

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

February 12, 2020 – 1:30 PM

Town Hall, Council Chambers

2001 Seabrook Island Road



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Meeting: January 8, 2020

[Pages 2–6]

OLD BUSINESS ITEMS

There are no Old Business Items

NEW BUSINESS ITEMS

1. Rezoning Request: 2561 High Hammock Road

[Pages 7–18]

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 147-10-00-003, containing approximately 0.51 +/- acres located at 2561 High Hammock Road, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District

2. Rezoning Request: 3062 Seabrook Island Road

[Pages 19–30]

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 147-12-00-023, containing approximately 0.74 +/- acres located at 3062 Seabrook Island Road, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District

ITEMS FOR INFORMATION / DISCUSSION

There are no Items for Information / Discussion

ADJOURN

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

January 8, 2020 – 1:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

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

Absent: None

Guests: Cathy Patterson

Acting Chairman Otstot called the meeting to order at 1:34 PM and welcomed everyone in attendance. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

Acting Chairman Otstot welcomed the newest members of the Planning Commission, Mr. Jim Newton and Ms. Sharon Welch.

ELECTION OF CHAIR & VICE CHAIR FOR 2020

Acting Chairman Otstot opened the floor for nominations for the position of Chairman. Mr. Billian nominated Mr. Otstot for the position of Chairman. Mr. Newton seconded the nomination. There being no further nominations, Acting Chairman Otstot called for a vote. The vote in favor of electing Mr. Otstot as Chairman was **APPROVED** by a vote of 5-0.

Chairman Otstot then opened the floor for nominations for the position of Vice Chairman. Mr. Billian nominated Dr. Ullner for the position of Vice Chairman. Mr. Newton seconded the nomination. There being no further nominations, Chairman Otstot called for a vote. The vote in favor of electing Dr. Ullner as Vice Chairman was **APPROVED** by a vote of 5-0.

APPOINTMENT OF SECRETARY FOR 2020

Chairman Otstot opened the floor for nominations for the position of Secretary. Dr. Ullner nominated Town Administrator Cronin to serve as Secretary to the Planning Commission for 2020. Mr. Newton seconded the nomination. There being no further nominations, the vote in favor of electing Town Administrator Cronin as Secretary was **APPROVED** by a vote of 5-0.

APPROVAL OF MINUTES

1. **Regular Meeting: December 4, 2019:** Dr. Ullner made a motion to approve the minutes from the December 4, 2019, meeting as submitted. Mr. Billian seconded the motion. The motion was **APPROVED** by a vote of 5-0.

OLD BUSINESS ITEMS

There were no Old Business Items.

NEW BUSINESS ITEMS

1. **PUD Amendment: Village at Seabrook:** Town Administrator Cronin provided a brief overview of the draft ordinance to amend the Planned Unit Development (PUD) for the Village at Seabrook. He stated that the original PUD for the Village at Seabrook, previously known as “Area Six” or the “Lake Entry Tract,” was originally adopted by Town Council on February 22, 2000 (Ord. 2000-01). The PUD ordinance was subsequently amended by Council on June 5, 2000 (Ord. 2000-08). A final subdivision plat was recorded in December of 2001, and construction of new residential units began shortly thereafter.

Because the Village was developed as a PUD, it is subject to a variety of project-specific zoning requirements. Among these are the following setback requirements, which were incorporated into the concept plan attached as Exhibit B to Ordinance 2000-08:

- Front Yard Setback: 30 feet
- Side Yard Setback: 15-foot separation between structures
- Rear Yard Setback: 25 feet (15 feet for open decks when abutting open space)

Town Administrator Cronin stated that one of the primary concerns raised by some residents in the Village has been the absence of a defined side yard setback requirement. In June of 2019, the Zoning Administrator issued a written determination that the current PUD ordinance does not establish a minimum side yard setback, and instead requires only a 15-foot separation between structures. A resident of the Village at Seabrook regime subsequently filed an appeal of this determination. The Board of Zoning Appeals considered this appeal on August 15, 2019, at which time they unanimously upheld the Zoning Administrator’s determination.

The existing Village PUD contains a provision that in the event of conflict between the PUD ordinance and the DSO, the more restrictive requirements shall prevail. Over time, there have been several text amendments to loosen the requirements of the DSO. One of these amendments allows uncovered steps to encroach up to 10’ into the required front yard setback. Another amendment allows a reduced front yard setback along secondary frontages for corner lots. Because the Village PUD was never amended to incorporate these changes, the PUD is more restrictive and, at least technically, should control. However, previous Zoning Administrators have applied these changes to new development within the Village, even though it conflicts with the PUD ordinance.

The Village PUD also contains a provision which incorporates the private covenants and

restrictions for the regime into the ordinance as Exhibit C. This is a highly unusual situation which has caused additional confusion. For example, the covenants and restrictions require architectural review and approval by the Planning Commission, even though detached single-family residences are exempt by ordinance. Inclusion of the covenants and restrictions into the PUD ordinance also creates confusion as to whether the regime can unilaterally amend its covenants, or whether the town must also amend the PUD ordinance.

