

## **Public Hearing** 5:00 p.m., Tuesday, November 1, 2022 Recreation Center 24 28th Avenue, Isle of Palms, SC

# **Public Comment:**

All citizens who wish to speak during the Public Hearing must email their first and last name, address to Nicole DeNeane at <u>nicoled@iop.net</u> no later than **3:00 p.m. the business day before the meeting.** Citizens may also provide public comment here: <u>https://www.iop.net/public-comment-form</u>

# <u>Agenda</u>

- 1. Call to Order and acknowledgment that the press and the public were duly notified of the Public Hearing in accordance with the Freedom of Information Act.
- 2. Public comments on the following ordinances: All comments will have a time limit of three (3) minutes.
  - a. **Ordinance 2022-08-** AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE FOR A NEW CONSERVATION-RECREATION DISTRICT.
  - b. Ordinance 2022-09 AN ORDINANCE ADOPTING AMENDMENTS TO THE OFFICIAL ZONING MAP OF THE CITY OF ISLE OF PALMS TO PROVIDE FOR A NEW CONSERVATION-RECREATION (CR) ZONING DISTRICT AND TO REZONE CERTAIN PROPERTIES FROM THE SR-1 AND PDD DISTRICTS TO THE NEW CR ZONING DISTRICT AS SHOWN ON EXHIBIT I.
  - c. Ordinance 2022-10 AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ISLE PALMS TO REZONE CERTAIN PROPERTIES FROM THE SR-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT AND PDD PLANNED DEVELOPMENT ZONING DISTRICT TO THE CR CONSERVATION-RECREATION ZONING DISTRICT, INCLUDING THE 12 PROPERTIES DESIGNATED AS TMS# 571-00-00-001, TMS# 604-01-00-001, TMS# 604-01-00-059, TMS# 571-08-00-226, TMS# 604-00-00-032, TMS# 604-00-00-033, TMS# 604-00-00-034, TMS# 604-00-00-035, TMS# 604-00-00-036, TMS# 604-05-00-185, AND TMS# 604-10-00-206, TMS#604-02-00-053 AS SHOWN ON THE PLATS ATTACHED AS EXHIBIT I.
  - d. Ordinance 2022-11 AN ORDINANCE AMENDING TITLE 5, PLANNING AND



DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT

REGULATIONS, SECTION 5-4-39, PDD PLANNED DEVELOPMENT DISTRICT, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE CLARIFICATION BY CORRECTING SCRIVENER'S ERRORS AND DELETING PROVISIONS RELATED TO THE WILD DUNES PRD.

- e. Ordinance 2022-12 AN ORDINANCE AMENDING THE CITY OF ISLE OF PALMS ZONING ORDINANCE BY AMENDING CERTAIN PROVISIONS OF THE ORIGINAL BEACH AND RACQUET CLUB PRD (ALSO KNOWN AS THE WILD DUNES PRD) TO EXCLUDE CERTAIN PROPERTIES FROM THE PRD DISTRICT, TO REDUCE THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED IN THE PRD DISTRICT FROM 2,449 UNITS TO 2,119 UNITS, AND TO REDUCE THE MAXIMUM NUMBER OF INN UNITS PERMITTED IN THE PRD DISTRICT FROM 350 UNITS TO 297 UNITS.
- 3. Adjournment

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE FOR A NEW CONSERVATION-RECREATION DISTRICT.

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 Section 5-4-40, "CO conservation district," is hereby deleted in its entirety and replaced with a new Section 5-4-40, titled "CR conservation-recreation district," to state as follows:

"Sec. 5-4-40. CR conservation-recreation district.

(1) *Purpose*. The purpose of the CR conservation-recreation district is:

a. To provide for an appropriate valuation that reflects the conservation and recreation use of land.

b. To ensure the preservation of significant and vital natural resources.

c. To lessen the hazards of loss of property, life, and the reduction of health and public safety due to periodic flooding by restricting uses in such areas.

d. To provide for improved public and/or private recreation activities.

e. To ensure the preservation of existing public and/or private recreation activities.

f. To provide for scenic easements to preserve the community heritage.

(2) District boundary. The boundaries of the CR conservation-recreation district are generally described as including a strip or band of water, beaches, marshlands, and pieces of natural and manmade highland areas in the marshlands which contain less than two (2) acres, up to the mean high-water mark or abutting the primary highland, which surrounds the entire perimeter of the City, as graphically depicted on the Official Zoning Map. The CR conservation-recreation district shall also include the golf courses and tennis facilities as graphically depicted on the Official Zoning Map.

(3) Permitted uses. The following uses are permitted within the CR

conservation-recreation district so long as the use does not materially and adversely affect water quality or the natural resources of the district, and such use has received all applicable governmental regulatory approval:

- a. Outdoor recreational uses including swimming, fishing, beach-going, boat ramps, docks, piers, lifeguard stations, golf courses, tennis courts, and natural preserves.
- b. Public utility lines.
- c. A use conducted pursuant to a franchise granted by the City Council.
- d. A use conducted pursuant to a City-sponsored activity or event.
- e. Beach renourishment."

SECTION 2. 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 3. 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 4. 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 \_\_\_\_\_, 2022.

Phillip Pounds, Mayor

Nicole DeNeane, City Clerk
First Reading:
Public Hearing:
Second Reading:
Ratification:

# Title 5 – Planning and Development Chapter 4. – Zoning Article 2. – District Regulations

### Sec. 5-4-40. CRO conservation-recreation district.

- (1) *Purpose*. The purpose of the CRO conservation-recreation district is:
  - a. To provide for an appropriate valuation that reflects the conservation <u>and recreation</u> use of land.
  - b. To ensure the preservation of significant and vital natural resources.
  - c. To lessen the hazards of loss of property, life, and the reduction of health and public safety due to periodic flooding by restricting uses in such areas.
  - d. To provide for improved public <u>and/or private</u> recreation activities.
  - e. To ensure the preservation of public and/or private recreation activities.
  - <u>f</u>. To provide for scenic easements to preserve the community heritage.
- (2) District boundary. The boundaries of the CR O-conservation-recreation district consists of are generally described as including a strip or band of water, beaches, marshlands, and pieces of natural and manmade highland areas in the marshlands which contain less than two (2) acres, up to the mean high-water mark or abutting the primary highland, which surrounds the entire perimeter of the City, as generally showngraphically depicted on the Official Zoning Map. The CR conservation-recreation district shall also include the golf courses and tennis facilities as graphically depicted on the Official Zoning Map.
- (3) *Permitted uses.* The following uses are permitted within the CRO conservation-recreation district so long as the use does not materially and adversely affect water quality or the natural resources of the district, and such use has received all applicable governmental regulatory approval:
  - a. Outdoor recreational uses including swimming, fishing, beach-going, boat ramps, docks, piers, lifeguard stations, <u>golf courses, tennis courts</u>, and natural preserves.
  - b. Public utility lines.
  - c. A use conducted pursuant to a franchise granted by the City Council.
  - d. A use conducted pursuant to a City-sponsored activity or event.
  - e. Beach renourishment.

(Ord. No. 2015-15, § 1, 2-23-2016)

AN ORDINANCE ADOPTING AMENDMENTS TO THE OFFICIAL ZONING MAP OF THE CITY OF ISLE OF PALMS TO PROVIDE FOR A NEW CONSERVATION-RECREATION (CR) ZONING DISTRICT AND TO REZONE CERTAIN PROPERTIES FROM THE SR-1 AND PDD DISTRICTS TO THE NEW CR ZONING DISTRICT AS SHOWN ON EXHIBIT I.

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 the Official Zoning Map of the City of Isle of Palms is hereby adopted as amended to provide for a new Conservation-Recreation (CR) zoning district and to rezone certain properties from the SR-1 and PDD districts to the new CR zoning district, as set forth in Exhibit I, attached hereto and incorporated herein by reference.

SECTION 2. 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 3. 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 4. That this Ordinance take effect and be in full force immediately.

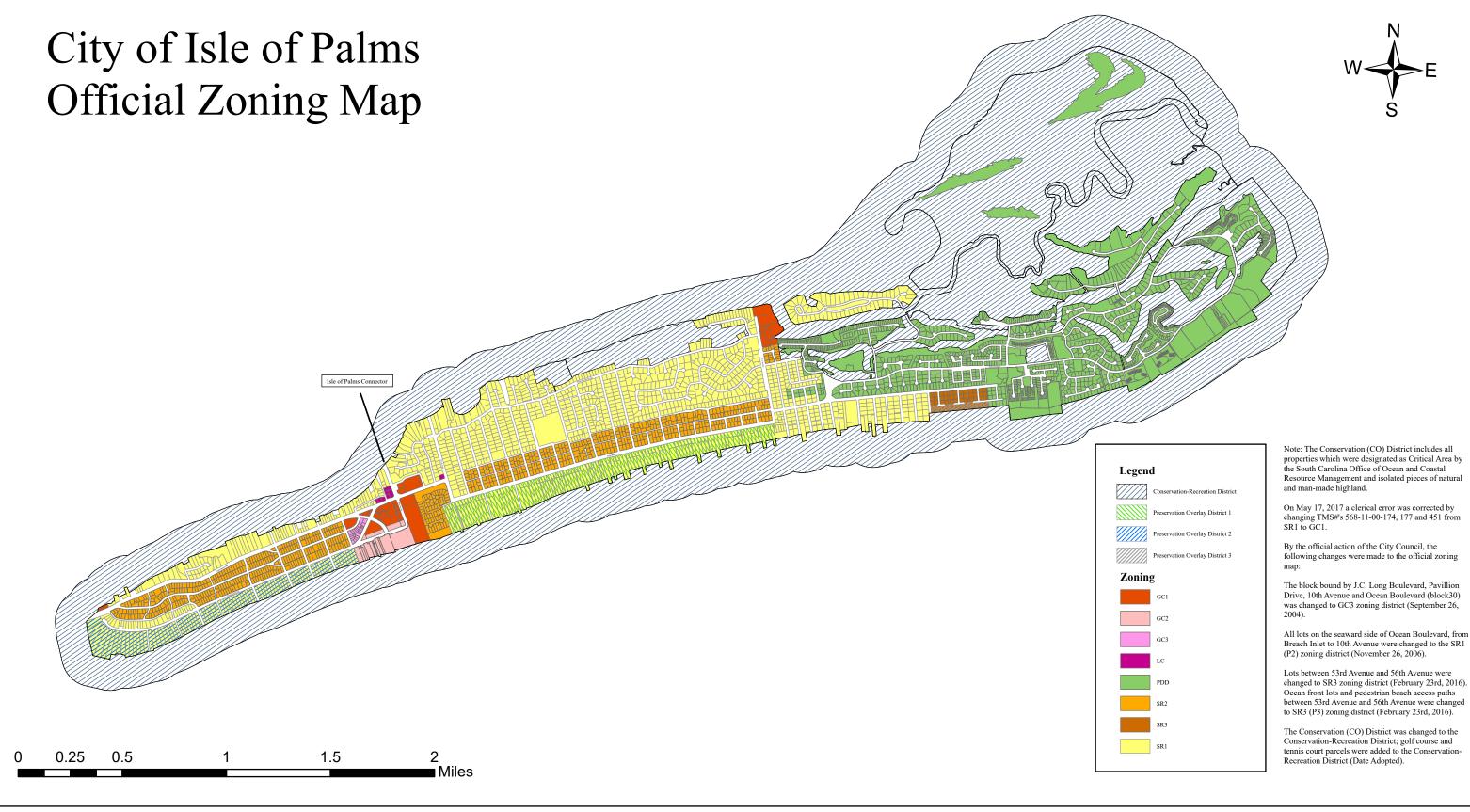
PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

