

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2022-04**

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

**AN ORDINANCE TO REPEAL AND REPLACE THE TOWN OF SEABROOK ISLAND DEVELOPMENT STANDARDS ORDINANCE (“DSO”); TO REPEAL AND REPLACE THE TOWN OF SEABROOK ISLAND ZONING MAP; AND TO REPEAL CONFLICTING PROVISIONS FROM THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND**

**WHEREAS**, the current “Development Standards Ordinance for the Town of Seabrook Island” was adopted by the Mayor and Council of the Town of Seabrook Island upon passage of Ordinance No. 2011-02 on February 11, 2011 (hereafter, the “Existing DSO”); and

**WHEREAS**, the Existing DSO has been amended approximately twenty-four times over the proceeding eleven years, most recently upon the passage of Ordinance No. 2021-08 on July 8, 2021; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island desire to repeal the Existing DSO and replace it with the provisions of a new “Town of Seabrook Island Development Standards Ordinance,” a copy of which is attached hereto as “Exhibit A” (hereafter, the “New DSO”); and

**WHEREAS**, the current “Official [Zoning] District Map” for the Town of Seabrook Island was made effective on August 24, 2004, upon passage by the Mayor and Council of the Town of Seabrook Island of Ordinance No. 2004-04 (hereafter, the “Existing Zoning Map”); and

**WHEREAS**, the Existing Zoning Map has been amended approximately thirty-six times over the proceeding eighteen years, most recently upon the passage of Ordinance No. 2021-10 on September 28, 2021; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island desire to repeal the Existing Zoning Map and replace it with a new “Official Zoning Map of the Town of Seabrook Island,” a copy of which is attached hereto as “Exhibit B” (hereafter, the “New Zoning Map”); and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island desire to amend the Town Code for the Town of Seabrook Island so as to repeal any provisions of the Town Code which conflict with the provisions of the New DSO; and

**WHEREAS**, as required by law, the Town of Seabrook Island Planning Commission reviewed the proposed New DSO and New Zoning Map during a regularly scheduled meeting on February 9, 2022, at which time members of the Planning Commission unanimously recommended in favor of adopting the same; and

**WHEREAS**, as required by law, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on May 17, 2022; and

**WHEREAS**, subsequent to amendments made by Town Council on April 26, 2022, and May 24, 2022, the Town of Seabrook Island Planning Commission conducted a second review of the proposed New

DSO and New Zoning Map on June 8, 2022, at which time members of the Planning Commission unanimously recommended in favor of adopting the same, inclusive of the amendments made by Town Council; and

**WHEREAS**, the Mayor and Council believe it is fitting and proper to adopt this ordinance to achieve the objectives referenced herein;

**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, S.C.:**

**SECTION 1. Repealing the Existing DSO.** The Existing DSO is hereby repealed in its entirety.

**SECTION 2. Adopting the New DSO.** The New DSO, a copy of which is attached hereto as “Exhibit A”, is hereby adopted by reference as if fully set forth within this section.

**SECTION 3. Repealing the Existing Zoning Map.** The Existing Zoning Map is hereby repealed in its entirety.

**SECTION 4. Adopting the New Zoning Map.** The New Zoning Map, a copy of which is attached hereto as “Exhibit B”, is hereby adopted by reference as if fully set forth within this section.

**SECTION 5. Amending Chapter 20 of the Town Code.** The Town Code for the Town of Seabrook Island; Chapter 20, Planning and Development; is hereby amended to read as follows:

## **Chapter 20 - PLANNING AND DEVELOPMENT**

### **ARTICLE I. ~~IN-GENERAL~~ Comprehensive Plan**

#### **Sec. 20-1. Adopted.**

The "Town of Seabrook Island Comprehensive Plan," adopted by the Town Council on July 23, 2019, and inclusive of all maps, graphs, charts, attachments, and other descriptive materials, is hereby adopted and incorporated by reference as if fully set forth in this article and shall constitute the town's comprehensive plan as required under S.C. Code 1976, § 6-29-510.

#### **Sec. 20-2. Applicability.**

To the extent provided by state law and town ordinances, the town's comprehensive plan shall apply to and be used to guide and condition the use and development of land within the town's jurisdiction.

#### **Sec. 20-3. Conflicts in state law procedure governed by title 6. \_\_\_\_\_**

Whenever there is a difference in procedures authorized under S.C. Code 1976, titles 5 and 6, the procedures specified in title 6 shall control.

**Secs. 20-~~14~~—20-19.** Reserved.

## **ARTICLE II. FLOOD DAMAGE PREVENTION**

### **Sec. 20-20. Statutory authorization.**

The state legislature has, in S.C. Code 1976, § 5-7-30, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the town does ordain the flood damage prevention and protection regulations of this article.

### **Sec. 20-21. Findings of fact.**

- (a) The town's flood hazard areas are subject to periodic inundation, which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage.

