

# TOWN OF SEABROOK ISLAND

## Planning Commission Regular Meeting

June 9, 2021 – 1:30 PM



Virtual Meeting (Zoom)

[Watch Live Stream \(YouTube\)](#)

**Participate in the Virtual Meeting:** Individuals who wish to participate in the virtual meeting via Zoom may access the meeting as follows:

- [Instructions for Joining & Participating in the Virtual Meeting](#)
- **To join by computer, tablet or mobile device:** [Access Zoom Meeting](#)
- **To join by phone:** Call (646) 558-8656 *\*Please note that long distance rates may apply\**
- **Meeting ID:** 844 4147 7354    **Passcode:** 595832

**Submit a Written Comment:** Individuals who wish to submit a comment in advance of the meeting may do so in writing by 12:00 pm on the day of the meeting using one of the following options:

- **Email:** [jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org)
- **Mail or Hand Deliver:** 2001 Seabrook Island Road, Seabrook Island, SC 29455

**Watch Live Stream Video:** The meeting will be live streamed on the town's YouTube channel beginning at 1:30 pm.

- **Watch Live:** [Live Stream Video \(YouTube\)](#)

## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

1. **Regular Meeting: May 12, 2021**

[Pages 3–5]

### OLD BUSINESS ITEMS

*There are no Old Business Items*

### NEW BUSINESS ITEMS

1. **Rezoning Request: 1817 Landfall Way**

[Pages 6–16]

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 149-01-00-261, containing approximately 0.16 +/- acres located at 1817 Landfall Way, from the MF Multi-Family Residential District to the AGC Agricultural-Conservation District

**2. Text Amendment: Permit Time Limits**

*[Pages 17–21]*

An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 13, Permitting Applications and Procedures; Section 13.70, Building Permits; Subsection 13.70.20, Permit Time Limits; so as to amend the time limit for completion of construction following the issuance of a building permit

**ITEMS FOR INFORMATION / DISCUSSION**

*There are no Items for Information / Discussion*

**ADJOURN**

# TOWN OF SEABROOK ISLAND

## Planning Commission Regular Meeting

April 14, 2021 – 1:30 PM



Virtual Meeting Hosted via Zoom

[Live Streamed on YouTube](#)

### MINUTES

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

Absent: None

Guests: None

Chairman Otstot called the meeting to order at 1:32 PM. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

#### APPROVAL OF MINUTES

1. **Regular Meeting: April 14, 2021:** Ms. Welch made a motion to approve the minutes from the April 14, 2021, meeting as submitted. Mr. Newton 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. **Text Amendment: Fee Schedule:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation to Town Council on a proposed amendment to the fee schedule contained within the DSO. He stated that when the fee schedule was last updated at the end of 2020, a new “post facto” fee was imposed on permits where the work commenced prior to the issuance of a town permit. The amount of this fee was equal to the permit fee itself and had the net effect of doubling of the permit fee. He stated that if a new short-term rental permit application was received after the March 31<sup>st</sup> deadline, the permit fee would double from \$250.00 to \$500.00 based on the current fee schedule if the owner was already advertising the unit for rent. He stated that he felt this amount was excessive, and the proposed text amendment would instead impose a \$100.00 late fee in lieu of doubling the permit fee. Therefore, staff recommended in favor of approving the text amendment.

Chairman Otstot asked how the town's fees are set. Town Administrator Cronin stated that he regularly evaluates the cost to the town of providing various services. The fee amounts are then based on the time and effort associated with the review and processing of each permit type, as well as administrative costs related to enforcement, inspections and record keeping. He stated that he also reviews permit fee schedules from neighboring communities to ensure that the town's fees are not out of line with what other communities are charging for similar services.

Chairman Otstot then asked who has the authority to "red tag" (ie. issue a stop-work order). Town Administrator Cronin responded that a job may be red tagged by a town code enforcement officer, the zoning administrator, or by a county building inspector.

There being no further questions, Chairman Otstot called for a motion.

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

2. **Text Amendment: Building Heights:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation to Town Council on a proposed amendment to eliminate the July 31<sup>st</sup> sunset date upon which all new construction must begin using the January 2021 flood maps for the purpose of determining building height. He stated that the sunset date was proposed to be removed in the current draft of the new DSO; however, adoption of the new DSO was delayed pending the drawing of new zoning maps. In order to ensure that property owners may continue to use the 204 flood maps in certain circumstances for the purpose of determining allowable building heights, he stated that the DSO should be amended to remove the July 31<sup>st</sup> sunset date. Therefore, staff recommended in favor of approving the text amendment.

