

## ARTICLE 13: PERMITTING APPLICATIONS AND PROCEDURES

### **Section 13.10 Zoning Permit Required**

Approval of a zoning permit by the Zoning Administrator is required prior to the commencement of any development as defined in this Ordinance. All zoning permits for multi-family and commercial projects must have the additional approval of the Planning Commission pursuant to Section 14 or 15 of this Ordinance.

**§13.10.10** A zoning permit is required in advance of: (Ordinance 1995-06, 6/8/95)

- (a) The issuance of any building permit.
- (b) Land altering activity preparatory to the construction of a structure for which a building permit is required. For purposes of this Ordinance, land altering activities are defined to include grading, filling, excavating and the cutting of trees.
- (c) Improving any lot by grading, filling, or surfacing or by constructing or enlarging driveways or parking areas.
- (d) Construction or installation of utility lines, pipes or service for any structure for which construction is commenced following the effective date of this Ordinance.

### **§13.10.20**

A zoning permit shall not be required for grading, drainage or construction of roads and utilities, provided that the location of these improvements is confined to streets, right-of-way and/or designated easements and that these improvements are made pursuant to an approved preliminary or final plat pursuant to Article 15 of this Ordinance.

### **Section 13.20 General Provisions**

#### **§13.20.10**

All Zoning Permits issued by the Zoning Administrator shall ensure that the permitted structure or use complies with all of the applicable requirements contained in this Ordinance.

**§13.20.20**

Where approved Planned Development master plans are required under this Ordinance, the provisions of such approved plans shall be incorporated into structures and uses for which permits are requested.

**§13.20.30**

The Zoning Administrator may attach reasonable performance conditions to Zoning Permits in order to ensure compliance with the provisions of this Ordinance.

**§13.20.40**

Issuance of a Zoning Permit will entitle the holder to seek the issuance of a building permit by Charleston County for the Town of Seabrook Island, pursuant to agreement with the Town, upon a showing of compliance with all applicable Ordinances and requirements.

**Section 13.30 Zoning Permit Applications**

An application for a zoning permit must be filed with the Town's Zoning Administrator by the owner or developer of a parcel, and must be signed by the owner of the property, his authorized agent or his attorney. Such application shall be filed on a form to be furnished by the Zoning Administrator.

**§13.30.10**

Materials attached to an application for a Zoning Permit shall demonstrate that the proposed structures and uses will meet the requirements of this Ordinance.

**§13.30.20**

The Zoning Administrator may require the owner or developer to submit specific information and supporting documentation, in accordance with a published set of requirements and guidelines for the submission of Zoning Permit applications, to be developed by the Zoning Administrator and approved by the Planning Commission. (Ordinance 1995-06, 6/8/95)

**§13.30.30 Permit Application Requirements**

Each application shall be accompanied by copies of an approved plat of the lot of record or approved site plan and approval of the SC Department of Health and Environmental Control, as applicable to sewerage and water availability for other than single family units or proof of payment of water and sewer tap fees for lots served by public systems. The

**Town of Seabrook Island  
Development Standards Ordinance**

---

Zoning Administrator shall retain a copy of each for public record. The following are specifically required:

**§13.30.30.10 Lots of Record.** A copy of the approved plat of, or containing, the lot of record, bearing the approval stamp of the Seabrook Island Planning Commission, or for plats issued prior to the incorporation of the Town, the Charleston County Planning Board. (Ordinance 1995-06, 6/8/95)

**§13.30.30.20 For All Development.** A site plan drawn to scale containing the information required in Article 14 of this Ordinance.

**§13.30.30.30 For Single Family Homes.** Where a single-family residential dwelling is proposed for construction on a lot of record, the following information shall be depicted on the approved plat required in §13.30.40.10 above:

- (a) The size and location of all existing structures, if any, on the site.
- (b) The envelope within which any proposed structure shall be erected, altered, or moved to include the location of the main structure(s), decks, patios and fencing.
- (c) The proposed use of each structure and part hereof.
- (d) The size and location of all proposed driveways, and off-street parking areas.
- (e) The finished first floor elevation (above mean sea level), the applicable FEMA flood hazard zone designation and required minimum first floor elevation; and the height of the proposed structure(s). (If in a special flood hazard "A" or "V" zone the application must comply with the requirements of current FEMA flood plain regulations.)
- (f) A tree survey showing all trees on the property, as defined in this Ordinance Section (11). (7/11/91)

**Section 13.40 Permit Review**

**§13.40.10 Single Family Lots**

The Zoning Administrator must review and act upon a Zoning Permit request within thirty (30) days of submission for all single family lots.

