



## MEMORANDUM

**TO:** Mayor Gregg & Members of Town Council  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Text Amendment (Building Permits)  
**MEETING DATE:** July 8, 2021

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Council is asked to review and approve 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 to complete construction from the date of issuance.

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 The one (1) year time limit in which to complete construction would also be repealed.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.

**Planning Commission Recommendation**

The Planning Commission reviewed the draft ordinance during its regular meeting on June 9, 2021. By a vote of 3-0, the Planning Commission recommended in favor of **APPROVAL** of the text amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Cronin", written in a cursive style.

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.~~
- ~~(c) 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.~~
- ~~(d) 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.~~
- ~~(e)~~
- ~~(f) 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.~~
- ~~(g)(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 8, 2021  
Second Reading: July 8, 2021

TOWN OF SEABROOK ISLAND

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John Gregg, Mayor

ATTEST

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Faye Allbritton, Town Clerk