



MEMORANDUM

TO: Planning Commission Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Text Amendment (Building Heights)
MEETING DATE: May 12, 2021

The Planning Commission is asked to review and provide a recommendation to Town Council on a proposed amendment to Sec. 7.90 (Height Limitation) of the DSO.

Article 2 of the DSO defines the height of a structure as the vertical distance from the base flood elevation (BFE) to the highest point of the roof. Because many properties throughout the Town transitioned to a lower BFE as a result of the new Flood Insurance Rate Maps (FIRM) which went into effect on January 29, 2021, the maximum allowable height for structures on those affected properties would have been reduced in relation to Mean Sea Level (MSL) compared to the old maps.

On December 15, 2021, the Mayor and Council adopted an ordinance (Ord. 2020-18) which allowed a property owner to use the BFE in effect prior to January 29, 2021 for the purpose of calculating allowable building height; provided the old BFE was higher than the new BFE. In anticipation of a new DSO being adopted prior to July 31, 2021, Ord. 2021-18 was intended to apply only to new structures permitted between the dates of January 29, 2021, and July 31, 2021.

Due to delays in adoption of the new DSO, the Mayor and Council now desire to amend Sec. 7.90 of the DSO to remove the sunset date of July 31, 2021, thereby allowing any eligible property – including those permitted after July 31, 2021 – to take advantage of this provision.

Staff Recommendation

Staff recommends in favor of **APPROVAL** of the proposed text amendment.

Planning Commission Recommendation

The Planning Commission reviewed the rezoning request during its regularly scheduled meeting on May 12, 2021. By a vote of 5-0, the Planning Commission recommended in favor of **APPROVAL** of the text amendment.

Respectfully submitted,

Joseph M. Cronin, Town Administrator

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-05

ADOPTED _____

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 7, LOT AND BUILDING REQUIREMENTS; SECTION 7.90, HEIGHT LIMITATIONS; SO AS TO AMEND THE MAXIMUM HEIGHT REQUIREMENT FOR STRUCTURES WITHIN THE TOWN

WHEREAS, on November 17, 2020, the Mayor and Council of the Town of Seabrook Island gave final reading approval to Ordinance 2020-12, which adopted the updated Charleston County Flood Damage Prevention and Protection Ordinance, by reference; and

WHEREAS, the new Flood Insurance Rate Maps (FIRM), which were prepared and adopted by the Federal Emergency Management Administration (FEMA), went into effect on January 29, 2021; and

WHEREAS, Article 2 of the Development Standards Ordinance for the Town of Seabrook Island (hereafter, the "DSO") defines the height of a structure as the vertical distance from the base flood elevation (BFE) to the highest point of the roof; and

WHEREAS, because many properties throughout the Town transitioned to a lower BFE as a result of the new FIRM, the maximum allowable height for structures on those properties must also be reduced in relation to Mean Sea Level (MSL); and

WHEREAS, on December 15, 2021, the Mayor and Council of the Town of Seabrook Island adopted an ordinance (Ord. 2020-18) which allowed a property owner to use the BFE in effect prior to January 29, 2021, for the purpose of calculating allowable building height, provided the prior BFE was higher than the new BFE; and

WHEREAS, in anticipation of a new DSO being adopted prior to July 31, 2021, Ord. 2021-18 was intended to apply only to new structures permitted between the dates of January 29, 2021, and July 31, 2021; and

WHEREAS, due to delays in adoption of the new DSO, the Mayor and Council for the Town of Seabrook Island now desire to amend Sec. 7.90 of the current DSO so as to remove the sunset date of July 31, 2021;

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. Amending Section 7.90 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 7, Lot and Building Requirements; Section 7.90, Height Limitations; is hereby amended to read as follows:

Sec. 7.90. - Height Limitations.

The maximum height for any building in the Town shall be thirty-six (36) feet above the design flood elevation, as required by Section 20-22 of the Town Code.

§ 7.90.10. Multi-family and commercial buildings may increase the maximum allowable height by one (1) additional foot for each three (3) feet of additional front yard setback, with a maximum height of forty (40) feet above the required design flood elevation

§ 7.90.20. Special provisions for residential structures permitted ~~between~~after January 29, 2021 ~~and July 31, 2021~~. For residential structures which are permitted ~~between~~on or after January 29, 2021 ~~and July 31, 2021~~, the maximum height limitation may be measured from the design flood elevation in effect as of December 15, 2020; provided 1) the design flood elevation required on December 15, 2020 was higher than that required from and after January 29, 2021; and 2) the lowest floor elevation of the residential structure shall also comply with the design flood elevation required on December 15, 2020.

§ 7.90.30. Exceptions to height limitations. Unless otherwise expressly stated, the height limitations of this Ordinance shall not apply to any of the following:

§ 7.90.30.10. Farm buildings in the AG or AGC zoning districts;

§ 7.90.30.20. Electrical power transmission lines;

§ 7.90.30.30. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or

§ 7.90.30.40. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33 1/3 percent of the area of the roof.

SECTION 2. Severability.

If any part 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 _____, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2021.

First Reading: April 27, 2021
Public Hearing: May 25, 2021
Second Reading: May 25, 2021

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk