



Town of James Island Rezoning Application Package

Forms to be submitted:

- Rezoning Application
- Restrictive Covenants Affidavit
- Posted Notice Affidavit

Documents to be submitted:

- Copy of Approved & Recorded Plat
- Copy of Current Recorded Deed
- Fee (Check made out to "Town of James Island" or cash)

Information for Applicants:

- Fee Schedule
- Owners Signature Information Memo
- Violations Section (properties containing violations will not be processed)
- Successive Applications
- Rezoning Checklist

ZONING CHANGE APPLICATION



Zoning/Planning
Department
Town of James Island
Town Hall
1238-B C amp Road
James Island, SC 29412
(843) 795-4141
Fax: (843) 795-4878

CASE _____ PD _____

PROPERTY INFORMATION

CURRENT DISTRICT _____ REQUESTED DISTRICT _____

PARCEL ID(S) _____

CITY/AREA OF COUNTY _____

STREET ADDRESS _____ ACRES _____

DEED RECORDED: BOOK _____ PAGE _____ DATE _____

PLAT RECORDED: BOOK _____ PAGE _____ DATE _____ APPROVAL # _____

APPLICANT—OWNER—REPRESENTATIVE

APPLICANT _____ HOME PHONE _____

MAIL ADDRESS _____ WORK PHONE _____

CITY, STATE, ZIP _____ CELL PHONE _____

EMAIL _____

OWNER _____ HOME PHONE _____
(IF OTHER THAN APPLICANT)

MAIL ADDRESS _____ WORK PHONE _____

CITY, STATE, ZIP _____ CELL PHONE _____

EMAIL _____

REPRESENTATIVE _____ HOME PHONE _____
(IF OTHER THAN APPLICANT)

MAIL ADDRESS _____ WORK PHONE _____

CITY, STATE, ZIP _____ CELL PHONE _____

EMAIL _____

CERTIFICATION

<p><i>This application will be returned to the applicant within fifteen (15) business days if these items are not submitted with the application or if any are found to be inaccurate:</i></p>	✓ Copy of <u>Approved and Recorded Plat</u> showing present boundaries of property
	✓ Copy of <u>Current Recorded Deed</u> to the property (Owner's signature must match documentation.)
	✓ Copy of <u>Signed Restricted Covenants Affidavit</u>
	✓ Copy of <u>Signed Posted Notice Affidavit</u>
	✓ <u>Fee \$150.00 plus \$10.00 per acre (Fees vary for Planned Developments.)</u>

I (we) certify that _____ is the authorized representative for my (our) zoning change request. I also accept the above requirements for submitting my zoning change application. To the best of my knowledge, all required information has been provided and all information is correct.

Signature of Owner(s) _____ Date _____ Signature of Applicant/ Representative (if other than owner) _____ Date _____

Planner's Signature _____ Date _____ Zoning Inspector's Signature _____ Date _____

OFFICE USE ONLY

Amount Received _____ Cash ? Check? # _____ Invoice Number _____



Restrictive Covenants
Zoning/Planning

843.795.4141
Fax: 843.795.4878
Town Hall
1238-B Camp Road
James Island, SC 29412

PERMIT APPLICATION: RESTRICTIVE COVENANTS AFFIDAVIT

I, _____, have reviewed the restrictive covenants applicable to
(Print Name)

Parcel Identification Number(s) _____, located at
(TMS #)

_____, and the proposed permit application is not
(Address)

contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants, as
specified in South Carolina Code of Laws, Section 6-29-1145.

(Signature)

(Date)

(Print Name)

Explanation:

Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought. (Section 6-29-1145 is copied on the back of this page)

Received by: _____

Date: _____

Application #: _____

"Section 6-29-1145. (A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

- (1) in the application for the permit;
- (2) from materials or information submitted by the person or persons requesting the permit; or
- (3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

- (1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
- (2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and
- (3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."



843.795.4141
Fax: 843.795.4878
Town Hall
1238-B Camp Road
James Island, SC 29412

Zoning/Planning

POSTED NOTICE AFFIDAVIT

This Affidavit must be filled out and signed by all owner(s) of the subject parcel(s)

I, _____, have reviewed §3.1.6(B)(2), Posted Notice on
[Print Name(s)]

the back of this affidavit and understand that a sign(s) will be posted on

Parcel Identification Number(s)

_____, located at (address)

_____, at least 15 calendar days prior to the

public hearing date for which my request is scheduled.

