

TOWN OF AWENDAW

6971 Doar Road | P.O. Box 520 | Awendaw, SC 29429

843.928.3100 | www.townofawendawsc.org

townadministrator@townofawendawsc.org

Katharine Watkins | *Town Administrator*

Donna F. Steed | *Clerk/Treasurer*

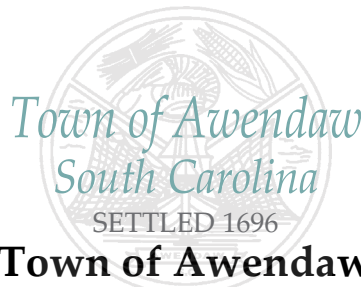
Chris Crolley | *Mayor*

Town Council

Paul Brown | Wendy Helms

Grace Gasper | Rodney Porcher

Kent Prause | John Timmons



**Town of Awendaw
Planning Commission Meeting
Agenda**

VIRTUAL MEETING

Join Zoom Meeting

<https://us02web.zoom.us/j/89325946851?pwd=rwwI8wRWa2P7KOqoDP9lCIBMR1JU9J.1>

Meeting ID: 893 2594 6851

Passcode: 975339

Monday, December 15th, 2025

6:00 PM, Awendaw Town Hall

6971 Doar Road, Awendaw, SC 29429

A. Prayer, Pledge of Allegiance & Reading of the Civility Pledge

B. Call to Order and Roll Call

C. Approve Minutes as available – November 2025

D. Public Comments –

The public comment period will be limited to a total of 25 minutes. Each speaker will have up to 2 minutes. No individual may speak more than once until all others wishing to comment have had an opportunity.

E. Old Business –

a. Vested Rights Draft Ordinance – Action Item

F. New Business –

a. Meeting Schedule for Planning Commission

H. Closing Remarks –

I. Adjournment

Next Meeting – January 20th, 2026

IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT, THE PRINT MEDIA WERE DULY NOTIFIED, ALONG WITH A HARD COPY POSTED AT CITY HALL. • SHOULD YOU HAVE QUESTIONS OR COMMENTS, PLEASE CONTACT PLANNING AT (843) 931-8125.

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Staff Report

Subject: Vested Rights Ordinance
Prepared for: Planning Commission
Date: December 15, 2025

Background

The State of South Carolina passed the Vested Rights Act in 2004, which became effective on July 1, 2005. This act required local governing bodies to revise or propose a vested right provision within their local ordinances that conform to the statutory requirements in the Act. Furthermore, failure to adopt a vested rights policy automatically requires the local government to default to the minimum standards outline in S.C. Code Section 6-29-1560.

The Town of Awendaw did not adopt a vested rights ordinance prior to the enactment of the Vested Rights Act. The Town currently must default on the State's minimum requirements. At the October Planning Commission meeting, staff were asked to draft a vested rights ordinance for further discussion. The Planning Commission stipulated that the vested rights ordinance should limit the number of annual extensions allowed from five (5) to two (2).

Staff Findings

Staff have drafted a vested rights ordinance for the Planning Commission's consideration for recommendation to Town Council with the following key points:

1. The proposed ordinance limits the annual extensions of the vesting period of a site-specific development plan from five (5) to two (2); and,
2. Contains provisions for when a vested right is established; and,
3. Creates a framework for how extensions will be reviewed and administered; and,
4. Includes conditions and limitations outlined in State Law; and,

Staff will defer to legal counsel regarding the viability of the implementation and adoption of this ordinance. Staff drafted the ordinance to conform with the Planning Commission's limit on the annual extensions allowed and with legal authority from State law.

Potential Motions

The Planning Commission may:

1. Motion to recommend the amended language to Town Council for approval based on staff recommendations.
2. Motion to recommend the amended language to Town Council for approval based on staff recommendations with additional changes (as determined by the commission).
3. Motion to defer a recommendation for further amendments.
4. Take no action.

