

PLANNING COMMISSION
May 12, 2021

Virtual Meeting Due to COVID-19 Pandemic

The public may view the public meeting at:
www.youtube.com/user/cityofisleofpalms

Public Comment: Citizens may provide public comment here:
<https://www.iop.net/public-comment-form>

AGENDA

The Isle of Palms Planning Commission will hold its regular meeting on Wednesday, May 12, 2021 at **4:30 p.m.**

- A. Call to order and acknowledgment that the press and the public were duly notified in accordance with state law
- B. Approval of minutes April 14, 2021
- C. New business Discuss housing data from Assessor
- D. Old business Review edits of Housing and Land Use Elements of Comprehensive Plan

Initial review of Priority Investment Element of Comprehensive Plan

<https://www.iop.net/comprehensive-plan>
- E. Miscellaneous business
- F. Adjourn



Planning Commission Meeting
4:30pm, Wednesday, April 14, 2021
Virtual Meeting via Zoom call due to COVID-19 Pandemic
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to Order

Present: Scott Pierce, Ron Denton, Steven Corney, David Cohen, Sandy Stone, Marty Brown, Lisa Safford, and Douglas Kerr, Director of Planning

2. Approval of minutes

Mr. Pierce made a motion to approve the minutes of the March 10 regular meeting, and Mr. Cohen seconded the motion. The motion passed unanimously.

3. New Business

Review of Housing Data from Revenue Types

Director Kerr shared a breakdown of housing data by revenue source which was put together by Council Member Pounds and Treasurer Suggs and shared recently at a Ways & Means Committee meeting. This data showed that the number of second homes on the island has decreased and that change has been distributed between short-term rentals and first homes. City Council will be monitoring this trend as far as it relates to revenue.

Director Kerr noted that the uptick in short-term rental number is likely due to the short-term rental software identifying previously unknown rentals. He does expect this number of short-term rentals to not decline as a result of the software.

Commissioners discussed how this information should appear in the Comprehensive Plan. Consensus was the use dates and specific data throughout the Plan (i.e., In 2020, of the 4,419 units on the Isle of Palms, 37% are owner-occupied, year-round residential units, 37% are short-term rentals, and 26% are second homes or something to that effect.)

4. Old Business

A. Review of the Housing Element of the Comprehensive Plan

Commissioners reviewed the narrative section of the Housing Element and made some further adjustments to the text with specific focus on language surrounding septic tank maintenance.

Director Kerr will secure data from the Assessor's Office so that Commission members can sort through the data to generate an inventory of housing units on the island sorted by age and square footage.

Commissioners discussed pervious and impervious surfaces being altered on properties.

B. Initial Review of the Land Use Element of the Comprehensive Plan

Commissioners reviewed the narrative section of the Land Use Element, noting the places that the information on housing inventory needs to be edited.

Commissioners discussed the goals and strategies in the Land Use Element: improve zoning regulations to protect the established character of the island; protect residential areas from adverse impacts of commercial development; and ensure the adequacy of the infrastructure to support continued development and expanded uses. They agreed to remove the goal supporting any sort of voluntary design standards from the Comprehensive Plan.

5. Miscellaneous Business

Director Kerr reported that the RFP for the Master Drainage Plan has been put out. The bids will be ready later in May than the next meeting. The Commission may choose to host a Special Meeting to review them or wait until the June meeting. Commissioners will determine who they would like to meet with, and after interviews and scoring, they will make a recommendation to City Council.

Commissioners briefly discussed meeting in person at the next meeting. An email will be sent out prior to the meeting to gather a feel for everyone's comfort level.

The next meeting of the Planning Commission will be Wednesday, May 12, 2021 at 4:30pm.