**§13.40.20 Conditional Uses**

Applications for zoning permits involving conditional uses authorized in any district, except guesthouses, may be forwarded by the Zoning Administrator to the Planning Commission for informational purposes. (Ordinance 1995-06, 6/8/95)

**Section 13.50 Action on Zoning Permit Applications**

The Zoning Administrator may issue a Zoning Permit, issue a Zoning Permit with performance conditions, or deny a Zoning Permit request. The Zoning Administrator's action shall be communicated to the owner or developer in writing.

**§13.50.10**

No building permits shall be issued while a zoning permit application is under review until the Zoning Administrator has taken action on such application.

**§13.50.20 Incomplete Applications**

The Zoning Administrator shall deny all requests which fail to provide the information required under §13.30.30. Such denial shall be accompanied with a written list of the additional information that should be supplied when the Zoning Permit request is resubmitted.

**§13.50.30 Prerequisites for Approval**

An application for a zoning permit may be approved by the Zoning Administrator upon completion of the following:

- (a) Recording of a final approved or stamped and signed plat with the Register of Mesne Conveyance for Charleston County;
- (b) Receipt of all required State permits;
- (c) Receipt of all required County permits;
- (d) Approval of a final site plan for multi-family and commercial developments pursuant to Article 14;
- (e) Proof of payment of all impact and connection fees to the Town of Seabrook Island's Utility Commission for such property. (Ordinance 1997-09, 8/26/97)(Ordinance 2000-02, 3/28/00); and
- (f) Approval of conditional uses, pursuant to this Ordinance.

**§13.50.40 Withdrawals**

Any request for a zoning permit that is withdrawn may not be resubmitted for thirty (30) days.

**§13.50.50 Denials**

If a Zoning Permit request is denied, the Zoning Administrator must state in writing the reasons for the denial. The owner or developer may appeal the Zoning Administrator's action to the Town's Board of Zoning Appeals in accord with the procedures in Article 19 of this Ordinance. Any denied Zoning Permit request may be resubmitted with changes. (Ordinance 1995-06, 6/8/95)

**§13.50.60 Post Approval**

**§13.50.60.10** After issuance of a Zoning Permit, the Zoning Administrator may require a correction of noncompliance due to errors in plans or construction, or may require remedial action to remedy violations of this Ordinance.

**§13.50.60.20** Following issuance of a zoning permit, the applicant may apply to the Department of Building Inspection Services for Charleston County for issuance of all required building and construction permits. Such permits shall be issued upon satisfactory showing that the requirements of the Town's building codes and related construction codes have been met.

**§13.50.60.30** Where a building permit is not required, the applicant may proceed to carry out the improvement described in his approved application and zoning permit.

**§13.50.70 Permit Time Limits**

**§13.50.70.10** A zoning permit issued for construction which requires a building permit will be invalid if a building permit is not issued within six (6) months of the zoning permit

**§13.50.70.20** A zoning permit issued for use or construction that does not require a building permit will be invalid if the authorized development isn't initiated within six (6) months.

**Section 13.60 Encroachment Permit Required**

An encroachment permit, issued by the Town, shall be required prior to the construction of every road, driveway and curb cut which intersects (provides ingress to and egress from) any public street within the Town. The procedures and criteria for permit issuance, and schedule

**Town of Seabrook Island  
Development Standards Ordinance**

---

of any fees charged, shall be developed by the Zoning Administrator and approved by Town Council. Encroachment permit applications shall be referred to the Planning Commission for review and recommendation prior to approval by the Zoning Administrator. (Ordinance 1990-2, 5/10/90; amended Ordinance 95-06, 6/8/95).