For these reasons, Town Council requested in late 2019 that the Planning Commission review and prepare a draft ordinance to amend the requirements of the Village PUD. The attached ordinance, if adopted, will accomplish the following:

- Incorporates a provision from the current DSO to allow corner lots to take advantage of a reduced front yard setback (20 feet) along the secondary street frontage;
- Incorporates a provision from the current DSO to allow uncovered front steps to encroach into a front yard setback;
- Establishes a minimum side yard setback of 7.5 feet, unless, however, a structure on a neighboring lot is situated less than 7.5 feet from the shared side property line. In such instances, an additional setback will be required to ensure that no two structures are situated less than 15 feet apart;
- Incorporates a provision from the current DSO to allow a reduced rear yard setback for uncovered decks when the lot abuts an open space area;
- Clarifies the rear yard setback requirement for pie-shaped lots which do not have a defined rear property line;
- Clarifies that corner lots are defined to have two front yards and two side yards, consistent with the requirements of the DSO;
- Removes the private covenants and restrictions for the Village at Seabrook regime from the text of the PUD ordinance;
- Exempts detached residential units in the Village from the architectural review requirements of Section 14 of the DSO, as long as the architectural plans have been reviewed and approved by a duly constituted architectural review board (similar to all other single-family homes); and
- Specifies that in the event of conflict between the PUD ordinance and the Town Code and/or DSO, the provisions of the PUD ordinance shall prevail.

Chairman Otstot asked how many buildable lots would be affected by the amendments. Town Administrator Cronin stated that of the 57 lots which have been built upon to date, there are currently 15 lots (26.3%) which have at least one non-conformity; of these, 6 lots (10.5%) have a significant non-conformity of at least 10%. If the proposed amendment is adopted, a total of 29 lots (50.9%) would become non-conforming; of these, 23 lots (40.4%) would have a significant non-conformity of at least 10%, and a total of 23 lots would also have a non-conforming side-yard setback. He added that there are currently 7 unbuilt lots which would be required to observe a greater side yard setback due to a structure on a neighboring lot being situated less than 7.5 feet from the shared property line.

Chairman Otstot asked if these amendments would make any lots unbuildable. Town

Administrator Cronin stated that he didn't feel as though any lots would become "unbuildable" per se; however, some lots would be more restricted than they otherwise would be today. He added that in instances where the ordinance creates an undue burden, the property owner may apply for a variance from the Board of Zoning Appeals.

A discussion then took place regarding the definition of a cul-de-sac, particularly as it relates to Seabrook Village Drive. Town Administrator Cronin stated that the DSO does not define a cul-de-sac, but that they are generally defined to include a dead-end street with a vehicular turnaround. He stated his opinion that Seabrook Village Drive was not a cul-de-sac, but rather a loop street. He added that the PUD could be amended to apply the reduced secondary front yard setback to *any* corner lot, rather than only lots fronting a cul-de-sac street. Ms. Welch made a motion to include this amendment in the draft ordinance. Dr. Ullner seconded the motion but requested additional discussion. Mr. Newton and Ms. Welch asked if there would be any downside of including this amendment. Town Administrator Cronin responded that there wouldn't be an impact to neighboring property owners, as those encroachments would take place along the street, rather than a shared property line; however, it may impact the consistency of building setbacks when viewed from the street.

A discussion then took place regarding the impact of this ordinance on non-conforming structures. Town Administrator Cronin confirmed that the DSO would allow a non-conforming structure to be rebuilt within its pre-existing footprint if it is destroyed by a natural disaster; however, any other reconstruction, addition or modification to an existing non-conforming structure would be required to meet the new setback requirements. As the draft ordinance is written, this would also apply to accessory structures, including HVAC and generator stands. He then stated that the current DSO requires a non-conforming structure to be brought into conformity with the current setback requirements if it is expanded or modified and the value of the work is 50% or more of the existing structure's value. He added that the DSO Advisory Committee has discussed removing this requirement; however, the new DSO is not expected to be adopted until later this year, at the earliest. Ms. Welch commented that council may want to table this ordinance until the DSO is amended to modify the requirements for non-conforming structures. Town Administrator Cronin stressed that the draft ordinance, if adopted, would not adversely impact any existing structure. The only potential impact may be if the owner of a non-conforming structure seeks to expand, modify or reconstruct the structure after the ordinance is amended.

Chairman Otstot asked why the side yard setback requirement couldn't just be 7.5 feet across the board, arguing that the owners of undeveloped lots shouldn't be penalized if a neighboring property owner built too close to the property line. Town Administrator Cronin stated that the recommended language requiring the greater of 7.5 feet from the side property line or 15 feet between structures was written to ensure consistency with existing development. If the setback was set at a flat 7.5 feet, then it would be possible to have new homes less than 10 feet from existing homes. He added that this approach would also allow the owners of existing homes to potentially add-on to their structures and may result in existing homes being significantly less than 15 feet between apart. He stated that this would ultimately be a policy decision of Town Council. Dr. Ullner questioned whether this could also become a fire safety hazard.

