

ARTICLE 20: AMENDMENTS TO THE ORDINANCE AND MAP

Section 20.10 General Provisions

§20.10.10 Ordinance Amendments

Town Council of the Town of Seabrook Island may adopt amendments to these regulations provided that all amendments not proposed by the Planning Commission shall be submitted to the Planning Commission of the Town of Seabrook Island for its consideration and recommendations.

§20.10.20 Map Amendments

The Official Zoning Map may be amended from time to time by Town Council, either on its own initiative or in response to a petition from a landowner with respect to his property.

§20.10.30 Required Review

The Planning Commission is responsible for studying all requests for zoning changes and proposed ordinance amendments and submitting its recommendations to the Town Council for action.

§20.10.40 Public Hearing Required

Pursuant to §6-29-760 of the SC Code of Laws, no amendment to this Ordinance or map shall be considered by Town Council, until a public hearing that has been advertised and conducted according to procedures prescribed in the following Section, is held. (Ordinance 2004-04, 8/24/04)

Section 20.20 Zoning Change Applications

Zoning Change applications may be proposed by the Town Council, the Planning Commission or any individual, corporation or agency owning or having a vested interest in the property to be rezoned.

§20.20.10

In no instance shall a property owner or owners initiate action for a zoning change affecting the same parcel of property, or any part thereof, more often than once every twelve (12) months. (Ordinance 1995-06, 6/8/95)

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All requests by landowners for changes in the zoning classification of their property must be submitted in writing to the Zoning Administrator, who shall review all proposed amendments within fifteen (15) days of receiving a complete application. (Ordinance 1995-06, 6/8/95) (Ordinance 2004-04, 8/24/04)

§20.20.20.10 Complete Applications. An application for any change or amendment to the Official Zoning Map shall be deemed as “complete” when it includes the following minimum information: (Ordinance 2004-04, 8/24/04)

- (a) A legal description and street address of the subject property, together with a property boundary map if subject property is not explicitly delineated on the Zoning Map;
- (b) Name, address, and phone number of applicant;
- (c) Name of property owner(s) and applicant’s interest in the property if not the owner in fee simple title;
- (d) Filing date of application;
- (e) Existing and proposed zoning and existing use of tract proposed for rezoning;
- (f) Zoning and land uses of adjacent properties;
- (g) A traffic study, where applicable. The Zoning Administrator may waive the requirement for submission of a traffic study if in his/her opinion uses permitted in the proposed zoning district will not significantly change the traffic generation from those permitted by the existing zoning.
- (h) Any other information deemed relevant by the Zoning Administrator; and
- (i) Applicant’s and property owner’s signatures witnessed by the Planning Director or notarized.
- (j) When a proposed amendment to the Official Zoning Map is initiated by individuals or parties other than County Council or the Planning Commission, each application shall be accompanied by a fee to cover administrative and advertising expenses associated with its processing as specified in the most recent fee schedule adopted by Town Council.

§20.20.20.20 Planned Developments. An application for a change to the Official Zoning Map to establish a new Planned Development district shall be deemed as

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“complete” when it includes the following additional information: (Ordinance 2004-04, 8/24/04)

(a) A reproducible vellum of the proposed Master or Concept Development Plan for the Planned Development which shall include the following:

- (1) A survey showing property boundary lines, metes and bounds, utility transmission lines and public rights of way crossing and adjacent to the subject property, with vicinity map, title block, scale, and north arrow and total number of acres of overall site.
 - (2) A land use plan depicting the type (e.g., single-family detached, recreation, office, commercial, etc.), location, nature and approximate number of acres, proposed density and lot requirements of each sub area or land bay to be developed.
 - (3) The maximum number of dwelling units and/or buildings and density of various residential types proposed.
 - (4) The maximum total square feet of building floor area proposed for nonresidential uses by type of use, sub area or land use area.
 - (5) Primary traffic circulation pattern, illustrating existing and proposed abutting roadways, proposed major points of ingress and egress to the development, and primary internal trafficways.
 - (6) Proposed parking and landscaping requirements and design guidelines for structures to be developed.
 - (7) Delineation and description of open space and buffer areas.
 - (8) An indication that an acceptable drainage system can be designed for the proposed project.
 - (9) Any such information or descriptions as may be deemed reasonably appropriate for review.
- (Ordinance 2007-01, 3/27/07)

(b) **Statement of Intent.** Three (3) copies of a report setting forth the characteristics of the proposed Planned Development including the following:

- (1) A statement setting forth the proposed development schedule.

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- (2) A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
- (3) A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed Planned Development.
- (4) A statement concerning the appearance, landscaping, screening, and maintenance of any proposed pond, lake, or retention pond contained in the development.
- (5) A statement identifying easements and covenants relating to the establishment of common open space or service facilities within the planned development, and establishment of an entity responsible for the management thereof.
- (6) A marketing report supporting the commercial land use data.
- (7) Any such information or descriptions as may be deemed reasonably appropriate for review.