6. Adjournment

Mr. Brown made a motion to adjourn and Ms. Safford seconded the motion. The meeting was adjourned at approximately 6:50pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

- 1. Inventory of existing conditions.** The inventory could include a description of existing conditions as they relate to the particular planning element under consideration.
- 2. A statement of needs and goals.** A vision statement establishes where the community wants to go. It should include long- and short-range goals for achieving the vision. It is important to involve the community in identifying needs and goals to create community support for the plan and minimize future objections to specific programs. When preparing or updating plan elements, the planning commission may appoint advisory committees with membership from the planning commission, neighborhoods or other groups, and individuals in the community. If the local government maintains a list of groups that have registered an interest in being informed of proceedings, it must mail meeting notices relating to the planning process to them.
- 3. Implementation strategies with time frames.** Implementation strategies for each element should include specific objectives, steps and strategies for accomplishing the objectives. The strategies should specify time frames for actions and persons or organizations who will take the actions.

Comprehensive Plan Elements

There should be broad-based citizen participation for developing of comprehensive plan elements. An element must address all relevant factors listed in the 1994 Act; however, the Act does not dictate how extensively they must be covered. The extent should be based on community needs. The plan must include at least the following elements. S.C. Code § 6-29-510(D).

- 1. Population element.** The population element includes information related to historic trends and projections; the number, size and characteristics of households; educational levels and trends; income characteristics and trends; race; sex; age; and other information relevant to a clear understanding of how the population affects the existing situation and future potential of the area.
- 2. Economic development element.** The economic element includes historic trends and projections on the numbers and characteristics of the labor force, where the people who live in the community work, where people who work in the community reside, available employment characteristics and trends, an economic base analysis and any other matters affecting the local economy. Tourism, manufacturing and revitalization efforts may be appropriate factors to consider.
- 3. Natural resources element.** This element could include information on coastal resources, slope characteristics, prime agricultural and forest land, plant and animal habitats, unique park and recreation areas, unique scenic views and sites, wetlands and soil types. This element could also include information on flood plain and flood way areas, mineral deposits, air quality and any other matter related to the natural environment of the area.

If there is a separate community board addressing any aspects of this element, that board may be made responsible for preparing this element. The planning commission could incorporate the element into the local comprehensive plan by reference. S.C. Code § 6-29-510 (D)(3).

4. **Cultural resources element.** This element could include historic buildings and structures, unique commercial or residential areas, unique natural or scenic resources, archeological sites, educational, religious or entertainment areas or institutions, and any other feature or facility relating to the cultural aspects of the community. As with the natural resources element, a separate board may prepare this element. The planning commission can incorporate the work of a separate board into the comprehensive plan by reference.
5. **Community facilities element.** This element includes many activities essential to the growth, development or redevelopment of the community. The commission should give separate consideration to the following plans:
 - a. water supply, treatment and distribution plan;
 - b. sewage system and wastewater treatment plan;
 - c. solid waste collection and disposal plan;
 - d. fire protection plan;
 - e. emergency medical services plan;
 - f. plan for any necessary expansion of general government facilities (e.g., administrative, court or other facilities);
 - g. plan for educational facilities; and
 - h. plan for libraries and other cultural facilities.

Preparing of the community facilities element may require involving special purpose district boards and other governmental and quasi-governmental entities such as the library board, historic preservation society and public utilities board.

Note: *The local government must adopt the community facilities element before adopting subdivision or other land development regulations. S.C. Code § 6-29-1130(A).*

6. **Housing element.** This element includes an analysis of existing housing by location, type, age, condition, owner and renter occupancy, affordability, and projections of housing needs to accommodate existing and future population as identified in the population and economic elements. The housing element requires an analysis of local regulations to determine if there are regulations that may hinder development of affordable housing. It includes an analysis of market-based incentives that may be made available to encourage the development of affordable housing. Incentives may include density bonuses, design flexibility and a streamlined permitting process.

Note: *A 2007 amendment to the **Comprehensive Planning Act** entitled the "South Carolina Priority Investment Act" amended the housing element. S.C. Code § 6-29-510(D)*

- 7. Land use element.** This element deals with the development characteristics of the land. It considers existing and future land use by categories including residential, commercial, industrial, agricultural, forestry, mining, public and quasi-public, recreation, parks, open space, and vacant or undeveloped land. This element is influenced by all previously described plan elements. The findings, projections and conclusions from each of the previous six elements will influence the amount of land needed for various uses.