Dr. Ullner made a motion to recommend in favor of the PUD amendment, as written. Mr. Newton seconded the motion. The motion was **APPROVED** by a vote of 5-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **Salty Dog Café Patio and Fire Pit:** Town Administrator Cronin provided an update on the request from the Salty Dog Café to install a patio and fire pit at Bohicket Marina. He informed members of the Planning Commission that the applicants modified their plans to use a pervious paver system for the and that the project will conform to the requirements of the DSO. Consistent with the motion approved by the Planning Commission during the December meeting, Town Administrator Cronin stated that he had issued a zoning permit for the revised plans.
2. **Text Amendment: LED Signs:** Town Administrator Cronin stated that he was still working on a draft text amendment related to LED signs. He stated that he was attempting to schedule a meeting with the Town Attorney to discuss legal issues but was unable to coordinate schedules due to the holidays. He added that a draft ordinance would be presented to the Planning Commission for review at a later date.

Chairman Otstot asked for confirmation of the next meeting date. Town Administrator Cronin stated that the next meeting was scheduled for Wednesday, February 12th at 1:30 PM.

There being no further business, Chairman Otstot asked for a motion to adjourn. Dr. Ullner made a motion to adjourn the meeting. Ms. Welch seconded the motion. The motion was **APPROVED** by a vote of 5-0, and the meeting was adjourned at 3:17 PM.

Minutes Approved:



Joseph M. Cronin
Town Administrator



MEMORANDUM

TO: Planning Commission Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Rezoning Request for 2561 High Hammock Road
MEETING DATE: February 12, 2020

The Planning Commission is asked to review and provide a recommendation on a rezoning request from the Seabrook Island Property Owners Association (SIPOA) for Charleston County Tax Map Number 147-10-00-003, containing approximately 0.51 +/- acres located at 2561 High Hammock Road (Block 22, Lot 7). 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 the golf course, which is zoned for Parks and Recreational uses.

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.

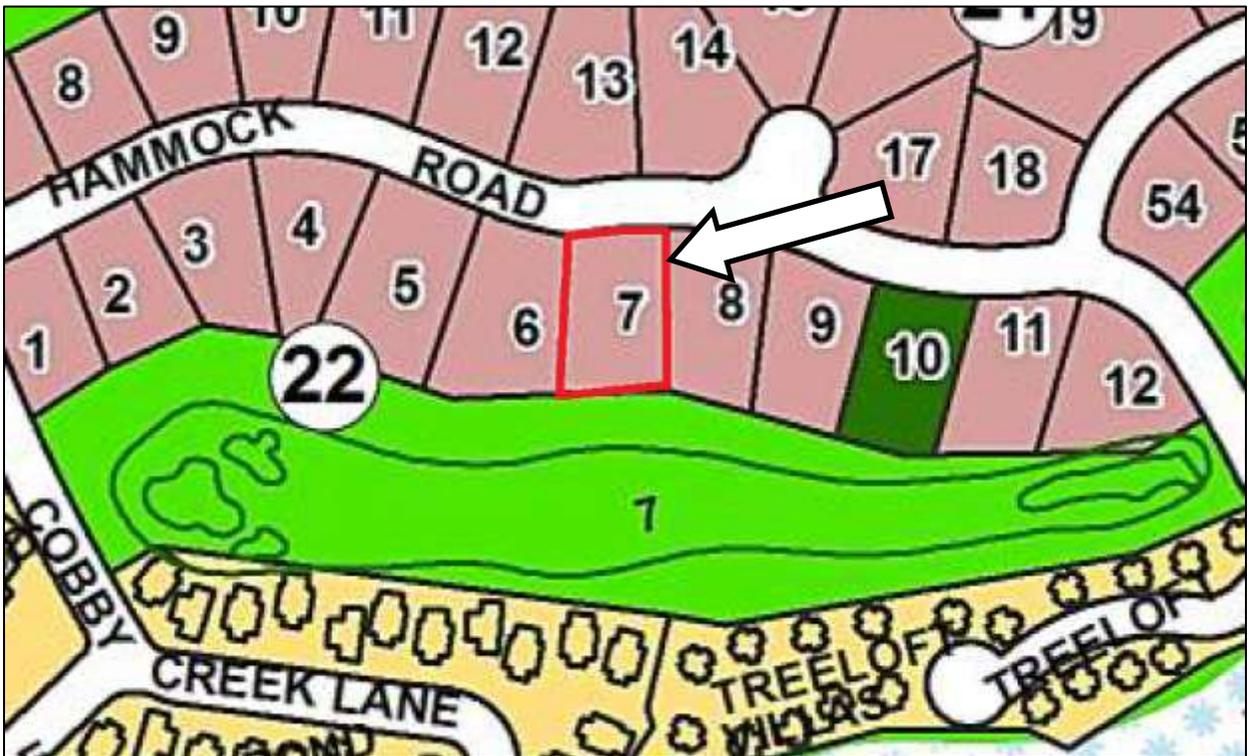
Respectfully submitted,


Joseph M. Cronin
Town Administrator

Aerial Image



Zoning Map



TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-03

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 147-10-00-003, CONTAINING APPROXIMATELY 0.51 +/- ACRES LOCATED AT 2561 HIGH HAMMOCK ROAD, FROM THE SR SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT

WHEREAS, on or about January 18, 2020, the Seabrook Island Property Owners Association filed Rezoning Application #80 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 147-10-00-003, containing approximately 0.51 +/- acres located at 2561 High Hammock Road, 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 February 12, 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 March 24, 2020;

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 147-10-00-003, containing approximately 0.51 +/- acres located at 2561 High Hammock Road, 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: February 25, 2020
Public Hearing: March 24, 2020
Second Reading: March 24, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk

EXHIBIT A

Property Map
Charleston County Tax Map Number 147-10-00-003



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

REZONING APPLICATION NO. 80
DATE 1/18/2022

PROPERTY INFORMATION:

1. Present Zoning SFR
2. Proposed Zoning CONS
3. Tax Map Number (s) 147 10 00 003
4. Address 2561 High Hammock Rd.
5. Lot Dimensions 22308.2 sq ft.
6. Deed Recorded: Book 0848 Page 812 Date 12/27/19
7. Plat Recorded: Book _____ Page _____ Date _____

APPLICANT/OWNER/REPRESENTATIVE:

8. Applicant SIPOA
Address 1202 Landfall Way
Phone No. (Home) 843.768.0061 (Business) _____
9. Owner(s) (if different from applicant) _____
Address _____
Phone No. (Home) _____ (Business) _____
10. Representative (if different from applicant) Heather Paton
11. I (We) certify that _____ is my (our)
authorized representative for this zoning change.

Signature of Owner(s)/Date

Heather 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.

Since 1991



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
DATED: FEBRUARY 6, 1976
BOOK: AG PAGE: 023
RMC CHAS. CO.

LOT AREA:
22,308.2 Sq. Feet
0.51 Acres

TAX MAP No. 147-10-00-003
No. 2561 HIGH HAMMOCK ROAD

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 13') AS PER FEMA FLOOD MAPS.
PANEL No. 45019C 0785J
DATED: NOVEMBER 17, 2004
COMMUNITY No. 450256

LEGEND:

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

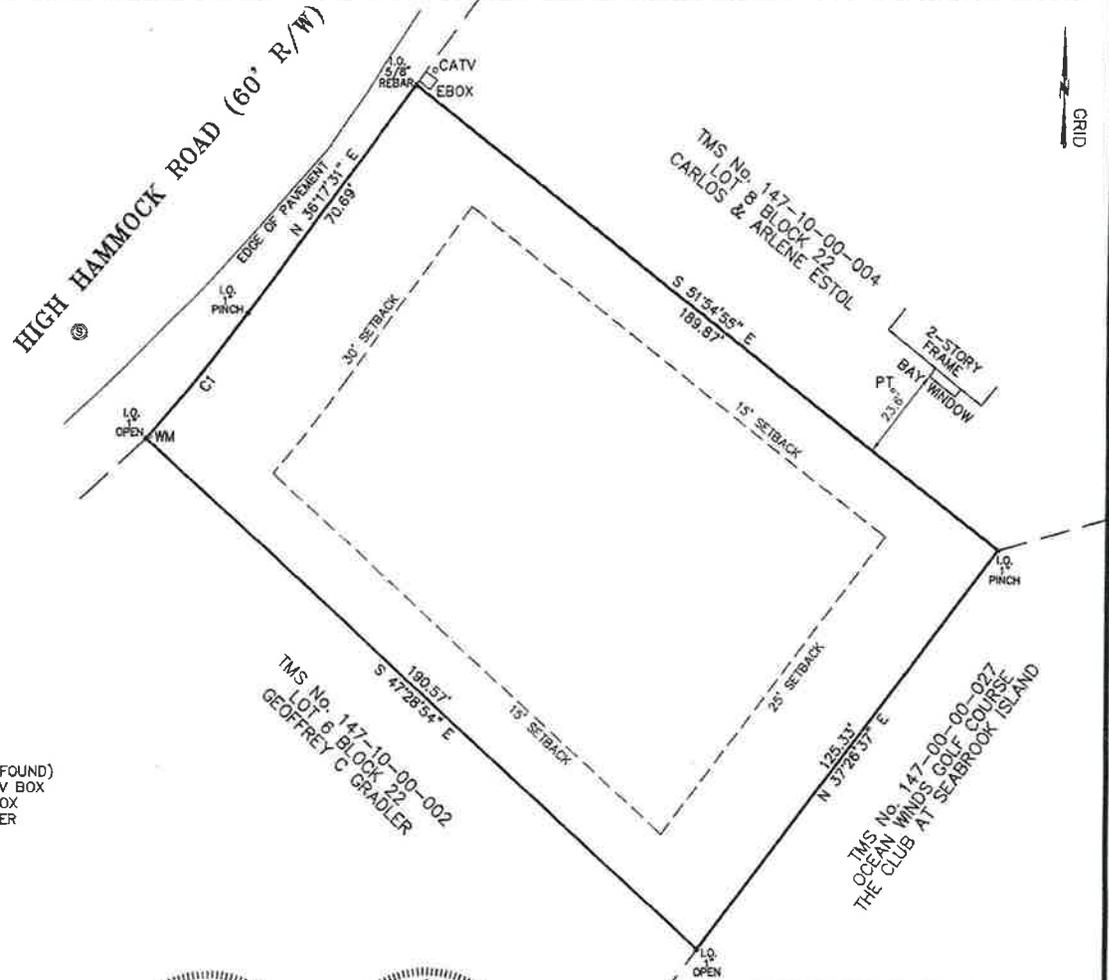
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	377.76'	39.97'	39.95'	S 39°25'45" W	6°03'43"