(Ordinance 2007-01, 2/27/07)

Section 20.30 Zoning Administrator's Review

The Zoning Administrator shall review all proposed amendments and shall make recommendations to the Planning Commission within fifteen (15) days of the submission of an amendment request. (Ordinance 1995-06, 6/8/95)

Section 20.40 Review Criteria (Ordinance 2004-04, 5/25/04)

In considering a zoning change application or text amendment, the following shall be considered:

- (a) Whether the proposed rezoning is consistent with the adopted comprehensive plan;
- (b) Whether the proposed rezoning is consistent with the intent and purpose of the zoning ordinance and the district regulations being amended;

§20.40.10 Rezoning Review Criteria

The following shall also be considered in the review of a zoning change proposal:

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- (a) Whether there are any changed or changing conditions in the area affected that make approval of the request appropriate;
- (b) Whether the range of uses permitted in the zoning district being requested are compatible with uses permitted on property in the immediate vicinity;
- (c) Whether adequate utilities, septic and water, transportation and other public services exist or can be provided to serve the uses that could be developed on the property if rezoned;
- (d) The effect of the uses that would be permitted by the proposed rezoning on the structural capacity of soils;
- (e) The effect of uses that would be permitted by the proposed rezoning on stormwater drainage, runoff and absorption, and the affect such will have on ground and surface water quality;
- (f) The impact that uses permitted by the proposed rezoning would have on the volume of vehicular and pedestrian traffic or traffic safety;
- (g) Whether the proposed rezoning would implement sufficient measures to mitigate potential impacts of construction traffic on existing neighborhoods during development;
- (h) Whether a reasonably viable economic use of the subject property exists under current zoning;
- (i) Whether the proposed rezoning encourages economic development activities in areas designated for such activity in the comprehensive plan;
- (j) Whether the proposed rezoning encourages conservation of properties and land values and the most appropriate use of land in the Town;
- (k) The potential effect of the proposed rezoning on natural, scenic, archaeological or historic features of significance;
- (l) The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, and water and air quality.
- (m) Whether development under the proposed zoning will make reasonable provision for recreation facilities and open space to meet the needs of the proposed development, taking advantage of the availability of community open space and recreation facilities.

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- (n) Whether reasonable consideration has been given to the proximity of public facilities such as fire and police stations and health care facilities and to the desirability of designating sites for such facilities within the site.

§20.40.20 Additional Criteria for Planned Developments

- (a) The proposed development must be designed and located so as to mitigate the affects of tidal surge, flooding, and other natural hazards associated with placing such development on a barrier island. Orderly arrangement and spacing of all buildings and structures shall be provided. (Ordinance 1998-08, 4/28/98)
- (b) The proposed development will minimize environmental damage caused by the destruction of natural vegetation including regulated trees (Sec. 11.70.10), myrtles, other vegetation and plant life along with natural features such as berms, sand dunes and marsh areas on the site. (Ordinance 1998-08, 4/28/98)
- (c) The proposed development will provide all required utilities and services, including adequate fire protection capability.
- (d) The proposed development will assure that external and internal signs and street graphics comply with the Town of Seabrook Island's sign ordinance of this document; also that reasonable measures are taken in their placement and size to eliminate traffic hazards caused by sight obstructions in entering, leaving or passing by the area.
- (e) The proposed development will take all reasonable means of minimizing intrusions of noise, light, odor, dust and other similar annoyances into the privacy, quiet and habitability of surrounding areas; and that lighting fixtures and placement do not constitute a hazard to traffic.
- (f) The proposed development will make reasonable provision for recreation facilities and open space to meet the needs of the proposed development, taking advantage of the availability of community open space and recreation facilities.
- (g) The proposed development will indicate that reasonable consideration has been given to the proximity of public facilities such as fire and police stations and health care facilities and to the desirability of designating sites for such facilities within the site.

Section 20.50 Planning Commission Review

The Planning Commission shall have an additional thirty (30) days within which to submit its report and recommendation for action by the Town Council. (Ordinance 1995-06, 6/8/95)

§20.50.10 Preliminary Approval of a Planned Development

In order to save the applicant time and unnecessary expenditure of funds, the Planning Commission may give preliminary consideration to a proposed master or concept development plan by providing comments on the overall concept, and may give preliminary approval as to land use only. The hearing of a preliminary application will serve to give the potential developer an indication of whether he should proceed with a complete application or whether some change in his concept is needed.

§20.50.10.10 The Commission shall not grant any specific approval at such preliminary hearing as to density, whether such density is expressed as either net or gross residential density or as an amount of non-residential square footage.

§20.50.10.20 Such approval does not authorize the recording of the subdivision plat nor does it grant or vest in any applicant any right to any variance or deviation from the terms of this ordinance.

§20.50.10.30 Preliminary approval does not provide exemption from subsequently enacted amendments to this Ordinance. (Ordinance 1995-06, 6/8/95)

§20.50.20 Public Hearing (Ordinance 2004-04, 8/24/04)

Pursuant to §6-29-760, the Planning Commission, if authorized by Town Council, shall hold a public hearing on any amendment of the ordinance text or official zoning map. Such hearing shall be duly advertised in accord with §20.70 below.