Dr. Ullner asked several questions about how the ordinance would affect the reconstruction of existing homes. Town Administrator Cronin stated that existing homes would be subject to FEMA's minimum base flood elevation requirements regardless. Because so many properties within the town now have a lower BFE as a result of the new flood maps, most properties would need to build to a lower maximum height if the current language is allowed to lapse in July. The purpose of this ordinance is to retain flexibility by allowing the maximum height to be measured from either the 2004 or 2021 BFE, as long as the 2024 BFE is HIGHER than the 2021 BFE.

There being no further questions, Chairman Otstot called for a motion.

Ms. Welch made a motion to recommend in favor of approving the text amendment. Mr. Newton seconded the motion. The motion was **APPROVED** by a vote of 5-0.

## **ITEMS FOR INFORMATION / DISCUSSION**

*There were no Items for Information.*

There being no further business, Chairman Otstot asked for a motion to adjourn. Mr. Billian 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 2:10 PM.

Minutes Approved:



Joseph M. Cronin  
Town Administrator



# MEMORANDUM

**TO:** Planning Commission Members  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Rezoning Request for 1817 Landfall Way  
**MEETING DATE:** June 9, 2021

---

The Planning Commission is asked to review and provide a recommendation to Town Council on a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 149-01-00-261, containing approximately 0.16 +/- acres located at 1817 Landfall Way. The applicant is seeking to rezone the property from the MF Multi-Family Residential District to the AGC Agricultural-Conservation District.

The property is part of the Marsh Creek Homes subdivision, which is zoned for detached MF Multi-Family homes. On the left side, it abuts the parcel containing Cottonwick Island, which is zoned SR Single-Family Residential. The rear of the property backs up to a marsh critical area. Given its small size (less than 7,000 square feet) and odd shape, the parcel has extremely limited development potential.

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. 2021-07**

**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 149-01-00-261, CONTAINING APPROXIMATELY 0.16 +/- ACRES LOCATED AT 1817 LANDFALL WAY, FROM THE MF MULTI-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT**

**WHEREAS**, on or about May 19, 2021, the Seabrook Island Property Owners Association filed Rezoning Application #86 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 149-01-00-261, containing approximately 0.16 +/- acres located at 1817 Landfall Way, from the MF Multi-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 June 9, 2021, 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 July 27, 2021, as required by law;

**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 149-01-00-261, containing approximately 0.16 +/- acres located at 1817 Landfall Way, from the MF Multi-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 \_\_\_\_\_, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2021.

First Reading: June 22, 2021  
Public Hearing: July 27, 2021  
Second Reading: July 27, 2021

TOWN OF SEABROOK ISLAND

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

ATTEST

\_\_\_\_\_  
Faye Allbritton, Town Clerk

**EXHIBIT A**

Property Map  
Charleston County Tax Map Number 149-01-00-261



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

REZONING APPLICATION NO. 86  
DATE 5/19/21

**PROPERTY INFORMATION:**

1. Present Zoning SFR MF J
2. Proposed Zoning Conservation
3. Tax Map Number (s) 149-01-00 261
4. Address 187 Landfall Way
5. Lot Dimensions .16 acres
6. Deed Recorded: Book \_\_\_\_\_ Page \_\_\_\_\_ Date \_\_\_\_\_
7. Plat Recorded: Book EG Page 217 Date 11/11/2002

**APPLICANT/OWNER/REPRESENTATIVE:**

8. Applicant SIPA  
Address 1202 Landfall Way  
Phone No. (Home) \_\_\_\_\_ (Business) 843 768 0061
9. Owner(s) (if different from applicant) Accepted by SIPA 5/17/21  
Address \_\_\_\_\_  
Phone No. (Home) \_\_\_\_\_ (Business) \_\_\_\_\_
10. Representative (if different from applicant) \_\_\_\_\_
11. I (We) certify that \_\_\_\_\_ is my (our) authorized representative for this zoning change.

\_\_\_\_\_  
Signature of Owner(s)/Date

Deanne Patz 5/19/21  
\_\_\_\_\_  
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 843-762-0108  
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

### REFERENCE:

PLAT BY: A.H. SCHWACKE, III  
DATED: NOVEMBER 11, 2002  
BOOK: EG PAGE: 217  
RMC CHAS. CO.

