

City of Isle of Palms
Public Hearing
5:45 p.m., Tuesday, August 28, 2018
Council Chambers
1207 Palm Boulevard, Isle of Palms, South Carolina

1. Call to order and acknowledgement that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. Purpose

ORDINANCE 2018-13 – AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 1, GENERAL PROVISIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE A NEW DEFINITION FOR IMPERVIOUS SURFACE; TO DELETE REFERENCE TO “IMPERVIOUS MATERIAL” AND REPLACE IT WITH “IMPERVIOUS SURFACE;” AND TO PROVIDE ADDITIONAL REGULATIONS RELATED TO FILLING OR RE-COUNTOURING OF LOTS, GROUND ELEVATION, AND SITE CHANGES REQUIRING A STORMWATER MANAGEMENT PLAN.

3. Adjournment

ORDINANCE 2018-13

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 1, GENERAL PROVISIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE A NEW DEFINITION FOR IMPERVIOUS SURFACE; TO DELETE REFERENCE TO “IMPERVIOUS MATERIAL” AND REPLACE IT WITH “IMPERVIOUS SURFACE;” AND TO PROVIDE ADDITIONAL REGULATIONS RELATED TO FILLING OR RE-COUNTOURING OF LOTS, GROUND ELEVATION, AND SITE CHANGES REQUIRING A STORMWATER MANAGEMENT PLAN.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Paragraph (23) of Section 5-4-2, “Definitions,” is hereby deleted in its entirety and replaced with the following new Paragraph (23) to state as follows:

“(23) *Impervious surface* means any surface through which water cannot penetrate. Such surfaces include, but are not limited to, principal or accessory structures, porches and decks, either covered or of tongue and groove construction, concrete, asphalt, or similar substances. Any surface through which water can be easily absorbed or passed, at a minimum infiltration rate of 2.0 inches per hour, such as, but not limited to gravel, shell or crushed stone will be considered pervious.”

SECTION 2. That Paragraph (p) of Section 5-4-12, “Additional regulations,” is hereby deleted in its entirety and replaced with the following new Paragraph (p) to state as follows:

“(p) Adding fill or importation of materials of any type, or re-contouring of a lot’s existing contours, that increases a lot’s existing ground elevation more than one (1) foot above existing road and results or may result in elevating an existing or proposed structure is strictly prohibited.”

SECTION 3. That Section 5-4-12, “Additional regulations,” is hereby amended by adding the following new Paragraphs (q) and (r) to state as follows:

“(q) Any decrease in a lot’s existing ground elevation is strictly prohibited.

(r) No lot shall be graded or filled to an elevation that results in a change to the existing stormwater runoff for such lot without the Zoning Administrator's prior approval of a stormwater management plan. The stormwater management plan shall include the stamp and signature of a duly licensed and qualified professional, all existing and proposed topographical features of the lot, existing and proposed drainage flow patterns, and a statement by the professional certifying that the filling or grading of the lot will not adversely impact the drainage of any adjacent properties, drainage systems or rights-of-way. The following site changes shall require the submittal of a stormwater management plan:

(1) Any new building construction, new impervious surface, or replacement of impervious surfaces, which cumulatively exceed six hundred and twenty-

five (625) square feet in area (all development shall be cumulative over time when considering the square footage threshold for requiring a stormwater management plan);

(2) Adding fill or re-contouring of twenty (20) percent or more of the existing lot area in compliance with paragraph (p) of this section.

Additional submittal materials, design specifications and maintenance schedules may be requested at the discretion of the Zoning Administrator to ensure compliance with the Charleston County Stormwater Management Program.”

SECTION 4. That Paragraph 1(a) of Section 5-4-13, “Maximum lot coverage; floor area ratio requirements; additional setback requirements,” is hereby amended to state as follows:

“(a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious surface, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet.”

SECTION 5. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 6. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 7. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: June 20, 2018

Second Reading: _____

Ratification: _____

Title 5 – Planning and Development
Chapter 4 – Zoning
Article 1 – General Provisions

Sec. 5-4-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (23) *Impervious ~~material-surface~~* means any material-surface through which water cannot penetrate. Such material-surfaces include but are not limited to, principal or accessory structures, porches and decks, either covered or of tongue and groove construction, concrete, asphalt, or similar substances. Any ~~material-surface~~ through which water can be easily absorbed or passed, at a minimum infiltration rate of 2.0 inches per hour, such as, but not limited to gravel, shell or crushed stone will be considered pervious.

Sec. 5-4-12. - Additional regulations.

The following additional regulations shall apply to all zoning districts:

- (p) Adding fill or importation of materials of any type, or re-contouring of a lot's existing contours, that increases a lot's existing ground elevation more than one (1) foot above existing ~~graderoad~~ and results or may result in elevating an existing or proposed structure is strictly prohibited.
- (q) Any decrease in a lot's existing ground elevation is strictly prohibited.
- (r) No lot shall be graded or filled to an elevation that results in a change to the existing stormwater runoff for such lot without the Zoning Administrator's prior approval of a stormwater management plan. The stormwater management plan shall include the stamp and signature of a duly licensed and qualified professional, all existing and proposed topographical features of the lot, existing and proposed drainage flow patterns, and a statement by the professional certifying that the filling or grading of the lot will not adversely impact the drainage of any adjacent properties, drainage systems or rights-of-way. The following site changes shall require the submittal of a stormwater management plan:
- (1) Any new building construction, new impervious surface, or replacement of impervious surfaces, which cumulatively exceed six hundred and twenty-five (625) square feet in area (all development shall be cumulative over time when considering the square footage threshold for requiring a stormwater management plan);
 - (2) Adding fill or re-contouring of twenty (20) percent or more of the existing lot area in compliance with paragraph (p) of this section.

Additional submittal materials, design specifications and maintenance schedules may be requested at the discretion of the Zoning Administrator to ensure compliance with the Charleston County Stormwater Management Program.

Sec. 5-4-13. - Maximum lot coverage; floor area ratio requirements; additional setback requirements.

1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:

- (a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious materialsurface, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet.

- (b) The floor area ratio of a lot shall not be greater than forty percent (40%) of the area of a lot, provided that this requirement shall not limit the enclosed living space of a principal structure to less than three thousand two hundred (3,200) square feet not allow such enclosed space to exceed seven thousand (7,000) square feet.
 - (c) For lots larger than eight thousand (8,000) square feet, with a lot width at the front building line of seventy (70) feet or greater, the combined minimum side yard setback requirement for any portion of the enclosed building at or above twenty-five (25) feet in height as measured pursuant to section 5-4-2(18) shall be thirty (30) feet, with no side yard less than ten (10) feet.
 - (d) For lots larger than eight thousand (8,000) square feet, with a lot width at the front building line of at least sixty (60) feet but less than seventy (70) feet, the combined minimum side yard setback requirement for any portion of the enclosed building at or above twenty-five (25) feet in height as measured pursuant to section 5-4-2(18) shall be twenty-five (25) feet, with no one side yard less than ten (10) feet.
2. This section does not prohibit a structure on any City-owned lot which is used for municipal purposes from exceeding seven thousand (7,000) square feet so long as the other requirements of this section which are not inconsistent with this subsection are met.