

TOWN OF IRMO PLANNING COMMISSION

Agenda

Monday, June 6, 2022, at 6:00 p.m.
Municipal Building, Council Chambers/Courtroom
7300 Woodrow Street | Phone: 803.781.7050

In compliance with the FOIA, a copy of the agenda was provided to the local news media and persons requesting information.

- I. Call to Order
- II. Approval of Agenda
- III. Invocation
- IV. Minutes Approval: May 2, 2022
- V. New Business
 - A. PUBLIC HEARINGS:
 - 1. **Zoning Amendment Request (Change) – Section 1-6. Additions to the Official Zoning Map (Annexation)**

Applicant/Developer: Town of Irmo

Staff Notes: As a result of our zoning ordinance review, we are noting errors, omissions, vague language, and adding appropriate standards.

The request is to revise the single ordinance expectation for both the annexation and zoning designation. This is an overreach. In practice, council accepts the annexation petition at its first reading/meeting. Staff then advertise the property in the New Irmo News, post the zoning notice, and alert neighbors within 300 feet of the zoning request for the proposed annexed property in preparation for the planning commission's public hearing. The public hearing is where the planning commission reviews the zoning request and submits its zoning recommendation to council for adoption. This process typically falls the next month, trailing annexation acceptance second reading/meeting. This language change follows our actual procedural process for both.

AS-IS:

Sec. 1-6. - Additions to the official zoning map (annexation).

Wherever any petition for the annexation of any area to the town, pursuant to the provisions of any procedure for annexation now or hereafter authorized under the laws of the state, is presented to town council, the council shall, upon acceptance of such petition, refer same to the planning commission for a recommended zoning designation.

The planning commission shall review the petition in relation to the applicant's request, if any, for a specific zoning designation, the town's comprehensive plan, present use, and surrounding development, and shall recommend an appropriate zoning classification based on available alternatives from the compliance index of the comprehensive plan.

The recommended zoning classification for the subject property shall accompany the petition for annexation and shall be brought before the town council as a single ordinance, providing for both the annexation and zoning of the subject property.

PROPOSED:

The recommended zoning classification for the subject annexed property shall follow the annexation petition presented to council within 60 days. There may be extenuating circumstances where the planning commission's procedural or initial presentation/first reading may be delayed, trailing the final annexation acceptance.

ACTION CONSIDERATION: Approve as presented, Approve with changes, Table for further discussion, **OR** Deny Request

2. Zoning Amendment Request (Delete & Replace) – Section 12-6. Violation and Penalties

Applicant: Town of Irmo

Staff Notes: As a result of our zoning ordinance review, we are noting errors, omissions, vague language, and adding appropriate standards.

Staff is proposing to delete Section 12-6 to eliminate redundancy and conflicts with the existing procedural process. This section outlines the process for a code enforcement officer to address violations of the Town's zoning ordinance. The procedural process does not coincide with Irmo's current violations process. The Town does not nor has not issued ordinance summons for violations. Currently, Irmo's Community Services Division serves as the Town's code enforcement department. Their primary role is police officers. Subsection 12-6.2 *Penalties for Violations* mirrors Irmo's Code of Ordinances Section 1-8 *General Penalty*. Both state not to exceed \$500.00 or 30 days in jail. Included is replacing Violation and Penalties with Section 12-7 Interpretation and Conflict. Section 12-7 will become Section 12-6.

AS-IS:

Sec. 12-6. - Violation and Penalties

Any person, firm, or corporation in violation of any provision of this appendix shall, upon conviction, be guilty of a misdemeanor and fined per the provisions of this article.

12-6.1. Processing of violations.