**Section 13.70 Building Permits**

Building Permits are required for all structures constructed, reconstructed or erected after the effective date of this Ordinance. Building Permits shall be applied for and issued by the Charleston County Building Services, pursuant to agreement with the Town. (Ordinance 1990-03, 5/10/90)

**§13.70.10 Prerequisite**

Building Permits shall be issued only to holders of a valid Zoning Permit who demonstrate that the proposed structure(s) meets the Codes adopted by the Town, and all other applicable Ordinances of the Town. (Ordinance 1990-03, 5/10/90)

**§13.70.20 Permit Time Limits**

- (a) A building permit will be considered abandoned if, construction is not commenced within a period of six (6) months after issuance of the building permit or once commenced, if construction is discontinued for a period of six (6) months.
- (b) All building permits shall allow one year for construction from the date of issuance of the building permit. (Ordinance 1996-02, 4/11/96) (Ordinance 2005-05, 5/23/00)
- (c) The Zoning Administrator may grant an extension for up to six (6) months of construction time where active construction is underway. All extensions must be requested at least thirty (30) calendar days before the expiration of the one-year time period set forth in this ordinance. Any extensions beyond this period must be approved by the Town Council. All requests for extensions must be accompanied by a fee. (Ordinance 1996-02, 4/11/96) (Ordinance 1998-13, 6/23/98) (Ordinance 2000-05, 5/23/00)
- (d) An extension designed to merely keep the permits in effect while no substantial work is being done will not be authorized and the permits will be allowed to expire. The Zoning Administrator shall determine whether substantial work is being done within the provisions of this section. (Ordinance 1996-02, 4/11/96)
- (e) Any construction started and not completed within the stipulated time granted through this ordinance, and for which no extension is granted, shall be considered invalid. Failure on the part of the contractor or property owner to complete

**Town of Seabrook Island  
Development Standards Ordinance**

---

construction within the time granted by this ordinance or to remove remnants of construction from the site shall trigger legal proceedings on behalf of the Town of Seabrook Island to order the removal of such construction in addition to the issuance of fines on a daily basis as allowed by this ordinance. For each day a contractor or property owner exceeds the time allowed by this ordinance or by Town Council to complete construction, a fine may be issued by the Town as allowed by law. (Ordinance 1996-02, 4/11/96)(Ordinance 1998-13, 6/23/98)

**§13.70.30 Foundation Survey**

A South Carolina Registered Land Surveyor immediately upon completion of the foundation must perform a foundation survey for each new structure, or addition to an existing structure which exceeds or is outside the furthest limits of the existing footprint. Such survey must be filed with the Zoning Administrator before any further construction can proceed. (Ordinance 1994-02, 4/14/94)

**§13.70.40 Certification of Height of Structure**

Construction of any structure shall not proceed beyond the establishment of the roof peak line during construction without certifying to the Zoning Administrator in writing by a certified surveyor the height of said roof peak above the FEMA flood level for that site. (Ordinance 1993-06, 10/14/93)

**§13.70.40.10.** If certification indicates a non-conformance with Section 7.80 herein regarding permissible height above FEMA flood levels, the contractor, unconditionally, shall alter the peak height to conformity. (Ordinance 1993-06, 10/14/93)

**§13.70.40.20.** If due to extenuating circumstances a contractor or owner wishes to place sheathing on roof or roof area before a height survey has been completed, they may do so provided that the Zoning Administrator approves such action in writing. The Zoning Administrator's approval shall be subject to the following mandatory provisions set forth in this section along with any other restrictions he or she deems appropriate:

- (a) The contractor and or owner must certify that if the height of the roof exceeds that allowed by the Town, they will not attempt to seek a variance based upon the fact that the roof has already been constructed or partially constructed.
- (b) In addition to the provisions set forth in §13.70.40.30 below, the owner or contractor will take immediate action as to bring the height of the structure into compliance with the maximum height allowed by the Town. (Ordinance 1996-01, 3/14/96)

**Town of Seabrook Island  
Development Standards Ordinance**

---

**§13.70.40.30.** Failure to observe the conditions of this section will, upon final completion of a structure, result in withholding the Certificate of Occupancy until the structure meets the Town Code height restrictions and will be subject to the provisions of §13.70.50 and §18.10.30 of this Ordinance. (Ordinance 1993-06, 10/14/93)

**§13.70.50 Inspections**

Inspection of the structure will be required prior to the issuance of a Certificate of Occupancy.

**§13.70.50.10.** Prior to issuance of a Certificate of Occupancy, the Town must receive a sewer inspection report from the Seabrook Island Utility Commission certifying that the system meets all requirements, has passed inspection and is approved.

