposed modifications to portions of an existing building located at Bohicket Marina as part of a commercial upfit for a brew pub. These modifications included:

There being no further discussion, Mr. Billian made a motion to recommend in favor of approving the ordinance. Mr. Newton seconded the motion. The motion was **APPROVED** by a vote of 5-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **Short-Term Rental Regulations:** Town Administrator Cronin informed members that council was expected to bring forward a new short-term rental ordinance at its next meeting on October 27, 2020. Because this ordinance would amend the DSO, it would also come before the Planning Commission for review and recommendation prior to second reading. This ordinance will likely be on the agenda for review during the November meeting.
2. **Amendments to Fee Schedule:** Town Administrator Cronin informed members that council was expected to bring forward a new ordinance to amend the town's schedule of fees for planning and zoning purposes. Because this ordinance would amend the DSO, it would also come before the Planning Commission for review and recommendation prior to second reading. This ordinance will likely be on the agenda for review during the November meeting.
3. **Camp St. Christopher Status:** Dr. Ullner brought up the issue of Camp St. Christopher and asked if it could ever be redeveloped if the camp went away in the future. Town Administrator Cronin noted that the Camp is part of a Planned Development, and would have to go through a rezoning process if it were ever sold or redeveloped. Chairman Otstot and Town Administrator Cronin agreed to do some additional diligence and report back to the Planning Commission at a later date.

There being no further business, Chairman asked for a motion to adjourn. Mr. Billian made a motion to adjourn the meeting. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 5-0, and the meeting was adjourned at 2:26 PM.

Minutes Approved: Pending



Joseph M. Cronin
Town Administrator



MEMORANDUM

TO: Planning Commission Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Rezoning Request for 2726 Old Forest Drive
MEETING DATE: November 4, 2020

The Planning Commission is asked to review and provide a recommendation on a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 149-06-00-010, containing approximately 0.25 +/- acres located at 2726 Old Forest Drive (Block 40, Lot 6). The applicant is seeking to rezone the property from the SR Single-Family Residential District to the AGC Agricultural-Conservation District.

The property is surrounded on three sides by parcels zoned SR Single-Family Residential. The property also backs up to a lake at the rear.

Subject to rezoning approval, this property is intended to remain as an undeveloped "open space" lot. Uses permitted within the AGC district are limited to the following:


- (a) Open air recreation uses including swimming areas, fishing, beaches, boat ramp, dock, pier, lifeguard station, restrooms, boardwalks and natural preserve.
- (b) Bulkhead and erosion control devices.

A copy of the draft rezoning ordinance is attached for review.

Staff Recommendation

Staff recommends in favor of **APPROVAL** of the rezoning request.

Respectfully submitted,


Joseph M. Cronin
Town Administrator

Aerial Image



Zoning Map



TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-17

ADOPTED _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF SEABROOK ISLAND SO AS TO CHANGE THE ZONING DESIGNATION FOR CHARLESTON COUNTY TAX MAP NUMBER 149-06-00-010, CONTAINING APPROXIMATELY 0.25 +/- ACRES LOCATED AT 2726 OLD FOREST DRIVE, FROM THE SR SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT

WHEREAS, on or about October 20, 2020, the Seabrook Island Property Owners Association filed Rezoning Application #83 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 149-06-00-010, containing approximately 0.25 +/- acres located at 2726 Old Forest Drive, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District; and

WHEREAS, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on November 4, 2020, at which time the Planning Commission made a recommendation to the Mayor and Council that the rezoning request is in the best interest of the Town of Seabrook Island and is consistent with the Town's Comprehensive Plan; and

WHEREAS, a public hearing was held on the above referenced rezoning application on November 17, 2020, as required by law;

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:**

SECTION 1. Zoning Map Amendment. The Official Zoning District Map of the Town of Seabrook Island is hereby amended to change the zoning designation for Charleston County Tax Map Number 149-06-00-010, containing approximately 0.25 +/- acres located at 2726 Old Forest Drive, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. A map of the property subject to this rezoning ordinance is attached hereto as Exhibit A.

SECTION 2. 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 3. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

First Reading: November 17, 2020
Public Hearing: November 17, 2020
Second Reading: December 15, 2020

TOWN OF SEABROOK ISLAND

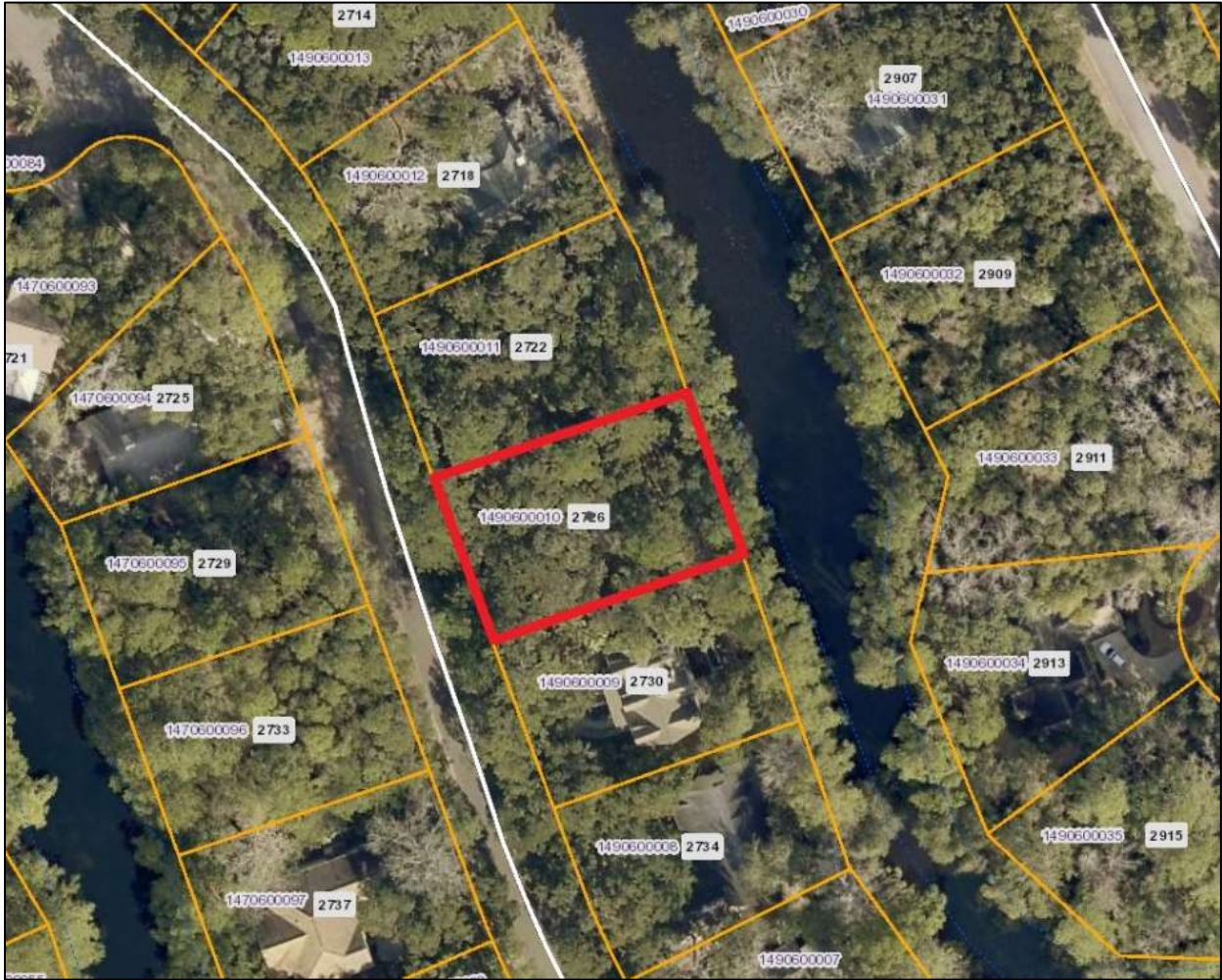
John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk

EXHIBIT A

Property Map
Charleston County Tax Map Number 149-06-00-010



TOWN OF SEABROOK ISLAND
2001 SEABROOK ISLAND ROAD
SEABROOK ISLAND, SC 29455
Phone (843) 768-9121 Fax (843) 768-9830

REZONING APPLICATION NO. #83
DATE 10/20/2020

PROPERTY INFORMATION:

1. Present Zoning SFR
2. Proposed Zoning AGR/CONS.
3. Tax Map Number (s) 149 06 00 010
4. Address 2726 Old Forest Dr.
5. Lot Dimensions _____
6. Deed Recorded: Book 0914 Page 106 Date 9/1/2020
7. Plat Recorded: Book _____ Page _____ Date _____

APPLICANT/OWNER/REPRESENTATIVE:

8. Applicant SIPA - Donation Accepted 10/19/2020
Address 1202 Landfall Way
Phone No. (Home) 843 768 0061 (Business) 843 768 0061
9. Owner(s) (if different from applicant) SIGSC
Address _____
Phone No. (Home) _____ (Business) _____
10. Representative (if different from applicant) Weather Paton
11. I (We) certify that _____ is my (our) authorized representative for this zoning change.

Signature of Owner(s)/Date

Weather Paton

Signature of Applicant/Date
and/or representative if different from owner

**A copy of an approved recorded plat showing present boundaries of the property to be rezoned and the appropriate fee is required upon application.

PREPARED BY:
Buist, Byars & Taylor, LLC
130 Gardener's Circle
PMB# 138
Johns Island, SC 29455
File No. 6756.0001



BP0914106

PGS:

5

STATE OF SOUTH CAROLINA)
)
) TITLE TO REAL ESTATE
COUNTY OF CHARLESTON)

KNOW ALL MEN BY THESE PRESENTS, that **Samuel Hazell** (“Grantor”), in the State aforesaid, for/and in consideration of the sum of SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00), to me in hand paid at and before the sealing of these Presents by **Seabrook Island Green Space Conservancy, Inc.**, in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release unto the said **Seabrook Island Green Space Conservancy, Inc., a South Carolina Corporation**, the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION.

TMS Number: 149-06-00-010

Address of Grantee(s):

PO BOX 185
Johns Island, SC 29455

This is the same property conveyed to Grantor by deed from Seabrook Island Company recorded June 2, 1981 in Book O125, page 128, Charleston County Recording Office; and thereafter by deed from Allan A. Rashford conveying his one-half interest by deed recorded October 4, 1982 in Book O129, Page 082.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said **Seabrook Island Green Space Conservancy, Inc., a South Carolina Corporation**, his heirs and assigns, forever.

AND subject to the exceptions set forth above, Grantor does hereby bind myself and my heirs, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said **Seabrook Island Green Space Conservancy, Inc.**, his heirs and assigns, against me and my heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my hand and seal this 31st day of August, 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:


Witness #1

Samuel Hazell

Witness #2

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by Samuel Hazell, this 31st day of August, 2020.



Notary Public for SC
My commission expires: _____

KRISTIN M. BRADSHAW
Notary Public, South Carolina
My Commission Expires
August 19, 2024

EXHIBIT A

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and shown and designated as Lot No. 6, Block 40, on a plat by E.M. Seabrook, Jr., CE & LS, dated September 22, 1978 and recorded in the Charleston County RMC Office in Plat Book AN, at Page 76. Said lot having the size, shape, dimensions, buttings and boundings, more or less, as are shown on said plat, which is specifically incorporated herein by reference.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property located at 2726 Old Forest Drive, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 149-06-00-010, was transferred by **Samuel Hazell** to **Seabrook Island Green Space Conservancy, Inc.** on September 1, 2020.
3. Check one of the following: The deed is
 - (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (c) _____ exempt from the deed recording fee because (See Information section of affidavit): _____ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
 - (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$60,000.00
 - (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____

5. Check YES _____ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here:	<u>60,000.00</u>
(b) Place the amount listed in item 5 above here:	\$0
(If no amount is listed, place zero here.)	
(c) Subtract line 6(b) from Line 6(a) and place result here:	<u>60,000.00</u>

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as : Legal Representative

8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Legal Representative
BUIST B YARS & TAYLOR LLC

Sworn to before me this 1st day
of September, 2020.

Notary Public for
My Commission Expires: _____

KRISTIN M. BRADSHAW
Notary Public, South Carolina
My Commission Expires
August 19, 2024

RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

BUIST BYARS & TAYLOR, LLC
 FRESHFIELDS VILLAGE
 130 GARDNER'S CR PMB 138
 JOHNS ISLAND SC 29455 (BOX)

RECORDED		
Date:	September 10, 2020	
Time:	3:05:16 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0914	106	Deed
Michael Miller, Register Charleston County, SC		

MAKER:

HAZELL SAMUEL

Note:

RECIPIENT:

SEABROOK ISLD GREEN SPACE

of Pages:

Recording Fee	\$ 15.00
State Fee	\$ 156.00
County Fee	\$ 66.00
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 237.00

Original Book:

Original Page:

AUDITOR STAMP HERE
 RECEIVED From ROD
 Sep 17, 2020
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
 RJB
 REP _____
 09/18/2020
 DATE _____
 4

DRAWER
CLERK



0914
Book



106
Page



09/10/2020
Recorded Date



5
Pgs



Original Book



Original Page



D
Doc Type



15:05:16
Recorded Time



A.H. SCHWACKE & ASSOCIATES

LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

REFERENCE:

PLAT BY: E.M. SEABROOK, JR.	TAX MAP No. 149-06-00-010
DATED: SEPTEMBER 22, 1978	No. 2726 OLD FOREST DRIVE
BOOK: Z PAGE: 149	Requested by: CYNTHIA CARV
RMC CHAS. CO.	

NOTES:

BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.

AREA DETERMINED BY COORDINATE METHOD.

THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.

NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT, THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE (EL 12') AS PER FEMA FLOOD MAPS.

PANEL No. 45019C 0785J
DATED: NOVEMBER 17, 2004
COMMUNITY No. 450256

*** SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.**

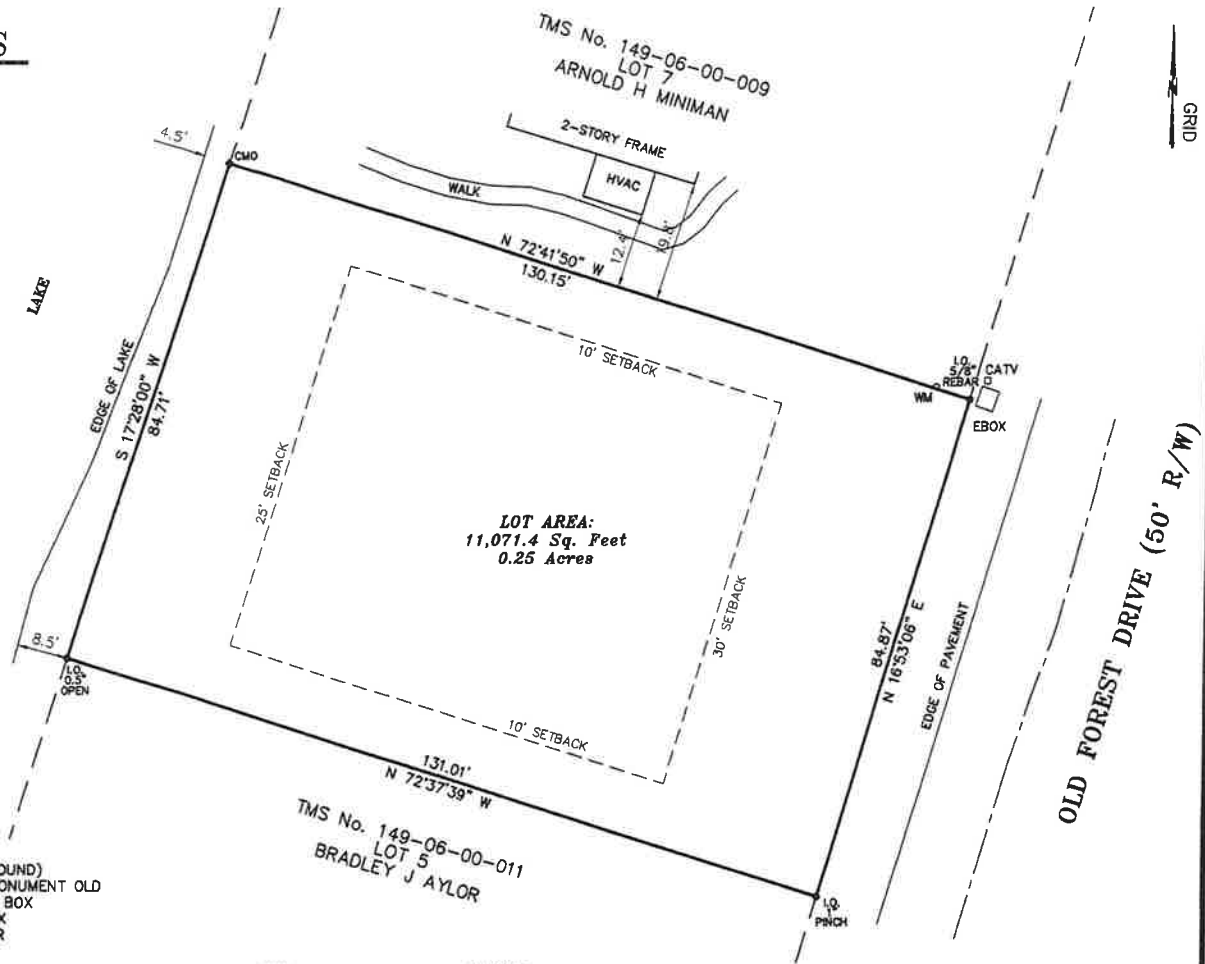
SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown.