Attachments:

- Staff report
- Draft Vested Rights Ordinance
- Code Citation Guide

Vested Rights Ordinance (Code Citation)

| Whereas Line | State Code | Town Code | New Language | Citation Notes |
|----------------|--|-----------|--------------|---|
| Line 1 | | | X | |
| Line 2 | (Citation of SC Vested Rights ACT) | | | |
| Line 3 | (Citation of SC Vested Rights ACT) | | | |
| Line 4 | | | X | |
| Line 5 | | | X | |
| Line 6 | | | X | |
| Line 7 | (SC CODE: 6-29-1540(7)) | | | |
| Line 8 | | | | |
| Line 9 | | X | | |
| Line 10 | | X | | |
| Ordinance Line | State Code | Town Code | New Language | Citation Notes |
| 153.051(A&B) | | X | | |
| 153.052(A-D) | | X | | |
| 153.053 | | | X | |
| 153.009 | (SC CODE: 6-29-1520) | | | |
| 153.054(A-C) | | X | X | To meet the proper administrative processes laid out in Town Code |
| 153.055(A) | (SC CODE: 6-29-1530(A)(1)) | | | |
| 153.055(B) | (SC CODE: 6-29-1540(4), 6-29-1540(10) & 6-29-1540(16)) | X | X | New language that also addresses other sections of code like 153.299(F) Laspe of preliminary plat approval. (requires applicant to seek a final plat approval within 2 years) |
| 153.055(C) | | | | Discussion on this needs to take place on a higher level or amended later. (Not sure on how to tackle this one) |
| 153.055(D) | (SC CODE: 6-29-1540(6)) | | | |
| 153.056(A) | | X | X | New language that also addresses other sections of code that start the approval clock at completeness not submittal. (153.297(D)(2)(a), 153.299(D), 153.300(D)) |

| | | | | |
|---------------|--|---|---|---|
| 153.056(B) | (SC CODE: 6-29-1540(1) & 6-29-1540(2)) | X | X | New language that also reaffirms current administrative processes for outlined and identified site-specific development plans. |
| 153.056(C) | (SC CODE: 6-29-1540(1) & 6-29-1540(2)) | X | X | New language that is derived from other procedures like Major Subdivisions and their subsequent review. |
| 153.056(D) | (SC CODE: 6-29-1540(5)) | | | |
| 153.057(A) | (SC CODE: 6-29-1530(A)(2)(b)) | | | State law lays out the minimum five, unless an amendment to the land use regulations is adopted. |
| 153.057(B) | (SC CODE: 6-29-1530(A)(2)(b)) | | | State law requires the local governing body to outline the process in which an extension may be applied for. |
| 153.057(B)(1) | | X | X | This section outlines a new application process for vested rights extensions. |
| 153.057(B)(2) | | | X | This is new but conceptual to address the proper review and staff time required to address such a request. No mention in code in not requiring a fee for this (open for interpretation) |
| 153.057(C) | (SC CODE: 6-29-1530(A)(2)(b)) | X | X | This follows the requirements for a public hearing, and the ability for the applicant to make their case for the extension. |

| | | | | |
|------------|--------------------------|--|---|--|
| 153.057(D) | | | X | Confirmation that failure to act on an extension results in forfeiture of ones vested rights |
| 153.058(A) | (SC CODE: 6-29-1540(4)) | | | Added to expand Town's authority |
| 153.058(B) | (SC CODE: 6-29-1540(10)) | | | Added to expand Town's authority |
| 153.058(C) | (SC CODE: 6-29-1540(8)) | | | Added to expand Town's authority |
| 153.058(D) | (SC CODE: 6-29-1540(14)) | | | Added to expand Town's authority |
| 153.059(A) | (SC CODE: 6-29-1540(9)) | | | Added to protect property owner rights and vested rights |
| 153.059(B) | (SC CODE: 6-29-1540(11)) | | | Added to protect property owner rights and vested rights |
| 153.049(C) | (SC CODE: 6-29-1540(12)) | | | Added to protect property owner rights and vested rights |
| 153.059(D) | (SC CODE: 6-29-1540(13)) | | | Added to protect property owner rights and vested rights |