**§13.70.50.20.** Pursuant to its contract with the Town, a final construction inspection will be conducted by the Charleston County Department of Building Inspection Services for compliance with the adopted building codes.

- (a) The inspection will evaluate whether the structure complies with the provision of all applicable town ordinances and applicable Building Permit.
- (b) If the inspection reveals a violation of this Ordinance, a Certificate of Occupancy may not be issued until such violation has been corrected.
- (c) If the inspection justifies issuance of a certification of completion stating that the structure is in compliance, such certification that the structure is suitable for occupancy shall be provided to the Town.

**§13.70.60 As-Built Surveys**

A current As-Built Survey must be furnished to the Zoning Administrator before a Certificate of Occupancy is issued, showing the location of all permanent improvements and changes. Occupancy of the premises prior to issuance of a Certificate of Occupancy shall be subject to Article 18 of this Ordinance and any fines levied shall be upon the owner and/or the builder. (10/14/93)

**§13.70.60.10.** Upon receipt of such certification, the Zoning Administrator or other authorized agent of the Town will determine that all additional requirements of this Ordinance have been met. Upon making such determination, the Zoning Administrator or other authorized agent of the Town will issue the Certificate of Occupancy. (6/10/93)

**Town of Seabrook Island  
Development Standards Ordinance**

---

**§13.70.60.20 Building Errors.** In the event that a building has been partially constructed in a manner that it does not comply with yard requirements applicable at the time of such construction, such building may be exempt from district requirements provided a reduction has been approved by the Zoning Administrator in accord with the following provisions:

- (a) The Zoning Administrator has determined that:
- (1) The error does not exceed ten (10) percent of the measurement that is involved;
  - (2) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the building subsequent to the issuance of a building permit, if such was required;
  - (3) Such reduction will not impair the purpose and intent of this Ordinance;
  - (4) The reduced yard requirement will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
  - (5) The reduced yard requirement will not create an unsafe condition with respect to both other property and public streets;
  - (6) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
  - (7) The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulation.
- (b) In approving such a reduction under the provision of this Section, the Zoning Administrator has allowed only a reduction necessary to provide reasonable relief and, as deemed available, and prescribed such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.
- (c) The Zoning Administrator shall not have waived or modified the standards necessary for approval specified in this Section.
- (d) If there is an error greater than ten (10) percent of the measurement that is involved, the property owners shall have obtained a variance from the Board of Zoning Appeals. (Ordinance 2004-04, 8/24/04)

**§13.70.70 Certificates of Occupancy**

**§13.70.70.10.** No new structure, or addition to an existing structure, for which a Zoning Permit is required, may be used or occupied until a Certificate of Occupancy

**Town of Seabrook Island  
Development Standards Ordinance**

---

has been issued. Use shall be defined to include residing in, as well as, storing furniture, clothing or other personal possessions in residential building structures and the sale or storage of any goods or the offering of any services in any commercial building or structure.

**§13.70.70.20** No Certificate of Occupancy shall be issued for a single family dwelling until the applicant provides a letter from the Seabrook Island Utility Commission verifying that the applicant has requested necessary water and sewer service for the construction address and paid all necessary fees and/or fulfilled any conditions of service included in the Seabrook Island Utility Commission's "Schedule of Rates, Charges and Conditions of Water and Sewer Service" in effect at the time of the building permit application

**§13.70.70.30.** It shall be unlawful for any contractor or subcontractor to allow any person, including an owner or their representatives, to use or occupy any structure or building before the Zoning Administrator or other authorized agent of the Town has issued a Certificate of Occupancy. Contractors and subcontractors shall monitor all buildings and structures for which they have any responsibility and shall notify the Town in writing immediately upon obtaining any knowledge or information relating to a violation of this section by any person. In the event a contractor or subcontractor allows a structure to be used in violation of this provision, it shall be liable for a misdemeanor. (Ordinance 2000-03, 10/24/00)

**§13.70.70.40 Administration.** A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator.

**Section 13.80 Temporary Use Permits**

Notwithstanding the district requirements as set forth in Articles 5 and 6 of this Ordinance, Town Council may approve the issuance of a temporary use permit for special events and activities.