KEVIN M. SCHWACKE, SR. PLS
S.C. Registration Number 20468

LEGEND:

I.O.	IRON OLD (FOUND)
CMO	CONCRETE MONUMENT OLD
CATV	CABLE & TV BOX
EBOX	ELECTRIC BOX
WM	WATER METER



BOUNDARY SURVEY
LOT 6 BLOCK 40
TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA



DATE: AUGUST 10, 2020 SCALE: 1" = 20'

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH. KIM20 / 20232

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-14

ADOPTED _____

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 2, DEFINITIONS AND INTERPRETATION OF TERMS; SECTION 2.10, DEFINITIONS; SO AS TO ADD DEFINITIONS FOR “DWELLING, ACCESSORY,” “SHORT-TERM RENTAL UNIT,” “VACATION CLUB UNIT,” “VACATION TIME SHARING LEASE PLAN,” “VACATION TIME SHARING OWNERSHIP PLAN,” AND “VACATION TIME SHARING PLAN;” TO DELETE DEFINITIONS FOR “DWELLING, RENTAL” AND “GUESTHOUSE;” AND TO MODIFY THE DEFINITION FOR “FAMILY;” ARTICLE 5, ZONING DISTRICT SPECIFICATIONS; SECTION 5.20, AGRICULTURAL-GENERAL (AG); SUBSECTION 5.20.30, CONDITIONAL USES; SO AS TO AMEND THE REQUIREMENTS FOR ACCESSORY DWELLING UNITS AND TO ESTABLISH SHORT-TERM RENTAL UNITS AND VACATION CLUB UNITS AS ALLOWED CONDITIONAL USES IN THE AG ZONING DISTRICT; SECTION 5.30, SINGLE-FAMILY RESIDENTIAL DISTRICT (SR); SUBSECTION 5.30.30, CONDITIONAL USES; SO AS TO AMEND THE REQUIREMENTS FOR ACCESSORY DWELLING UNITS AND TO ESTABLISH SHORT-TERM RENTAL UNITS AND VACATION CLUB UNITS AS ALLOWED CONDITIONAL USES IN THE SR ZONING DISTRICT; AND SECTION 5.40, PLANNED DEVELOPMENT DISTRICT (PDD); SUBSECTION 5.40.50, PDD CONDITIONAL USES; SO AS TO ESTABLISH ACCESSORY DWELLING UNITS, SHORT-TERM RENTAL UNITS AND VACATION CLUB UNITS AS ALLOWED CONDITIONAL USES WITHIN PDD ZONING DISTRICTS; AND ARTICLE 8, GENERAL DEVELOPMENT REQUIREMENTS; SECTION 8.70, RESTRICTED USES; SUBSECTION 8.70.30, TIME SHARING; SO AS TO AMEND THE PROHIBITION ON VACATION TIME SHARING PLANS

WHEREAS, the Town Code for the Town of Seabrook Island (the “Town Code”) and the Development Standards Ordinance for the Town of Seabrook Island (the “DSO”) currently allow any residential dwelling within the Town to be rented to short-term rental guests in return for compensation; and

WHEREAS, aside from the requirement to possess a valid Town business license, there are currently no substantive requirements within the Town Code or the DSO which are expressly intended to protect the health, safety and convenience of short-term rental guests and the public at large, or to minimize the disturbance that short-term rental units may cause to neighboring residents and property owners; and

WHEREAS, because the Town lacks traditional lodging establishments, such as hotels, motels, inns and bed and breakfasts, the Mayor and Council for the Town of Seabrook Island understand the importance of short-term rental units on the economic well-being of the Town; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island further understand that short-term rental units represent a significant source of income for part-time and non-resident property owners, thereby affording those owners an opportunity to offset a portion of their ownership and maintenance costs at times when their properties are not being occupied for personal use; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island believe that establishing minimum requirements for the operation of short-term rental units within the Town will better protect the health, safety and convenience of residents, property owners, renters and guests, while maintaining the ability of property owners to continue renting their properties in return for compensation; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to further amend the DSO to apply these same requirements to residential dwellings which are operated as vacation club units;

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:**

SECTION 1. Amending Section 2.10 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; is hereby amended as follows:

SECTION 1.1. Section 2.10 of the DSO is hereby amended to add definitions for “*Dwelling, Accessory,*” “*Short-Term Rental Unit,*” “*Vacation Club Unit,*” “*Vacation Time Sharing Lease Plan,*” “*Vacation Time Sharing Ownership Plan,*” and “*Vacation Time Sharing Plan,*” which definitions shall read as follows:

Dwelling, Accessory. An attached or detached dwelling on the same lot or parcel as a principal dwelling, which is subordinate to and independent of the principal dwelling.

Short-Term Rental Unit. A residential dwelling that is rented or leased, or offered for rent or lease, as an overnight accommodation for periods of less than thirty (30) consecutive days at any time during a calendar year. A short-term rental unit is generally used by rental guests in a manner that is consistent with the residential character of both the dwelling and the surrounding area. Hotels, motels, inns, and bed and breakfasts are not considered short-term rental units. Vacation time-sharing plans are not considered short-term rental units and are prohibited pursuant to Section 8.70.30 of this ordinance.

Vacation Club Unit. A residential dwelling that is owned, leased or managed by a private membership organization or commercial business entity that is engaged in providing short-term overnight accommodations and related services to its members. Vacation clubs typically own or lease properties on a long-term basis, offer and rent those properties to the club’s members on a short-term basis, and model a membership structure where its members purchase membership levels granting access to a portfolio of properties and personalized services, but does not convey upon its members an ownership interest in the properties. Properties offered by

vacation clubs to members for less than thirty (30) consecutive days are considered short-term rental units, regardless of whether the vacation club is the owner of record, lessee or manager of the property. All applicable references to “owners” in this ordinance shall similarly apply to vacation clubs.

Vacation Time Sharing Lease Plan. Any arrangement, plan, or similar devise, whether by membership agreement, lease, rental agreement, license, use agreement, security, or other means, in which the purchaser receives a right to use accommodations or facilities, or both, but does not receive an ownership interest in real property, for a period or periods of time during a given year, but not necessarily for consecutive years, which extends for a period of more than three years. These lease plans do not include an arrangement or agreement in which a purchaser in exchange for an advance fee and yearly dues is entitled to select from a designated list of facilities located in more than one (1) state, accommodations of companies that operate nationwide in at least nine (9) states in the United States through franchises or ownership, for a specified time period and at reduced rates and under which an interest in real property is not transferred.

Vacation Time Sharing Ownership Plan. Any arrangement, plan, or similar devise, whether by tenancy in common, sale, term for years, deed, or other means, in which the purchaser receives an ownership interest in real property and the right to use accommodations or facilities, or both, for a period or periods of time during a given year, but not necessarily for consecutive years, which extends for a period of more than one (1) year. A vacation time sharing ownership plan may be created in a condominium established on a term for years or leasehold interest having an original duration of thirty years or longer. An interest in a vacation time sharing ownership plan is recognized as an interest in real property for all purposes pursuant to the laws of this State.

Vacation Time Sharing Plan. Either a vacation time sharing ownership plan or a vacation time sharing lease plan. Trusts, partnership interests, undivided interests as tenants in common, corporate shares, or other membership or use interests in a dwelling unit, in which thirteen or fewer undivided interests, corporation shares, partnership interests, trust interests, or other membership or use interests are conveyed, are not considered a vacation time sharing plan or a time sharing unit for purposes of this ordinance.

SECTION 1.2. Section 2.10 of the DSO is hereby amended to delete the definitions for “Dwelling, Rentals” and “Guesthouse.”

SECTION 1.3. Section 2.10 of the DSO is hereby amended to modify the definition for “Family,” which definition shall read as follows:

Family. An individual or group of two (2) or more individuals related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of in-home service providers. The term family shall also include a group of

no more than two (2) unrelated individuals living and cooking together as a single housekeeping unit, as well as any individual or group of individuals who rent property for residential occupancy for a term of thirty (30) consecutive days or longer.

SECTION 1.4. All subsections within Section 2.10 shall be renumbered to conform with the amendments specified herein.

SECTION 2. Amending Subsection 5.20.30 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 5, Zoning District Specifications; Section 5.20, Agricultural-General District (AG); Subsection 5.20.30, Conditional Uses; is hereby amended to read as follows:

§ 5.20.30. *Conditional Uses.*

(a) *Accessory dwelling unit.* An accessory dwelling unit may be permitted by right on any property zoned Agricultural-General, provided the accessory dwelling unit meets all of the following conditions and requirements:

- (1) The parcel containing the accessory dwelling unit shall be at least 1.5 acres in area.
- (2) The accessory dwelling unit shall be located within, or permanently attached to, the principal dwelling.
- (3) No more than one (1) accessory dwelling unit may exist on any parcel.
- (4) The total floor area of the accessory dwelling unit shall not exceed the lesser of fifty percent (50%) of the heated square footage of the principal dwelling, or 900 square feet.
- (5) The applicant shall submit detailed construction plans and obtain all required permits in accordance with the requirements of this ordinance prior to establishing an accessory dwelling unit.
- (6) An accessory dwelling unit may be occupied by non-paying guests of the owners or residents of the principal dwelling, but may not be rented or leased, or offered for rent or lease, as a standalone short-term rental unit.

