

STATE OF SOUTH CAROLINA)
ORDINANCE 26 – 16
TOWN OF IRMO)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF IRMO, SOUTH CAROLINA, BY ADDING A NEW SECTION TO THE ZONING ORDINANCE ESTABLISHING A TWELVE (12) MONTH WAITING PERIOD FOR THE RESUBMISSION OF CERTAIN LAND USE AND ZONING APPLICATIONS FOLLOWING DENIAL BY TOWN COUNCIL.

WHEREAS, the Town Council of the Town of Irmo is authorized pursuant to the South Carolina Code of Laws, as amended, to adopt and amend zoning regulations and land development regulations for the protection of the public health, safety, and welfare; and

WHEREAS, the Town Council finds that repetitive applications seeking substantially the same zoning or land use relief impose unnecessary administrative burdens upon the Town, its boards and commissions, and affected property owners; and

WHEREAS, the Town Council further finds that establishing a reasonable waiting period following the denial of certain applications promotes orderly planning and land use administration while preserving the rights of property owners to seek future consideration of materially changed proposals;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Irmo, South Carolina, duly assembled and by authority thereof:

SECTION 1. AMENDMENT.

The Code of Ordinances, Town of Irmo, South Carolina, Section 12-2 Administrative Procedures and Requirements of the Zoning Permit, is hereby amended by adding a new Chapter 12-2.3 to read as follows:

Sec. 12-2.3 Resubmission of Applications Following Denial.

The purpose of this section is to prevent repetitive applications seeking substantially the same relief after denial by Town Council and to promote efficient and orderly land use administration.

This section shall apply to applications requiring final action by Town Council, including but not limited to:

1. Rezoning requests;
2. Planned Development District (PDD) applications and amendments;
3. Conditional use permits;
4. Special exception requests;
5. Variance requests appealed to or acted upon by Town Council;
6. Development agreements; and

7. Any other zoning or land use application requiring final approval by Town Council.

Following denial by Town Council of a first reading or denial by Town Council of a second reading, no application seeking substantially the same relief for the same property, or any portion thereof, shall be accepted for filing for a period of twelve (12) months from the date of the Town Council's final action.

The Zoning Administrator shall determine whether a subsequently submitted application is substantially the same as a previously denied application. In making such determination, the Administrator may consider:

1. The zoning classification requested;
2. The proposed land use;
3. Density or intensity of development;
4. Building size, scale, and configuration;
5. Site design, access, and circulation;
6. Conditions, restrictions, or development commitments offered by the applicant; and
7. Any other material aspect of the proposal.

The twelve (12) month waiting period shall not apply where:

1. The applicant demonstrates that the new application materially differs from the previously denied application;
2. A substantial change in circumstances has occurred affecting the property or surrounding area;
3. The Town's Comprehensive Plan has been amended in a manner affecting the subject property;
4. Applicable federal, state, or local law has changed since the denial; or
5. Town Council determines by majority vote that extraordinary circumstances justify reconsideration.

A determination by the Zoning Administrator regarding substantial similarity may be appealed to Town Council upon written request if received within fifteen (15) days of the determination. The decision of Town Council shall be final.

SECTION 2. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. REPEALER.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon second reading and approval by Town Council.

ENACTED by the Town Council of the Town of Irmo, South Carolina, this 18th day of August, 2026.

TOWN OF IRMO, SOUTH CAROLINA



William O. Danielson, *Mayor*

ATTEST:



Lisa Hancock, *Municipal Clerk*

First Reading: _July 21, 2026

Second Reading: August 18, 2026

Public Hearing: August 18, 2026