I also understand that once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Zoning/Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting or date of action that is the subject of the notice. Failure to notify the Zoning/Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the decision-making body.

[Property Owner(s) Signature(s)]

[Date]

[Print Name(s)]

For Staff Use Only:

Received by _____

Date _____

Application Number _____



**Town of James Island Zoning and Land Development
Regulations Ordinance (ZLDR)**

§3.1.6 NOTICES

B. Types

2. Posted Notice

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice

843.795.4141
 Fax: 843.795.4878
 Town Hall
 1238-B Camp Road
 James Island, SC 29422



SERVICE TYPE		FEE
A. ZONING PERMITS		
1	Temporary Zoning Permit Fee	\$50.00
2	Protected/Grand Tree Removal Permit (Zoning Permit)	\$25.00
3	Residential Land Disturbance	\$25.00
4	Residential Zoning Permit	\$25.00
B. COMMERCIAL and INDUSTRIAL		
1	Up to 5,000 SF building size	\$50.00
2	greater than 5,000 SF building size	\$75.00
C. ZONING AND COMPREHENSIVE PLAN AMENDMENTS		
1	Zoning Map Amendments [Rezoning]	\$150.00 + \$10/acre
2	Planned Development (PD) Zoning District	
	a. Less than 10 acres	\$300.00 + \$10/acre
	b. 10-99 acres	\$1000.00 + \$15/acre
	c. 100 acres or greater	\$1500.00 + \$20/acre
3	Amendment to existing Planned Development text	\$300.00 + \$2/acre
4	Sketch Plan Amendment	\$300.00 + \$2/acre
5	ZLDR Text Amendments	\$250.00
6	Comprehensive Plan Amendments	\$250.00
D. SITE PLAN REVIEW		
1	Limited Site Plan Review	\$50.00
2	up to 5,000 SF building size.	\$250.00
3	greater than 5,000 SF building size.	\$500.00
E. BOARD OF ZONING APPEALS		
1	Appeals of Zoning Related Administrative Decisions	\$250.00
2	Special Exceptions	\$250.00

	3	Zoning Variances	\$250.00
	4	Protected/Grand Tree Removal Zoning Variances	\$250.00 + \$50.00
F.	ADDRESSING		
	1	Street Name Change	\$50.00
	2	Street Sign	\$200.00
G.	SIGNS		
	1	Billboards	Site Plan Review + \$50.00
	2	Wall Signs (per use)	\$50.00
	3	Free Standing Sign	\$50.00
	4	Agricultural Sign	\$20.00
H.	SUBDIVISION PLATS		
	1	One Lot or Exempt Plat	\$50.00
	2	2-10 Lots or Minor Subdivision Plat	\$100.00 + \$10/lot
	3	11 or more Lots or Preliminary Plat for Major Subdivision	\$200.00 + \$10/lot
	5	Final Plat	\$100.00 + \$10/lot
	6	Public Improvement(s) Review (Engineering)	\$10/lot
	7	Appeals of Subdivision Related Administrative Decisions	\$250.00

FEE SCHEDULE NOTES

Town Council may waive all or a portion of the above fees upon submittal of a request to Council and subsequent approval at a public meeting of Town Council

If any type of zoning application/permit is required in order to bring properties that have current zoning violations into compliance with the Town of James Island Zoning and Land Development Regulations Ordinance, the zoning application/permit fees shall be doubled.

Separate applications and fees shall be filed for more than one Variance request to each requirement of this Ordinance. If an applicant requests a variance for removal of more than one Protected/Grand tree, each additional Protected/Grand tree shall require an additional fee.



CHARLESTON
COUNTY
SOUTH CAROLINA

PLANNING DEPARTMENT

843.202.7200

1.800.524.7832

Fax: 843.202.7222

Lonnie Hamilton, III

Public Services Building

4045 Bridge View Drive

North Charleston, SC 29405-7464

Daniel C. Pennick, AICP
Director

MEMORANDUM

TO: Rezoning Applicants
FROM: Andrea N. Pietras, AICP *ANP*
DATE: December 20, 2007
SUBJECT: Signatures for Rezoning Applications

This memo is to inform potential and current rezoning applicants of the documentation required for signatures on rezoning applications. All signed documents submitted must be the original documents (no copies). All signed documents must be dated by the person(s) signing the document.

General:

Rezoning applications must be signed by all property owners as listed on the current, recorded deed of record for the subject property(ies). If more than one parcel is included in a rezoning request, the parcels may only be placed on the same application if (1) they are in the same zoning district; (2) they are owned by the same person(s) or entity(ies); and (3) the properties are contiguous.

