

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2018-13

ADOPTED DECEMBER 18, 2018

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 7, LOT AND BUILDING REQUIREMENTS; SECTION 7.60, MINIMUM SETBACKS; SUBSECTIONS 7.60.10.30 AND 7.60.10.31, LOTS SUBJECT TO THE OCRM CRITICAL LINE; SO AS TO INCREASE THE VALIDITY OF A SCDHEC-OCRM CRITICAL LINE CERTIFICATION FROM THREE YEARS TO FIVE YEARS

WHEREAS, Section 7.60 of the Development Standards Ordinance outlines the general lot and building requirements for property within the Town of Seabrook Island; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend the critical line survey requirements contained in Section 7.60.10.30 so as to increase the the validity of a SCDHEC-OCRM critical line certification from three years to five years, consistent with the policy of SCDHEC-OCRM; and

WHEREAS, the Seabrook Island Planning Commission reviewed the proposed amendments during a duly called meeting on November 7, 2018, at which time the Planning Commission made a recommendation to the Mayor and Council in favor of approving the proposed amendments; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on December 18, 2018; and

WHEREAS, the Mayor and Council believe it is fitting and proper to amend the Development Standards Ordinance to achieve the objectives referenced above;

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 7.60.10.30 of the Development Standards Ordinance. The Development Standards Ordinance of the Town of Seabrook Island, South Carolina; Article 7, Lot and Building Requirements; Section 7.60, Minimum Setbacks; Subsection 7.60.10.30; is hereby amended to read as follows:

§ 7.60.10.30. Lots subject to the OCRM Critical Line. Whenever any portion of any Town ordinance requires some measurement be taken from, or established based on, the South Carolina Ocean and Coastal Resource Management critical line, such critical line shall have been reviewed and certified by the South Carolina Ocean and Coastal Resource Management within the previous five years.

SECTION 2. Amending Section 7.60.10.31 of the Development Standards Ordinance. The Development Standards Ordinance of the Town of Seabrook Island, South Carolina; Article 7, Lot and

Building Requirements; Section 7.60, Minimum Setbacks; Subsection 7.60.10.31; is hereby amended to read as follows:

§ 7.60.10.31. Notwithstanding this requirement, critical areas by their nature are dynamic and subject to change over time. As such, in the event the Town has reason to believe a critical area has been changed since its last review by the South Carolina Ocean and Coastal Resource Management (even if such review has taken place within the past five years), it may require the property owner to have the critical line reviewed again and relocated, if such a change has occurred, before making any determinations which require some measurement be taken from or established based on such critical line.

SECTION 3. 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 4. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Effective Date.

This ordinance shall be effective upon adoption by Town Council.

SIGNED AND SEALED this 20th day of December, 2018, having been duly adopted by the Town Council for the Town of Seabrook Island on the 18th day of December, 2018.

First Reading: November 27, 2018
Public Hearing: December 18, 2018
Second Reading: December 18, 2018

TOWN OF SEABROOK ISLAND

Ronald J. Ciancio, Mayor

ATTEST

Faye Allbritton, Town Clerk