Phillip Pounds, Mayor

Nicole DeNeane, City Clerk
First Reading:
Public Hearing:
Second Reading:
Ratification:

# EXHIBIT I

(Attach New Zoning Map Dated \_\_\_\_\_, 2022)





Data Source: City of Isle of Palms

Coordinate System: NAD 1983 State Plane South Carolina FIPS 3900 Ft Intl Projection: Lambert Conformal Conic

Created August 2022

properties which were designated as Critical Area by the South Carolina Office of Ocean and Coastal Resource Management and isolated pieces of natural

following changes were made to the official zoning

was changed to GC3 zoning district (September 26,

Breach Inlet to 10th Avenue were changed to the SR1

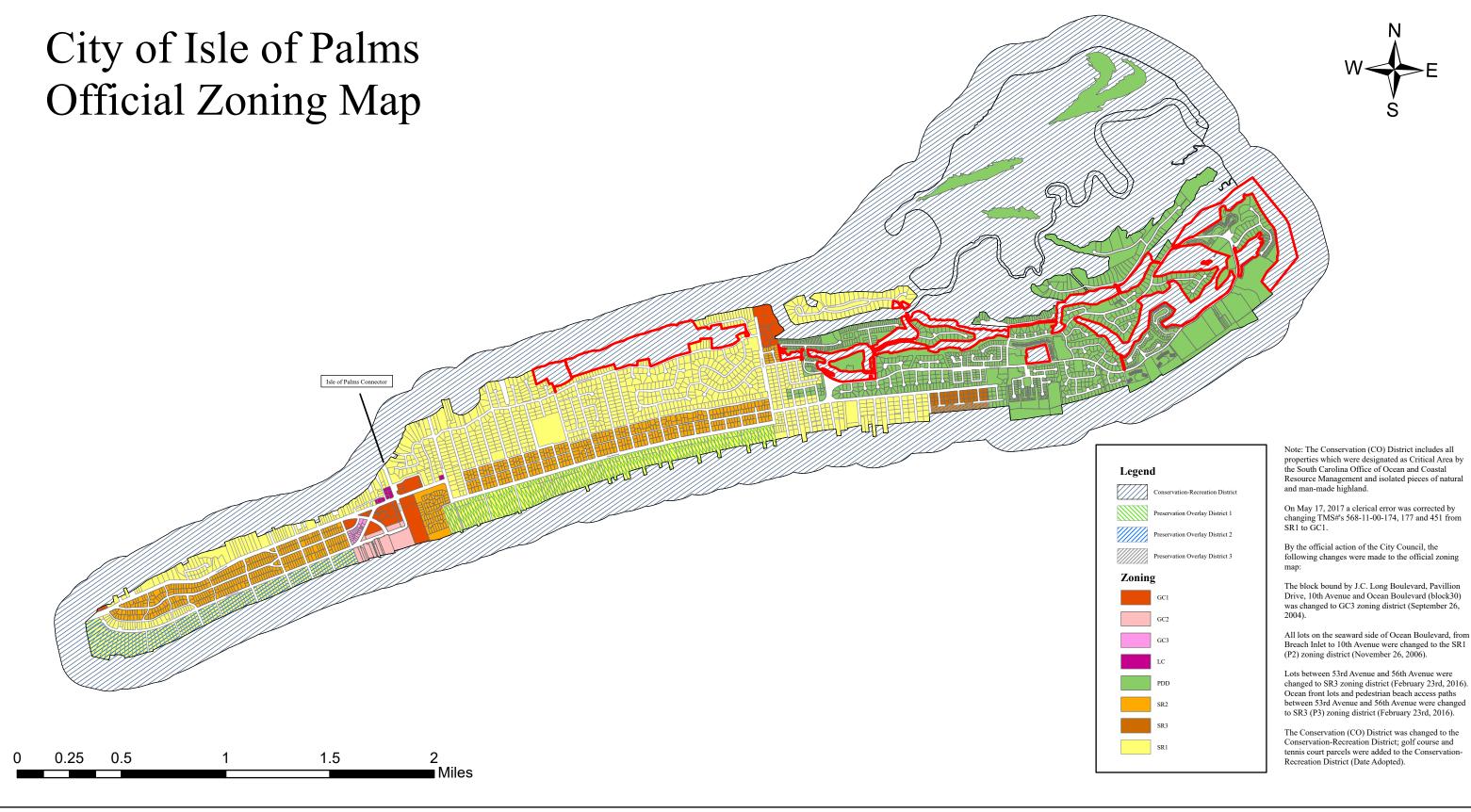
changed to SR3 zoning district (February 23rd, 2016). Ocean front lots and pedestrian beach access paths between 53rd Avenue and 56th Avenue were changed

Conservation-Recreation District; golf course and tennis court parcels were added to the Conservation-

This is to certify that this is the Official Zoning Map referred to in section 5-4-3 of the Zoning Ordinance of the City of Isle of Palms, S.C. adopted pursuant to the 1994 Comprehensive Planning and Enabling Act on June 27, 2000.

Approved by:

Attested by:





Data Source: City of Isle of Palms

Coordinate System: NAD 1983 State Plane South Carolina FIPS 3900 Ft Intl Projection: Lambert Conformal Conic

Created August 2022

properties which were designated as Critical Area by the South Carolina Office of Ocean and Coastal Resource Management and isolated pieces of natural

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This is to certify that this is the Official Zoning Map referred to in section 5-4-3 of the Zoning Ordinance of the City of Isle of Palms, S.C. adopted pursuant to the 1994 Comprehensive Planning and Enabling Act on June 27, 2000.

Approved by:

Attested by:

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ISLE PALMS TO REZONE CERTAIN PROPERTIES FROM THE SR-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT AND PDD PLANNED ZONING DISTRICT TO THE CR DEVELOPMENT CONSERVATION-RECREATION ZONING DISTRICT, INCLUDING THE 11 PROPERTIES DESIGNATED AS TMS# 571-00-00-001, TMS# 604-01-00-001, TMS# 604-01-00-059, TMS# 571-08-00-226, TMS# 604-00-00-032, TMS# 604-00-00-033, TMS# 604-00-00-034, TMS# 604-00-00-035, TMS# 604-00-00-036, TMS# 604-05-00-185, AND TMS# 604-10-00-206, AS SHOWN ON THE PLATS ATTACHED AS EXHIBIT I.

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 the Official Zoning Map of the City is hereby amended by rezoning the following 3 properties from the SR-1 Single-Family Residential zoning district to the CR Conservation-Recreation zoning district:

- a. The property owned by Wild Dunes LLC and designated as TMS# 571-00-00-001, (approximately 68.49 acres), known as "Tract G, Block A, Parcel 1, Wild Dunes Harbor Golf Course" as shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated June 26, 1990 and recorded at the Charleston County RMC Office on August 28, 1990 in Plat Book CA at page 65; and
- b. The property owned by Wild Dunes LLC and designated as TMS# 604-01-00-001, (approximately .47 acres), known as "Tract F, Block A, Parcel C-1" as shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated May 21, 1987 and recorded at the Charleston County RMC Office on June 12, 1987 in Plat Book BN at page 102; and
- c. The property owned by Wild Dunes LLC and designated as TMS# 604-01-00-059, (approximately 28.659 square feet), known as "Tract F, Block A, Parcel D" as shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated September 25, 1984 and recorded at the Charleston County RMC Office on November 9, 1984 in Plat Book BC at page 028.

Said plats referenced are attached hereto as Exhibit I and incorporated herein by reference.