(b) *Short-term rental unit.* A short-term rental unit may be permitted by right on any property zoned Agricultural-General, provided the short-term rental unit meets all of the following conditions and requirements:

- (1) General requirements for short-term rental units.

- a. *Permit required.* Effective January 1, 2021, an annual short-term rental permit shall be required for all residential dwellings which are rented, or advertised for rent, as a short-term rental unit within the town, including those which were previously rented prior to January 1, 2021. A separate permit shall be required for each short-term rental unit. A short-term rental permit shall remain valid only during the calendar year during which it was issued, unless the permit is modified, suspended, revoked, cancelled or abandoned, pursuant to the procedures set forth in this section.
- b. *Dwelling types.* A short-term rental permit may only be issued for a conforming or legally non-conforming residential dwelling. Accessory structures, including, but not limited to, accessory dwelling units, pool houses and finished rooms over a garage, shall not be permitted as a standalone short-term rental unit, but may be included under a short-term rental permit issued for the principal dwelling. No vehicle, boat, recreational vehicle, storage unit or non-residential structure may be permitted or occupied as a short-term rental unit.
- c. *Rental types.* A dwelling which is permitted to operate as a short-term rental unit may only be advertised and rented as an entire unit. A permit holder may not advertise or rent a portion of a dwelling, such as an individual bed or bedroom. Nothing herein is intended to prohibit or limit a property owner's ability to lock or otherwise restrict guest access to individual rooms, closets or accessory structures.
- d. *Designated agent.* Subject to the provisions of Section 5.20.30(b)(4)(c), a property owner may designate an agent, including, but not limited to, a professional property manager or property management company, who shall be authorized to comply with the conditions and requirements of this section and who may send and receive written communication on behalf of the property owner.
- e. *Local contact.* If the property owner or designated agent does not reside within fifty (50) miles of the rental property, the property owner or designated agent shall identify an individual or individuals who shall serve as a local contact. The local contact must reside within fifty (50) miles of the rental property and, within two (2) hours of receiving notification, be accessible and available to respond to any emergency situation, alleged violation, inquiry or inspection request from the town or any other entity having jurisdiction over the rental property. Changes to the local contact shall be communicated in writing to the Zoning Administrator within three (3) business days.
- f. *Business license required.* The property owner and designated agent, if applicable, shall possess a valid town business license for the

operation of a short-term rental unit, as required by Article 8 of the Town Code.

g. *South Carolina Retail License.* If the short-term rental unit will be rented for more than one (1) week in any calendar quarter, the property owner or designated agent shall obtain a South Carolina Retail License. Upon request, the property owner or designated agent shall furnish documentation of the South Carolina Retail License to the Zoning Administrator within three (3) business days.

h. *Payment of state and local taxes.* If the short-term rental unit is rented for more than fifteen (15) days during any calendar year, the property owner or designated agent shall collect and remit all required state and local taxes as specified below based upon the gross receipts from the rental of the unit. Upon request, the property owner or designated agent shall furnish documentation of the payment of any state and local taxes to the Zoning Administrator within three (3) business days.

1. State and local sales taxes (8%);
2. State accommodations tax (2%);
3. Charleston County accommodations tax (2%); and
4. Any other tax which may be imposed after the effective date of this section.

i. *Maximum occupancy.*

1. *Occupancy limit.* The maximum occupancy for any short-term rental unit shall be as follows:

i. For short-term rental units with less than 2,500 square feet of total finished living area, the maximum occupancy shall be limited to two (2) occupants per code-compliant bedroom, plus two (2) additional occupants for the entire unit.

ii. For short-term rental units with 2,500 square feet of total finished living area or more, the maximum occupancy shall be limited to two (2) occupants per code-compliant bedroom, plus four (4) additional occupants for the entire unit.

iii. Children under the age of two (2) shall not be counted toward the maximum occupancy limit.

2. *Determination of maximum occupancy.* To determine the maximum occupancy of a short-term rental unit, the Zoning Administrator shall use the total number of bedrooms and the total finished living area for that unit, as shown in the current Charleston County tax records.

3. *Administrative appeals.* Property owners or designated agents who believe that the total number of code-compliant bedrooms and/or total finished living area shown in the current Charleston County tax records is incorrect may submit an administrative appeal, as follows:

i. *Appeal of number of bedrooms.* Property owners or designated agents who wish to appeal the total number of code compliant bedrooms within a short-term rental unit shall contact the Charleston County Building Inspections Department to verify the accuracy of the information shown on the current tax records. If the Charleston County Building Inspections Department determines that the actual number of bedrooms is different than the number shown on the current tax records, the property owner or designated agent shall provide written confirmation of the county's findings to the Zoning Administrator. Upon receipt, the Zoning Administrator shall use the revised bedroom count from the Charleston County Building Inspections Department to determine the unit's maximum occupancy.

ii. *Appeal of total finished living area.* Property owners or designated agents who wish to appeal the total finished living area of a short-term rental unit shall submit an appraisal report completed by a licensed South Carolina appraiser no more than five (5) years prior to the date upon which the appeal is submitted. Upon receipt, the Zoning Administrator shall use the total finished living area from the appraisal report to determine the unit's maximum occupancy.

j. *Parking requirements.*

1. *Off-street parking required.* A dwelling which is permitted to operate as a short-term rental unit shall have a minimum of one (1) off-street parking space. The required off-street parking may be provided on the same property as the rental

unit or, if the unit is located within a multi-family development, within that development's common parking area.

2. *On-street parking.* In addition to the required off-street parking, on-street parking shall be allowed for short-term renters and their guests of short-term rental units, ~~subject to the following limitations:~~

~~i. On-street parking shall be prohibited between the hours of 11:00 pm and 7:00 am;~~

~~ii.i.~~ On-street parking shall be prohibited on any street, or any portion of a street, which has been designated as an arterial street, pursuant to Section 16.10.40.10;

~~iii.ii.~~ On-street parking shall be prohibited on any street, or any portion of a street, which has been designated as a "no parking" area by the owner of the street right-of-way;

~~iv.iii.~~ On-street parking shall be prohibited within fifteen (15) feet of a fire hydrant;

~~v.iv.~~ Vehicles parked on the street shall not impair access by emergency vehicles, unreasonably impede the flow of vehicular or pedestrian traffic, or restrict ingress to or egress ~~to or~~ from neighboring properties;

~~vi.v.~~ Vehicles parked on the street shall not block visibility sight lines at any driveway, intersection, or crosswalk;

~~vii.vi.~~ Vehicles parked on the street shall be parked in the direction of traffic; and

~~viii.vii.~~ The owner of any private street within the town may impose stricter parking requirements than those specified herein.

3. *General requirements.* Except as provided in paragraph (2) above, rental guests shall park only within designated parking space(s); parking on or within any yard, landscaped area, fire lane, loading area, median, pathway, or sidewalk shall be prohibited. Vehicles may not be parked within fifteen (15) feet of a fire hydrant or within any area which has been designated

as a “no parking” area. Within shared parking lots, parking shall be prohibited along all access driveways and in any aisle or driving lane. Parking in handicapped spaces shall be permitted only with a valid government-issued parking permit.