Note: *The local government must adopt the land use element before adopting a zoning ordinance. S.C. Code § 6-29-720 (A).*

Note: *A 2007 amendment to the **Comprehensive Planning Act** entitled the "South Carolina Priority Investment Act" added two new elements – transportation and priority investment. S.C. Code § 6-29-510(D); 6-29-720(C); 6-29-1110; 6-29-1130(A)*

- 8. Transportation element.** This element was originally included in the community facilities element. The transportation element considers transportation facilities including major road improvements, new road construction, and pedestrian and bicycle projects. This element must be developed in coordination with the land use element to ensure transportation efficiency for existing and planned development.
- 9. Priority investment element.** This element requires an analysis of projected federal, state and local funds available for public infrastructure and facilities during the next 10 years and recommends the projects for those funds. These recommendations must be coordinated with adjacent and relevant jurisdictions and agencies (counties, other municipalities, school districts, public and private utilities, transportation agencies, and any other public group that may be affected by the projects). Coordination simply means written notification by the local planning commission or its staff to those groups of proposed projects and opportunities to provide comment.

Comprehensive Plan

The required nine planning elements plus any other element determined to be needed in the local community, whether done as a package or in separate increments, together comprise the comprehensive plan. All planning elements represent the planning commission's recommendations to the local governing body regarding wise and efficient use of public funds, future growth, development, redevelopment and the fiscal impact of the planning elements on property owners. S.C. Code § 6-29-510(E).

The planning commission must review and consider, and may recommend by reference, plans prepared by other agencies which in the opinion of the planning commission meet the requirements of the 1994 Act. S.C. Code § 6-29-520(C).

Periodic Revision Required

The planning commission must review the comprehensive plan or particular elements of the comprehensive plan as often as necessary. Changes in the growth or direction of

HOUSING

Characteristics

Over the years the island has attracted those seeking a permanent residence, a vacation home, an investment opportunity or a retirement home. At the present time, approximately 33% of the housing units on the island are owner-occupied, year-round residential units. (coming back to this section after analyzing data from Assessor

~~The cost of insurance and the possibility of a major storm are concerns for many of the residents of the island. In 2012, the U.S. Congress passed the Biggert-Waters Flood Insurance Reform Act of 2012. One of the provisions of the Act is expected to result in the increase of flood insurance rates to reflect the true flood risk. This provision could significantly increase the cost of flood insurance for the older houses on the island that are not elevated.~~

Many of the older homes on the island are small, with small kitchens, bathrooms and closets, making them less desirable in the current market. In some instances, the land by itself would be worth more if the house were removed. For these reasons many of these older homes are being replaced by updated structures.

Many homes on the island are on a septic system. Some of these septic systems have no problems and would pass all present requirements for a new system. However, some septic systems that pre-date health regulations do not meet the current requirements. ~~At the present time, the Isle of Palms Water and Sewer Department has the capacity to handle more users, but they do have a maximum capacity. Property owners with substandard septic systems will face a dilemma if the public sewer capacity is met and their existing system fails. Therefore, the cost of connecting to the sewer system may be justifiable for these property owners while there is still capacity at the sewer plant. The Community Facilities element of this plan includes information on the need to expand public sewer services on the island.~~

Key issues

- Maintenance of a high quality of life for the island residents
- Balancing the increasing property values and the livability of the community

Goals and Implementation Strategies

Goal 6.1: The City should continuously monitor the effect of development upon the quality of life of the existing permanent residents.

Strategy 6.1.1: Continue to track construction trends including: the number of houses demolished each year and the number of square feet, bedrooms and bathrooms of new houses. *(2008; Building Department)*

Strategy 6.1.2: Continually assess ordinances which limit the size and width of houses and the amount of impervious surface on the island. *(Ongoing; Building Department)*

Goal 6.2: Improve water quality associated with residential properties (see also Goal 3.2).

