

ARTICLE 15: SUBDIVISION APPROVALS

Section 15.0 Purpose and Intent

These regulations control the subdivision of land and the opening or extension of any streets or roads. They provide for review by the Planning Commission of the Town of Seabrook Island of the plans and specifications with regard to their nature and purposes; width, character, and location of such streets, alleys and roads in such subdivisions; The plans for locating water mains, sewer lines, and other utility lines; and the transmission of such plans and specifications with recommendations to the governing body of the Town of Seabrook Island. Before such streets, alleys, roads, or subdivisions shall be laid out as aforesaid, they shall be required to have the approval of the Town of Seabrook Island Planning Commission. These regulations are enacted in accordance with the provisions of Section 6-29-1110 et. seq. of the SC Local Government Comprehensive Planning Act of 1994.

Section 15.10 Applicability

Within the jurisdiction of these regulations, except as hereinafter provided, no subdivision shall be made, platted, or recorded for any purpose, nor shall parcels resulting from such subdivisions be sold or offered for sale, unless such subdivision meets all the requirements of these regulations and has been approved in accordance with the requirements of this Ordinance.

§15.10.10 Town Stamp Required

All lots shown on plats, whether subdivided or not, shall have the Planning Commission of the Town of Seabrook Island Stamp of either approval or exemption on said plat. The Register of Mesne Conveyance (RMC) shall not record any plat without one or the other of these stamps.

§15.10.10.10

The plat for an individual lot exempted from the requirements of this Article by virtue of preexistence must be accompanied by a surveyor's statement on the plat that the lot is a single, individual lot, and not newly created.

§15.10.10.20

Lands that were recorded by deed or plat prior to the advent of the Subdivision Regulations on January 1, 1955, will receive automatic approval under a Grandfathers Clause, providing the parcel involved is still the same size and shape as when recorded prior to 1955 and is properly platted in accordance with present

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standards. The recorded information must be provided and attested to by the surveyor or attorney involved.

§15.10.20 Exemptions

Upon proper finding that a proposed subdivision is in compliance with the provisions of this Ordinance, the Zoning Administrator of the Town of Seabrook Island may exempt the following six (6) types of subdivisions from the requirements of Articles 15 and 16 of these regulations:

§15.10.21 The division of land into parcels of five (5) acres or more, where no new street is involved, the plats of which are received as information by the Town which shall indicate that fact on the plats.

§15.10.22 The combination or re-combination of portions of previously platted and recorded lots where the total number of lots is not increased and the resultant lots conform to the requirements of this Ordinance.

§15.10.23 The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

§15.10.24 The public acquisition by purchase of strips of land for widening or opening of streets.

§15.10.25 When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land, provided that a statement is made on the plat which describes the proposed transaction and certifies that any parcels thus created are not created as individual building lots.

§15.10.26 Where properly platted lots or parcels are created and approved by judicial act, the Zoning Administrator may waive the requirements of Articles 15 and 16. Where it appears that the newly created lots or parcels do not meet critical health standards, or they suffer other shortcomings rendering them unfit for building purposes, he shall consult with the Town Attorney of the Town of Seabrook Island for possible injunction against recordation. (Ordinance 87-3, 11/12/87; amended Ordinance 95-06, 6/8/95).

Section 15.20 General Review Procedures

§15.20.10

Within the PDD Districts, where a master plan providing such detail as is required for a preliminary plan has been approved, or the developer chooses to concurrently subdivide parcels with the approval of a site development plan, the Site Plan review and approval

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process as set forth in Article 14 of this Ordinance may replace the procedures and requirements for Planning Commission review of a separate Preliminary Plan application otherwise required, as follows. (Ordinance 1995-06, 6/8/95)

§15.20.20

In all Districts, other than PDD Districts, the requirements and procedures set forth below shall govern the review and approval of subdivisions.

§15.20.30

Where a tract of land that is in one (1) ownership is proposed for division into ten (10) lots or less provided that: no street right-of-way dedications are involved; no utility or drainage easements are found necessary; and no new or residual parcels are created which do not conform to the requirements of these regulations, such division shall not require approval of a preliminary plan and may be submitted as a final plat.