- a) Code enforcement officer. The code enforcement officer is the person(s) designated by the town council to enforce town codes and regulations which include zoning and land development regulations.
- b) Procedures for processing violations. As of the effective date of the ordinance from which this appendix derived, the following procedures shall be taken regarding violations and alleged violations of this appendix:
 1. Actions regarding violations. Whenever a violation of this appendix occurs, or a complaint is received that a violation is alleged to have occurred, the code enforcement officer shall record and investigate such complaint and take such action as provided by this appendix. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.
 2. Ordinance summons. Upon determination of the code enforcement officer that a violation of this appendix has occurred, the code enforcement officer may issue an ordinance summons to appear in magistrate's court. The ordinance summons shall state the penalty fine if convicted and the date and time of the court hearing.
 3. Notice of violation. Upon a determination of the code enforcement officer that a violation has occurred, the code enforcement officer may, in his or her discretion, issue a written notice of violation stating the nature of the violation, citing the section of the appendix being violated, and may give the violator up to 30 days to remedy the violation. If the violation has not been corrected within the discretionary notice period, the code enforcement officer may make a determination if any substantive remedial action towards correcting the violation has occurred. Upon the determination by the code enforcement officer that no substantive remedial action towards correcting the violation has occurred during the discretionary notice period, the code enforcement officer may issue an ordinance summons to appear in magistrate's court. The ordinance summons shall state the penalty fine if convicted and the date and time of the court hearing.

12-6.2. Penalties for violations.

Any person violating any provision of this appendix shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense. The maximum fine shall be \$500.00, imprisonment for 30 days, or both plus applicable court fees and assessments. Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained or any building, structure, sign, or land is or is proposed to be used in violation of this appendix, the code enforcement officer, in accordance with the provisions of S.C. Code 1976, § 56-7-80, as amended, may issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding either to: prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection,

construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

The town attorney may seek injunctive relief with the court of common pleas for continued or repeat violations.

Sec. 12-7. - Interpretation and conflict.

The provisions of this appendix shall be held to be minimum requirements. Where the conditions imposed by any provision of this appendix are either more restrictive or less restrictive than any other applicable statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

PROPOSED:

~~Sec. 12-6.—Violation and Penalties~~

~~Any person, firm, or corporation in violation of any provision of this appendix shall, upon conviction, be guilty of a misdemeanor and fined per the provisions of this article.~~

~~12-6.1. Processing of violations.~~

- ~~a) Code enforcement officer. The code enforcement officer is the person(s) designated by the town council to enforce town codes and regulations which include zoning and land development regulations.~~
- ~~b) Procedures for processing violations. As of the effective date of the ordinance from which this appendix derived, the following procedures shall be taken regarding violations and alleged violations of this appendix:
 - ~~1. Actions regarding violations. Whenever a violation of this appendix occurs, or a complaint is received that a violation is alleged to have occurred, the code enforcement officer shall record and investigate such complaint and take such action as provided by this appendix. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.~~
 - ~~2. Ordinance summons. Upon determination of the code enforcement officer that a violation of this appendix has occurred, the code enforcement officer may issue an ordinance summons to appear in magistrate's court. The ordinance summons shall state the penalty fine if convicted and the date and time of the court hearing.~~
 - ~~3. Notice of violation. Upon a determination of the code enforcement officer that a violation has occurred, the code enforcement officer may, in his or her discretion, issue a written notice of violation stating the nature of the violation, citing the section of the appendix being violated, and may give the violator up to 30 days to remedy the violation. If the violation has not been corrected within the discretionary notice period, the code enforcement officer may make a determination if any substantive remedial action towards correcting the violation has occurred. Upon the determination by the code enforcement officer that no substantive remedial action towards correcting the violation has occurred during the discretionary notice period, the code enforcement officer may issue an ordinance summons to appear in~~~~

~~magistrate's court. The ordinance summons shall state the penalty fine if convicted and the date and time of the court hearing.~~

~~12-6.2. Penalties for violations.~~

~~Any person violating any provision of this appendix shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense. The maximum fine shall be \$500.00, imprisonment for 30 days, or both plus applicable court fees and assessments. Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained or any building, structure, sign, or land is or is proposed to be used in violation of this appendix, the code enforcement officer, in accordance with the provisions of S.C. Code 1976, § 56-7-80, as amended, may issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding either to: prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.~~