SECTION 2. That the Official Zoning Map of the City is hereby amended by

rezoning the following 8 properties from the PDD Planned Development zoning district to the CR Conservation-Recreation zoning district:

- a. The property owned by Wild Dunes LLC and designated as TMS# 571-08-00-226, (approximately 2.207 acres), known as "Tract G, Block J" as shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated March 1, 1994 and recorded at the Charleston County RMC Office on April 21, 1999 in Plat Book DB at page 904; and
- b. The property owned by Wild Dunes LLC and designated as TMS# 604-00-00-032, (approximately 65 acres), known as "Tract G, Block Y, Parcel 1" as shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated October 28, 1990 and recorded at the Charleston County RMC Office on November 1, 1990 in Plat Book CB at pages 002 and 003; and
- c. The property owned by Wild Dunes LLC and designated as TMS# 604-00-00-033, (approximately 43 acres), known as "Tract G, Block X" as shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated October 27, 1990 and recorded at the Charleston County RMC Office on November 1, 1990 in Plat Book CB at pages 004 and 005; and
- d. The property owned by Wild Dunes LLC and designated as TMS# 604-00-00-034, (approximately 6.8 acres), known as "Tract G, Block W, Parcels 1 and 2" as shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated October 29, 1990 and recorded at the Charleston County RMC Office on November 1, 1990 in Plat Book CB at page 006; and
- e. The property owned by Wild Dunes LLC and designated as TMS# 604-00-00-035, (approximately 11.77 acres), known as "Tract G, Block V" as shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated October 29, 1990 and recorded at the Charleston County RMC Office on November 1, 1990 in Plat Book CB at page 006; and
- f. The property owned by Wild Dunes LLC and designated as TMS# 604-00-00-036, known as "Tract G, Block H" containing approximately 20.780 acres as shown on that certain plat entitled "Plat Showing Tract G, Block G and Tract G Block H, The Harbor Course, Wild Dunes, City of Isle of Palms, Charleston County, South Carolina" prepared by Engineering, Surveying & Planning, Inc. dated February 6, 1992 and also "Tract G, Block F" containing approximately 19 acres, as shown on that certain plat entitled "Plat Showing Tract G, Block F, The Harbor Course, Wild Dunes, City of Isle of Palms, Charleston County, South Carolina" consisting of 2 sheets prepared by Engineering, Surveying & Planning, Inc. dated January 28, 1992; and
- g. The property owned by Wild Dunes LLC and designated as TMS# 604-05-00-185, (approximately 6.889 acres), known as "Tract G, Block Z, Parcel 1" as

shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated October 27, 1990 and recorded at the Charleston County RMC Office on November 1, 1990 in Plat Book CB at page 004; and

h. The property owned by Wild Dunes LLC and designated as TMS# 604-10-00-206, (approximately 4.97 acres), known as "Parcel T" as shown on that certain plat prepared by Engineering, Surveying & Planning, Inc. dated February 21, 1994 and recorded at the Charleston County RMC Office on March 10, 1994 in Plat Book CP at page 089.

Said plats referenced are attached hereto as Exhibit I and incorporated herein by reference.

SECTION 3. 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 4. 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 5. That this Ordinance take effect and be in full force immediately.

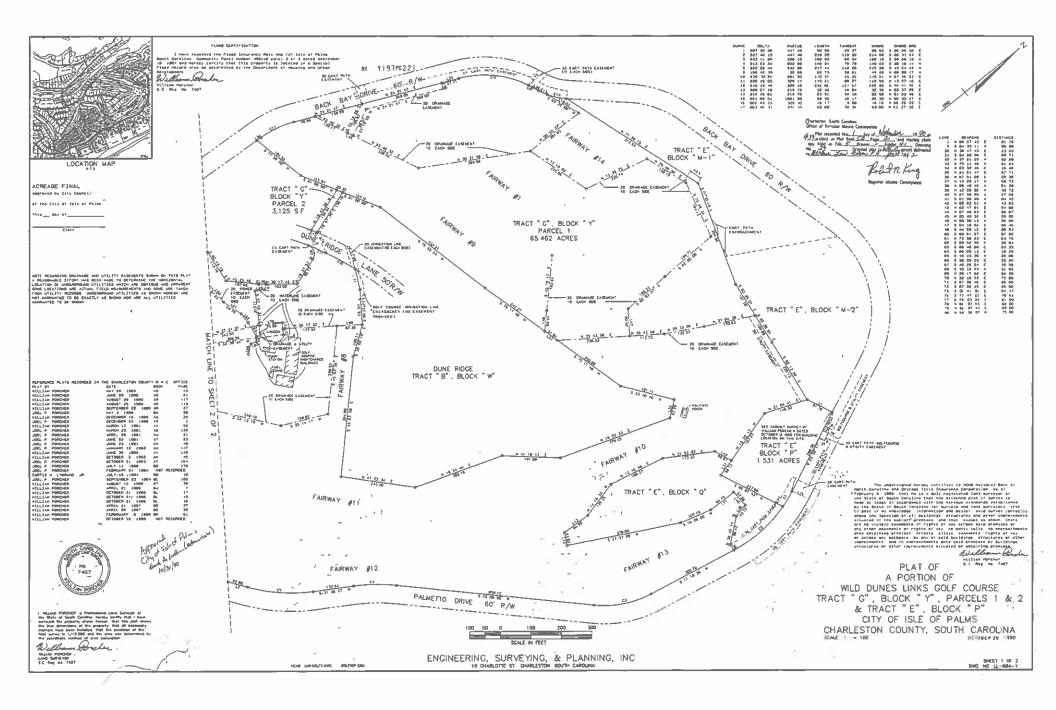
PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

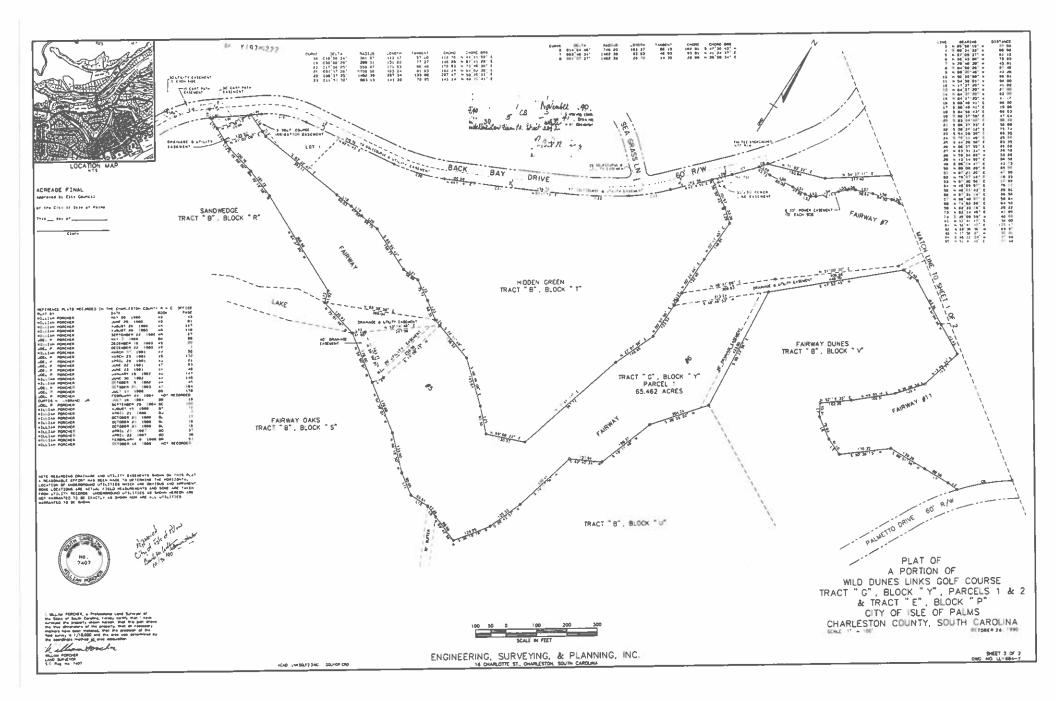
Phillip Pounds, Mayor

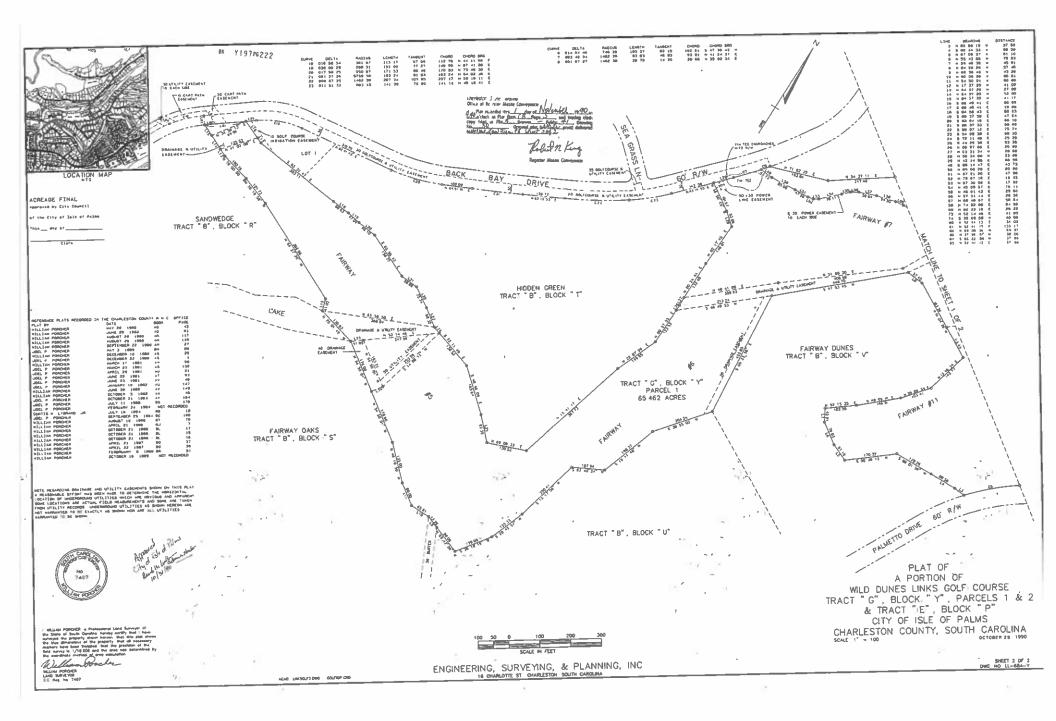
Nicole DeNeane, City Clerk	
First Reading:	
Public Hearing:	
Second Reading:	
Ratification:	