TAX MAP No. 149-01-00-261  
No. 1817 LANDFALL WAY

Requested by: CANDICE HAYNIE

**TOTAL LOT AREA:**  
7,116.2 Sq. Feet  
0.16 Acres

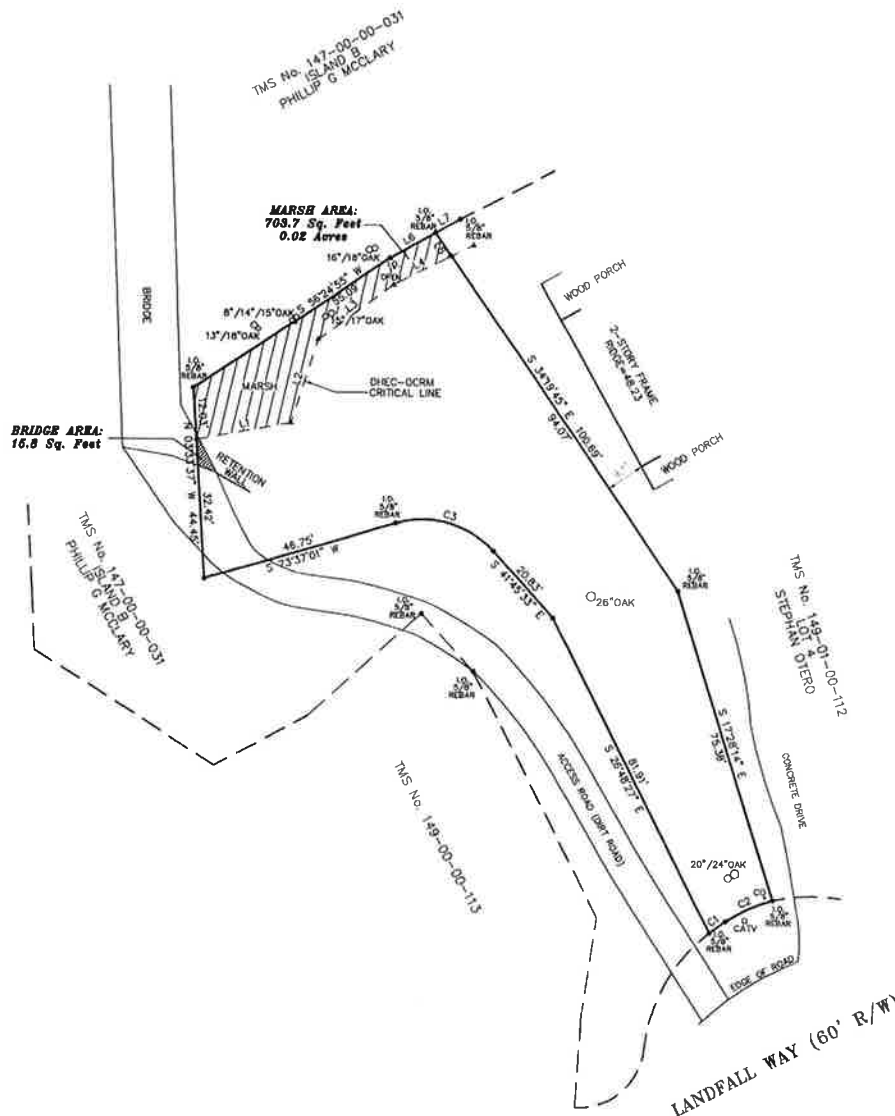
**HIGHLAND AREA:**  
6,481.6 Sq. Feet  
0.15 Acres

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.

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.

GRID



**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 14') AS PER FEMA FLOOD MAPS, PANEL No. 45015C 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 79°36'00" E	22.30'
L2	N 17°35'44" E	20.38'
L3	S 54°13'23" W	22.06'
L4	N 63°20'18" E	14.98'
L5	N 34°19'43" W	6.62'
L6	S 62°27'10" W	12.18'
L7	N 61°00'00" E	6.48'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	40.00'	4.62'	4.62'	N 55°09'29" E	6°37'17"
C2	40.00'	12.20'	12.16'	S 65°47'53" W	17°28'51"
C3	22.00'	24.77'	23.48'	S 74°10'07" E	64°30'03"

**LEGEND:**  
I.O. IRON OLD (FOUND)  
CATV CABLE & TV BOX  
CO CLEAN OUT

### 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 objections other than shown.

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



BOUNDARY SURVEY  
LOT 5  
TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA



DATE: MAY 28, 2020 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.

