

ORDINANCE NO. 2026-01

AN ORDINANCE TO AMEND CHAPTER 153, ZONING CODE, SECTION 153.010 OF THE CODE OF THE TOWN OF AWENDAW, SOUTH CAROLINA, IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ALL RESIDENTIAL AND COMMERCIAL ZONE CHANGE PROPOSALS (REZONINGS) AND SUBDIVISIONS OF RESIDENTIALLY ZONED LAND (SUBDIVISION PLAT APPROVALS) COMPRISING MORE THAN FIVE PARCELS OF LAND FOR THE PURPOSE OF PROVIDING TOWN COUNCIL TO IMPLEMENT ANY NECESSARY CHANGES TO THE ZONING ORDINANCE, LAND USE REGULATIONS, AND/OR COMPREHENSIVE PLAN NOW UNDER REVIEW.

WHEREAS, this ordinance is adopted to comply with the provisions of South Carolina Code sections 5-7-30 and 6-29-710, *et seq.*, the South Carolina 1975 Home Rule Act and Chapter 153, section 153.010 of the Ordinance Book of the Town of Awendaw, South Carolina; and,

WHEREAS, pursuant to prior appellate case precedents, a moratorium may be upheld where there is a demonstrated need for the moratorium and the moratorium is enacted in good faith, is non-discriminatory, is set for a clearly defined limited duration, and has a clearly defined scope; and,

WHEREAS, on March 7, 2024, the Town Council of the Town of Awendaw enacted, via a positive vote on the second reading, a temporary moratorium on the issuance of approvals for all zoning change proposals and for subdivisions comprising more than five parcels of land subject to the conditions provided herein; and,

WHEREAS, after passage of the moratorium, on March 7, 2024, Council has met regularly and worked diligently to review, discuss, consider, and determine whether there are necessary amendments to the Town zoning ordinance, land use regulations, and/or Comprehensive Plan;

WHEREAS, the council extended the moratorium via Ordinance 2025-01 on March 6, 2025, and met regularly and worked diligently to review, discuss, consider, and determine whether there are necessary amendments to the Town zoning ordinance, land use regulations, and/or Comprehensive Plan;

WHEREAS, Council has determined that it needs additional time to review, discuss, consider, and determine whether there are necessary amendments to the Town zoning ordinances and land use regulations in light of circumstances and events that occurred following the enactment of the 2024 moratorium, which includes the following events:

new council members were elected on November 7, 2023 and sworn in on December 7, 2023; Planning Commission members were appointed on September 5, 2024 by Town Council, the 1<sup>st</sup> Planning Commission Meeting and establishment of roles on October 21, 2024; postponement of the Public Hearing on the Comprehensive Plan updates on September 11, 2024 until a joint-work session with the newly appointed Planning Commission members could be scheduled for February 4, 2025; the Board of Zoning Appeals was appointed on December 5, 2024 with the first meeting on January 6, 2025; the adoption of the Comprehensive Plan via Ordinance 2025-24 on August 7, 2025; the hiring of Riccardo Giani as the interim Town Planner on August 5, 2024, the hiring of Katharine Watkins as the Town Administrator on January 7, 2025, and the hiring of Daniel O'Hara as the Town Planner on October 6, 2025;

WHEREAS, in reaching the decision to impose and extend the moratorium, Council made the following findings of fact:

1. Over the last several years, the Town of Awendaw has experienced a significant increase in the development of large-scale residential developments within its boundaries. The Town is experiencing and anticipates that there will continue to be demand for large-scale residential development growth, particularly with the ongoing growth in Planned Developments and large-scale subdivisions. The Town provides municipal planning and land use services, including, but not limited to land development regulation, zoning permits, and land use planning.
2. Appropriate and effective services of this nature are vital to the public health, safety, welfare, and quality of life in Awendaw.
3. Town Council finds that the increase in the number and size of large-scale residential developments in the Town pose a risk to public health, safety, welfare, and quality of life in Awendaw, via the impact that such development has on Town services, infrastructure, and resources, including, but not limited to, creating increased strain and negative impact on roads, fire, and emergency services, police services, traffic density, pedestrian safety, aesthetics, sensitive habitats, and traditional rural development.
4. The pace of growth and the impact of large-scale residential developments in the Town created the need to review and revise the associated ordinances and regulations related to land development, zoning, and land use permitting to match the Comprehensive Plan.