§20.50.30 (Ordinance 2004-04, 8/24/04)

If there are outstanding issues for the applicant to resolve prior to a recommendation being made by the Planning Commission, the applicant may request, in writing, for the Commission defer making its recommendation to Town Council for a specified period of time.

§20.50.40

Unless a written request for a deferral is received, if the Planning Commission of the Town of Seabrook Island does not forward its recommendation to the Town Council of the Town of Seabrook Island within thirty (30) days, it shall be deemed recommended for approval by the Planning Commission of the Town of Seabrook Island.

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Section 20.60 Town Council Consideration (Ordinance 2004-04, 5/25/04)

§20.60.10

Upon receipt of an application transmitted by the Planning Commission for an amendment to the Development Standards Ordinance or Official Zoning Map, along with the Planning Commission staff's written report, Town Council shall place the proposal on its agenda for the next scheduled public hearing. If Town Council has authorized the Planning Commission to hold a public hearing on a proposed amendment, Council may elect to consider the amendment proposal without holding a second public hearing.

§20.60.20

In accord with SC Code §6-29-760, no change in or departure from the ordinance text or official zoning map(s) as recommended by the Planning Commission may be made pursuant to the hearing unless the change or departure is first submitted to the Planning Commission for review and recommendation. Council shall inform the Planning Commission of any substantive changes or departures from the amendment proposal reviewed and recommended by the Planning Commission prior to taking action, allowing the Planning Commission opportunity to make further recommendations.

Section 20.70 Public Notice

§20.70.10 Public Hearing Advertisement(s)

Notice of the time and place for each public hearing shall be published at least fifteen (15) days in advance of the hearing in a newspaper of general circulation in the Town of Seabrook Island with second notice published at least seven (7) days after the first public notice.

§20.70.20 Posting of Property (Ordinance 2004-04, 8/24/04)

In cases involving a zoning change, conspicuous notice shall be posted on or adjacent to the property that is the subject of the proposal under consideration by the Town no less than fifteen (15) days in advance of the public hearing. At least one such notice shall be visible from each public thoroughfare that abuts the property.

§20.70.30 Notification of Interested Parties (Ordinance 2004-04, 8/24/04)

- (a) If a landowner whose property is the subject of a proposed amendment will be allowed to present oral or written comments to the Planning Commission at a public hearing, at least ten day's notice and an opportunity to comment in the same manner must be given to other interested members of the public, including owners of adjoining property.

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(b) If the Town of Seabrook Island maintains a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings shall be mailed to these groups by the Town Clerk.

§20.70.40 Notification of adjacent property owners

Any person applying to rezone property within The Town must give notice of such action to the owners of all real property located within two lots on all four sides of such property.

§20.70.40.10 The applicant shall provide such notice by serving a copy of the application on the owner of the properties as shown on current tax records at least thirty (30) days prior to the date set for a public hearing. The applicant shall file service of certified mail with date of service at the same time the application is filed.

§20.60.40.20 Notice to a regime must be made to its manager or president. Notice to a partnership may be made by serving any partner. Notice to a corporation may be made on any officer.

§20.60.40.30 No hearing on the application shall take place prior to the elapse of thirty (30) days from the date of the filing of the application and the certificate of service. (Ordinance 1995-11, 9/14/95)

Section 20.80 Town Council Action (Ordinance 2004-04, 8/24/04)

§20.80.10

After conducting a duly advertised public hearing on a proposed amendment to this Ordinance or the Zoning Map, Town Council shall consider all information presented at the public hearing, staff review comments, and the Planning Commission recommendation.

§20.80.20

Town Council shall have the option of forwarding the proposal and all such information to Committee in order to gain additional facts or seek a resolution of any disputes related to the rezoning case. In such cases, Town Council may defer additional action on the application until such Committee has reported out on its discussions and made a recommendation on the zoning amendment under consideration.

§20.80.30

Town Council may disapprove or approve any and all applications or requests for change in zoning.

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- (a) If deemed to be in the public interest, Town Council may require that the applicant exclude specific uses otherwise allowed in the proposed zoning district as a condition of the amendment approval.
- (b) The record of Town Council's final action shall specify Council's reasons for denial or approval of the proposed text or map amendment and the specific conditions applicable to an amendment approved with conditions.

Section 20.90 Effective Date

Any ordinance adopted affecting a change in the text of the Development Standards Ordinance or Official Zoning Map shall become effective the day following the Council meeting at which action has been taken. (Ordinance 2004-04, 8/24/04)

Section 20.100 Challenges (Ordinance 2004-04, 8/24/04)

§20.100.10

An owner of adjoining land or his representative has standing to bring action contesting the action of Town Council on a zoning change request; however, this subsection does not create any new substantive right in any party.

§20.100.20

No challenge to the adequacy of "Notice of Challenge" to the validity of a regulation or map, or amendment thereto, whether enacted before or after the effective date of this section, may be made sixty (60) days after the decision of Town Council if there has been substantial compliance with public notice requirements or with established procedures of Town Council or the Planning Commission.