Strategy 6.2.1: Amend the zoning ordinance to limit the density of development allowed on property not serviced by a public wastewater system. *(2008; Building Department and City Council)*

Strategy 6.2.2: Educate the owners of septic systems in the proper maintenance and encourage owners to have their septic systems checked and serviced according to established standards. *(Ongoing; Building Department)*

Strategy 6.2.3: Monitor the amount of impervious surface on residential lots. *(Ongoing; Building Department)*

LAND USE

Characteristics

The island has a long history of being used for recreational and resort activities. Residential construction has continued, and today it is estimated that 4,~~420000~~ dwelling units are located on the island. The majority of commercial development is located in the center of the island, generally fronting on Palm and Ocean Boulevards in the vicinity of 10th and 14th Avenues. Additional commercial activities are located in Wild Dunes, at Breach Inlet and the City marina.

Planning and Zoning- Historical Perspective

From the early development of the Isle of Palms, there have been quasi-planning/zoning attempts. Generally, these attempts designated some areas for commercial use, for apartment use and for residences. Until recent years the only controls were plat and deed restrictions. Charleston County provided planning and inspection services for the island.

The City of Isle of Palms was incorporated in 1953 and zoning was established on October 25, 1956. Among other elements, the 1956 zoning ordinance addressed non-conforming uses and provided for the lawful continuation of these uses. The 1956 version of zoning was codified along with other City ordinances in 1970. The entire zoning code was subsequently repealed and readopted in April 1975, due to questions about the legal validity of the adoption of the 1956 zoning code.

Repeal and re-adoption, or substantial amendment, occurred again in 1981, 1989 and 1992-1993. The Planning and Zoning Commission was created on December 10, 1986. The City also adopted an ordinance in 1981 creating a Board of Adjustment, which has since been renamed the Board of Zoning Appeals.

In 1975 City Council approved a Planned Residential Development (PRD) zoning district for the eastern, then undeveloped, end of the island. Today this area includes the gated resort community of Wild Dunes and several adjacent residential areas. The PRD was the first zoning agreement of its

type in the State of South Carolina. Under the PRD zoning, the eastern end of the island was developed to include a wide variety of housing types: low to high density single-family detached units, townhouses, and low-rise and high-rise condominium multi-family units. Within the gated section of Wild Dunes many of the approximately 2,067 residential units (have Wild Dunes ARC verify new number) are used as seasonal rental properties. Wild Dunes also includes offices and conference facilities and other resort amenities.

In the PRD zoning district, the use, subdivision, and development of property is governed through deed restrictions enforced by the Wild Dunes Community Association. Several residential areas outside the gated Wild Dunes community, such as 53rd to 57th Avenues and certain properties on 43rd through 45th Avenues, that are also zoned PRD and also governed by the Wild Dunes Community Association.

In 2000 the name of the zoning district for planned developments changed from Planned Residential District (PRD) to Planned Development District (PDD). The new designation more accurately describes the land use activities.

Land Use Activity – Overview

Detached residential dwelling units represent the principal land use on the island. Medium and low-density dwellings are the most predominate form of housing. In 2020, Approximately 373% are owner-occupied with the remaining 636% being either second homes or rental units. ~~Many of the residential areas are characterized by relatively low height profiles, extensive vegetation and a general feeling of open spaces.~~ While there are properties scattered throughout the island that contain two or three residential units, the major multiple unit complexes are located within either the “Front Beach” area or Wild Dunes.

Commercial development is limited in terms of the total island acreage. Less than 2% of the island is zoned commercial, excluding the resort amenities within the gated section of Wild Dunes. Commercial uses are primarily oriented to providing for the immediate needs of the local population and the resort/seasonal activities. Only a small portion of commercially zoned land remains undeveloped. Major shopping facilities are located off the island.

Public uses include those normally associated with a small community. City Hall houses the City Council, administration and the Building Department.

The Fire Department, Police Department, Recreation Department, and the Public Works Department are located in separate facilities. The Isle of Palms Water and Sewer Commission (separate from City Government) maintains an office building, a sewage treatment plant and various water storage/distribution facilities.