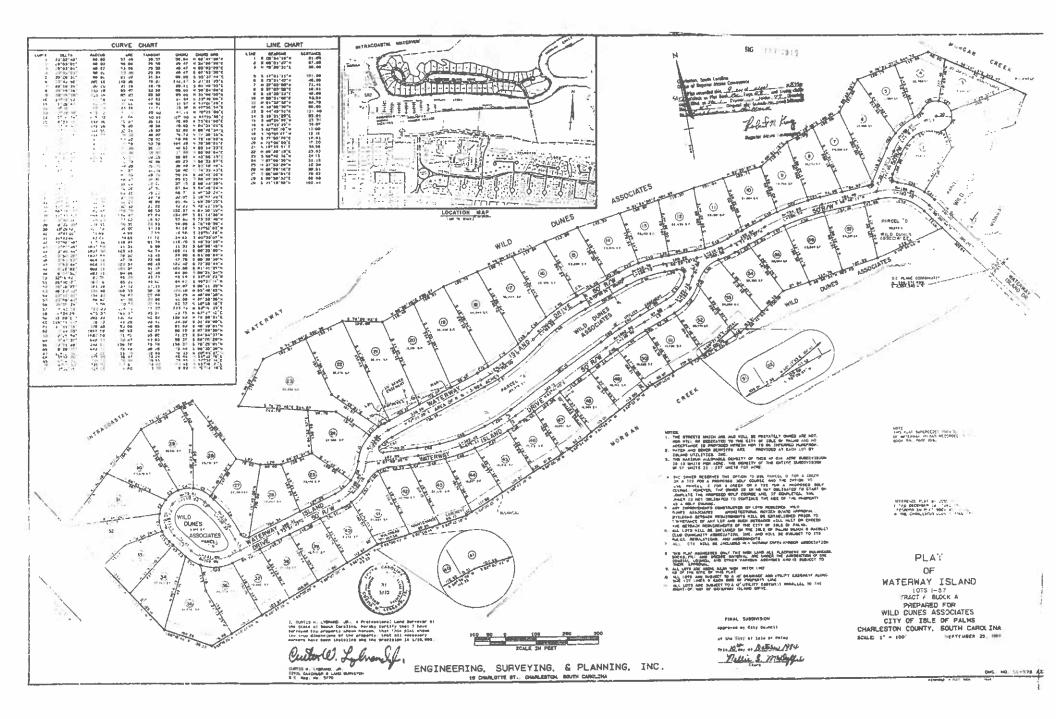
# EXHIBIT I

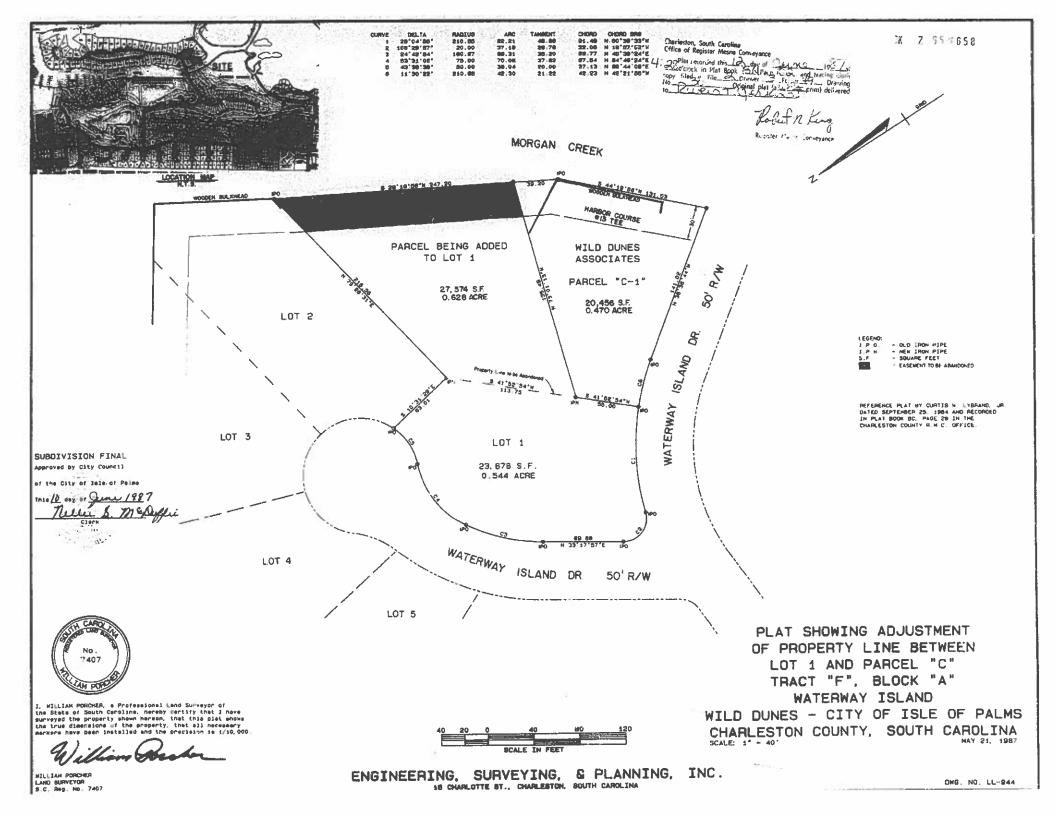
(Attach Plats)

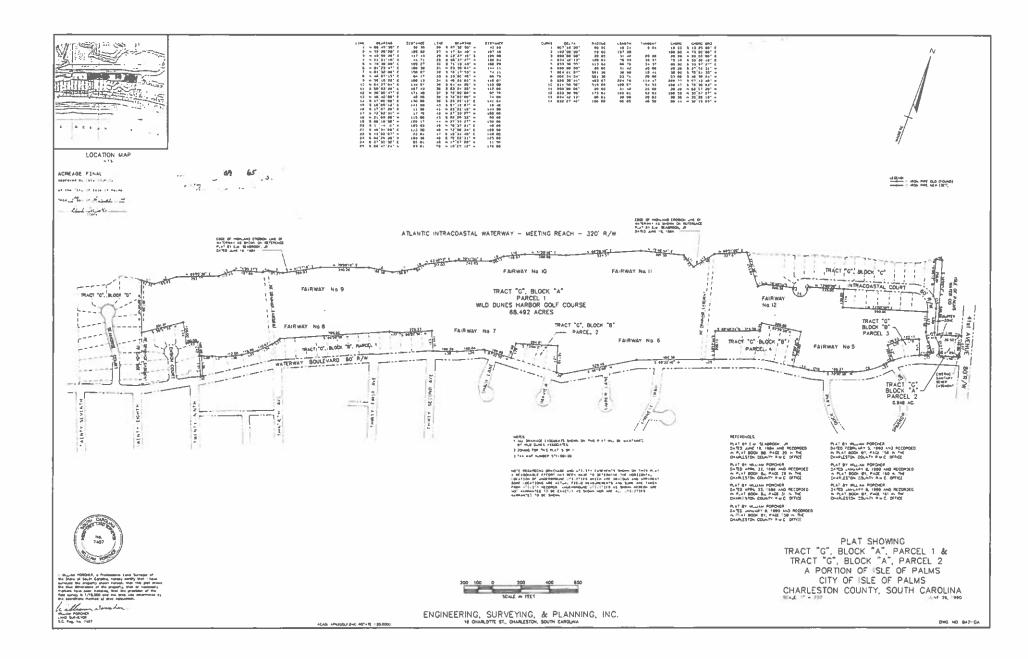


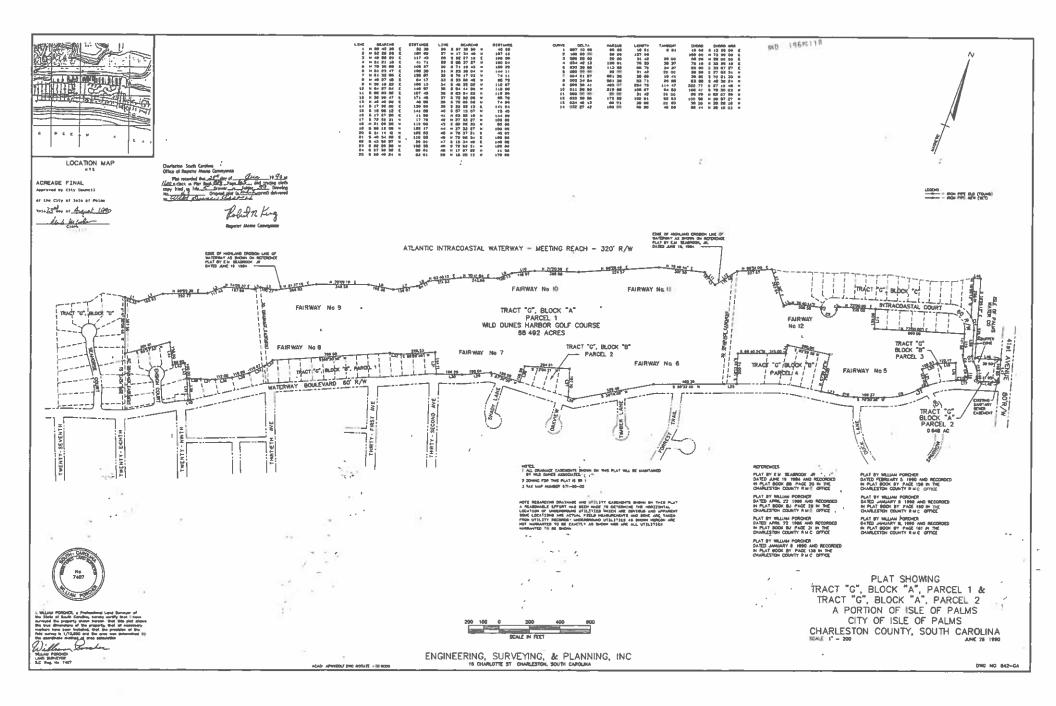


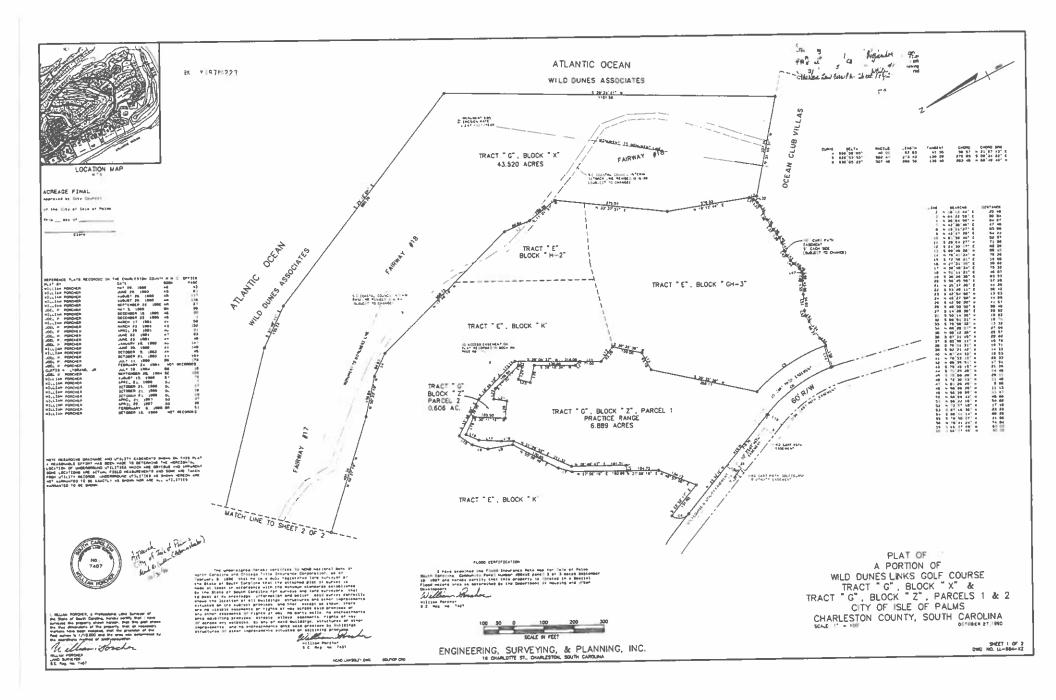


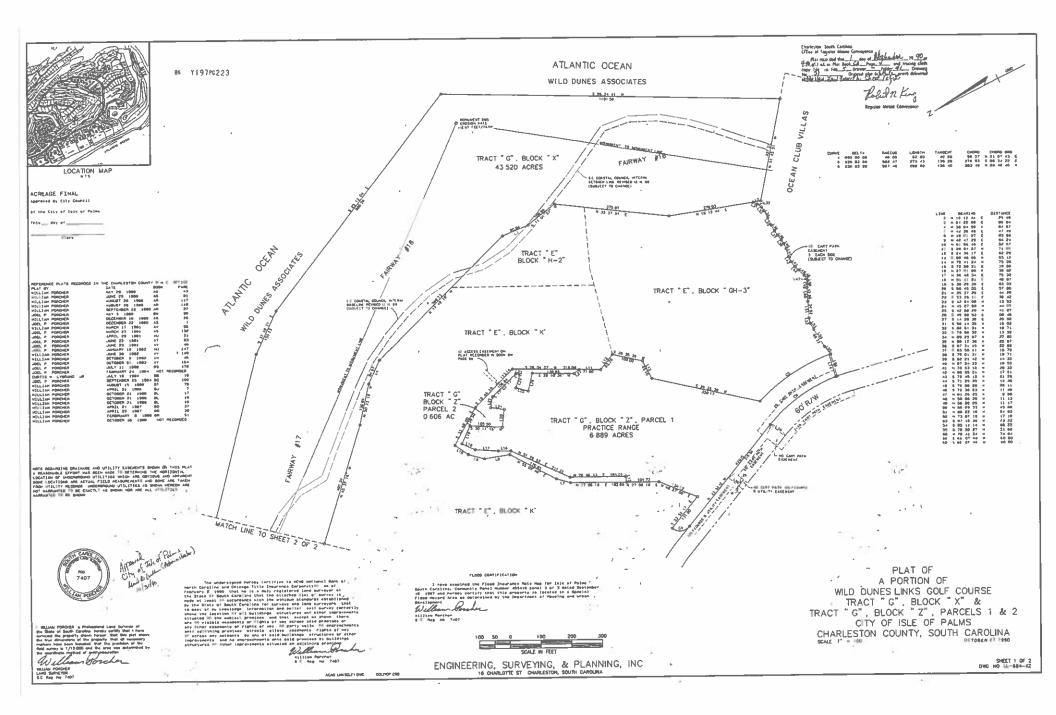


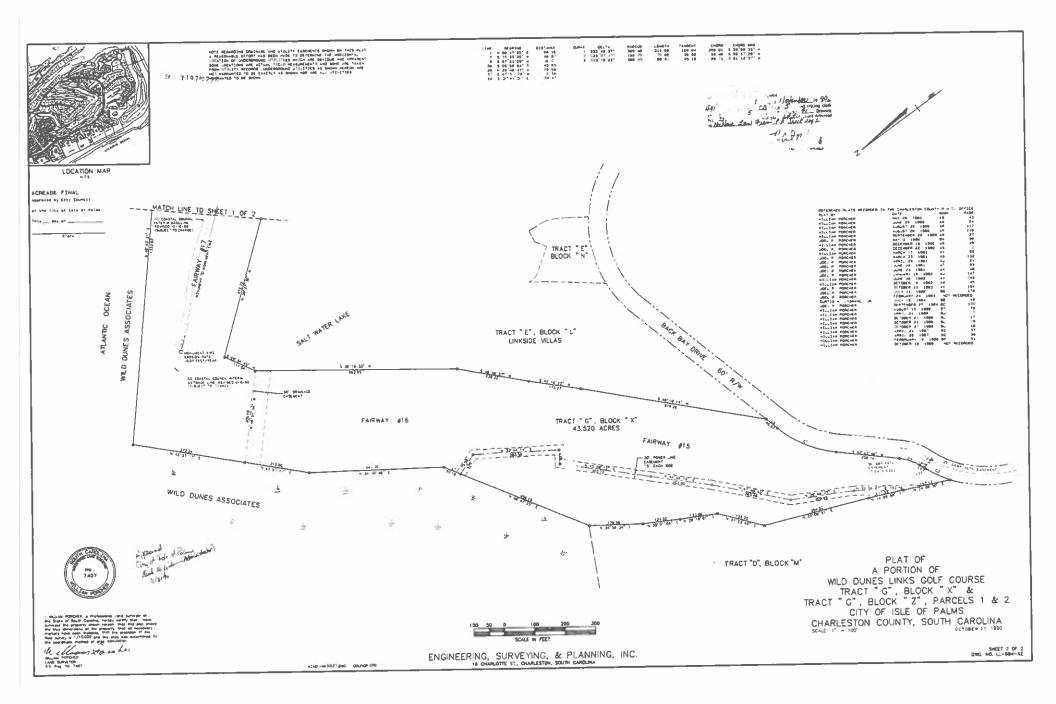


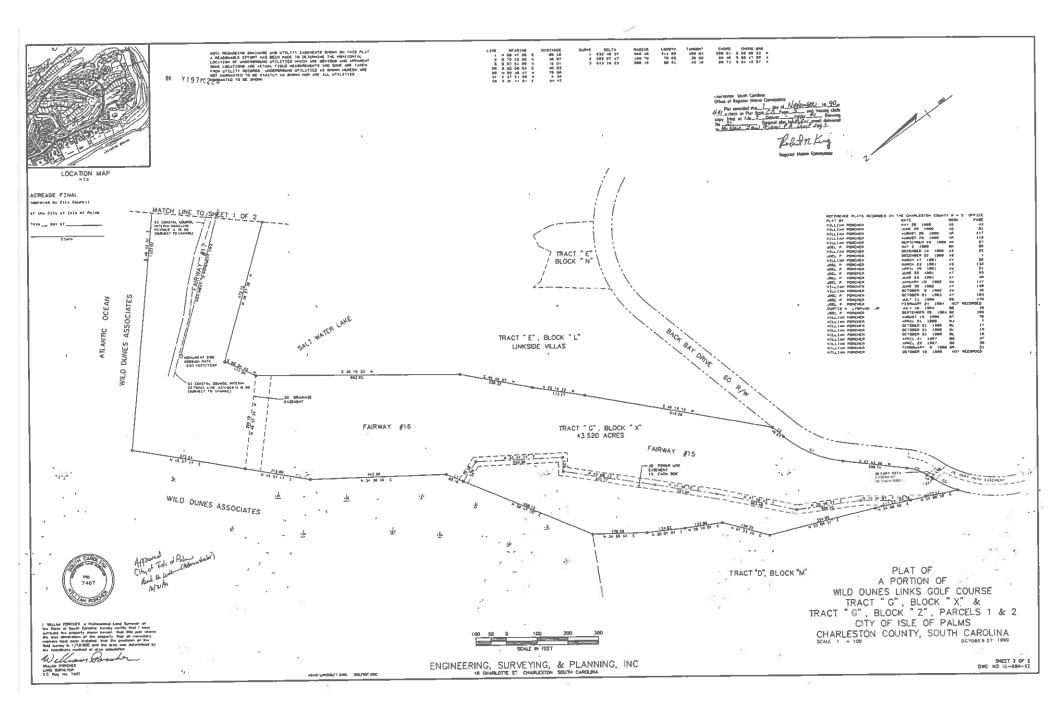


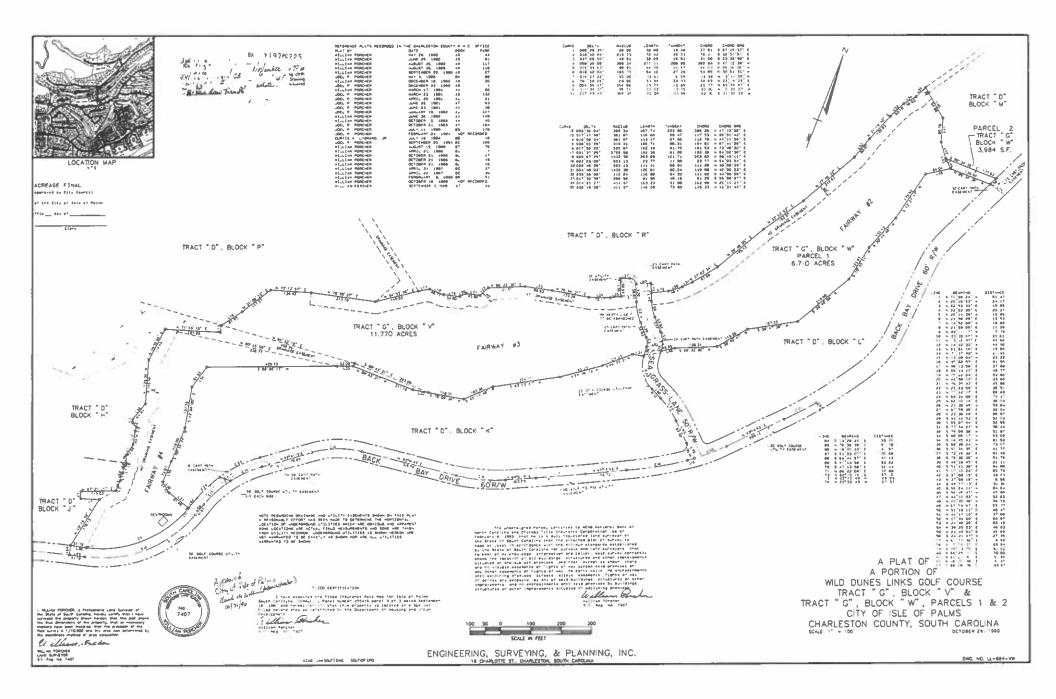


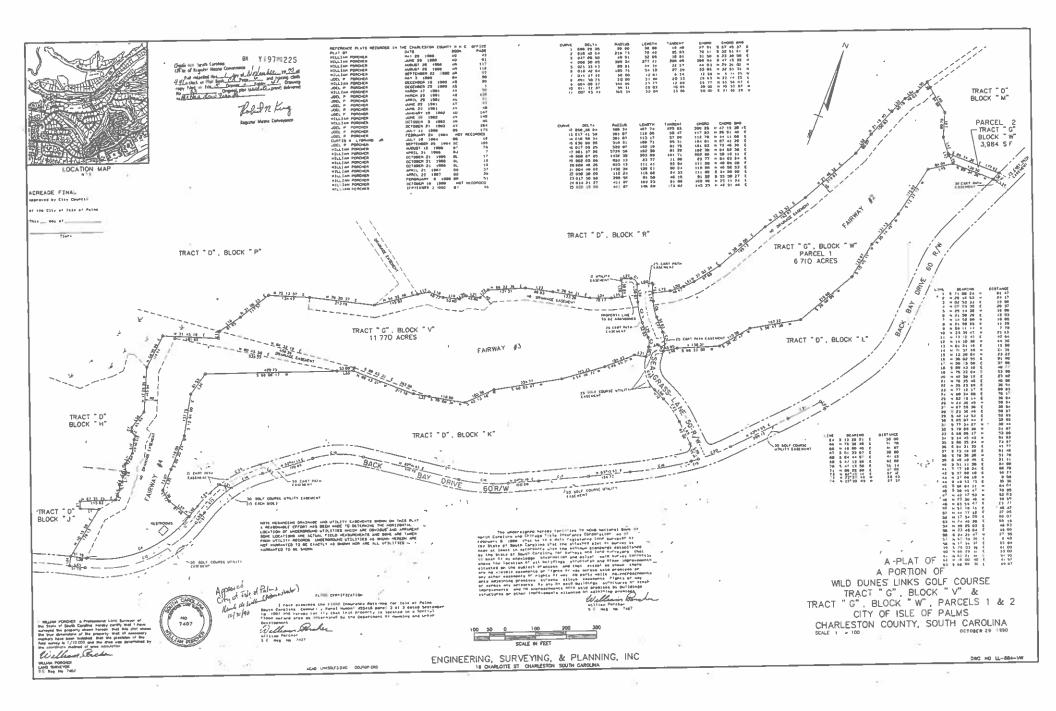


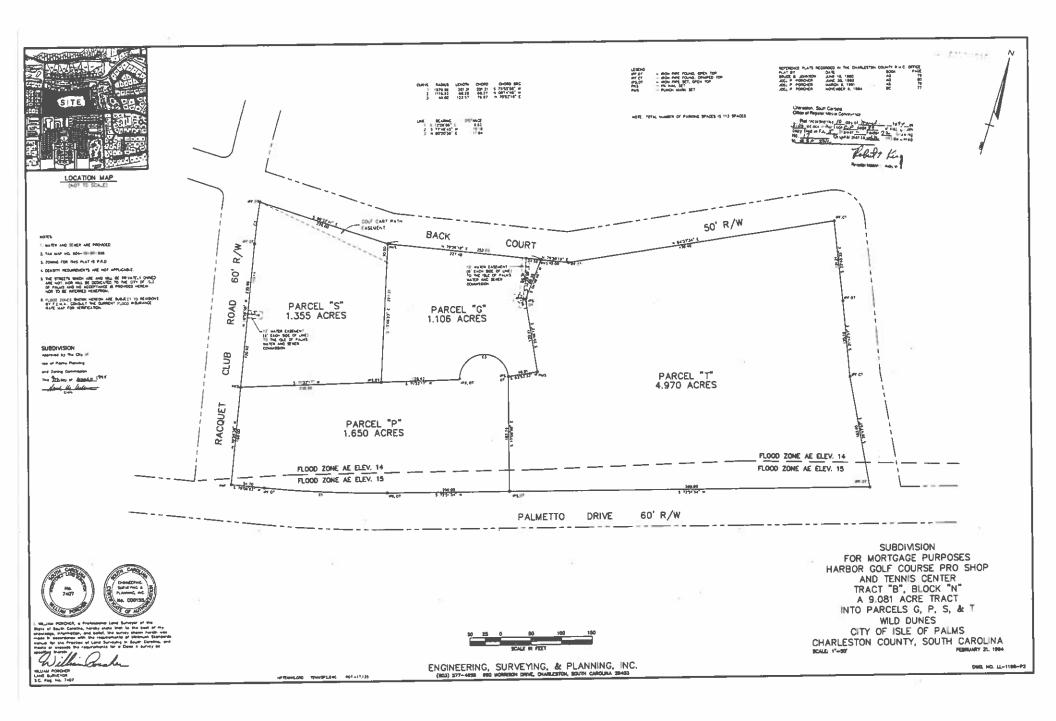


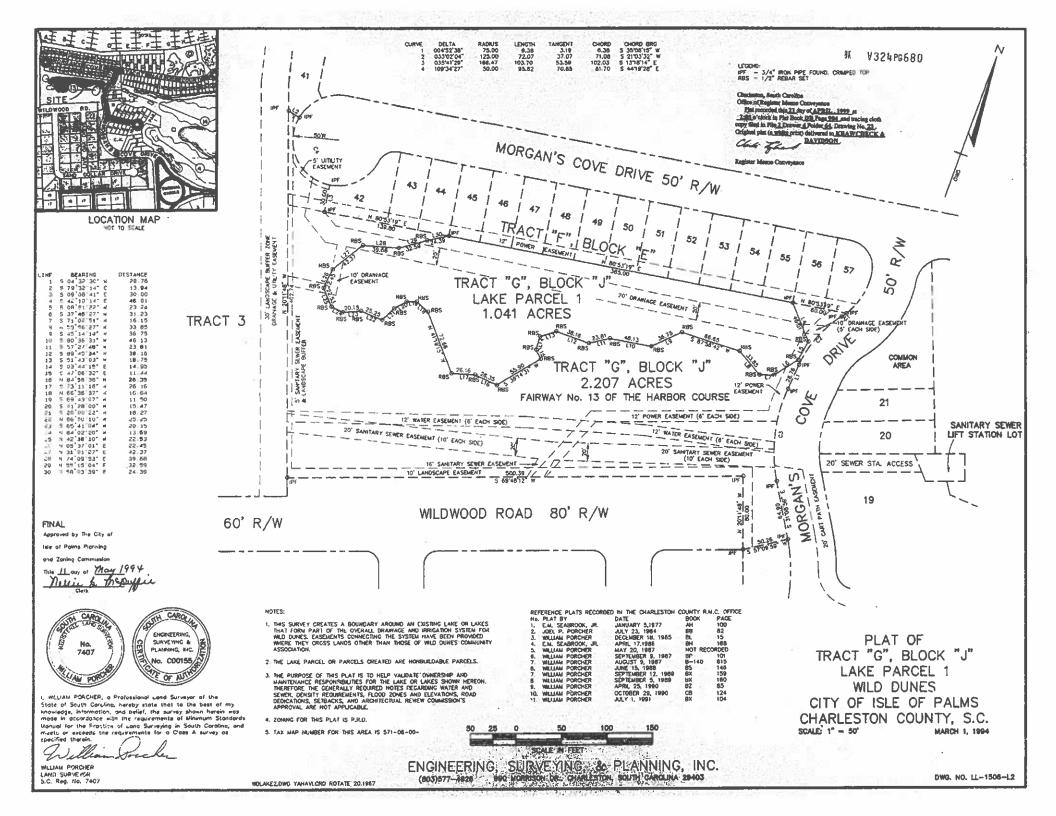


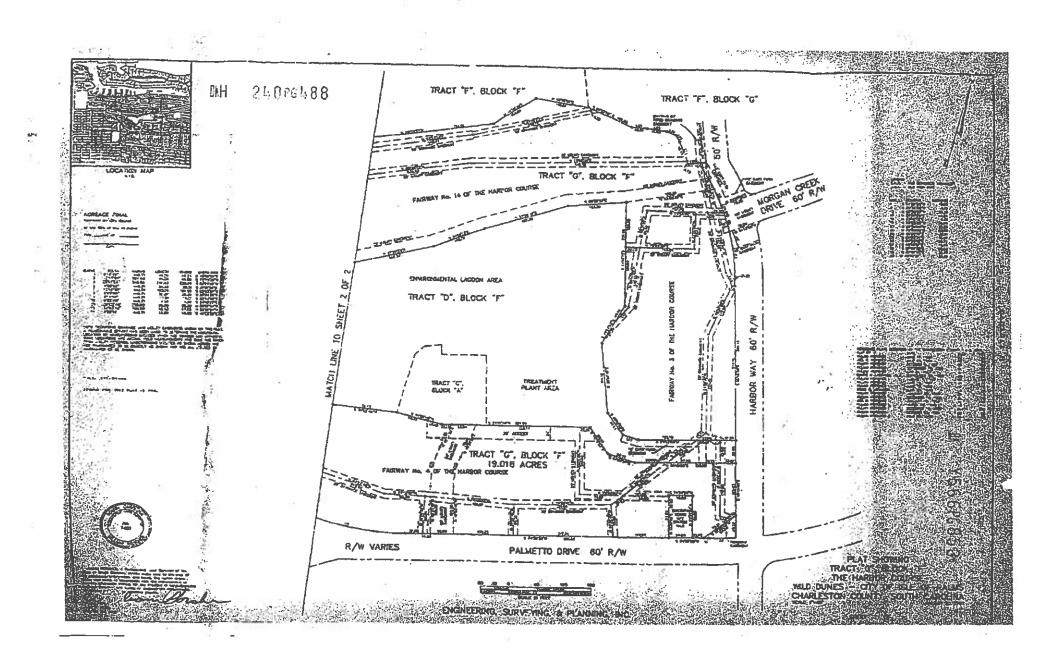


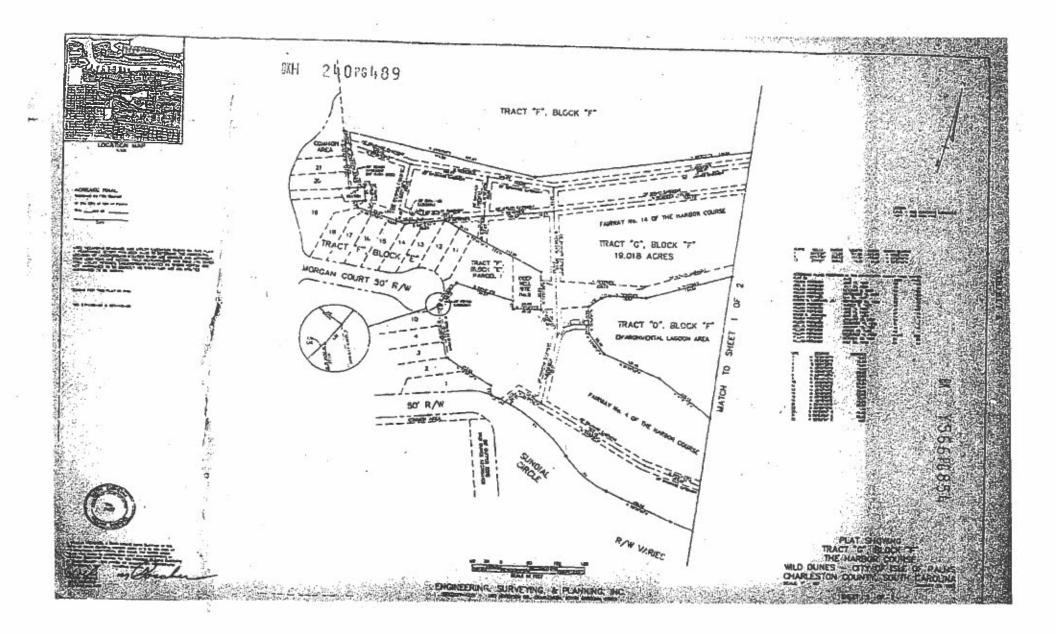


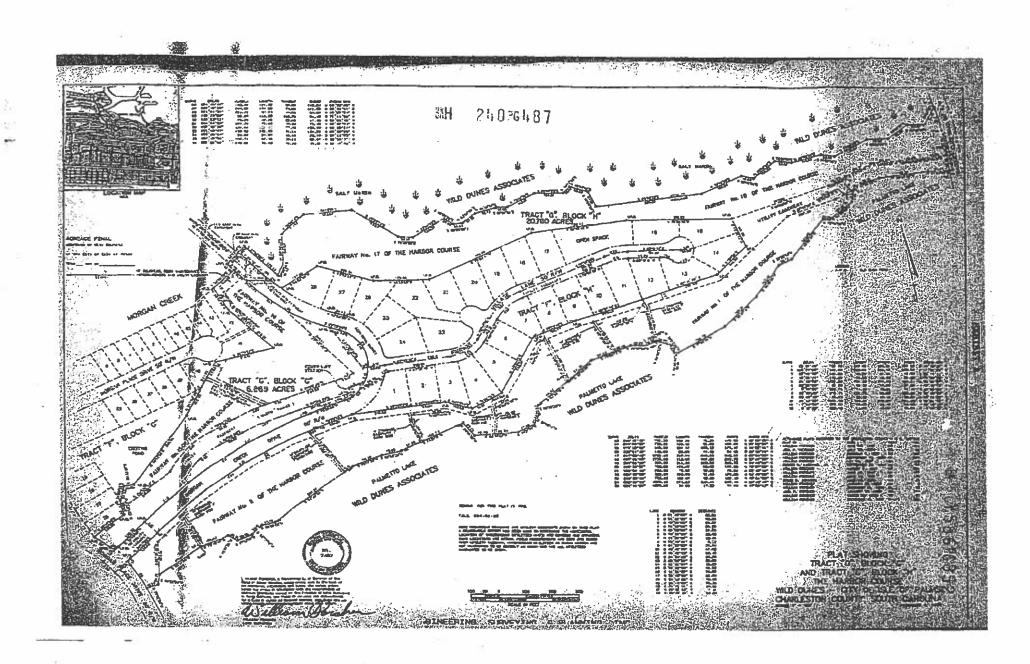












AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS, SECTION 5-4-39, PDD PLANNED DEVELOPMENT DISTRICT, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE CLARIFICATION BY CORRECTING SCRIVENER'S ERRORS AND DELETING PROVISIONS RELATED TO THE WILD DUNES PRD.

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 Section 5-4-39, "PDD planned development district," is hereby deleted in its entirety and replaced with a new Section 5-4-39 to state as follows:

"Sec. 5-4-39. PDD planned development district.

(1) *Purpose of district.* The purpose of the PDD planned development district is to permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other mixed use developments. Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a particular planned development.

(2) *District regulations.* The following regulations shall apply to all uses in PDD planned development districts, other provisions in this chapter to the contrary notwithstanding:

Minimum site area	Ten (10) acres	
Minimum lot area	Set in approved plan.	
for structure		
Minimum lot width,	Set in approved plan.	
yards, setbacks		
Maximum structure	Forty feet (40').	
height		
Off-street parking	Set in approved plan.	
and loading		
requirements		
Screening	Set in approved plan, but not less than landscaping	
	required by this chapter.	
Signs	Set in approved plan, but not greater than signs	

	allowed by this chapter.	
Subdivision regulations	Applicable regulations must be met.	
Additional development regulations	See sections 5-4-12 and 5-4-15	

(3)	PDD application and review procedures. The following procedures shall
apply	to establishment of a PDD district, other provisions in this chapter to the
contra	ary notwithstanding:

001	itrary notwithstanding:	
a.	Zoning	PDD districts are established by amendment to
	amendment	the zoning ordinance in the manner prescribed
	required:	for rezoning.
b.	District	The applicable regulations in this section and
	regulations:	those in the approved plan and descriptive
		statement shall constitute the PDD district
		regulations for the site.
с.	Pre-	An applicant for PDD zoning is encouraged,
	application	but not required, to contact the Planning
	conference	Commission prior to submission of the
	optional:	application for information and review of the
		regulations and procedures applicable to the
		proposed plan and descriptive statement.
d.	Amendment	Amendment application required:
	application	Initiation of a PDD amendment shall be by
	required:	submission of an application form provided by
		the Zoning Administrator with required
		attachments.
e.	Development	A site development plan is a required
	plans	attachment to application for PDD amendment.
	required:	The site development plan shall indicate the
		proposed uses of all land areas and such other
		information as the Zoning Administrator
		deems reasonably necessary for review.
f.	Descriptive	A descriptive statement is a required
	statement	attachment to the application for PDD
	required:	amendment. The descriptive statement shall
		indicate the characteristics and standards to be
		used for development of the site, and shall
		include at least the following items:
		1. Legal description of site boundaries, and
		total area of the site;
		2. Area and location of each type of use;
		3. Number and density of dwelling units by
		type;

-	open space locations, uses
	ation for public use;
±	maintenance of streets, and
proposed dedication	
	aling with parking and the
	d traffic on the uses on the
site and adjacent di	stricts and streets;
	to comply with sediment
	rainage regulations.
8. Steps proposed t	to comply with landscaping
regulations;	
9. Details of as	sociation or organization
involved in own	ership and maintenance,
including proced	ures and methods of
operation;	
10. Outline for a	levelopment phasing with
anticipated timefram	nes;
11. Design standard	ds, procedures and methods
demonstrating that	development will result in
an integrated use	e district, functional and
compatible with the	e area;
12. Proposed res	trictive covenants to be
recorded to ensure	future compliance with the
standards in the pla	n; and
13. Such other	information as may be
appropriate for Plar	nning Commission review.
g. Planning Upon determination	n that the application meets
Commission above requirements	s, the Zoning Administrator
review: shall forward the a	application to the Planning
Commission for re	eview and recommendation
to City Council	as required for zoning
amendments.	
h. City Council Upon receipt of	the Planning Commission
	City Council shall conduct a
1 0	as required for zoning
	may approve, approve with
	epted by applicant, or
disapprove the prop	
	g permits shall not be issued
	approved by City Council,
	s, the approved descriptive
statement and all re	
	equired restrictive covenants
are filed for record	with the City Clerk and the
are filed for record	-

j.	District map:	The site development plan approved by City Council shall be the zoning district map for the PDD and shall be the basis for issuance of zoning and building permits.
k.	Changes to plan:	1. Minor changes. Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PDD such as relocation of driveways, revision of floor plans, facades, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approved plan concept or violate any applicable regulations may be approved by the Zoning Administrator. Approval or rejection of the change is subject to review and final determination by the Planning Commission if the applicant or any party whose property is adversely affected files a written objection with the Planning Commission within ten (10) days after action by the Zoning Administrator. An applicant may submit a rejected change as an amendment to the plan under the normal zoning amendment procedures.
		2. Major changes. Changes proposed in writing by the applicant which alter district boundaries or which materially affect the characteristics of the PDD shall be submitted under normal zoning amendment procedures applicable to establishment of the PDD.
		3. Permits. No zoning or building permits involving a minor or major change of the PDD descriptive statement or map shall be issued until the written change is filed with the City Clerk and recorded in the County ROD Office.
1.	Failure to begin; failure to progress; failure to complete:	If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement, the City Council may charge the developer with violation of the zoning ordinance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within two (2) years of its establishment, the Planning Commission shall initiate the rezoning of the property to an appropriate district classification

in conformity with the comprehensive plan."
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SECTION 2. 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 3. 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 4. 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 \_\_\_\_\_, 2022.

Phillip Pounds, Mayor

Nicole DeNeane, City Clerk
First Reading:
Public Hearing:
Second Reading:
Ratification:

## Sec. 5-4-39. PDD planned development district.

- (1) Purpose of district. The purpose of the POD\_PDD planned development district is to permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other mixed use developments. Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a particular planned development.
- (2) *District regulations.* The following regulations shall apply to all uses in PDD planned development districts, other provisions in this chapter to the contrary notwithstanding:

Minimum site area	Ten (10) acres
Minimum lot area for structure	Set it- <u>in</u> approved plan.
Minimum lot width, yards, setbacks	Set it- <u>in</u> approved plan.
Maximum structure height	Forty feet (40').
Off-street parking and loading requirements	Set in approved plan.
Screening	Set in approved plan, but not less than landscaping required by this chapter.
Signs	Set in approved plan, but not greater than signs allowed by this chapter.
Subdivision regulations	Applicable regulations must be met.
Additional development regulations	See sections 5-4-12 and 5-4-15

(3) *PDD application and review procedures.* The following procedures shall apply to establishment of a PDD district, other provisions in this chapter to the contrary notwithstanding:

a.	Zoning amendment required:	PDD districts are established by amendment to the zoning ordinance in the manner prescribed for rezoning.
b.	District regulations:	The applicable regulations in this section and those in the approved plan and descriptive statement shall constitute the PDD district regulations for the site.
C.	Pre-application conference optional:	An applicant for PDD zoning is encouraged, but not required, to contact the Planning Commission prior to submission of the application for information and review of the regulations and procedures applicable to the proposed plan and descriptive statement.
d.	Amendment application required:	Amendment application required: Initiation of a PDD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.
e.	Development plans required:	A site development plan is a required attachment to application for PDD amendment. The site development plan shall indicate the proposed uses of all land areas and such other information as the Zoning Administrator deems reasonably necessary for review.
f.	Descriptive statement required:	A descriptive statement is a required attachment to the application for PDD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items: 1. Legal description of site boundaries, and total area of the site;

	1	
		2. Area and location of each type of use;
		<ol> <li>Number and density of <u>d</u>-welling units by type;</li> </ol>
		4. Description of open space locations, uses and proposed dedication for public use;
		5. Ownership and maintenance of streets, and proposed dedication to public;
		6. Methods for dealing with parking and the impact of projected traffic on the uses
		on the site and adjacent districts and streets;
		7. Steps proposed to comply with sediment control and storm drainage regulations.
		8. Steps proposed to comply with landscaping regulations;
		9. Details of association or organization involved in ownership and maintenance,
		including procedures and methods of operation;
		10. Outline for development phasing with anticipated timeframes;
		11. Design standards, procedures and methods demonstrating that development will
		result in an integrated use district, functional and compatible with the area;
		12. Proposed restrictive covenants to be recorded to ensure future compliance with
		the standards in the plan; and
		13. Such other information as may be appropriate for Planning Commission review.
g.	Planning	Upon determination that the application meets above requirements, the Zoning
δ.	Commission	Administrator shall forward the application to the Planning Commission for review
	review:	and recommendation to City Council as required for zoning amendments.
h.	City Council action:	Upon receipt of the Planning Commission recommendation, City Council shall
		conduct a public hearing as required for zoning amendments, and may approve,
		approve with modifications accepted by applicant, or disapprove the proposed
		amendment.
i.	Zoning and	Zoning and building permits shall not be issued until the zoning is approved by City
	building permits:	Council, and approved plats, the approved descriptive statement and all required
		restrictive covenants are filed for record with the City Clerk and the County RMC
		ROD Office, and all required bonds are posted with the City Clerk.
j.	District map:	The site development plan approved by City Council shall be the zoning district map
		for the PDD and shall be the basis for issuance of zoning and building permits.
k.	Changes to plan:	1. Minor changes. Changes proposed in writing by the applicant which do not alter
	<b>-</b> .	district boundaries and which involve revision of minor characteristics of the PDD
		such as relocation of driveways, revision of floor plans, facades, landscaping,
		relocation of required parking, drainage structures, and features which do not
		materially affect the approved plan concept or violate any applicable regulations
		may be approved by the Zoning Administrator. Approval or rejection of the change is
		subject to review and final determination by the Planning Commission if the
		applicant or any party whose property is adversely affected files a written objection
		with the Planning Commission within ten (10) days after action by the Zoning
		Administrator. An applicant may submit a rejected change as an amendment to the
		plan under the normal zoning amendment procedures.
		2. Major changes. Changes proposed in writing by the applicant which alter district
		boundaries or which materially affect the characteristics of the PDD shall be
		submitted under normal zoning amendment procedures applicable to establishment
L		of the PDD.
		3. Permits. No zoning or building permits involving a minor or major change of the
		PDD descriptive statement or map shall be issued until the written change is filed
<u> </u>		with the City Clerk and recorded in the County <u>RMC_ROD</u> Office.
١.	Failure to begin;	If the responsible party fails to begin, fails to progress, or fails to complete
1	failure to progress;	development as agreed in the descriptive statement, the City Council may charge

failure to complete:	the developer with violation of the zoning ordinance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within two (2) years of its establishment, the Planning
	Commission shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.

(4) Wild Dunes PRD. The existing Wild Dunes PRD development is hereby recognized as a legal nonconforming PDD district under this chapter. Any future modification to the Wild Dunes PRD agreement shall be subject to the requirements of this section.

(Ord. No. 2015-15, § 1, 2-23-2016)

AN ORDINANCE AMENDING THE CITY OF ISLE OF PALMS ZONING ORDINANCE BY AMENDING CERTAIN PROVISIONS OF THE ORIGINAL BEACH AND RACQUET CLUB PRD (ALSO KNOWN AS THE WILD DUNES PRD) TO EXCLUDE CERTAIN PROPERTIES FROM THE PRD DISTRICT, TO REDUCE THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED IN THE PRD DISTRICT FROM 2,449 UNITS TO 2,119 UNITS, AND TO REDUCE THE MAXIMUM NUMBER OF INN UNITS PERMITTED IN THE PRD DISTRICT FROM 350 UNITS TO 297 UNITS.

WHEREAS, the City adopted the Original Beach and Racquet Club PRD on May 29, 1975, including the May 28, 1975 Addendum, as the zoning and development standards for the development known as Wild Dunes; and

WHEREAS, the Original Beach and Racquet Club PRD was amended by the July 7, 1977 Beach and Racquet Club PRD Amendment, adopted by the City on July 14, 1977; and

WHEREAS, the City adopted Ordinance 2016-01 on February 23, 2016 further amending certain provisions of the Original Beach and Racquet Club PRD to exclude certain properties from the PRD district, to reduce the maximum number of dwelling units permitted in the PRD district from 2,500 to 2,449 units, and to preserve the existing height limitations in the PRD district (together the Original Beach and Racquet Club PRD and amendments are also known as the "Wild Dunes PRD"); and

WHEREAS, the Wild Dunes PRD is recognized as a legal nonconforming PDD district by section 5-4-39(4) of the City of Isle of Palms Zoning Ordinance; and

WHEREAS, City Council has initiated the rezoning of certain recreational facilities properties from the Wild Dunes PRD district to a new CR Conservation-Recreation district to ensure the preservation of existing public and/or private recreation activities; and

WHEREAS, City Council desires to reduce the maximum number of dwelling units and inn units permitted in the Wild Dunes PRD to reflect the current number of existing units and approved lots to ensure against undesirable development; and

WHEREAS, City Council finds that such amendments to the Wild Dunes PRD will serve the interest of the public health, safety, welfare and general convenience of the residents of the City of Isle of Palms.

## NOW, THEREFORE, 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 the City of Isle of Palms Zoning Ordinance is hereby amended by amending certain provisions of the Original Beach and Racquet Club PRD, as amended, (also known as the "Wild Dunes PRD") to state as follows:

- a) That the last paragraph on Page 2 is hereby amended by changing the reference from "2,449 dwelling units" to "2,119 dwelling units."
- b) That the legal description on Page 3 is hereby amended by inserting two new paragraphs at the end of the section to state as follows:

"Saving and excepting therefrom those areas of water, beaches, marshlands, and pieces of natural and manmade highland areas in the marshlands which contain less than two (2) acres, up to the mean high-water mark or abutting the primary highland, as generally shown on the Official Zoning Map as being within the CR Conservation-Recreation District.

Saving and excepting therefrom those parcels known and designated as TMS# 571-00-00-001, TMS# 571-08-00-226, TMS# 604-00-00-032, TMS# 604-00-00-033, TMS# 604-00-00-034, TMS# 604-00-00-035, TMS# 604-00-00-036, TMS# 604-05-00-185, TMS# 604-10-00-206, TMS# 604-01-00-001, and TMS# 604-01-00-059, as generally shown on the Official Zoning Map as being within the CR Conservation-Recreation District."

- c) That Section "Master Land Use Plan Summary" on Page 5 is hereby amended in the third paragraph by changing the reference from "2,499 dwelling units" to "2,119 dwelling units."
- d) That Table 2 on Page 7 is hereby amended by changing the maximum number of dwelling units permitted in the PRD District from "2,449" to "2,119" and by changing the maximum number of inn units permitted in the PRD District from "350" to "297."
- e) That Table 3 on Page 8 is hereby amended by changing the maximum number of dwelling units permitted in the PRD District from "2,449" to "2,119."
- f) That the first paragraph on Page 10 is hereby amended by changing the reference from "350 inn units" to "297 inn units" and to delete the number "200" from the last sentence.
- g) That Section "Criteria for Residential 'B' Sub-District" on Page 22 is hereby amended by changing the reference from "350 inn units" to "297 inn units."

h) That all other provisions of the Original Beach and Racquet Club PRD, as amended, which are not inconsistent herewith shall remain in full force and effect.

SECTION 2. 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 3. 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 4. 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 \_\_\_\_\_, 2022.

Phillip Pounds, Mayor

Nicole DeNeane, (	City Clerk
First Reading:	
Public Hearing:	
Second Reading:	
Ratification:	