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

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.
KIM19 / 19280



BOUNDARY SURVEY
LOT 7 OF BLOCK 22
HIGH HAMMOCK BENT TWIG
TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA



DATE: OCTOBER 21, 2019 SCALE: 1" = 30'

Exhibit A

All that certain lot, piece or parcel of land, with the improvements thereon, situate, lying and being and Seabrook Island, Charleston County, South Carolina, known and designated as Lot 7, Block 22, on a plat by E.M. Seabrook, Jr., CE and LS, dated April 18, 1975 and recorded in the RMC Office for Charleston County in Plat Book AG at Page 23; said lot having such size, shape, dimensions, buttings and boundings as may be seen on said plat, which is incorporated herein for reference.

Said property shall be held, transferred, sold and conveyed subject to the restriction that, except as may otherwise be provided herein, its use shall be limited to use as a Green Space (as defined herein), with no construction of any kind whatsoever permitted, provided however that removal of dead trees or dead animals is permitted and maintenance and improvements in the Seabrook Island storm water drainage system is authorized. In no event shall said property be used as an area for parking vehicles; domestic animal pens; boat, vehicle, or equipment storage; or any other use inconsistent with preserving the natural environment of said property. This restriction shall run with the property and be binding on all parties having any right, title or interest in said property of any part thereof and their respective heirs, successors, and assigns.

“Green Space” is defined as that gift of land or perpetual conservation easement which cannot be subdivided, sold or otherwise disposed of under conditions which would permit its use for erection or any structure whatsoever. Land and/or a perpetual conservation easement purchased by or donated to Grantor, its predecessor, or its successors, is required to remain in its natural state (i.e. - for the protection of flora, fauna, open spaces, and scenic vistas) and may be used only as agreed to by Grantor and the donor. Either the Grantor or the Grantee may remove dead or dying trees or animals from land and/or conservation easements as part of its management responsibilities.

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

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 being transferred is located at 2561 High Hammock Road, Seabrook Island, Charleston County, South Carolina, bearing Tax Map Number 147-10-00-003, was transferred by **Seabrook Island Green Space Conservancy, Inc.** to **Seabrook Island Property Owners Association** on December 26th, 2019.
3. Check one of the following: The deed is
 - (a) ___ 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) **XX** exempt from the deed recording fee because (See Information section of affidavit): **Exemption No. 1 – CONSIDERATION PAID LESS THAN \$100.00** (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

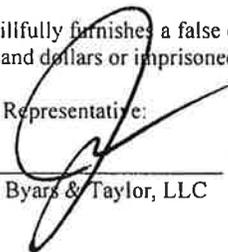
If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes ___ or No ___

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) ___ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____
 - (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 ___ 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. If YES, the amount of the outstanding balance of this lien or encumbrance is \$ _____

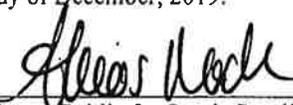
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: 0.00
 - (b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
 - (c) Subtract line 6(b) from Line 6(a) and place result here: 0.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ _____
8. 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

9. 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, Byars & Taylor, LLC (Signature)

Sworn to before me this 26th
day of December, 2019.