~~Public~~ Municipal recreational uses include a City Recreation Center, a City Marina, a beachfront County Park and two boat landings. Within the Wild Dunes complex are golf, tennis and swimming facilities. Additionally, a private marina is located at Breach Inlet. The island is surrounded by water access opportunities inclusive of the ocean, beach and back creeks. Part of the island borders directly on the Intracoastal Waterway.

The island does not have any presence of industrial, agricultural, and mining activities. Due to a limited transportation system, the high demand for residential property, land values, and the risks inherent on a barrier island, it is unlikely that these uses will occur in the future.

Plan Concept

In accord with the Vision Statement, the primary planning concept is that of “enhance the existing character of the island as a quality place to live and protect the environment both on and around the island” The existing development pattern, both in terms of the land use types and the geographic allocation of these uses, is viewed as being the desired future pattern. The objective of the plan is to preserve the existing land use relationships.

In order to preserve the island character it is important to identify some of the underlying considerations:

1. The Comprehensive Plan is a statement defining a desired future. Zoning and other municipal regulations provide the implementation tools that allow the Plan to be achieved. The color-coded map in Appendix A is the Land Use Plan and the color-coded map in Appendix B is the current Zoning District Map. Both can be amended through

procedures prescribed by law. The maps must always remain compatible and not in conflict.

2. The primary land use activity has been and should continue to be low and medium density residential uses.
3. The scale and density of new development and the expansion of existing development should not disrupt the neighborhood "family" atmosphere of the island.
4. The design of structures and the placement of these structures should maintain a sense of open space and utilize vegetation to soften the effects of impervious surfaces.
5. ~~Many Dw~~dwelling units are rented to guests visiting the island and, within reason, this is an accepted practice. Each dwelling, ~~by virtue of its design,~~ has a maximum occupancy level that is intended to limit activity to a level that is not disruptive to the neighborhood.
6. Commercial uses provide important services to the community. Some characteristics associated with commercial activity, such as traffic, parking, noise and light, can cause conflict with adjoining residential uses. Potential conflicts can be minimized through the use of good site design and buffers where appropriate. Parking for commercial uses should be accommodated on-site or in designated areas in close proximity to the business. On-street parking in areas not designated for parking is not a satisfactory solution.
7. The core of the City is generally defined as being the intersection of the IOP Connector and Palm Boulevard encompassing the major commercial, governmental and "Front Beach" areas. The most significant visual impression of the island occurs when one enters on the IOP Connector. It is important that the appearance of this core area continues to convey both civic image and commercial viability. Efforts to coordinate the continuity of design of both structures and the streetscape are deemed important to promote island identity.
8. It is recognized that the beach and other recreational opportunities on the island are of exceptional quality and draw many non-residents during peak periods. The City is responsible for their basic care and protection during their visit. As such, it is necessary to ensure that the public safety

and other basic services are maintained commensurate with the increased demands.

9. Portions of the island are served by septic tank disposal systems. In some instances these systems operate marginally and at certain times may be dysfunctional. It is important that these areas be identified and action taken to ~~upgrade~~ educate the owners about properly maintaining the septic systems or to provide public sewer. Areas with poor drainage should be considered as the first priority for the installation of public sewer.
10. The protection of the natural resources both on and around the island is of critical importance especially with respect to water quality. The preservation and enhancement of this asset requires increased sensitivity to the amount and nature of runoff that moves from the island into the water.
11. ~~The occurrence of~~ periodic natural disasters will occasionally occur. ~~causing extensive destruction on the island is a highly probable situation.~~ Local government will be faced with immediate demands for recovery and reconstruction. The Land Use Plan provides the guide for reconstruction. While temporary regulatory procedures may be required, the Plan and the underlying zoning codes should not be compromised during the reconstruction period.
12. The island fronts to the Atlantic Ocean, backs to the estuaries, and is subject to the forces of wind and wave. Much of the island is in flood zones established by the federal government. The availability of flood insurance is directly tied to compliance with federally required building standards. It is important that strict compliance be maintained.

Key Issues

- Protection of the Public Health, Safety and Welfare.
- Ensure compatibility between the Comprehensive Plan and the regulatory ordinances.
- Appearance of the commercial and “Front Beach” areas.
- Ensure the adequacy of the infrastructure to support continued development, expanded uses and demands created by seasonal peaks.
- Preservation and protection of natural resources.

Goals and Implementation Strategies

Goal 7.1: Improve zoning regulations to protect the established character of the island.

Strategy 7.1.1: Make appropriate amendments to the zoning ordinance which reflect the goals and strategies of the Comprehensive Plan. *(2008; Building Department and City Council)*

~~Strategy 7.1.2: Monitor the growth implications the unincorporated areas lying between Isle of Palms and the mainland could have on the Isle of Palms. *(Ongoing; Building Department)*~~

~~Strategy 7.1.3: Implement the Land Use Plan by rezoning areas not currently in compliance to the appropriate zoning districts. *(2008; Building Department and City Council)*~~

Goal 7.2: Protect residential areas from adverse impacts of commercial development.

Strategy 7.2.1: Develop plans and policies which use public improvements to prevent or mitigate adverse impacts of commercial development upon

residential properties. (2008; Building Department and City Council)

~~Goal 7.3: Ensure that the design and appearance of new commercial development or renovations to existing commercial structures is appropriate to the island and compatible with surrounding commercial and residential structures.~~

~~Strategy 7.3.1: Consider developing voluntary design guidelines that help define the desired characteristics for the appearance of commercial structures. (2008; Building Department and City Council)~~

Goal 7.4: Ensure the adequacy of the infrastructure to support continued development and expanded uses.

Strategy 7.4.1: Evaluate and cContinue to improve ~~and expand~~ the drainage system to alleviate the problems in those areas that drain poorly. (Ongoing; Building Department and Public Works Department)

PRIORITY INVESTMENT

As required by the Priority Investment Act of 2007, an analysis was conducted of the likely federal, state and local funds available for public infrastructure and facilities on the Isle of Palms. Because many of the projects included in this element are roadway and drainage improvements, they could be funded by the Charleston County RoadWise program. Other infrastructure projects will probably need to be funded in a traditional manner because the Isle of Palms does not qualify as low-income, making grant money unlikely.

Installation of public sewers in areas served by septic systems and having marginal soils should be considered a priority for future projects. Specifically, septic tank systems in the areas near the beach between 42nd 53rd Avenues, adjacent to the Recreation Center from 26th to 29th Avenues and in low areas of the Forest Trail subdivision are affected by flooding and seasonal high water and would benefit from public sewer service.

Because the island is relatively low in elevation and prone to drainage problems, the City will need to identify the most problematic drainage areas and find solutions to move stormwater to the appropriate outfalls. In the Public Facilities element of this plan, several drainage projects are identified. In addition to these projects, many other areas drain poorly, which should be addressed by future drainage projects.

A large portion of the City's electrical distribution service, which is provided by South Carolina Electric and Gas, is provided through lines running above ground. It would be desirable from a maintenance and appearance standpoint to have all of the lines transferred to an underground distribution system.

Providing a safe and efficient system for cyclists, pedestrians, golf carts and low speed vehicles to circulate the island will reduce roadway congestion and parking problems and should be a priority.

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Key Issues

- Improve transportation and drainage facilities
- Improve public health by extending the public sewer system to areas service by septic systems in marginal soils

Goals and Implementation Strategies

Goal 9.1: Improve drainage in those areas that drain poorly.

Strategy 9.1.1: Identify problem areas and appropriate funding sources.

Goal 9.2: Improve traffic flow and reduce congestion on the roadways of the island.

Strategy 9.2.1: Expand the system of bike lanes and walking paths.

Goal 9.3: Improve public health by extending the public sewer system to areas service by septic systems in marginal soils.

Strategy 9.3.1: Identify problem areas and appropriate funding sources.