Section 15.30 Preliminary Plan, Application for Approval

Copies of a proposed preliminary plan shall be submitted to the Planning Commission of the Town of Seabrook Island. Application for approval of a preliminary plan for a proposed subdivision shall be made to the office of the Planning Commission of the Town of Seabrook Island at least fourteen (14) days prior to the regularly scheduled meeting at which the applicant desires it to be considered. In making application a subdivider or property owner shall include such material as shall be required in §15.40 of these regulations. (Ordinance 2004-04, 8/24/04)

Section 15.40 Preliminary Plan Submission Requirements

Application for a preliminary plan approval shall be accompanied by ten (10) prints which include such information as set forth below:

§15.40.10

The Planning Commission of the Town of Seabrook Island shall thereafter file such prints as follows:

- (a) One (1) print shall be filed with the Seabrook Island Utility Commission.
- (b) One (1) print shall be filed with the S.C. Electric and Gas Company/Berkeley Electric Co-Op.
- (c) One (1) print shall be filed with Bell South.

§15.40.20

Preliminary plans shall be drawn to a scale no smaller than one (1) inch equals two hundred (200) feet (1" = 200').

§15.40.20.10 Where large areas are being proposed for subdivision, plans may be drawn on one (1) or more sheets not to exceed twenty-two (22) inches by thirty-four (34) inches in size.

§15.40.20.20 For small areas being platted, a scale of one (1) inch equals one hundred (100) feet (1"=100') shall be used, provided the drawing does not exceed twenty-two (22) inches by thirty-four (34) inches in size.

§15.40.30

Even though a subdivider intends to subdivide only a portion of a parcel or tract of land initially, the preliminary plan shall show a proposed street and lot layout, drainage plan and other requirements for the entire parcel or tract of land in which such portion is contained; except that the Planning Commission of the Town of Seabrook Island may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.

§15.40.40

The following information shall be required on each preliminary subdivision plan:

- (a) The courses and distances of the perimeter of the land involved, with the courses marked to show which are actual field observations and which are computed.
- (b) References to a known point or points such as street intersections, as indicated on the Town of Seabrook Island Map.
- (c) The total acreage of the land involved in the subdivision and the acreage above the Critical Line established by the South Carolina office of Ocean and Coastal Resource Management.
- (d) The names of adjacent landowners and streets, where known or available, and all intersecting boundaries or property lines.
- (e) Proposed divisions to be created, including the right-of-way widths, roadway widths, and names of streets; the locations of proposed utility installations; lot lines, dimensions and angles; sites reserved or dedicated for public uses; and sites for churches, commercial and industrial uses. (Ordinance 2007-01, 2/27/07)

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- (f) The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of subdivider and the name of engineer or surveyor with South Carolina Registration Number.
- (g) All existing physical features of the land, including contours, drainage ditches, and roads. All contour information shall be based on mean sea level datum and shall be accurate within 1/2 foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the plan.
- (h) Sight lines shall be cut a maximum of two hundred (200) feet apart for the purpose of making the topographic survey, and to allow visual inspection of the property after application has been made for approval of the preliminary plan.
- (i) General drainage features, including the proposed direction of drainage on each street, ditch and lot indicated by the use of arrows and proposed street names.

§15.40.50 Accompanying Data

- (a) The preliminary plan shall be accompanied by a statement confirming the availability of and indicating the distance to and location of the nearest public water supply and public sanitary sewer lines.
- (b) The preliminary plan shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.

Section 15.50 Review Procedures

§15.50.10

The Planning Commission of the Town of Seabrook Island shall review each complete application for approval presented no less than fourteen (14) days prior to its regularly scheduled meeting. (Ordinance 2004-04, 8/24/04)

§15.50.20

Any person applying to subdivide property within the Town must give notice of such action to the owners of all real property located within two (2) lots on all four (4) sides of such property.

§15.50.20.10 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.

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§15.50.20.20 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.