**§13.80.10**

In considering a request for a temporary use permit, Town Council shall consider whether the proposed use will be established such that there are no detrimental impacts on adjacent properties and that it is situated in a manner that insures safe and convenient access. In approving a temporary use, Council may attach such conditions to the temporary use permit as it deems warranted. All temporary structures erected incident to a temporary use shall meet the requirements of Section 8.70.40.

**§13.80.20**

A temporary use permit shall be issued for a specified time period not to exceed sixty (60) days, and may be renewed. Issuance and renewal of a temporary use permit shall

**Town of Seabrook Island  
Development Standards Ordinance**

---

be at the sole discretion of Town Council, and the owner shall have no right to the issuance of any such permit.

**§13.80.30**

After initial approval of the Town Council, the Town's Zoning Administrator may extend a temporary use permit which relates to the use of portable restroom facilities for additional sixty (60) day periods as appropriate. (Ordinance 1990-04, 11/8/90) (Ordinance 2000-12, 9/22/00)

**§13.80.40 Procedures for Issuance of a Temporary Use Permit**

**§13.80.40.10.** Applications for a temporary use permit shall be submitted to the Zoning Administrator, and shall at a minimum include a description of the property and the exact temporary use requested, the duration of temporary use, the responsible party and the date of restoration of the site to its original status. In addition, the Zoning Administrator may require the applicant to submit as much of the information required pursuant to §13.30.30 as he deems necessary to review the application. (Ordinance 1990-04, 11/8/90)

**§13.80.40.20.** The Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to Town Council. In the event time constraints make review by the Zoning Administrator and Planning Commission infeasible, an application may be submitted directly to Town Council. Town Council shall have sole discretion to determine whether or when to act on any temporary use permit request. (Ordinance 1990-04, 11/8/90) (Ordinance 1995-06, 6/8/95)

**§13.80.40.30.** Notwithstanding the procedures set forth in §13.80.40.20, Town Council hereby gives the Zoning Administrator the authority to issue temporary use permits to non-conforming activities having a duration of no more than 72 hours. (Ordinance 1990-04, 11/8/90)

**Section 13.90 Vested Rights**

All applicable ordinances, municipal code sections and regulations relating to zoning, planning and land development within the municipality are subject to this Ordinance, which shall be known as the Vested Rights to Develop Property Ordinance. (Ordinance 2005-03, 6/28/05)

**§13.90.10 Definitions.**

- (a) Except as hereinafter set forth, the words, terms and phrases when used in this Ordinance shall have the meaning as set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004. (Ordinance 2005-03, 6/28/05)

**Town of Seabrook Island  
Development Standards Ordinance**

---

- (b) "Site specific development plan", in addition and as a supplement to the definition set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004, is further defined to mean those documents that comprise a complete application for a zoning permit, certificate of zoning compliance, variance, special exception, planned unit development, sketch plat or sketch plan or other similar approval that authorizes the landowner to proceed with investment in grading, installation of utilities, streets and other infrastructure and to undertake other significant expenditures necessary to prepare for application for a building permit. (Ordinance 2005-03, 6/28/05)

**§13.90.20 Establishment and Conditions of Vested Rights**

- (a) A vested right to develop property in accord with a site specific development plan is triggered upon the final approval of the site specific development plan by the final official or body of the municipality authorized to approve a site specific development plan and the payment to the municipality of all applicable established fees.
- (b) Except as hereinafter set forth, a vested right established by this Ordinance is subject to the conditions and limitations as set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.
- (c) A vested right for an approved site specific development plan expires two years after the date of final approval by the final official or body authorized to approve a site specific development plan.
- (d) No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or conditionally approved site-specific development plan is required prior to approval with respect to each phase of a phased development plan.
- (e) A vested site-specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the then current provisions of the municipal zoning, planning and land development ordinances, municipal code sections or regulations. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right.
- (f) No sooner than three (3) months, and no later than forty-five (45) days prior to the expiration of the two-year (2) vested right period for an approved site specific development plan, the landowner of property with a vested right in a site specific development plan may apply to the authorized official or body for an annual extension of the vested right. The authorized official or body must approve an application for an annual extension of the vested right unless an amendment to the land development ordinances or regulations has been adopted that prohibits

**Town of Seabrook Island  
Development Standards Ordinance**

---

approval. No more than five (5) annual extensions of the vested right may be approved. (Ordinance 2005-03, 6/28/05)