Notary Public for South Carolina
My Commission Expires: 11/15/29

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:	December 27, 2019	
Time:	2:25:16 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0848	812	Q/Claim
Michael Miller, Register Charleston County, SC		

MAKER:

SEABROOK ISLD GREEN SPACE

of Pages: 5

Note:

RECIPIENT:

SEABROOK ISLD POA

Recording Fee	\$ 15.00
State Fee	<EXEMPT>
County Fee	<EXEMPT>
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 15.00

Original Book:

Original Page:

AUDITOR STAMP HERE
 RECEIVED From ROD
 Jan 07, 2020
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
 REP RJB
 DATE 01/07/2020
 31

DRAWER Drawer 3
CLERK ECP



0848
Book



812
Page



12/27/2019
Recorded Date



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Pgs



Original Book



Original Page



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Doc Type



14:25:16
Recorded Time



MEMORANDUM

TO: Planning Commission Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Rezoning Request for 3062 Seabrook Island Road
MEETING DATE: February 12, 2020

The Planning Commission is asked to review and provide a recommendation on a rezoning request from the Seabrook Island Property Owners Association (SIPOA) for Charleston County Tax Map Number 147-12-00-023, containing approximately 0.74 +/- acres located at 3062 Seabrook Island Road (Block 27, Lot 4). 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 abuts marshland 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.

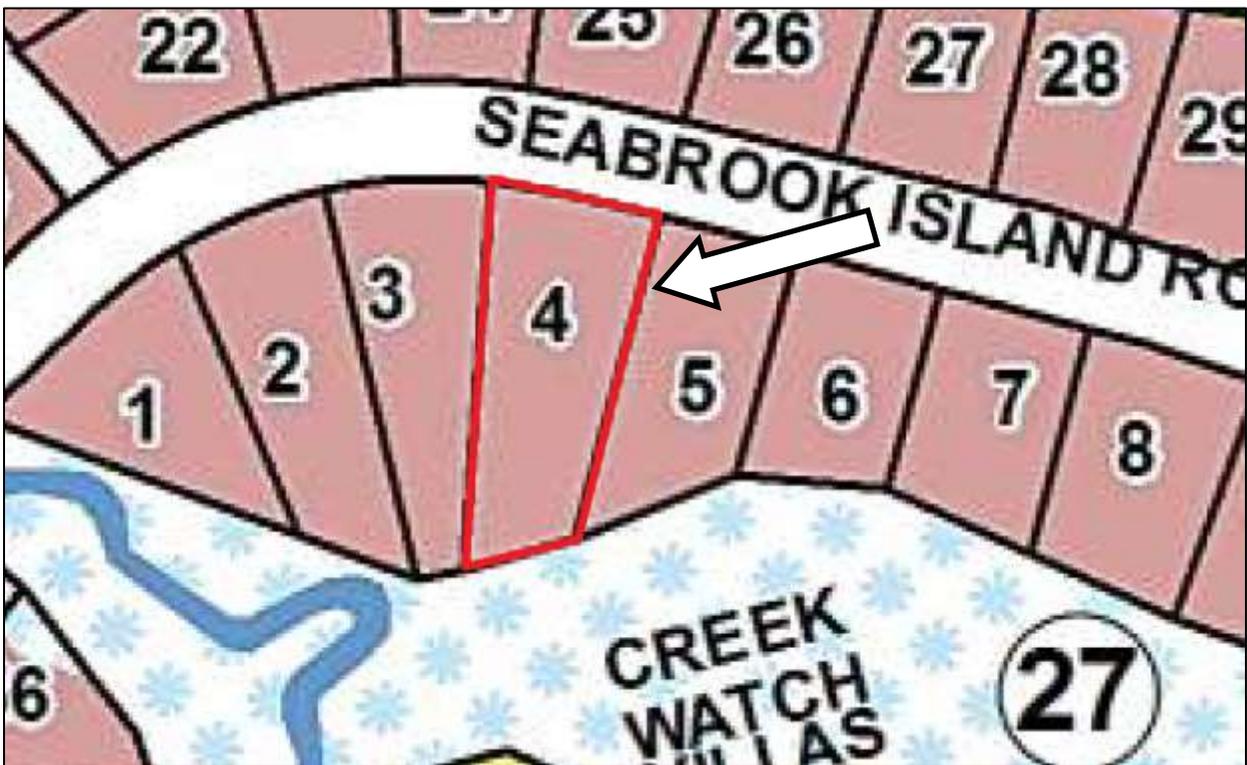
Respectfully submitted,


Joseph M. Cronin
Town Administrator

Aerial Image



Zoning Map



TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-04

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 147-12-00-023, CONTAINING APPROXIMATELY 0.74 +/- ACRES LOCATED AT 3062 SEABROOK ISLAND ROAD, FROM THE SR SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT

WHEREAS, on or about January 18, 2020, the Seabrook Island Property Owners Association filed Rezoning Application #81 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 147-12-00-023, containing approximately 0.74 +/- acres located at 3062 Seabrook Island Road, 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 February 12, 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 March 24, 2020;

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 147-12-00-023, containing approximately 0.74 +/- acres located at 3062 Seabrook Island Road, 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: February 25, 2020
Public Hearing: March 24, 2020
Second Reading: March 24, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk

EXHIBIT A

Property Map
Charleston County Tax Map Number 147-12-00-023



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

REZONING APPLICATION NO. _____
DATE 11/18/2020 81

PROPERTY INFORMATION:

1. Present Zoning SFR
2. Proposed Zoning CONS
3. Tax Map Number (s) 147 12 00 023
4. Address 3062 Seabrook Island Rd.
5. Lot Dimensions 32393.8 sq ft
6. Deed Recorded: Book 0848 Page 813 Date 12/27/19
7. Plat Recorded: Book _____ Page _____ Date _____

APPLICANT/OWNER/REPRESENTATIVE:

8. Applicant SIPOA
Address 1202 Landfall Way
Phone No. (Home) 843.768.0061 (Business) _____
9. Owner(s) (if different from applicant) _____
Address _____
Phone No. (Home) _____ (Business) _____
10. Representative (if different from applicant) Heather Paton
11. I (We) certify that _____ is my (our) authorized representative for this zoning change.