### **Sec. 20-22. County ordinance adopted by reference; administration of article.**

- (a) In order to protect public health and safety and minimize public and private losses due to flood conditions in specific areas of the town, the Charleston County Flood Damage Prevention and Protection Ordinance, as adopted by Charleston County Ordinance No. 2124 on October 6, 2020, is hereby adopted and incorporated by reference as if fully set forth in this section, mutatis mutandis.
- (b) The Town of Seabrook Island declares that the Charleston County Flood Insurance Study, which was adopted by Charleston County Ordinance No. 2124 on October 6, 2020, and which includes the Flood Insurance Rate Maps (FIRM), dated January 29, 2021, copies of which are on file in the office of the town's Zoning Administrator, the Charleston County Building Inspection Services Department, and online at [charlestoncounty.org](http://charlestoncounty.org) and [msc.fema.gov](http://msc.fema.gov), is hereby adopted and incorporated by reference as if fully set forth in this section. Letters of Map Change (LOMC) to these adopted maps which are duly authorized by the National Flood Insurance Program (NFIP) shall become effective immediately upon the date established by the NFIP.
- (c) The requirements of this section shall be administered by the town in conjunction with the administration of building and zoning permits, as required by chapter 6 and the Town of Seabrook Island Development Standards Ordinance (DSO).
- (d) Subsequent changes to the Charleston County Flood Damage Prevention and Protection Ordinance which are adopted by Charleston County Council following the effective date of this ordinance shall be adopted by ordinance of town council.

**Sec. 20-23. Penalty.**

A violation of the provisions of this article or the failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, imprisoned for not more than 30 days, or both, and in addition, shall pay all the costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the town from taking such other lawful actions as are necessary to prevent or remedy any violation.

~~Secs. 20-24—20-42. Reserved.~~

**ARTICLE III. PLANNING COMMISSION**

~~Sec. 20-43. Created.~~

~~There is hereby created the Town of Seabrook Island Planning Commission. The planning commission shall be assigned the power and duty to develop and carry out a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the town.~~

~~Sec. 20-44.—Composition; terms; vacancy; removal.~~

- ~~(a) The planning commission shall consist of five members, who shall be appointed by the town council. Each member shall be a registered voter of the town, and shall either reside or own property within the town. No member of the commission may hold an elected public office in the town or county.~~
- ~~(b) All members shall be appointed for a term of two years. All terms shall end on December 31 of the appropriate year unless otherwise noted. The town council shall fill any vacancies.~~
- ~~(c) The town council may remove a member for cause after written notice and a public hearing. Cause may include, but shall not be limited to, repeated failure to attend commission meetings.~~

~~Sec. 20-45. Compensation.~~

~~Members of the commission shall serve without compensation. Members may be reimbursed for actual expenses incurred in the performance of their duties, as determined and authorized by the town council.~~

~~Sec. 20-46.—Election of officers; appointment of secretary; organizational procedure governed by state law.~~

The commission shall elect a chairperson and a vice chairperson from its members, who will serve for a term of one year and may be reelected. The commission shall appoint a secretary, who may be an officer or employee of the town or commission. The planning commission shall adopt rules of organizational procedure that, as a minimum, address those procedures listed in S.C. Code 1976, § 6-29-360.

**~~Sec. 20-47. Public meetings and records.~~**

The commission shall hold at least one regular meeting each month, and shall meet at the call of the chairperson or at such times as the commission may determine. The commission shall keep a public record of all proceedings, findings and determinations. All regular and special meetings of the planning commission shall be open to the public and all records of the commission shall be a public record.

**~~Sec. 20-48. Powers and duties.~~**

The planning commission shall have such powers and duties as provided by town ordinance and resolution, as authorized by S.C. Code 1976, § 6-29-310 et seq. In accomplishing the purposes for which it has been created, the planning commission may prepare and periodically revise development and/or redevelopment plans and programs, and prepare and recommend to the council measures for implementing such plans and programs as follows:

- ~~(1) A comprehensive land use plan for the town, as authorized under the provisions of S.C. Code 1976, § 6-29-510 et seq. of the South Carolina Comprehensive Planning Act of 1994.~~
- ~~(2) A zoning ordinance for the town, as authorized under the provisions of S.C. Code 1976, § 6-29-710 et seq. of the South Carolina Comprehensive Planning Act of 1994. The zoning ordinance is to include text, map, and any necessary revisions.~~
- ~~(3) Regulations for land subdivision or development and appropriate revisions thereof, as authorized under the provisions of S.C. Code 1976, § 6-29-1110 et seq. of the South Carolina Comprehensive Planning Act of 1994, and to oversee the administration of the regulations adopted.~~
- ~~(4) An official map showing the exact location of existing or proposed public streets, highways, utility rights-of-way, and public building sites. The official map and zoning map may be the same document. The commission is responsible for developing regulations and procedures for administering the official map ordinance.~~
- ~~(5) Landscaping ordinances setting forth the minimum standards for planting, tree preservation, and other aesthetic considerations for land and structures.~~
- ~~(6) A capital improvements program (CIP) which lists the required projects to carry out the adopted plans, including:
  - ~~a. An annual listing of priority projects for consideration by the county council for implementation prior to preparation of its capital budget; and~~~~

