

ARTICLE 1.0: GENERAL PURPOSE, AUTHORITY AND JURISDICTION

Section 1.10 Name

This Chapter shall be known as and cited as the "Development Standards Ordinance of the Town of Seabrook Island" hereinafter referred to as the "Ordinance" or "DSO".

Section 1.20 Authority

This Ordinance is adopted pursuant to the authority conferred by Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended. This Ordinance is based on the Town of Seabrook Island Comprehensive Plan, prepared and recommended by the Town of Seabrook Island Planning Commission and subsequently adopted by the Town of Seabrook Island Town Council on April 27, 1999 as Ordinance 1999-03, and amended on March 23, 2004 as Ordinance 2004-01. (Ordinance 1999-03, 4/27/99)(Ordinance 2004-01, 3/23/04)

Section 1.30 Purpose

This Ordinance is adopted for the purposes of guiding development in accordance with existing and future needs, and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare; to preserve the environmental character of the Town of Seabrook Island; and to facilitate the timely and adequate provision of water, sewage disposal and other utility services, parks and other public requirements.

§1.30.10 Comprehensive Plan

As required by the SC Local Government Comprehensive Planning Enabling Act in 1994, the Town of Seabrook Island Comprehensive Plan was adopted by the Town of Seabrook Island on April 27, 1999 and revised on March 23, 2004. The Town Code, DSO and Town Zoning Map shall implement and be consistent with the adopted Comprehensive Plan for the Town and shall be interpreted and applied accordingly. (Ordinance 1999-03, 4/27/99)(Ordinance 2004-04, 8/24/04)

Section 1.40 Territorial Jurisdiction

This Ordinance and the provisions contained herein shall hereafter govern all land development within the incorporated areas of the Town of Seabrook Island as now or hereafter established, together with such unincorporated areas of the County, which the

**Town of Seabrook Island
Development Standards Ordinance**

Town Council and the County Council may jointly agree to become governed by this Ordinance.

§1.40.10 The Mayor is hereby authorized to negotiate and enter into an agreement with Charleston County, subject to the approval of Town Council, for the extension of the Town's land use regulations and controls for land lying within three (3) miles of the Town's corporate limits, as authorized by Section 5-23-580 of the South Carolina Code of Laws, 1976, as amended. (Ordinance 87-3, 11/27/87)

Section 1.50 Applicability

Zoning districts in the Town of Seabrook Island will include those districts that existed upon original adoption of this Ordinance, with the addition of new non-residential zoning districts, PDD districts and sub-districts adopted since 1987. These are as follows:

- Agricultural-Conservation District (AGC)
- Agricultural General District (AG)
- Single Family Residential (SR)
- Planned Development District (PDD), including the:
 - Parks and Recreation Sub-district (APR)
 - PDD Commercial-Retail-Office Sub-district (CRO)
 - Seabrook Island Planned Development District, including the Parks and Recreation (APR) Sub-district "Beaches as a Trust Property"
 - Agricultural Camp District (Camp St. Christopher)
 - Bohicket Marina Village Planned Development District
 - Jenkins Point Plantation Planned Development District
 - Ocean Forest Planned Development District
 - Bohicket Creek Place Regime Planned Development District
 - St. Christopher Oaks Planned Development District
 - The Village at Seabrook, a/k/a Lake Entry Tract, Planned Development District
- Commercial-Retail/Office District (CRO)
- Light Industrial–Service and Maintenance District (LI)
- Government Property

Section 1.60 Continuation of Approved Plans and Permits

Planned Unit Developments and Master Plans approved by Charleston County prior to incorporation of the Town of Seabrook Island will remain in effect, except as modified or supplemented by this Ordinance. Zoning approvals and permits issued prior to the adoption of this Ordinance shall remain in effect for the duration of the stated or statutory life of such permits, after which time such permits shall expire. Holders of expired permits must obtain new permits under the provisions of this Ordinance.

Section 1.70 Conflict with Other Ordinances

Whenever there is, or appears to be, a conflict between any provision of this zoning Ordinance with the provisions of any other lawful Ordinance, regulation or resolution, the more restrictive shall apply.

Section 1.80 Severability

If any clause, phrase, paragraph or any part of this Ordinance shall, for any reason, be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Ordinance would have been adopted had any such provisions not been included.

Section 1.90 Repeal of Prior Provisions

The Town of Seabrook Island Development Standards Ordinance (Ordinance 87-3) adopted on November 12, 1987 and any amendments thereto are hereby repealed. Except as expressly provided in this Ordinance, such repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been effected. (Ordinance 2004-04, 8/24/04)

Section 1.100 Effective Date

This Ordinance shall become effective upon its adoption. Whenever used in this Ordinance, the term "effective date of this Ordinance" shall mean August 24, 2004. (Ordinance 2004-04, 8/24/04)