PREPARED BY:  
Buist, Byars & Taylor, LLC  
130 Gardener's Circle  
PMB# 138  
Johns Island, SC 29455  
File No. 1558.0019

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF CHARLESTON            )                    TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that **Cottonwick Island, LLC** (“Grantor”), in the State aforesaid, for/and in consideration of the sum of ZERO AND 00/100 DOLLARS (\$0.00), to it in hand paid at and before the sealing of these Presents by **Seabrook Island Green Space Conservancy, Inc.**, in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release unto the said **Seabrook Island Green Space Conservancy, Inc., a South Carolina Corporation**, the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO  
AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION.

TMS Number: 149-01-00-261

Address of Grantee(s):           P.O. Box 185  
  Johns Island, SC 29455

This is the same property conveyed to Grantor by deed from Marsh Creek, LLC dated August 1, 2016 and recorded August 12, 2016 in Book 0575, page 351, Charleston County Recording Office.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said **Seabrook Island Green Space Conservancy, Inc., a South Carolina Corporation**, his heirs and assigns, forever.

AND subject to the exceptions set forth above, Grantor does hereby bind itself and its successors in office, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said **Seabrook Island Green Space Conservancy, Inc.**, his heirs and assigns, against itself and its successors, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

**EXHIBIT A**

ALL that certain piece, parcel or lot of land situate, lying and being in the Town of Seabrook Island, Charleston County, State of South Carolina, and shown and designated as Lot 5 on a plat entitled, "Plat Showing the Resubdivision of Lots 4, 5 and Cottonwick Island, Bay Pointe Villas, Town of Seabrook Island, Charleston County, South Carolina," dated November 11, 2002, prepared by A.H. Schwacke, Jr., RLS, which said plat is recorded in the RMC Office for Charleston County in Book EG, Page 217, and to which reference is hereby craved for a more full and complete description.

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

WITNESS my hand and seal this 10<sup>th</sup> day of July, 2020.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

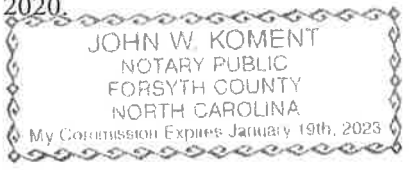
*[Signature]*  
Witness #1  
*[Signature]*  
Witness #2

Cottonwick Island, LLC  
*[Signature]*  
BY: Scott Pope  
IFS: Sole Member

STATE OF NC. )  
                                  ) )  
COUNTY OF Forsyth )

The foregoing instrument was acknowledged before me by Cottonwick Island, LLC, a  
North Carolina Limited Liability Company, this 10<sup>th</sup> day of July, 2020.

*[Signature]* (SEAL)  
Notary Public for Forsyth County, North Carolina  
My commission expires: 01.19.2023



**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 1817 Landfall Way, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 149-01-00-261, was transferred by **Cottonwick Island, LLC** to **Seabrook Island Green Space Conservancy, Inc.** on October 2, 2020.
- 3. Check one of the following: The deed is
  - (a) X 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) \_\_\_\_\_ exempt from the deed recording fee because (See Information section of affidavit): \_\_\_\_\_ ( 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 \_\_\_\_\_

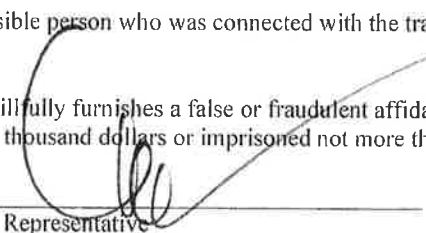
- 4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
  - (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$0.00
  - (b) \_\_\_\_\_ The fee is computed on the fair 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 \$ \_\_\_\_\_

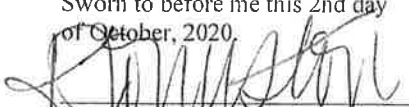
5. Check YES \_\_\_\_\_ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before 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. 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

8. 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

Sworn to before me this 2nd day  
of October, 2020.  
  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_







## MEMORANDUM

**TO:** Planning Commission Members  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Text Amendment (Building Permits)  
**MEETING DATE:** June 9, 2021

---

The Planning Commission is asked to review and provide a recommendation to Town Council on a proposed amendment to Subsection 13.70.20 (Permit Time Limits) of the DSO.