~~b.—Policies or procedures to facilitate implementation of the planning elements.~~

~~The planning commission in conjunction with the town's administrative staff shall carry out these functions.~~

~~**Sec. 20-49. Staffing; budget.**~~

~~The town's administrative staff will work cooperatively with the planning commission, and will provide for supplies, necessary clerical support, required public notice and other staff support as required for the operation of the commission, within the limits established in the town's budget. The commission shall not be authorized to incur expenses or obligate the town to incur expenses without the express permission and concurrence of the mayor or designee.~~

~~**Sec. 20-50. Extraterritorial jurisdiction.**~~

~~The planning commission shall exercise its authority within the town's corporate limits and the area outside the town's corporate limits, if any, in which the town is authorized to and elects to exercise jurisdiction under the provisions of section 6-29-330 of the South Carolina Comprehensive Planning Act of 1994.~~

~~**Secs. 20-51—20-69.** Reserved.~~

~~**ARTICLE IV. COMPREHENSIVE PLAN**~~

~~**Sec. 20-70. Adopted.**~~

~~The "Town of Seabrook Island Comprehensive Plan," adopted by the Town Council on July 23, 2019, and inclusive of all maps, graphs, charts, attachments, and other descriptive materials, is hereby adopted and incorporated by reference as if fully set forth in this article, and shall constitute the town's comprehensive plan as required under S.C. Code 1976, § 6-29-510.~~

~~**Sec. 20-71. Applicability.**~~

~~To the extent provided by state law and town ordinances, the town's comprehensive plan shall apply to and be used to guide and condition the use and development of land within the town's jurisdiction.~~

~~**Sec. 20-72. Conflicts in state law procedure governed by title 6.**~~

~~Whenever there is a difference in procedures authorized under S.C. Code 1976, titles 5 and 6, the procedures specified in title 6 shall control.~~

~~**Secs. 20-73—20-91.** Reserved.~~

~~**ARTICLE V. BOARD OF ZONING APPEALS**~~

~~**Sec. 20-92. Created.**~~

~~There is hereby created the Town of Seabrook Island Board of Zoning Appeals.~~

~~**Sec. 20-93. Composition; terms.**~~

~~The board of zoning appeals shall be composed of five members, who shall be residents of the town. Members shall be appointed by the town council, and shall serve for a term of five years.~~

~~**Sec. 20-94. Powers and duties.**~~

~~The board of zoning appeals shall have all the functions, powers and duties authorized under S.C. Code 1976, § 6-29-800 and the Town of Seabrook Island Development Standards Ordinance (DSO), section 19.30. The board's authority to issue variances shall be limited to the conditions set forth in S.C. Code 1976, § 6-29-800(A)(2).~~

~~**Sec. 20-95. Compensation.**~~

~~Members will serve without compensation. Members may be reimbursed for actual expenses incurred in the course of board business, as determined and authorized by the town council.~~

~~**Sec. 20-96. Function and adoption of rules governed by state law procedure.**~~

~~The board of zoning appeals shall function and adopt rules in accordance with the procedures specified in S.C. Code 1976, § 6-29-790.~~

~~**Sec. 20-97. Appeals governed by state law and DSO.**~~

~~Any appeal from a decision by the board of zoning appeals shall be made in accordance with the procedures and rights set forth in S.C. Code 1976, § 6-29-820 et seq. and the Town of Seabrook Island Development Standards Ordinance (DSO), section 19.40.30.~~

**SECTION 6. Codification.** The town clerk/treasurer shall send the New DSO to the town's publishing company to be codified as soon as practical.

**SECTION 7. Copies.** Copies of the New DSO and New Zoning Map shall be made available for public inspection in the office of the town clerk/treasurer and on the town's website. Paper copies of the New DSO and New Zoning Map may be purchased from the town clerk/treasurer at a cost not to exceed \$25.00 each.

**SECTION 8. 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 9. Conflicting Ordinances Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 10. Effective Date.** This ordinance shall be effective from and after July 1, 2022.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2022.

First Reading: April 26, 2022  
Public Hearing: May 17, 2022  
Second Reading: June 28, 2022

TOWN OF SEABROOK ISLAND

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

ATTEST

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

**EXHIBIT A**

To Ordinance No. 2022-04

**Town of Seabrook Island Development Standards Ordinance**

**EXHIBIT B**

To Ordinance No. 2022-04

**Official Zoning Map of the Town of Seabrook Island**