Signature of Owner(s)/Date



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.



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

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT (SCDHEC OCRM) PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF SCDHEC OCRM, SCDHEC OCRM IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

REFERENCE:
 PLAT BY: E.M. SEABROOK
 DATED: MAY 15, 1975
 BOOK: AF PAGE: 009
 RMC CHAS. CO.

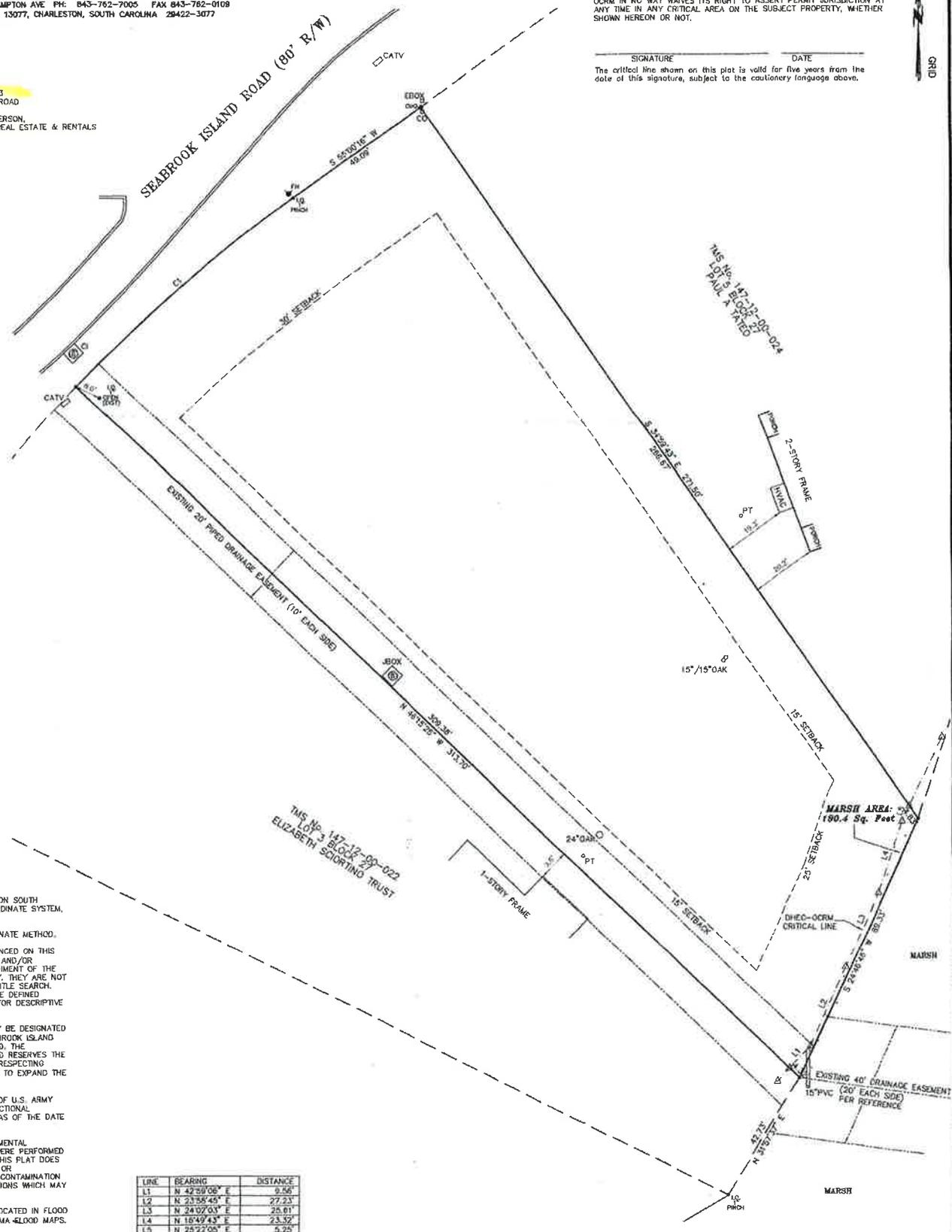
TAX MAP No. 147-12-00-023
 No. 3052 SEABROOK ISLAND ROAD

Requested by: EMERY MACPHERSON,
 AKERS ELLIS REAL ESTATE & RENTALS

TOTAL LOT AREA:
 32,388.8 Sq. Feet
 0.74 Acres

HIGHLAND AREA:
 88,208.3 Sq. Feet
 0.74 Acres

SIGNATURE _____ DATE _____
 The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.