~~The town attorney may seek injunctive relief with the court of common pleas for continued or repeat violations.~~

Sec. 12-6. - Interpretation and conflict. (The replacement of Violations and Penalties)

The provisions of this appendix shall be held to be minimum requirements. Where the conditions imposed by any provision of this appendix are either more restrictive or less restrictive than any other applicable statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

3. Zoning Amendment Request – (Addition) Section 1-7. Commencement of Work

Applicant: Town of Irmo

Staff Notes: As a result of our zoning ordinance review, we are noting errors, omissions, vague language, and adding appropriate standards.

The addition of Section 1-7 reflects the intent of deleted Section 12-6 *Violation and Penalties*. It also punctuates compliance with Irmo zoning standards and not engaging in construction activity without an approved zoning permit and/or building permit. Construction without a building permit is echoed in our Code of Ordinances' Section 8-1 *Building Permit*.

PROPOSED:

No work shall commence without an approved zoning permit and/or building permit per SC Code § 6-29-950. Zoning approval is required before the issuance of building

permits. Construction drawings may be submitted for review and approval to the building official [CC&I] on the same day of or after the submission of a development application and related submission(s) to the zoning clerk, zoning administrator, or designee. It is recommended to submit construction drawings on the same day or around the same time. Building permits issued in error are invalid until the zoning permit is approved. Any unapproved work must stop. If the work violates zoning standards, the project will have to be corrected or removed immediately. Neither the administrator nor council is obligated to allow the continuance of premature development activity or reimburse any applicant for expenses made before the approval.

Zoning standards are also applicable to the town, county, and State in their pursuit of development within the Town of Irmo per SC Code § 6-29-770. Simply, they too have to complete and submit the applicable application(s) and provide additional submissions for review and approval. This applies to public schools and colleges per SC Code § 6-9-110. The Codes states: *Code of Laws of South Carolina, 1976, exempts school district facilities, reviewed and approved by the State Department of Education, from a county, municipal, or other local ordinances or regulations which require the purchase or acquisition of a permit, license, or other device utilized to enforce a building standard. However, it does not exempt the district from zoning ordinances.*

Construction or development activity without an approved zoning permit and/or building permit, and/or noncompliance with zoning standards carry penalties outlined in Irmo's Code of Ordinances Section 1-8. *General Penalty.*

ACTION CONSIDERATION: Approve as presented, Approve with changes, Table for further discussion, **OR** Deny Request

4. **Request to Approve for Adoption of the Town's Official Zoning Map**

Applicant: Town of Irmo

Staff Notes: The Town is presenting an updated Official Zoning Map reflecting updated zoning districts, streets, parcels, boundaries, etc per *SC Code § 6-29-760 Procedure for enactment or amendment of zoning regulation or map; notice and rights of landowners; time limit on challenges.* The Official Zoning Map is the visual reference to the Town's zoning districts and applicable standards.

ACTION CONSIDERATION: Approve as presented, Approve with changes, Table for further discussion, **OR** Deny Request

B. STAFF REPORT

1. Projects under Review:

- a. Mighty Wash (Car Wash) R04000-02-02 off Broad River Road

Status: Waiting on SCDOT Encroachment Permit

- b. Modwash: 102 Harban Court (002797-01-019_)
Status: Approved
- c. Extra Storage: 108 Harban Court (002797-01-019_)
Status: Approved
- d. Murray Landing Outparcel
001800-01-050 (parcel adjacent to the Publix off N. Lake & Irmo Driver)
Status: Waiting on the platted easement, sewer capacity letter, revising site plan, landscaping plan, and updated stormwater permit.
- e. Cassell Brothers 10042 Broad River Road (R04007-02-09)
Project: Large Storage Building
Status: Reviewed site plan. The project requires a land disturbance permit from Richland County to approve construction.

VI. Acknowledgment of Guests

VII. Commissioners Requests/Comments

VIII. Adjournment