Subsection 13.70.20 of the DSO deems a building permit to be abandoned if the holder of the permit does not commence construction within six (6) months following the date of issuance or, once commenced, if construction is discontinued for a period of six (6) months. Subsection 13.70.20 of the DSO also states that a building permit shall allow one year for construction from the date of issuance; and

The overwhelming majority of new home construction permits issued in the Town are not completed within one (1) year from the date of issuance and must be extended pursuant to the requirements of Subsection 13.70.20(c).

Additionally, the adopted building codes for the State of South Carolina state:

“Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.”

It is recommended that Subsection 13.70.20 of the DSO be amended to make it consistent with the adopted building codes, as well as the policies and procedures of the Charleston County Building Inspection Services Department, which administers and enforces permitting and inspection services within the town limits on behalf of the town.

If adopted, a permit would become invalid if work is not commenced within 180 days of issuance. If work has commenced, the permit would become invalid if more than 180 days pass between inspections. The one (1) year time limit in which to complete construction would also be repealed.

### **Staff Recommendation**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Cronin". The signature is fluid and cursive, with a large initial "J" and "C".

Joseph M. Cronin  
Town Administrator

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2021-08**

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

**AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 13, PERMITTING APPLICATIONS AND PROCEDURES; SECTION 13.70, BUILDING PERMITS; SUBSECTION 13.70.20, PERMIT TIME LIMITS; SO AS TO AMEND THE TIME LIMIT FOR COMPLETION OF CONSTRUCTION FOLLOWING THE ISSUANCE OF A BUILDING PERMIT**

**WHEREAS**, Subsection 13.70.20 of the Development Standards Ordinance for the Town of Seabrook Island (hereafter, the “DSO”) deems a building permit to be abandoned if the holder of the permit does not commence construction within six (6) months following the date of issuance or, once commenced, if construction is discontinued for a period of six (6) months; and

**WHEREAS**, Subsection 13.70.20 of the DSO also states that a building permit shall allow one year for construction from the date of issuance; and

**WHEREAS**, the overwhelming majority of new home construction permits issued in the Town are not completed within one (1) year from the date of issuance and must be extended pursuant to the requirements of Subsection 13.70.20(c); and

**WHEREAS**, the adopted building codes for the State of South Carolina state: “Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated;” and

**WHEREAS**, the Mayor and Council of the Town of Seabrook Island desire to make the Town’s permit time limits consistent with the adopted building codes for the State of South Carolina;

**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 Subsection 13.70.20 of the DSO.** The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 13, Permitting Applications and Procedures; Section 13.70, Building Permits; Subsection 13.70.20, Permit Time Limits; is hereby amended to read as follows:

**§ 13.70.20. Permit Time Limits.**

- ~~(a) Every building permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. A building permit will be considered abandoned if, construction is not commenced within a period of six (6) months after issuance of the building permit or once commenced, if construction is discontinued for a period of six (6) months.~~
- ~~(b) The Zoning Administrator is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. All building permits shall allow one year for construction from the date of issuance of the building permit.~~
- ~~(d) The Zoning Administrator may grant an extension for up to six (6) months of construction time where active construction is underway. All extensions must be requested at least thirty (30) calendar days before the expiration of the one year time period set forth in this ordinance. Any extensions beyond this period must be approved by the Town Council. All requests for extensions must be accompanied by a fee.~~
- ~~(f) An extension designed to merely keep the permits in effect while no substantial work is being done will not be authorized and the permits will be allowed to expire. The Zoning Administrator shall determine whether substantial work is being done within the provisions of this section.~~
- ~~(g)~~
- ~~(h) Any construction started and not completed within the stipulated time granted through this ordinance, and for which no extension is granted, shall be considered invalid. Failure on the part of the contractor or property owner to complete construction within the time granted by this ordinance or to remove remnants of construction from the site shall trigger legal proceedings on behalf of the Town of Seabrook Island to order the removal of such construction in addition to the issuance of fines on a daily basis as allowed by this ordinance. For each day a contractor or property owner exceeds the time allowed by this ordinance or by Town Council to complete construction, a fine may be issued by the Town as allowed by law.~~
- ~~(i)(b)~~

## **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: June 22, 2021  
Public Hearing: July 27, 2021  
Second Reading: July 27, 2021

TOWN OF SEABROOK ISLAND

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

ATTEST

\_\_\_\_\_  
Faye Allbritton, Town Clerk