



Town of Sullivan's Island

PLANNING COMMISSION

MEMORANDUM

To: Town Council

From: Planning Commission

Public Hearing Date: July 10, 2024

Topic: Public Hearing for Text Amendments – Impact on Pending Construction (Zoning Ordinance Section 21-7)

PUBLIC HEARING RECOMMENDATION:

During the Planning Commission's July 10th meeting, a public hearing was held to consider text amendments to Zoning Ordinance, Section 21-7 (*Impact on Pending Construction*).

The Commission recommended approval of the enclosed changes for being consistent with typical municipal action following an ordinance amendment and will assist with the enforcement of other adopted regulations of the Town of Sullivan's Island.

ENCLOSURES:

- PC recommended text changes to Zoning Ordinance, Section 21-7 (*Impact on Pending Construction*)
- Current Zoning Ordinance language for Section 21-7 (*Impact on Pending Construction*)

BACKGROUND:

In an effort to simplify regulation of the Zoning Ordinance by allowing immediate enforcement of new ordinance amendments so that there is not a window of time in which contractors may “choose their own adventure” between constructing to the old ordinance requirements and the newly adopted requirements and to allow the Town Council greater control over necessary changes to the Zoning Ordinance, the Planning Commission has voted, following a public hearing on the matter, remove the language from Section 21-7 of the Zoning Ordinance so that amendments approved by Town Council shall immediately go into effect and the former ordinance language will no longer be a development option for sixty (60) days following a final vote at Council to change the aforementioned language. The Planning Commission has studied any associated impacts to the Zoning Ordinance's regulations and held a Public Hearing on the matter:

July 10, 2024 (Public Hearing).

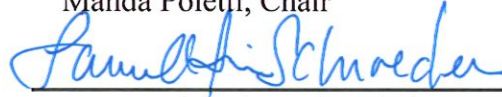
COMMISSION FINDINGS:

The Commission determined changes were needed to Section 21-7, *Impact on Pending Construction* to avoid unintended development to follow a change to the ordinance that would have prevented it and to lessen confusion for staff as they try to usher projects through predevelopment reviews under various and different ordinance requirements.

Respectfully submitted,



Manda Poletti, Chair



Laura Schroeder, Vice Chair

7.29.2024

Date

25 July 2024

Date

DRAFT ORDINANCE LANGUAGE FOR:
SECTION 21-7, IMPACT ON PENDING CONSTRUCTION.

Sec. 21-7. Impact on Pending Construction.

Nothing in this Ordinance shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof, for which a Building Permit request has been accepted by Town Staff prior to the ratification of any amendments to the Zoning Ordinance, provided construction shall commence consistent with the terms and conditions of the Building Permit and the Zoning Ordinance in force at the time the permit request is accepted for review. However, if the Building Permit is allowed to expire, then the proposed plans will require a new review and building permit issuance under the current Zoning Ordinance language at the time of resubmittal.

Sec. 21-7. Impact on pending construction.

Nothing in this Ordinance shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof, for which a Building Permit has been granted prior to the ratification of this Zoning Ordinance or amendment thereto, provided construction shall commence consistent with the terms and conditions of the Building Permit and the Zoning Ordinance in force at the time of issuance of the permit and shall be completed within two (2) years after such issuance. Provided a complete application is submitted within sixty (60) days after the ratification of the zoning ordinance or amendment thereto, the applicant may proceed in accordance with the previously adopted zoning ordinance or in accordance with this zoning ordinance at the option of the applicant. In the event the plans and specifications and all other matters contained in the application are not in conformance with the building and zoning ordinance, the applicant must bring the nonconformity(ies) into compliance within thirty (30) days of notification of the nonconformity by either the Building Inspector or Zoning Administrator. In the event the applicant fails to timely bring the plans, specifications, and application into conformance, then the applicant has no option and must then proceed only under the provisions of this Zoning Ordinance. There shall be no intermingling of the provisions of this ordinance and the previously adopted ordinance. Construction shall commence consistent with the terms and conditions of the building permit and of the Zoning Ordinance under which the building permit was issued, and shall be completed within two (2) years of such permit issuance.

An application and issuance of a Building Permit within sixty (60) days after the ratification of this Zoning Ordinance or amendment thereto, may proceed in accordance with the previously adopted Zoning Ordinance or in accordance with this Zoning Ordinance at the option of the permittee. If the permittee decides to proceed in accordance with the previously adopted Zoning Ordinance, there shall be no intermingling of the provisions of this ordinance and the previously adopted Zoning Ordinance. Construction shall commence consistent with the terms and conditions of the Building Permit and the Zoning Ordinance in force at the time of issuance of the permit and shall be completed within two (2) years after such permit issuance.

REDLINE VERSION OF SECTION 21-7. IMPACT ON PENDING CONSTRUCTION.

Nothing in this Ordinance shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof, for which a Building Permit ~~request has been accepted by Town Staff has been granted~~ prior to the ratification of ~~this~~ **any amendments to the** Zoning Ordinance ~~or amendment thereto~~, provided construction shall commence consistent with the terms and conditions of the Building Permit and the Zoning Ordinance in force at the time ~~the permit request is accepted for review.~~ **of issuance of the permit and shall be completed within two (2) years after such issuance.** **However, if the Building Permit is allowed to expire, then the proposed plans will require a new review and building permit issuance under the current Zoning Ordinance language at the time of resubmittal.** ~~Provided a complete application is submitted within sixty (60) days after the ratification of the zoning ordinance or amendment thereto, the applicant may proceed in accordance with the previously adopted zoning ordinance or in accordance with this zoning ordinance at the option of the applicant. In the event the plans and specifications and all other matters contained in the application are not in conformance with the building and zoning ordinance, the applicant must bring the non-conformity(ies) into compliance within thirty (30) days of notification of the nonconformity by either the Building Inspector or Zoning Administrator. In the event the applicant fails to timely bring the plans, specifications, and application into 4 Article I. In General conformance, then the applicant has no option and must then proceed only under the provisions of this Zoning Ordinance. There shall be no intermingling of the provisions of this ordinance and the previously adopted ordinance. Construction shall commence consistent with the terms and conditions of the building permit and of the Zoning Ordinance under which the building permit was issued, and shall be completed within two (2) years of such permit issuance. An application and issuance of a Building Permit within sixty (60) days after the ratification of this Zoning Ordinance or amendment thereto, may proceed in accordance with the previously adopted Zoning Ordinance or in accordance with this Zoning Ordinance at the option of the permittee. If the permittee decides to proceed in accordance with the previously adopted Zoning Ordinance, there shall be no intermingling of the provisions of this ordinance and the previously adopted Zoning Ordinance. Construction shall commence consistent with the terms and conditions of the Building Permit and the Zoning Ordinance in force at the time of issuance of the permit and shall be completed within two (2) years after such permit issuance.~~