4. *Commercial vehicles.* Commercial vehicles larger than a passenger vehicle, vehicles with more than two (2) axles, trailers and heavy machinery shall be prohibited on the premises of all short-term rental units; provided, however, this requirement shall not apply to any vehicle, trailer or heavy machinery which is actively engaged in providing goods or services to the property or to the occupants thereof, such as delivery trucks, moving trucks, landscapers, housekeepers and other contractors.
- k. *Advertising requirements.* When placing an advertisement for a short-term rental unit on any rental platform (such as Airbnb, VRBO, Trip Advisor, etc.) or within any print or online publication (such as classified ads, Craigslist, Facebook Marketplace, etc.), the property owner or designated agent shall clearly list the unit’s current town business license number and maximum occupancy within the advertisement.
- l. *Posting requirements.* The property owner or designated agent shall post, at a minimum, the current business license number, maximum occupancy, fire extinguisher location and the name and phone number of a twenty-four (24) hour emergency contact in a conspicuous location on, or adjacent to, the inside of the door serving as the primary point of ingress and egress to and from the short-term rental unit.
- m. *Information packets required.* The property owner or designated agent shall provide or make available an information packet to all short-term rental guests. The information packet may be provided prior to, or during, the check-in process (either in printed or electronic format) or may be maintained within the rental unit at all times. The information packet shall contain, at a minimum:
 1. The name and phone number of the unit’s twenty-four (24) hour emergency contact;
 2. A current copy of the “Short-Term Rental Rules” flyer which shall be made available by the Zoning Administrator on or before April 30th of each year;

3. A current copy of the “Community Rules” flyer which shall be made available by the Zoning Administrator on or before April 30th of each year;
4. A current copy of the “Emergency Contacts List” flyer which shall be made available by the Zoning Administrator on or before April 30th of each year;
5. A current copy of “Emergency Resources” flyer which shall be made available by the Zoning Administrator on or before April 30th of each year;
6. Notice of any temporary restrictions or requirements currently in place resulting from a declared state of emergency, the issuance of any executive order, or the adoption of any emergency ordinance; and
7. Such other information as may be deemed necessary and proper by the Zoning Administrator to protect the health, welfare and safety of rental guests and the public.

n. *Signage.* No signage ~~of any kind~~ which advertises or identifies a dwelling as a short-term rental unit shall be ~~permitted~~ allowed on the premises of any dwelling that is permitted as a short-term rental unit; provided, however, this requirement shall not apply to letters or numbers which are used for addressing purposes, or for unit identification in a multi-family building.

o. *Unlicensed work.* If a property owner has obtained an exemption from the Charleston County Building Services Department, pursuant to S.C. Code Section 40-59-260, to undertake work on a dwelling which would otherwise be required to be completed by a licensed residential builder or specialty contractor, that dwelling may not be operated as a short-term rental unit for a period of two (2) years after completion of the work.

p. *Other uses.* No property owner, designated agent, renter or guest shall conduct, or allow to be conducted, any commercial activities within, or on the premises of, a short-term rental unit while the unit is being occupied as a short-term rental. Notwithstanding the foregoing, the following activities shall be expressly permitted:

1. Commercial activities undertaken by a renter or guest which are clearly incidental to the residential use of a dwelling and which do not affect the residential character of the residence, including, for example, professional services which are

provided remotely by a temporary occupant of the short-term rental unit, remote processing of payments or other business transactions, engaging in remote meetings or electronic communications, and similar activities; and

2. Outside vendors and contractors who are providing goods or services to renters and their guests, or who are providing goods or services necessary for the continued operation and maintenance of the short-term rental unit.

q. *Inspections.* All short-term rental units shall be subject to inspection at any time, with at least two (2) hours' notice to the property owner, designated agent or local contact, as applicable, to verify compliance with the requirements of this section, current Charleston County Building Codes, and/or any other applicable provision of the Town Code. The Zoning Administrator shall have the authority to request copies of all licenses, permits, receipts, reports or similar information which may be necessary and proper to ensure compliance with the requirements of this section.

(2) Safety requirements for short-term rental units.

a. *Smoke alarms.* Short-term rental units shall be equipped with a working smoke alarm inside each bedroom and outside of each sleeping area. At least one (1) smoke alarm shall be installed on each level of the unit.

b. *Fire extinguishers.* Short-term rental units shall be equipped with at least one (1) fire extinguisher with a minimum rating of 1A:10B:C. The required fire extinguisher shall be located under the kitchen sink or in another location which is easily accessible to rental guests.

c. *Carbon monoxide detectors.*

1. At least one (1) carbon monoxide detector shall be required on each level of the short-term rental unit if the unit is equipped with any one (1) or more of the following:

i. Any type of heater or appliance which ~~is powered by the burning of~~burns fossil fuels;

ii. Any type of generator which ~~is powered by the burning of~~burns fossil fuels;

iii. Any type of fireplace or stove which ~~is powered by the burning of~~burns wood or fossil fuels;

iv. An attached garage.

2. For purposes of this section, the term “fossil fuels” shall include any energy source formed in the Earth's crust from decayed organic material, including petroleum, coal, and natural gas. The term shall also include products which are derived from the refinement or fractionation of fossil fuels, including, without limitation, propane, butane, ethane, gasoline and diesel.

d. *Sprinkler system.* If the short-term rental unit has a fire sprinkler system, the system shall be maintained in good working order. The property owner or designated agent shall be responsible for having a qualified professional inspect the sprinkler system no less than once every twelve (12) months. Upon request, the property owner or designated agent shall furnish documentation of this inspection to the Zoning Administrator within three (3) business days.

e. *General maintenance.* The property owner or designated agent shall be responsible for ensuring that all structural elements (including the interior and exterior of the dwelling, associated decks, stairs, handrails, guardrails, boardwalks, docks and accessory structures), as well as all mechanical, electrical and plumbing systems, are maintained in good working order. Safe means of ingress and egress to and from the unit shall be maintained at all times, and the areas of the property which are under the owner's control shall remain clear of litter and debris.

(3) Permitting requirements.

a. Annual permit required.

1. *Permit Required.* A property owner or designated agent who wishes to operate a short-term rental unit within the town shall apply for and obtain an annual short-term rental permit.

2. *Application.* Short-term rental permit applications shall be submitted on a form made available by the Zoning Administrator for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Article 21, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each short-term rental unit.

3. *Due date.*

- i. *New permits.* Applications for a new short-term rental permit may be submitted at any time during the calendar year; provided, however, the unit may not be rented, or advertised for rent, until a permit has been issued.
- ii. *Permit renewals.* Applications for the renewal of a short-term rental permit must be submitted annually on or before the deadline for obtaining a town business license, as specified in Chapter 8 of the Town Code. A short-term rental unit which was duly permitted and in good standing as of December 31st of the preceding calendar year may continue to operate beyond January 1st of the subsequent calendar year; provided, however, a renewal application must be received on or before the deadline specified herein.

4. *Criteria for approval.* The Zoning Administrator shall approve the issuance of a short-term rental permit only if he or she finds that the dwelling meets all of the conditions and requirements of this section and any other applicable provision of the Town Code. Prior to acting on an application, the Zoning Administrator or his designee may inspect the property for compliance with the provisions of this section. The Zoning Administrator may also require the applicants to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions contained herein.

5. *Action on application.* The Zoning Administrator shall render a decision on each permit application within thirty (30) calendar days following receipt. If the Zoning Administrator requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information within ten (10) business days shall be deemed a withdrawal of the permit application.

6. *Notification.* The Zoning Administrator's decision shall be communicated in writing to the property owner or designated

agent. For purposes of this section, the issuance of a short-term rental permit shall constitute notice of approval.

7. *Expiration.* Upon issuance, an annual short-term rental permit shall remain valid until December 31st of the calendar year during which it was issued, unless the permit is subsequently modified, suspended, revoked, cancelled or abandoned, pursuant to the procedures set forth in this section. A short-term rental unit which was duly permitted as of December 31st of the preceding calendar year may continue to operate while a permit application is pending review if the permit application for the subsequent calendar year was received on or before the deadline specified herein.

b. Modification of existing short-term rental permits.

1. *Application.* A property owner or designated agent who wishes to modify an existing short-term rental permit which is in good standing shall first submit an application for permit modification. The application shall be made on a form made available by the Zoning Administrator for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Article 21, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each permit which is proposed to be modified. An existing short-term rental permit may be modified for any one (1) or more of the following reasons:

- i. Transfer of property ownership to one (1) or more individuals who are related by blood, adoption or marriage to the current owner of record;
- ii. Transfer of property ownership to a trust, partnership, corporation or similar entity in which the current owner of record retains an ownership stake of at least fifty (50%) percent;
- iii. Transfer of property ownership to the heirs of the current owner of record following their death;
- iv. Transfer of property ownership resulting from a court order;

- v. Any change to the rental unit's maximum occupancy due to the addition or deletion of code-compliant bedrooms within the dwelling; and
 - vi. Designation of a new agent.
2. *Criteria for approval.* The Zoning Administrator shall approve the issuance of a short-term rental permit modification only if he or she finds that the dwelling continues to meet all of the conditions and requirements of this section and any other applicable provision of the Town Code. Prior to acting on an application, the Zoning Administrator or his designee may inspect the property for compliance with the provisions of this section. The Zoning Administrator may also require the applicants to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions contained herein.
 3. *Action on application.* The Zoning Administrator shall render a decision on each modification request within thirty (30) calendar days following receipt. If the Zoning Administrator requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information within ten (10) business days shall be deemed a withdrawal of the modification request. A short-term rental unit which was duly permitted as of the date the modification request was received may continue to operate while the modification request is under review.
 4. *Notification.* The Zoning Administrator's decision shall be communicated in writing to the property owner or designated agent. For purposes of this section, the issuance of a permit modification shall constitute notice of approval.
 5. *Expiration.* Upon issuance, a modified short-term rental permit shall remain valid for the remainder of the calendar year during which it was issued, unless the permit is further modified, suspended, revoked, cancelled or abandoned, pursuant to the procedures set forth in this section.
- c. *Appeals.* Any person who is aggrieved by a decision of the Zoning Administrator to approve or deny the issuance of a new or modified short-term rental permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 19.40 of this ordinance.