§15.50.20.30 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)

§15.50.30

The Planning Commission shall give consideration to the following, but not limited to the following, criteria before making a recommendation on a subdivision application. Whether the proposed subdivision will:

- (a) Comply with the requirements of this Ordinance.
- (b) Minimize the detrimental impact to the site and surrounding environmental areas, and meet all buffer requirements through the protection of significant regulated trees and other distinctive natural vegetation. (Ordinance 1998-08, 4/28/98)
- (c) Assure safe and convenient ingress to and egress from the property and internal circulation, including access of service and emergency vehicles and design of off-street parking and loading areas, with written approval from the appropriate federal, state, county and municipal agencies. Such agencies include, but are not limited to DHEC, Army Corps of Engineers, Fire Department and the Charleston County Sheriff's Department. To the extent any proposed development is not served by a public road, the applicant must provide proof of a right to legally access such property. (Ordinance 1998-08, 4/28/98)
- (d) 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, providing orderly arrangement and spacing of all buildings and structures. (Ordinance 1998-08, 4/28/98)
- (e) 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)
- (f) Provide all required utilities and services, including adequate fire protection capability.
- (g) Assure that external and internal signs and street graphics comply with the Town of Seabrook Island's sign ordinance, and that reasonable measures are taken in

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their placement and size to eliminate traffic hazards caused by sight obstructions while entering, leaving or passing by the area.

- (h) 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.
- (i) 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.
- (j) 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.

§15.50.40

The Planning Commission of the Town of Seabrook Island shall grant approval or conditional approval or shall disapprove the completed application within sixty (60) days, and shall mail notice of its action to the applicant at the address furnished within five (5) days after the regular meeting at which such application was considered.

§15.50.50

Failure of the Planning Commission to act within sixty (60) days of the receipt of a complete preliminary plan application is deemed to constitute approval, and the developer must be issued a letter of approval and authorization to proceed based on the plans and supporting documentation presented.

§15.50.60

When an application for approval of a preliminary plan has been submitted in accord with these requirements, and it is apparent no action will be taken by the Planning Commission of the Town of Seabrook Island within sixty (60) days, the time limit may be extended by mutual agreement of the Planning Commission and the subdivider.

§15.50.70

No improvements shall be made, nor shall permanent markers or monuments be installed, prior to a granting of approval of the preliminary plan by the Planning Commission of the Town of Seabrook Island.

Section 15.60 Time Limitation and/or Extension of Preliminary Plan

An approved preliminary plan shall be valid for one (1) year from the date of its approval.

§15.60.10

Where a subdivision is being developed in sections, the one (1) year shall be measured from the date of the most recent final approval granted to a portion of the subdivision.

§15.60.20

The developer may apply for and be granted an extension of time by the Planning Commission of the Town of Seabrook Island upon recommendation of the Zoning Administrator of the Town of Seabrook Island before the end of any one (1) year period. The approval of the preliminary plan shall never extend for a period of more than four (4) years beyond the first approval. However, upon recommendation of the Planning Commission of the Town of Seabrook Island, Council may terminate an approval, for cause, any time after one (1) year.

Section 15.70 Submission of Plans and Profiles

§15.70.10 Lot, Road and Drainage Data

After approval of preliminary plan by the Town of Seabrook Island Planning Commission ,and before the commencement of any work within the proposed subdivision, road plans and profiles and a detailed drainage plan shall be submitted to and approved by The Town Zoning Administrator.

§15.70.20

The original drawing and one (1) copy of the road plans and profiles, in ink, prepared as specified in the Charleston County Zoning and Land Development Regulations, Road Construction Standards, shall be submitted to the Zoning Administrator for approval, who shall refer the plans to the Charleston County Planning Department for review. Following such approval the Town Zoning Administrator shall be furnished with three (3) copies of the approved plans.

§15.70.30

The road plans and profiles shall be accompanied by a detailed drainage plan prepared in accordance with the requirements of the current edition of the Charleston County Zoning and Land Development Regulations, Road Construction Standards.

§15.70.40

The approval of the road and drainage plans shall apply only for the duration of the approval of the preliminary plan previously granted.

Section 15.80 Final Plat, Application for Approval

Application for approval of a final plat shall be submitted to the office of the Planning Commission of the Town of Seabrook Island at least fourteen (14) days prior to the regularly scheduled meeting at which the applicant desires it to be considered. In making application, a subdivider or property owner shall include such materials as shall be required in §15.100 of these regulations. (Ordinance 2004-04, *insert date of DSO readoption*)

Section 15.90 Final Plat Submission Requirements

Applications for final plat approval shall include such information as set forth below. For a large subdivision, the final plat may be submitted for approval progressively in sections conforming to the approved preliminary plan.

§15.90.10

The original drawing of the final plat which is to be filed and recorded, plus ten (10) prints of such plat, shall be submitted with the application. The Zoning Administrator of the Town of Seabrook Island shall therefore file such prints as follows:

- (a) One (1) print shall be filed with the Seabrook Island Utility Commission.
- (b) One (1) print shall be filed with the S.C. Electric and Gas Company/ Berkeley Electric Co-op.
- (c) One (1) print shall be filed with the Bell South.
- (d) One (1) print shall be retained by the Planning Commission of the Town of Seabrook Island.
- (e) One (1) print shall be retained by the Zoning Administrator of the Town of Seabrook Island to be used when necessary for house numbering.

§15.90.20

The final plat shall be drawn in ink on a material specified to the Planning Commission of the Town of Seabrook Island by the Register of Mesne Conveyance as acceptable to him

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for recording, on sheets not to exceed twenty-two (22) inches by thirty-four (34) inches, and at a scale of one (1) inch equals one hundred (100) feet (1" = 100') or larger.

§15.90.20.10. The minimum plat size shall be eight and one-half (8-1/2) inches by eleven (11) inches.

§15.90.20.20 Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.

§15.90.30 The final plat shall show the following:

- (a) All information required on the preliminary plan, with the exception of topographic data.
- (b) All property lines with accurate bearings or deflection angles. If a control traverse is run between any two (2) points on any property lines, then it shall be noted. For property lines which are curves or are in part curves, the arc length shall be shown. Also, in dashed lines, the chord length from property corner to property corner along the curve shall be shown with appropriate bearings and angles.
- (c) Curve data for all curves consisting of the following: The Delta angle, the degree of the curve, the tangent distance the length of curve, the radius, and an indication of whether the arc method or chord method was used.
- (d) The location of all points of curvature and tangency.
- (e) The location of points of intersection where circular curves are not used.
- (f) Block and lot numbers suitably arranged by simple system.
- (g) Certificates.
 - (1) A surveyor's certificate as to accuracy of survey and plat. *"I, (name of surveyor), a registered surveyor of the State of South Carolina do hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property and that all necessary markers have been installed and the precisions is 1:_____"(state actual precision). The unadjusted field measurement of lots and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the S.C. Board of Engineering Examiners.*
 - (2) A statement of dedication by the property owner of streets, rights-of-way, easements, and any other sites for public use. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of

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final approval by the Town Council of the Town of Seabrook Island, the statement of dedication shall be corrected accordingly.

- (3) The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
- (4) Where a parcel of land is proposed to be used as the site for utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulation substation, gas pressure control station, or similar facilities whose nature is such that the parcel's area or width may appropriately be less than the established minimum, a statement which describes the proposed transaction, stipulating the use and certifying that any parcels thus created are not created as individual building lots.
- (h) All easements including their width and centerline.
- (i) Delineation of the South Carolina Office of Ocean and Coastal Resource Management Critical Line.

§15.90.40 Accompanying Data

- (a) A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate to title or affidavit and prior to the granting of final approval by the Planning Commission of the Town of Seabrook Island, then a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the Planning Commission of the Town of Seabrook Island.
- (b) In subdivisions where existing public water and public sewer systems have been extended and/or a new system installed, a certification of inspection from the South Carolina Department of Health and Environmental Control shall be submitted to the Planning Commission of the Town of Seabrook Island.
- (c) **Certificate of Approval.** When the Planning Commission of the Town of Seabrook Island has approved such plat, a certificate noting such approval and carrying the signature of the Director of Planning and the Planning Commission Chair, or their designees, shall be placed on the original drawing of said plat.