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 13') 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.

LINE	BEARING	DISTANCE
L1	N 42°50'00" E	9.56'
L2	N 23°55'45" E	27.23'
L3	N 24°02'03" E	25.01'
L4	N 18°49'43" E	23.52'
L5	N 25°22'05" E	5.25'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	457.56'	69.94'	89.76'	S 49°22'27" W	111°14'41"

SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein 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.

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



- LEGEND:**
- I.O. IRON OLD (FOUND)
 - C.M. CONCRETE MONUMENT OLD
 - CATV CABLE & TV BOX
 - CI CURB INLET
 - CO CLEAN OUT
 - EBOX ELECTRIC BOX
 - FH FIRE HYDRANT
 - JBOX JUNCTION BOX
 - PT PROPANE TANK

BOUNDARY SURVEY
 LOT 4 OF BLOCK 27
 TOWN OF SEABROOK ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA



DATE: SEPTEMBER 13, 2019 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. 10/19 / 10/23/19

Exhibit A

ALL that certain piece, parcel or lot of land, situate, lying and being on SEABROOK ISLAND, County of Charleston, State of South Carolina, known and designated as LOT 4, BLOCK 27, on a Plat made by EM Seabrook, Jr, CE and LS dated May 15, 1975, and recorded in the RMC Office for Charleston County, South Carolina, in Plat Book AF at Page 9. Said lot having such size, shape, dimensions, buttings and boundings as will by reference to said Plat more fully and at large appear.

Said property shall be held, transferred, sold and conveyed subject to the restriction that, except as may otherwise be provided herein, its use shall be limited to use as a Green Space (as defined herein), with no construction of any kind whatsoever permitted, provided however that removal of dead trees or dead animals is permitted and maintenance and improvements in the Seabrook Island storm water drainage system is authorized. In no event shall said property be used as an area for parking vehicles; domestic animal pens; boat, vehicle, or equipment storage; or any other use inconsistent with preserving the natural environment of said property. This restriction shall run with the property and be binding on all parties having any right, title or interest in said property of any part thereof and their respective heirs, successors, and assigns.

“Green Space” is defined as that gift of land or perpetual conservation easement which cannot be subdivided, sold or otherwise disposed of under conditions which would permit its use for erection or any structure whatsoever. Land and/or a perpetual conservation easement purchased by or donated to Grantor, its predecessor, or its successors, is required to remain in its natural state (i.e. - for the protection of flora, fauna, open spaces, and scenic vistas) and may be used only as agreed to by Grantor and the donor. Either the Grantor or the Grantee may remove dead or dying trees or animals from land and/or conservation easements as part of its management responsibilities.

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

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 being transferred is located at 3062 Seabrook Island Road, Seabrook Island, Charleston County, South Carolina, bearing Tax Map Number 147-12-00-023, was transferred by **Seabrook Island Green Space Conservancy, Inc.** to **Seabrook Island Property Owners Association** on December 26th, 2019.
3. Check one of the following: The deed is
 - (a) ___ 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) **XX** exempt from the deed recording fee because (See Information section of affidavit): **Exemption No. 1 - CONSIDERATION PAID LESS THAN \$100.00** (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) ___ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____
 - (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 ___ 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. If YES, the amount of the outstanding balance of this lien or encumbrance is \$ _____.

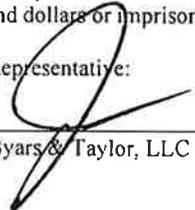
6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here:	_____ 0.00
(b) Place the amount listed in item 5 above here:	_____
(If no amount is listed, place zero here.)	
(c) Subtract line 6(b) from Line 6(a) and place result here:	_____ 0.00

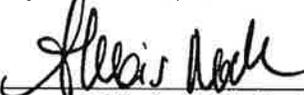
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ _____.

8. 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

9. 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:

_____ (Signature)
Buist, Byars & Taylor, LLC

Sworn to before me this 26th day of December, 2019.



Notary Public for South Carolina
My Commission Expires: 11/15/29

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:	December 27, 2019	
Time:	2:25:33 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0848	813	Q/Claim
Michael Miller, Register Charleston County, SC		

MAKER:

SEABROOK ISLD GREEN SPACE

of Pages: 5

RECIPIENT:

SEABROOK ISLD POA

Note:

Recording Fee	\$ 15.00
State Fee	<EXEMPT>
County Fee	<EXEMPT>
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 15.00

Original Book:

Original Page:

DRAWER CLERK Drawer 3
ECP

AUDITOR STAMP HERE
 RECEIVED From ROD
 Jan 07, 2020
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
 REP RJB
 DATE 01/07/2020
 31



0848
Book



813
Page



12/27/2019
Recorded Date



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Original Book



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