(4) Violations.

a. *Violations defined.* It shall be a violation of this section to:

1. Operate a short-term rental unit without complying with the conditions and requirements of this section and any other applicable provision of the Town Code;
2. Advertise, offer, or otherwise make available a property as a short-term rental unit without complying with the conditions and requirements of this section and any other applicable provision of the Town Code;
3. Falsify or misrepresent material facts on a short-term rental permit application;
4. Advertise the maximum occupancy of a short-term rental unit in excess of the number allowed pursuant to this section;
5. Increase the maximum occupancy of a short-term rental unit without obtaining town approval of a permit modification;
6. Advertise or rent an accessory structure, including, but not limited to, an accessory dwelling unit, pool house or finished room over a garage, as an independent short-term rental unit;
7. Advertise or rent only a portion of a dwelling for short-term occupancy, such as an individual bed or bedroom;
8. Conduct any commercial activity within, or on the premises of, a short-term rental unit while the unit is being occupied as a short-term rental, unless expressly allowed by this section;
9. Fail to respond any emergency situation, alleged violation or public complaint communicated by the town, or any inquiry or inspection request within two (2) hours of notification; and
10. Advertise or rent any short-term rental unit after receiving notice of suspension, abandonment, revocation, or cancellation of a short-term rental permit.

b. *Penalties.* Any person violating any provision of this section shall be guilty of a misdemeanor and subject to the enforcement provisions of Article 18. Punishment for any violation shall not relieve the offender of any liability for delinquent taxes, penalties, and any other costs.

- c. *Liability of property owners.* A property owner shall not be relieved from any personal responsibility and personal liability for noncompliance with any applicable law, rule or regulation pertaining to the advertising, use and rental of a dwelling as a short-term rental unit, regardless of whether such noncompliance was committed by the property owner's designated agent, local contact, renter or guest of the short-term rental unit.
- d. *Liability of designated agents.* A designated agent shall be jointly and severally liable for noncompliance with any applicable law, rule or regulation pertaining to the advertising, use and rental of a dwelling as a short-term rental unit~~any violations occurring at any~~ which occurs at a short-term rental unit managed by the agent within the town.

(5) Suspension, revocation and cancellation of short-term rental permits.

a. *Suspension of permit.*

1. *Criteria for suspension.* In addition to all other applicable fines and penalties, the Zoning Administrator may suspend a short-term rental permit, as follows:

- i. If the property owner and/or designated agent fail to possess a valid town business license for the operation of a short-term rental unit, as required by Article 8 of the Town Code, the Zoning Administrator may suspend the short-term rental permit for that unit until all required business licenses have been obtained.
- ii. If the property owner or designated agent is found guilty by admission or by the Municipal Judge of committing three (3) or more violations of any other condition or requirement specified in this section during the preceding twelve (12) months, the Zoning Administrator may suspend the short-term rental permit for that unit for a period of sixty (60) days. A suspension during the final 60 days of any calendar year shall continue into the following calendar year.

2. *Notification.* In instances where a short-term rental permit has been suspended pursuant to this section, the Zoning Administrator shall provide written notice to the property

owner and, if applicable, the designated agent by certified mail or hand delivery.

3. *Cessation of operation.* Upon receipt of the notice of suspension, the property owner or designated agent shall immediately cease operation of the short-term rental unit and remove all advertisements for future short-term rentals. The property owner and designated agent, if applicable, of any property which is being advertised to, or occupied by, short-term rental guests after receiving the notice of suspension shall be subject to the enforcement and penalty provisions of this ordinance.
4. *Reinstatement.* A property owner or designated agent may apply for reinstatement of a suspended short-term rental permit by submitting a completed application for reinstatement along with a non-refundable reinstatement fee, as provided in Article 21. The Zoning Administrator shall reinstate the short-term rental permit if he or she finds that:
 - i. The property owner or designated agent has corrected all outstanding violations to the satisfaction of the Zoning Administrator;
 - ii. The property owner and designated agent have paid all applicable fees and penalties in full; and
 - iii. For permits suspended due to three (3) or more violations during the preceding twelve (12) months, a minimum of sixty (60) days has lapsed from the date upon which the permit was suspended.
5. *Abandonment.* If a property owner or designated agent fails to submit an application for reinstatement within ninety (90) days from the date upon which the permit was suspended, the permit shall be deemed abandoned. Once a short-term rental permit has been abandoned, any request to re-establish a short-term rental unit on the property shall be treated as a new application.

b. *Revocation of permit.*

1. *Criteria for revocation.* In addition to all applicable fines and penalties, the Zoning Administrator may revoke a short-term rental permit due to any one (1) or more of the following:
 - i. The property owner to whom the short-term rental permit was issued is no longer the owner of record and neither the current owner nor the former owner modified the permit, as provided herein, within thirty (30) days following the date upon which the property was transferred;
 - ii. The dwelling has been destroyed, damaged beyond repair, or condemned by the Charleston County Building Inspections Department as unfit for human habitation;
 - iii. The property owner has obtained an exemption from the Charleston County Building Services Department, pursuant to S.C. Code Section 40-59-260, to undertake work which would otherwise be required to be completed by a licensed residential builder or specialty contractor;
 - iv. The Zoning Administrator determines that the property owner or designated agent falsified or misrepresented one (1) or more material facts on the short-term rental permit application;
 - v. The property owner or designated agent continues to advertise and/or rent a short-term rental unit after receiving notice of suspension;
 - vi. The short-term rental permit has been suspended two (2) or more times in any twenty-four (24) month period; or
 - vii. The occurrence of any violation which results in death or gross bodily injury to any person, causes substantial damage or destruction of property, or creates a substantial threat to public health and safety, regardless of whether the violation was committed by the property owner, designated agent, local contact person, renter or guest.

2. *Notification.* In instances where a short-term rental permit has been revoked pursuant to this section, the Zoning Administrator shall provide written notice to the property owner and, if applicable, the designated agent by certified mail or hand delivery.
3. *Cessation of operation.* Upon receipt of the notice of revocation, the property owner or designated agent shall immediately cease operation of the short-term rental unit and remove all advertisements for future short-term rentals. The property owner and designated agent, if applicable, of any property which is being advertised to, or occupied by, short-term rental guests after receiving the notice of revocation shall be subject to the enforcement and penalty provisions of this ordinance.
4. *Re-establishment.* A property owner or designated agent may not apply for a new short-term rental permit at the same location for a period of twelve (12) months following the date of revocation.

c. *Cancellation of permit.* A property owner or designated agent may request the cancellation of a short-term rental permit at any time and for any reason. All requests for cancellation shall be submitted in writing to the Zoning Administrator. Upon receiving the request, the Zoning Administrator shall cancel the short-term rental permit and provide written confirmation to the property owner and, if applicable, the designated agent. Any property owner or designated agent who cancels a permit while the permit is in good standing may reapply for a new permit at any time.

d. *Appeals.* Any person who is aggrieved by a decision of the Zoning Administrator to suspend or revoke a short-term rental permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 19.40 of this ordinance.

(c) *Vacation club unit.* A vacation club unit may be permitted by right on any property zoned Agricultural-General, provided the vacation club unit meets all of the following conditions and requirements:

- (1) The vacation club and the property owner, if different from the vacation club, shall possess a valid town business license.

- (2) If the vacation club unit is rented for more than fifteen (15) days during any calendar year, the vacation club shall collect and remit all required state and local taxes as specified below based upon the gross receipts from the rental of the unit. Upon request, the vacation club shall furnish documentation of the payment of any state and local taxes to the Zoning Administrator within three (3) business days.
 - a. State and local sales taxes (8%);
 - b. State accommodations tax (2%);
 - c. Charleston County accommodations tax (2%); and
 - d. Any other tax which may be imposed after the effective date of this section.
- (3) The vacation club shall provide no other commercial services on the premises of the vacation club unit.
- (4) The vacation club unit shall meet all other requirements applicable to short-term rental units, as specified in Section 5.20.30(b)(1) through (5).

SECTION 3. Amending Subsection 5.30.30 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 5, Zoning District Specifications; Section 5.30, Single-Family Residential District (SR); Subsection 5.30.30, Conditional Uses; is hereby amended to read as follows:

§ 5.30.30. *Conditional Uses.*

- (a) *Accessory dwelling unit.* An accessory dwelling unit may be permitted by right on any property zoned Single-Family Residential, provided the accessory dwelling unit meets all of the conditions and requirements specified in Section 5.20.30(a)(1) through (6).
- (b) *Short-term rental unit.* A short-term rental unit may be permitted by right on any property zoned Single-Family Residential, provided the short-term rental unit meets all of the conditions and requirements specified in Section 5.20.30(b)(1) through (5).
- (c) *Vacation club unit.* A vacation club unit may be permitted by right on any property zoned Single-Family Residential, provided the vacation club unit meets all of the conditions and requirements specified in Section 5.20.30(c)(1) through (4).