Properties owned by corporations or partnerships:

Supporting documentation regarding owner signatures is required for properties that are owned by corporations or partnerships. As part of the rezoning application, the applicant must submit a letter from an attorney that (1) states who can sign for the corporation or partnership and (2) describes that person's role in the corporation or partnership. This letter must be notarized and must include the raised seal of the notary.

Properties for which there are multiple owners:

Applicants for properties that are owned by multiple persons (as shown on the current, recorded deed) may submit separate sheets (other than the application) for the signatures of the owners on a case by case basis. If this is permitted, one property owner must sign on the application and each of the other owners must sign a statement that reads "I have read the application for and agree with the request to rezone TMS # _____ from the ___ zoning district to the ___ zoning district." This statement must be notarized (with the raised seal) and submitted as part of the application.

ARTICLE 11.1 ORDINANCE COMPLIANCE REQUIRED

§11.1.1 COMPLIANCE REQUIRED

- A. No activity regulated by this Ordinance shall be undertaken except in full compliance with the express provisions of this Ordinance.
- B. No activity that is the subject of any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken except in full compliance with the subject permit or approval, including any attached conditions.
- C. The commencement or continuation of any activity regulated by this Ordinance that is not in compliance with the express provisions of this Ordinance, or that is not in compliance with the express provisions of any permit or approval, including any attached conditions, shall be a violation of this Ordinance, and subject to enforcement under the terms of this Chapter and South Carolina law.

ARTICLE 11.2 VIOLATIONS

§11.2.1 VIOLATIONS

All of the following constitute violations of this Ordinance:

- A. To use or attempt to use land or a building in any way not consistent with the requirements of this Ordinance;
- B. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Ordinance;
- C. To engage or attempt to engage in the development or subdivisions of land in any way not consistent with the requirements of this Ordinance;
- D. To transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate Town office;
- E. To submit for recording with a Town office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;
- F. To install or use a sign in any way not consistent with the requirements of this Ordinance;
- G. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one (1) or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;

- H. To engage in the use of a building or land, the use or installation of a sign, the subdivisions or development of land or any other activity requiring one (1) or more approvals or permits under this Ordinance in any way inconsistent with any such approval or permit and any conditions imposed;
- I. To violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;
- J. To obscure or obstruct any notice required to be posted or otherwise given under this Ordinance;
- K. To violate any lawful order issued by any person or entity under this Ordinance;
or
- L. To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

ARTICLE 11.3 ENFORCEMENT RESPONSIBILITY, COMPLAINTS

§ 11.3.1 RESPONSIBILITY

The responsibility for the enforcement of this Ordinance is delegated to the Planning Director. The Planning Director may utilize other Town Departments/Agencies as necessary to enforce the provisions of this Ordinance.

§ 11.3.2 NOTICE

If the Planning Director finds that any of the provisions of this Ordinance are being or have been violated, the Planning Director shall notify the person responsible for such violation, verbally and/or in writing, setting forth the nature of the violation and the action necessary to correct it, or issue a Uniform Ordinance Summons for the violation.

§11.3.3 COMPLAINTS

- A. Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a complaint with the Town. Such complaint shall state fully the causes and basis thereof.
- B. The Planning Director shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.

§11.3.4 AUTHORITY

Any staff member of the Planning Department who is authorized by Town Council shall have the authority to enforce the provisions of this Ordinance.

Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to impose conditions or approval as allowed by law. Conditions may be those deemed necessary to reduce or minimize any potential adverse impact upon other property in the area or to carry out the general purpose and intent of this Ordinance. All conditions must relate to a situation created or aggravated by the proposed use and be roughly proportional to the impact of the approved use or activity.

§3.1.10 Approval Criteria; Burden of Persuasion

In all cases, the applicant shall have the burden of establishing that an application complies with applicable approval criteria.

§3.1.11 Public Hearings

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Ordinance, provided that the continuance is set for a certain date and time and the date and time are announced at the public hearing.

§3.1.12 Successive Applications

A. Time Limit

If a final Decision-Making Body denies an application for a Zoning Map Amendment, Planned Development or Special Exception use, an application for the same or more intensive zoning, development or use on the subject parcel, whether the parcel is in its original configuration, expanded or reduced in area, shall not be accepted for 12 months from the date that the Decision-Making Body acted to deny the application.

B. Waivers

The time limit of Section 3.1.12A notwithstanding, Decision-Making Bodies may, after receipt of written petition by the property owner, waive the waiting period requirement by a vote of members present and voting. If the time limit is waived, the Decision-Making Body shall give written notice to the Planning Director, directing staff to process the application. All re-submissions shall be processed as new application, with prescribed fees. All documents and fees required for the respective type of application shall be included with the new application. Denial of the application shall be final and the 12-month waiting period shall be met before further consideration of a similar application on the subject property.

C. Applications Withdrawn Before Public Hearing Notice

Withdrawal of an application by the applicant before advertisement of any public hearing and before any required signs have been posted on the subject property shall be considered a termination of the application. Although no fees shall be refunded, re-application in such cases shall not be subject to the 12-month waiting period.

D. Applications Withdrawn After Public Hearing Notice

Postponement requests and withdrawals of applications that occur after advertisement of any public hearing or after any required signs have been posted on the subject property shall be treated the same as a denied application. Application processing shall terminate upon receipt of written notice from the applicant or owner. Reapplication shall be subject to a 12-month waiting period unless a waiver is granted in accordance with Section 3.1.12B of this Chapter.

- E. Requests for Postponements of Applications to the Board of Zoning Appeals**
Requests for postponements of applications from Board of Zoning Appeals Public Hearings must be made in writing by the applicant. Such requests received after advertisement of any public hearing or after any required signs have been posted on the subject property shall be subject to all applicable application fees as listed in the fee schedule approved by County Council.
- F. Requests for Postponements of Applications to the Planning Commission**
Requests for postponements of all applications from Planning Commission meetings, with the exception of subdivision applications, must be made in writing and the letter must be signed by both the property owner(s) and the applicant(s). Postponement requests received within ten (10) calendar days of the Planning Commission meeting for which the application is scheduled shall be considered withdrawals. In the event an application is withdrawn for failure to meet the ten (10) day provision, the applicant must submit a new application in compliance with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid. The Planning Commission may waive the required fees when the request for postponement is made due to extenuating circumstances as determined in the sole discretion of the Planning Commission.

§3.1.13 Vested Rights

Vested Rights shall be consistent South Carolina Code of Laws; Title 6, Chapter 29, Article II, Vested Rights.

ARTICLE 3.2 Comprehensive Plan Amendments

§3.2.1 Pre-Application Conference and Application Filing

Applications for amendments to the *Comprehensive Plan* shall be submitted by individuals or groups of individuals to the Planning Director on forms available in the Planning Department.

- A. Prior to the submittal of an application for a *Comprehensive Plan* amendment, applicants shall participate in a pre-application conference scheduled with the Planning Director. A pre-application conference is not required for applications submitted by the County.
- B. Applications for amendments to the *Comprehensive Plan* shall be submitted by individuals or groups of individuals to the Planning Director on forms available in the Planning Department.
- C. No application for a *Comprehensive Plan* Amendment shall be accepted as complete unless it includes the required fee and the following information:
 1. Completed *Comprehensive Plan* Amendment application signed by the current property owner(s) or applicant(s).
 2. Twenty (20) copies of the applicant's letter of intent explaining the objective of the proposed amendment(s) and how the criteria listed in Section 3.2.9(B) are met;
 3. Twenty (20) copies of the proposed changes to the *Comprehensive Plan* based on the current *Comprehensive Plan* in effect and showing proposed text deletions as strike-

Re-Zoning Application Checklist

Case #: _____

PD#: _____

Date: _____

Taken in by: _____

___ Approved, recorded plat showing current property boundaries verified on GIS/CAMA (plat book and page, parcel configuration and measurements)

___ Current, recorded deed verified on GIS/CAMA

For properties owned by corporations/partnerships:

___ Notarized letter from attorney stating who can sign for the Corporation/partnership and what their role is in that corporation/partnership (must have the raised seal)

___ Restrictive covenants affidavit

___ Posted notice affidavit

___ Addresses verified

___ Fee

___ Is the site accessible for site checks or does an appointment need to be set up? If appointment is needed, date/time and/or contact (with phone #) is:

___ Have asked the applicant what is currently on the parcel(s). Record applicant's response/resolution on the lines below:

___ Have asked the applicant if permits have been pulled for all structures/activities on the parcel(s). Record applicant's response/resolution on the lines below:

Additional Documentation Required for Planned Developments:

___ Current aerial with proposed sketch plan overlay

___ 35 copies of proposed guidelines and sketch plans

___ Digital copies of all tables, charts, exhibits, maps, etc.