§15.90.50 Statements on Plat

The Town Council of the Town of Seabrook Island reserves the right to require the following statements to be placed upon the plat if the proposed roads and drainage have

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not been constructed in conformance with standards and specifications of the Town of Seabrook Island's Road Code:

- (a) *"The approval of this plat does not obligate the Town of Seabrook Island in any way to accept for maintenance any of the roads or easements shown hereon."*
- (b) *"WARNING! Approval of this plat by the Planning Commission of the Town of Seabrook Island and/or Town Council of the Town of Seabrook Island does not indicate approval nor adjudicate title of the access or right-of-way shown hereon."*

§15.90.50.10 The Town Council of the Town of Seabrook Island reserves the right to require additional statements to be placed upon the plat if the proposed subdivision does not meet all requirements of the Subdivision Regulations. These notes shall be included in the approval of the final plat by the Town Council of the Town of Seabrook Island. (Ordinance 87-3, 11/12/87; amended Ordinance 95-06, 6/8/95).

§15.90.60 Notes for Conditional Plats

Where plats are submitted under the Performance bond or Letter of Credit Amendment for CONDITIONAL approval, the following four (4) notes should be placed on the plat:

- (a) *"This plat submitted for pre-selling under the irrevocable letter of credit provision of the Subdivision Regulations".*
- (b) *"Approval of this plat does not authorize occupancy".*
- (c) *"Duration of approval shall be for one year".* The duration of approval should be for two (2) months longer than the time desired or required to complete the amenities for which the bond is posted. The conditional approval will expire approximately two (2) months before the expiration date of the letter of credit (or performance bond). This will permit the Town of Seabrook Island sufficient time to complete the work in the event of default.
- (d) *"The approval of this plat in no way obligates the Town of Seabrook Island to accept for continued maintenance any of the roads or easements shown hereon".*

Section 15.100 Final Plat Review Procedures

Final Plat approval in all zoning districts shall meet the requirements and shall follow the procedures set forth below:

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§15.100.10

The Planning Commission of the Town of Seabrook Island shall review each application for final approval presented no less than ten (10) days or more prior to its regularly scheduled meeting.

§15.100.20

The Town of Seabrook Island Planning Commission shall grant final approval or shall disapprove the application within sixty (60) days of receipt of a complete application and shall mail notice of its action to the applicant at the address furnished within five (5) days after the regular meeting at which such application was considered. Failure of the Planning Commission to act within sixty days of the receipt of a complete preliminary plan application, is deemed to constitute approval and the developer must be issued a letter of approval and authorization to proceed based on the plans and supporting documentation presented.

§15.100.30 Approvals

If the final plat conforms to the approved preliminary plan and the requirements of these regulations, the Planning Commission of the Town of Seabrook Island shall grant final approval.

§15.100.40 Denials

When the Planning Commission of the Town of Seabrook Island has denied an application for subdivision, reapplication for subdivision of the same parcel of land shall not be permitted until one (1) year has expired from the date of official action of the Planning Commission of the Town of Seabrook Island.

§15.100.41 The Planning Commission of the Town of Seabrook Island, however, on recommendation of the appropriate committee, may on a case basis waive the waiting period requirement by a 2/3 vote and direct the staff, in writing, to process the application before the year's waiting period has expired when to do otherwise would create substantial, unnecessary hardship and when the particular property for which the relief is sought suffers singular disadvantage through the operation of these regulations, and because of this disadvantage the owner is unable to make reasonable use of the affected property. If the resubmission meets all requirements of the Subdivision Regulations, the new application may be processed without a waiver. (Ordinance 87-3, 11/12/87; amended Ordinance 1995-06, 6/8/95).

Section 15.110 Recordation of an Approved Final Plat

The Town of Seabrook Island will record the approved final plat of more than one (1) lot. The Town may charge a fee for copying and recording a plat pursuant to the adopted fee schedule for land development applications.

§15.110.10

All roads and drainage easements dedicated thereon will automatically be placed in the Town of Seabrook Island Road System for maintenance unless it is specifically stated on the plat that the Town of Seabrook Island is not obligated to maintain the road(s) or drainage easement(s).

§15.110.20

When the Planning Commission of the Town of Seabrook Island has approved a final plat, it shall cause its action to be duly noted on the face of the original drawing which is to be recorded. Such approval shall not be noted on the plat until all the requirements of these regulations are met.