SECTION 4. Amending Subsection 5.40.50 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 5, Zoning District Specifications; Section 5.40, Planned Development District (PDD); Subsection 5.40.50, PDD Conditional Uses; is hereby amended to read as follows:

§ 5.40.50. *PDD Conditional Uses.* Conditional uses will be dictated by the location, size of the parcel, uses and densities requested and their effect on neighboring developments and must comply with the review of criteria set forth in Article 20.

§ 5.40.50.10. *Industrial and manufacturing uses.* Conditional uses involving industrial and/or manufacturing uses shall not be permitted.

§ 5.40.50.20. *Communication towers and antennae.* Communication towers and antennae in compliance with the criteria in Article 8 shall be allowed only in the Camp St. Christopher Planned Development.

§ 5.40.50.30. *Accessory dwelling unit.* An accessory dwelling unit may be permitted by right on any property which is zoned for single-family residential use within an approved Planned Development District, provided the accessory dwelling unit meets all of the conditions and requirements specified in Section 5.20.30(a)(1) through (6).

§ 5.40.50.40. *Short-term rental unit.* A short-term rental unit may be permitted by right on any property zoned for single-family or multi-family residential use within an approved Planned Development District, provided the short-term rental unit meets all of the conditions and requirements specified in Section 5.20.30(b)(1) through (5).

§ 5.40.50.50. *Vacation club unit.* A vacation club unit may be permitted by right on any property zoned for single-family or multi-family residential use within an approved Planned Development District, provided the vacation club unit meets all of the conditions and requirements specified in Section 5.20.30(c)(1) through (4).

SECTION 5. Amending Subsection 8.70.30 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 8, General Development Requirements; Section 8.70, Restricted Uses; Subsection 8.70.30, Time Sharing; is hereby amended to read as follows:

§ 8.70.30. *Time Sharing.* No lot or other residential unit in the Town of Seabrook Island may be used for, be subject to, rented, leased, sold or otherwise operated as a Vacation Time Sharing Plan."

SECTION 6. Severability.

If any part 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 7. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8 Effective Date.

This ordinance shall be effective from and after ~~the date of adoption~~ January 1, 2021.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

First Reading: October 27, 2020
Public Hearing: November 17, 2020
Second Reading: November 17, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-15

ADOPTED _____

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 21, FEES; SO AS TO AMEND THE FEE SCHEDULE FOR VARIOUS APPLICATION AND SERVICE FEES

WHEREAS, Article 21 of the Development Standards Ordinance for the Town of Seabrook Island (hereafter, the “DSO”) establishes a schedule of fees (hereafter, the “Fee Schedule”) for various activities which are subject to prior review and approval by the Town pursuant to the requirements of the DSO; and

WHEREAS, the Town has not conducted a comprehensive review and update of its Fee Schedule since the current Fee Schedule was last updated on May 10, 1990; and

WHEREAS, in reviewing and updating its Fee Schedule, the Mayor and Council considered the Town’s actual costs of providing such services, including, but not limited to: personnel, equipment, professional consultants, public meeting costs, public notice, supplies and transportation; and

WHEREAS, as part of the review process, the Town also reviewed the current fee schedules of Charleston County and neighboring municipalities; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island believe that amending the Fee Schedule is in the best interest of the town and will provide for efficient and effective administration and enforcement of the requirements contained within the DSO;

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:**

SECTION 1. Amending Article 21 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 21, Fees; is hereby amended to read as follows:

ARTICLE 21. FEES

Sec. 21.10. Application and Service Fees.

To defray a portion of the costs associated with administration and enforcement of this ordinance, application and service fees will shall be levied in accordance with a the current Fee Schedule as adopted and modified pursuant to this Ordinance article, to defray part of the expenses associated with application processing. Fees are shall be due upon submission of any application or request which is subject to the charging of an application or service fee for land development approvals and permits.

Sec. 21.20. ~~Document Fees, Fee Schedule.~~

~~The Fee Schedule attached hereto as "Attachment A" is hereby adopted by reference as if fully set forth in this section. Fees for copies of Ordinances, regulations, maps, plans and similar materials may be collected by the Town to defray copying costs. Fees shall be based upon current costs. Council may amend the Fee Schedule from time-to-time by ordinance.~~

Sec. 21.30. ~~Fee Schedule Changes.~~

~~The Fee Schedule, as adopted by Town Council, may be changed from time to time by action of the Zoning Administrator, upon ratification by resolution of Town Council.~~

Sec. 21.40. ~~Administration.~~

~~Administration of fees and fee work shall be under the Zoning Administrator working in conjunction through agreement with Charleston County for obtaining the services of the Charleston County Department of Building Inspection Services for the Town of Seabrook Island.~~

Sec. 21.50. ~~Fee Schedule.~~

~~The currently applicable Fee Schedule is set forth in Attachment "A" hereto.~~

SECTION 2. Severability.

If any part 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 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date.

This ordinance shall be effective from and after January 1, 2021.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

First Reading: October 27, 2020
Public Hearing: November 17, 2020
Second Reading: November 17, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk

ATTACHMENT A

Fee Schedule

Service	Fee Amount
A. Zoning Permit Fees (Including Site Plan Review)	
1. Residential Zoning Permit: Single-Family & Duplex	
a. New Construction	\$200.00
b. Addition	\$150.00
c. Major Renovation (> 50% Fair Market Value)	\$200.00
d. Minor Renovation (≤ 50% Fair Market Value)	\$25.00
e. Minor Repairs & Maintenance	No Charge
2. Residential Zoning Permit: Multi-Family	
a. New Construction	\$350.00
b. Addition	\$250.00
c. Major Renovation (> 50% Fair Market Value)	
i. Administrative Review Only	\$250.00
ii. Planning Commission Review	\$350.00
d. Minor Renovation (≤ 50% Fair Market Value)	
i. Administrative Review Only	\$25.00
ii. Planning Commission Review	\$150.00
e. Minor Repairs & Maintenance	No Charge
3. Non-Residential Zoning Permit	
a. New Construction	\$350.00
b. Addition	\$250.00
c. Major Renovation (> 50% Fair Market Value)	
i. Administrative Review Only	\$250.00
ii. Planning Commission Review	\$350.00
d. Minor Renovation/Upfit (≤ 50% Fair Market Value)	
i. Administrative Review Only	\$25.00
ii. Planning Commission Review	\$150.00
e. Minor Repairs & Maintenance	No Charge
f. Communication Towers and Antennae	
i. New Communications Tower	\$1,000.00
ii. Antenna Installation	\$150.00
4. Accessory Use / Structure Permit	
a. HVAC equipment and associated stands; generator equipment and associated stands; uncovered decks, patios and steps; boardwalks and docks; driveways and walkways; swimming pools and spas; fire pits; retaining walls; fences; propane tanks; and similar structures.	\$50.00
5. Change of Use / Occupancy Permit	
a. Change of Use / Occupancy Classification	\$50.00
6. Home Occupation Permit	
a. Home Occupation	\$25.00
7. Short-Term Rental Permit	
a. Short-Term Rental Permit – New	\$250.00
b. Short-Term Rental Permit – Renewal	\$250.00
c. Modification of Existing Short-Term Rental Permit	
i. Change of Owner, Agent or Local Contact	\$25.00
ii. All Other Modifications	\$125.00
d. Reinstatement of Suspended Short-Term Rental Permit	\$125.00

8. Temporary Use Permit	
a. Events & Activities ≤ 3 Days in Duration	\$35.00
b. Events & Activities > 3 Days in Duration	\$100.00
9. Sign Permit	
a. Freestanding Sign	\$20.00 + \$1.00 Per Sq. Foot
b. Building Sign (Awning, Door, Wall, Window, etc.)	\$20.00
c. Reface or Repair of Existing Sign	\$20.00
d. Temporary Sign	\$10.00
10. Tree Removal Permit	
a. Trees < 12" DBH	No Permit Required
b. Trees ≥ 12" DBH & Subject to ARC Approval	No Permit Required
c. Trees ≥ 12" DBH	No Charge
11. Post Facto Surcharge	
A "Post Facto Surcharge" equal to 100% of the permit amount shall be assessed in instances where work has commenced prior to obtaining a required permit. This surcharge shall be in addition to any other fines penalties which may be assessed, if applicable.	
B. Building Permit & Inspection Fees	
1. Building Permits & Inspections (Charleston County)	
Pursuant to Section 6-2 of the Town Code, all fees imposed by Charleston County for permitting and inspection services are adopted by reference and shall be paid directly to the County.	
C. Subdivision Plat Review & Recording Fees	
1. Plat Review Fees	
a. Exempt Plat	\$50.00
b. Preliminary Plat	
i. Minor Subdivision (≤ 10 Lots)	\$300.00
ii. Major Subdivision (> 10 Lots)	\$300.00 + \$10.00 Per Lot
c. Final Plat	
i. Minor Subdivision (≤ 10 Lots)	\$150.00
ii. Major Subdivision (> 10 Lots)	\$150.00 + \$10.00 Per Lot
2. Recording Fees	
a. Plat Recording Fee	\$100.00 + \$25.00 Per Page
D. Boundary, Map & Text Amendment Fees	
1. Boundary Amendments	
a. Application for Annexation	
i. Standard Zoning Designation	\$250.00
ii. Conservation Zoning Designation	\$100.00
iii. PDD, PUD & Mixed-Use Zoning Designation	\$1,250.00 + \$10.00 Per Acre
2. Map Amendments (Rezoning)	
a. Application for Rezoning	
i. Standard Rezoning	\$250.00
ii. Conservation Rezoning	No Charge
iii. PDD, PUD & Mixed-Use Rezoning	\$1,000.00 + \$10.00 Per Acre
3. Text Amendments	
a. Application for DSO Text Amendment	\$250.00
b. Application for Comprehensive Plan Amendment	\$250.00
E. Board & Commission Review Fees	
1. Board of Zoning Appeals	
a. Application for Appeal of Administrative Decision	\$150.00
b. Application for Special Exception	\$300.00

