

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2023-06**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE ANNEXING CHARLESTON COUNTY TAX MAP NUMBER 204-00-00-010  
CONTAINING APPROXIMATELY 17.75 +/- ACRES AT 4484 BETSY KERRISON PARKWAY**

**WHEREAS**, Bohicket Creek Investors, LLC (the “Property Owner”), is the owner of certain real property commonly identified, as of the effective date of this ordinance, as Charleston County Tax Map Number 204-00-00-010, containing approximately 17.75 +/- acres located at 4484 Betsy Kerrison Parkway, being more particularly described in the attached Exhibit A, and shown on the survey in the attached Exhibit B (the “Property”); and

**WHEREAS**, on June 12, 2023, the Property Owner submitted a petition to the Town Council for the Town of Seabrook Island (the “Town Council”) requesting that the Property be annexed to and made part of the corporate limits of the Town of Seabrook Island (the “Town”) under the provisions of S.C. Code Section 5-3-150(3);

**WHEREAS**, the Planning Commission of the Town of Seabrook Island (the “Planning Commission”), in a duly called meeting on July 12, 2023, made a recommendation in favor of annexing the Property; and

**WHEREAS**, the Planning Commission further recommended that, upon annexation, the Property be zoned, pursuant to the Development Standards Ordinance for the Town of Seabrook Island (the “DSO”), as follows: MU Mixed Use (Andell); and

**WHEREAS**, a public hearing was advertised and held at 2:30 p.m. on August 22, 2023, during a duly called Town Council meeting; and

**WHEREAS**, S.C. Code Section 5-3-150(3) provides that any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete; and

**WHEREAS**, using the definition of “contiguous” as outlined in S.C. Code Section 5-3-305, the Town Council has determined that the above referenced property is contiguous to the corporate limits of the Town of Seabrook Island; and

**WHEREAS**, the Town Council has further determined that that the annexation petition has been signed by all persons owning real estate in the area requesting annexation; and

**WHEREAS**, the Town Council has further determined that the proposed zoning designation of MU Mixed Use (Andell) is consistent with the recommendations contained within the Town of Seabrook Island Comprehensive Plan (2019), which was adopted by Ordinance No. 2019-06 on July 23, 2019; and

**WHEREAS**, the Town Council has further determined that the proposed annexation and zoning designation satisfy the criteria for map amendments, as defined in Section 19.3(B) of the DSO; and

**WHEREAS**, the Town Council has further determined that annexation of the Property will be in the best interest of the Town; and

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Annexation.**

The corporate limits of the Town are hereby extended so as to include, annex and make a part of said Town, the above-described Property, being more or less 17.75 acres, the same being fully described in the attached Exhibit A, and shown on the survey in the attached Exhibit B.

**SECTION 2. Zoning Classification of Annexed Property.**

Upon annexation into the corporate limits of the Town, the above-described Property shall be zoned, as follows: MU Mixed Use (Andell).

**SECTION 3. Zoning Map Amended.**

The Official Zoning District Map of the Town of Seabrook Island (the "Zoning Map") is hereby amended so as to include the above-described Property within the corporate limits of the Town, and to apply a zoning designation of MU Mixed Use (Andell) to the Property on the Zoning Map.

**SECTION 4. Notification.**

Notice of the annexation of the above-described Property and the inclusion thereof within the corporate limits of the Town shall forthwith be filed by the Town Clerk with the Secretary of State of South Carolina (SCSOS), the South Carolina Department of Public Safety (SCDPS), and the South Carolina Department of Transportation (SCDOT), pursuant to S.C. Code Section 5-3-90(E).

**SECTION 5. 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 6. Effective Date.**

This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2023, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2023.

First Reading: August 22, 2023  
Public Hearing: August 22, 2023  
Second Reading: September 26, 2023

TOWN OF SEABROOK ISLAND

\_\_\_\_\_  
John Gregg, Mayor

ATTEST

\_\_\_\_\_  
Katharine E. Watkins, Town Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION**

All that certain piece, parcel, tract, or lot of land, with the buildings and improvements located thereon, or to be built thereon, situate, lying and being on Johns Island in the County of Charleston, State of South Carolina, known and designated as **PARCEL 3, 17.861 ACRES, MORE OR LESS, BETSY KERRISON PARKWAY, JOHNS ISLAND**, as shown on a plat thereof made by Mark S. Busey, SC RLS No. 10032, dated January 12, 1997 and duly recorded on May 21, 1997 in the Office of the ROD for Charleston County, SC, in Plat Book EB at Page 828; SAID property having such size, shape, dimensions, buttings and boundings as will by reference to said Plat more full and at large appear.

SAVING AND EXCEPTING THEREFROM, that certain property previously conveyed to the SC Department of Transportation by Deed dated June 17, 2004, and duly recorded July 27, 2004, in the Office of the Register of Deeds for Charleston County, SC, in Book J503 at Page 586.

**EXHIBIT B**

**PROPERTY SURVEY**