5. In sum, Town Council hereby finds that there is a demonstrated and immediate need for a moratorium on the allowance of any new zone change proposals (Rezoning) or subdivisions of residentially zoned land (Subdivision Plat Approvals) comprising more than five parcels of land, as provided herein.

WHEREAS, pursuant to the adopted moratorium ordinance, Council proposes to take the following actions: Review, with the assistance of Planning Commission, the Town's vision and mission, as well as codes, ordinances, and procedures related to zoning district classifications, housing density and residential lot sizes, and land development and subdivision regulations; and

WHEREAS, Town Council deems it necessary and proper to enact and extend the moratorium described herein.

NOW, THEREFORE, be it Ordered and Ordained by the Council of the Town of Awendaw, S. C. and it is ordained by the authority of said Council that Chapter 153, Zoning Code, paragraph (B) of section 153.010 of the Code of the Town of Awendaw, South Carolina, shall be and is hereby amended to specify as follows:

#### Section 1. Moratorium.

Town Council hereby implements a temporary moratorium on the allowance of any new residential and commercial zoning district changes, including those under the PD, Planned Development zoning district classification, and subdivisions proposing more than five parcels of land in order to provide time for the Town Council to strategically evaluate the Town's capability to serve the increased demands such future developments might place on Town services and infrastructure and to identify suitable locations for any such future developments. The moratorium shall not affect other types of permits, including, but not limited to, demolition permits, construction permits for single-family homes, small subdivisions of five or fewer parcels, business licenses, or business up-fit or new construction permits.

#### Section 2. Limited Duration

The provisions of this ordinance shall be effective immediately upon enactment, and shall remain in effect for one calendar year thereafter or until Council acts to end this temporary moratorium, whichever occurs first.

#### Section 3. Council Action Plan

During the moratorium, Council shall act promptly to:

- a. Review, discuss, consider, amend, revise, and/or adopt the Comprehensive Plan and recommendations delivered by the Steering Committee and Planning Commission;
- b. Determine whether there are necessary amendments to the Town zoning ordinance, land use regulations, and/or Comprehensive Plan resulting from the report and recommendations of the Steering Committee and the Planning Commission;
- c. Hold itself, or direct the Planning Commission to hold, such public hearings as Council desires or as may be required by law; and
- d. Propose and set for public hearing any amendments to the Town zoning ordinance, land use regulations, and/or Comprehensive Plan as may be deemed necessary and proper by Council.

#### Section 4. Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent with this moratorium ordinance are hereby suspended to the extent of such inconsistency for the pendency of the moratorium.

#### Section 5. Exemptions

- a. The provisions of this moratorium ordinance do not apply to property subject to a development agreement as provided in South Carolina Code section 6-31-10, *et seq.*, to the extent that such property is protected by the development agreement from application of the moratorium provisions.
- b. The provisions of this moratorium ordinance do not apply to property protected by vested rights as provided in South Carolina Code section 6-29-1520, *et seq.*, as applicable. The burden of providing sufficient proof of the vested rights claimed as an exemption rests upon the claimant and must be verified in writing by the Town Attorney.
- c. The provisions of the moratorium ordinance shall not apply to requests for annexation. In the event an annexation request is approved, the subject property shall be assigned an initial zoning classification pursuant to Chapter 153.007 (Annexed Lands) of the Town's Code of Ordinances. However, upon receipt of its

initial zoning classification, the property shall not be eligible for rezoning during the pendency of the moratorium.

#### Section 6. Land Subdivision Exceptions

The provisions of this moratorium ordinance do not apply to the subdivision of property into five (5) or less lots, divided from a parent parcel that was a legal lot of record as of the date of enactment of this ordinance, provided all subdivision and land development regulations applicable to such subdivision have been met. No more than five lots may be subdivided from the parent parcel for the duration of this ordinance.

#### Section 7. Severability.

The provisions of this moratorium ordinance are intended to be severable, and if a court of competent jurisdiction should hold any part of this ordinance invalid, unconstitutional, or otherwise unlawful, such ruling shall not affect the remainder of the ordinance, which shall remain in full force and effect.

Be it further ordained that the Town Council declares its intention that the “Pending Ordinance Doctrine” be effective upon first reading of this ordinance.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING

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Chris Crolley, Mayor  
Town of Awendaw

First reading: January 8, 2026

Planning Commission Review and Recommendation: January 20, 2026

Public Hearing:

Second and Final Reading:

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Donna F. Steed, Clerk of Council