c. Application for Variance	\$300.00
2. Planning Commission	
a. Application for Address Change	\$25.00
b. Application for Appeal of Administrative Decision	\$150.00
c. Application for Encroachment Permit (Curb Cut)	
i. New Curb Cut	\$500.00
ii. Modification of Existing Curb Cut	\$250.00
d. Application for Lot Variance	\$150.00
e. Application for Street Name Change	\$150.00 + \$25.00 Per Address
F. Other Services	
1. Copies (Printed)	
a. Comprehensive Plan	\$25.00
b. Development Standards Ordinance	\$25.00
c. Zoning Map (Large Copy)	\$25.00
d. Black & White Copies	
i. 8.5 inches x 11 inches	\$0.10 Per Page
ii. 11 inches x 17 inches	\$0.20 Per Page
e. Color Copies	
i. 8.5 inches x 11 inches	\$0.25 Per Page
ii. 11 inches x 17 inches	\$0.50 Per Page
2. Field Verification Fee	
a. At the Zoning Administrator’s discretion, a field verification fee may be charged in lieu of submitting a property survey in instances when the Zoning Administrator reasonably believes that compliance may be determined by field verification.	\$75.00
3. Outside Professional Services & Consultants	
a. The Zoning Administrator may engage outside professional service providers and consultants (such as architects, attorneys, engineers and other professionals) when such services are deemed necessary to review or evaluate an application or request.	Actual Cost + 10% Administrative Fee
4. Verification Letters	
a. Flood Zone Verification Letter	\$20.00
b. Zoning District Verification Letter	\$20.00

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-18

ADOPTED _____

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 2, DEFINITIONS AND INTERPRETATION OF TERMS; SECTION 2.10, DEFINITIONS; SO AS TO ADD DEFINITIONS FOR “BASE FLOOD ELEVATION (BFE),” “DESIGN FLOOD ELEVATION (DFE),” AND “FREEBOARD,” AND TO AMEND THE DEFINITIONS FOR “BUILDING HEIGHT” AND “FLOOD HAZARD DISTRICT”; AND ARTICLE 7, LOT AND BUILDING REQUIREMENTS; SECTION 7.90, HEIGHT LIMITATIONS; SO AS TO AMEND THE MAXIMUM HEIGHT REQUIREMENT FOR STRUCTURES WITHIN THE TOWN

WHEREAS, on November 17, 2020, the Mayor and Council of the Town of Seabrook Island gave final reading approval to Ordinance 2020-12, which adopted the updated Charleston County Flood Damage Prevention and Protection Ordinance, by reference; and

WHEREAS, the new Flood Insurance Rate Maps (FIRM), which were prepared and adopted by the Federal Emergency Management Administration (FEMA), will become effective on January 29, 2021; and

WHEREAS, Article 2 of the Development Standards Ordinance for the Town of Seabrook Island (hereafter, the “DSO”) currently defines the height of a structure as the vertical distance from the base flood elevation (BFE) to the highest point of the roof; and

WHEREAS, because many properties throughout the Town will have a lower BFE as a result of the new FIRM, the maximum height allowed for structures on these properties must also be reduced in relation to Mean Sea Level (MSL); and

WHEREAS, the Town is also currently in the process of reviewing and updating its DSO, with adoption of a new ordinance not expected to take place earlier than the first quarter of 2021; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island believe that amending Sections 2.10(h), 7.90 and 7.100 will remove existing conflicts between various sections of the DSO and the Town Code town related to building heights and, further, will allow new development that is consistent with the character and scale of existing development until the new DSO can be adopted;

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:**

SECTION 1. Amending Section 2.10 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; Paragraph (h), Building Height; is hereby amended to read as follows:

SECTION 1. Amending Section 2.10 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; is hereby amended as follows:

SECTION 1.1. Section 2.10 of the DSO is hereby amended to add a definitions for “Base Flood Elevation,” “Design Flood Elevation,” and “Freeboard,” which definitions shall read as follows:

Base Flood Elevation (BFE). The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is determined by the Federal Emergency Management Administration (FEMA) and shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

Design Flood Elevation (DFE). The minimum elevation required for structures within a Special Flood Hazard Area (SFHA). The DFE shall be the combination of the mandatory Base Flood Elevation (BFE) plus the required Freeboard.

Freeboard. An additional elevation, expressed in feet above the mandatory Base Flood Elevation (BFE), which is required for the purposes of public safety and flood plain management. The required Freeboard shall be as established by the Charleston County Flood Damage Prevention and Protection Ordinance, which was adopted by reference pursuant to Section 20-22 of the Town Code.

SECTION 1.2. Section 2.10 of the DSO is hereby amended to modify the definition for “Building Height” and “Flood Hazard District,” which definitions shall read as follows:

Building Height. The vertical distance measured from the ~~base~~ Design Flood Elevation (DFE), or ground level if the structure is not in a Special Flood Hazard Area, as established by Town Code Title V, Chapter 2, to the highest point of the roof.

Special Flood Hazard District Area (SFHA). That area designated by the Federal Emergency Management Administration (FEMA) on ~~official flood hazard area maps,~~ subject to a one percent or greater change [chance] of flooding in any given year. the Flood Insurance Rate Map (FIRM) as being subject to inundation by a flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

SECTION 1.3. All subsections within Section 2.10 shall be renumbered to conform with the amendments specified herein.

SECTION 2. Amending Section 7.90 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 7, Lot and Building Requirements; Section 7.90, Height Limitations; is hereby amended to read as follows:

Sec. 7.90. - Height Limitations.

The maximum height ~~restriction~~ for any building in the Town shall be thirty-six (36) feet above ~~base-the design~~ flood elevation, ~~as required by Section 20-22 of the Town Code established by the Town's ordinances.~~ as required by Section 20-22 of the Town Code

§ 7.90.10. Multi-family and commercial buildings may increase the maximum allowable height by one (1) additional foot for each three (3) feet of additional front yard setback, with a maximum height of forty (40) feet above the required ~~base-design~~ flood elevation ~~as established by Town Code.~~

~~§ 7.90.20. The maximum height for any single family residential structure shall be thirty-six (36) feet above the combination of the base flood elevation and the Charleston County Building Department's minimum freeboard requirement as set forth and defined in the County's applicable rules, regulations and ordinances in effect at such time. In the event there exist elevations which are higher than the base flood elevation combined with the County's freeboard requirement as defined above, and such land is located within the building's footprint, then the maximum height of thirty-six (36) feet shall be measured from whichever is greater. Special provisions for residential structures permitted between January 29, 2021 and July 31, 2021. For residential structures which are permitted between January 29, 2021 and July 31, 2021, the maximum height limitation may be measured from the design flood elevation in effect as of December 15, 2020; provided 1) the design flood elevation required on December 15, 2020 was higher than that required from and after January 29, 2021; and 2) the lowest floor elevation of the residential structure shall also comply with the design flood elevation required on December 15, 2020.~~

~~§ 7.90.30. Exemptions. Height limitations of this Ordinance shall not apply to monuments, water towers, transmission towers, utility poles, chimneys, flag poles or farm structures not intended for human occupancy. They do, however, apply to decks, widow walks, etc., erected on top of structures. Exceptions to height limitations. Unless otherwise expressly stated, the height limitations of this Ordinance shall not apply to any of the following:~~

~~§ 7.90.10. Farm buildings in the AG or AGC zoning districts;~~

~~§ 7.90.20. Electrical power transmission lines;~~

§ 7.90.30. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or

§ 7.90.40. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33 1/3 percent of the area of the roof.

SECTION 3. Severability.

If any part 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 4. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Effective Date.

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

First Reading: November 17, 2020
Public Hearing: November 17, 2020
Second Reading: December 15, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk