

PLANNING COMMISSION
December 13, 2023

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, December 13, 2023, at 4:30 p.m. in Council Chambers of City Hall, 1207 Palm Boulevard.

- A. Call to order and acknowledgment that the press and the public were duly notified in accordance with state law.
- B. Approval of minutes November 8, 2023
- C. New business Discussion of stormwater recommendations from drainage masterplan
- D. Old business Comprehensive Plan review updated draft
- E. Miscellaneous business Appreciate outgoing member
- F. Adjourn



**Planning Commission Meeting
4:30pm, Wednesday, November 8, 2023
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Sue Nagelski, Ron Denton, David Cohen, Sandy Stone, Tim Ahmuty, Jeffrey Rubin (arrived at 5:10pm), Marty Brown

Staff present: Director Kerr, Zoning Administrator Simms

2. Approval of minutes

Ms. Nagelski made a motion to approve the minutes of the October 11, 2023 regular meeting. Mr. Stone seconded the motion. The motion passed unanimously.

3. New Business

A. Discussion and recommendation of noise ordinance

Director Kerr referenced the changes made to the draft ordinance since the October meeting. Mr. Cohen suggested another change to clarify a previously removed section to account for sounds related to music and speech during daytime hours.

The ordinance currently suggests decibel levels at 75 decibels in the commercial districts and 70 decibels in residential districts during the day, 85 decibels in GC-2 during daytime hours, and 55 decibels across the island during nighttime hours.

Discussion ensued as to where in the ordinance it should be noted that GC-2 is exempt from 75 decibels during daytime hours. Changing the start of daytime hours to 8am was briefly discussed, but it was agreed that no change would be made to the start of daytime hours.

MOTION: Mr. Stone made a motion to recommend the draft noise ordinance as amended to City Council for consideration. Mr. Cohen seconded the motion.

Director Kerr summarized the changes from today's discussion: "The two amendments today are increasing C.3. from 85 to 90 and then adding a C.5. that explains that all of the numbers above need to be reduced by 5 decibels" primarily for sounds consisting of speech or music.

Mr. Cohen noted that nighttime noise does not apply to HVAC equipment. He suggested wording for section C.4.: “shall not apply to HVAC equipment installed prior to the effective date of this ordinance.”

VOTE: The motion passed unanimously.

B. Discussion of stormwater recommendations from drainage masterplan

Director Kerr read each stormwater recommendation and explained how each would be applied if approved. Commissioners agreed the first three recommendations are appropriate. They would like to see recommendations 4 and 5 combined and thresholds added that would trigger an engineering plan requirement. Director Kerr said the recommendations will be put into draft ordinance format for the next meeting for further consideration.

4. Old Business

Comprehensive Plan review updated draft

Director Kerr thanked Ms. Nagelski for her continued work on the Priority Investment section of the Comprehensive Plan. She noted the difficulty in tying funding sources to each project. Further discussion of this element will take place at the December meeting.

5. Adjournment

The next meeting of the Planning Commission will be Wednesday, December 13, 2023 at 4:30pm.

Mr. Stone made a motion to adjourn, and Mr. Brown seconded the motion. The meeting was adjourned at 6:27pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Sec. 5-4-12. Additional regulations.

The following additional regulations shall apply to all zoning districts:

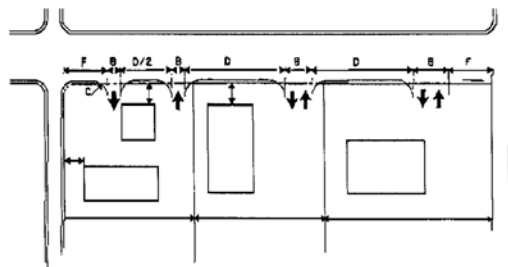
- (a) No land or building shall hereafter be used or occupied and no building or part thereof shall be constructed, erected, altered, or moved unless done in compliance with all applicable provisions of this chapter. Any use of land or buildings which is not allowed as a permitted use, conditional use, or special exception in the applicable zoning district is strictly prohibited.
- (b) The height of a building or structure shall not exceed forty feet (40'), unless otherwise provided in this chapter.
- (c) No lot shall be reduced to a size which does not meet the minimum lot area, lot width, yard areas, or other requirements of the applicable zoning district.
- (d) Except as provided in sections 5-4-45 and 5-4-46, no buildings shall be erected, altered or moved to create smaller front yards, side yards, rear yards or other open spaces than are required by the applicable zoning district.
- (e) All new construction or substantial improvements, as those terms are defined in section 5-4-155, shall be connected to the public sewer system if a public sewer line abuts a property or could abut a property with an extension of the sewer line of one hundred fifty (150) feet or less, as determined by the Isle of Palms Water and Sewer Commission. Where a gravity operated public sewer line does not abut a property or would require an extension of the sewer line of more than one hundred fifty (150) feet to reach a property, all new construction or substantial improvements must have an on-site wastewater disposal system or grinder pump system constructed or brought into compliance with current South Carolina Department of Health and Environmental Control (SCDHEC) standards; provided, however, that if the property cannot meet current SCDHEC on-site wastewater disposal system or grinder pump system standards, the building on such property shall not be increased in size and the improvements shall not increase the number of bedrooms or bathrooms.
- (f) Sills, belt course, window air conditioning units, chimneys and cornices may project into a required yard by not more than two feet (2'). Steps may project into a required front yard or rear yard by not more than five feet (5').
- (g) The zoning district front yard setback requirements for dwellings shall not apply to any lot where the average setback of existing buildings located within one hundred feet (100') of each side of the dwelling within the same block and fronting on the same street is less than the required front yard setback. In such case the average setback on such lot shall not be less than the average setback of the existing buildings.
- (h) Where a lot abuts on two (2) streets (either a corner lot or a double frontage lot), the lot's front yard setback requirements must be met on both street sides and the lot's side yard setback requirements must be met on all other sides of the lot.
- (i) Where a lot abuts on two (2) streets or rights-of-way (either a corner lot or a double frontage lot), no accessory building shall be located closer to a street than the lot's front yard setback requirements.
- (j) No fence, wall, shrubbery, or other structure shall obstruct road traffic vision.
- (k) Every building hereinafter erected or moved shall be on a lot abutting a public street, or having legal access to an approved private street. All structures shall be located to allow for safe and convenient access for servicing, fire protection, and off-street parking.
- (l) All lots shall be located on a street having a minimum right-of-way of fifty feet (50'). The required fifty feet (50') shall not include any critical area as defined in section 5-4-15(A).

- (m) Except as allowed in section 5-4-113(g), no access drive shall be permitted which would require a reduction in existing on-street public parking or loading areas.
- (n) Except in residential and GC-2 zoning districts, access drives shall conform to the requirements set forth in the following table and figure 5-4-12-A:

Street Speed Limit (mph)	Maximum One-Way/Two-Way Drive Width (in feet)	Minimum Radius (in feet)	Minimum Spacing Between All Access Drives* (in feet)	Minimum Spacing Between All Drives and Intersections (in feet)
≤20	12/24	15	30	50
25	15/30	15	40	50
30	15/30	20	50	50
35	18/36	20	50	50
40	20/40	25	50	50

*The distance between abutting one-way access drives, with the inbound drive located upstream of the traffic flow from the outbound drive, can be one-half of the distance listed above.

Figure 5-4-12-A



B = Access Drive Width

C = Curb Radius

D = Access Drive Separation

E = Fifty (50) Foot Minimum Spacing From Right-of-Way

- (o) Access drives in the GC-2 zoning district authorized pursuant to section 5-4-113(g) must comply with the following requirements:
1. There shall be only one (1) access drive per lot.
 2. An access drive shall not exceed twenty-four feet (24') in width.
 3. Prior to constructing an access drive from a State right-of-way, the owner of the property first must obtain an encroachment permit from the South Carolina Department of Transportation (SCDOT). All fees, costs and expenses for obtaining the permit and for construction of the access drive, arrangement for the sight distance requirement, and any other requirements of SCDOT shall be borne by the owner of the property.

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4. Prior to constructing an access drive from a City or County right-of-way, the owner of the property first must obtain an encroachment permit as set forth in title 3, chapter 1, article E. All fees, costs and expenses for construction of the access drive, compliance with the sight distance requirement, and any other requirements shall be borne by the owner of the property.
- (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. Provided however, that this requirement shall never limit the elevation of a lot to an elevation lower than 7.4' (using the 1988 NAVD datum).
- ~~(q) Any decrease in a lot's existing ground elevation is strictly prohibited.~~
- (r) No lot shall be improved, altered, graded, or filled in a way that to an elevation that results in a change to the existing results in more stormwater running off the site or in stormwater running off the site quicker a greater volume or higher velocity of stormwater running off the site
- Prior to any improvements, alterations, grading, or filling, a stormwater management plan shall be submitted and approved by 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 improvements are designed such that post-construction runoff will not exceed preconstruction hydrology for the site and the improvements will not 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 (excluding pools), 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.

Prior to the issuance of a Certificate of Occupancy (CO) for construction projects, the Zoning Administrator may require as-built documentation certifying that the project was completed in compliance with the approved stormwater management plan.

(Code 1994, § 5-4-12; Ord. No. 2001-5, §§ 1—3, 5-22-2001; Ord. No. 2002-12, § 1, 10-22-2002; Ord. No. 2003-8, § 1, 6-24-2003; Ord. No. 2003-13, § 1, 2-24-2004; Ord. No. 2006-10, § 1, 8-22-2006; Ord. No. 2015-11, § 1, 9-29-2015; Ord. No. 2018-13, §§ 2, 3, 8-28-2018; Ord. No. 2017-09, § 2, 8-27-2019)

10.0 PRIORITY INVESTMENT

On May 23, 2007, the General Assembly officially approved the Priority Investment Act. This legal framework mandated Planning Commissions to seamlessly integrate assessments related to priority investments into the broader scope of comprehensive planning. The Act explicitly required that Comprehensive Plans incorporate a novel Priority Investment Element. This specific component was designed with the aim of assessing the anticipated availability of financial resources from federal, state, and local sources, earmarked for public infrastructure and facilities, over the coming decade.

The Priority Investment Element fulfills a unique role by connecting the capital improvement requirements identified in other planning components with anticipated revenues over the upcoming decade. Furthermore, the Act mandated the identification of projects deserving funding allocation during this period to adequately meet vital demands related to public infrastructure and facilities. These encompass critical facets like water, sewer, and road systems.

The City's 10 yr. Capital Improvements Plan (Appendix G) is a schedule for the financing and construction of physical assets such as buildings, streets, sewers, and recreation facilities. The plan extends over a 10 year planning period indicating the beginning and ending date of each project, the amount to be expended in each year, the methods of financing those expenditures and the anticipated operating costs that will be associated with them. The City defines a capital improvements project as a project to acquire or construct an asset generally with a value exceeding \$25,000 and an expected life of 10 years or more. Capital improvement project appropriations continue in effect for the life of the project.

At present, the formulation of the Ten-Year Capital Improvement Plan (CIP) entails the active participation of City staff and Council Committees. This collaborative effort involves the evaluation of initiatives and the ranking of expenditures according to factors like urgency, projected funding, available project management resources, funding origins, project scheduling in relation to seasons, and organizational preferences.

Virtually any new capital investment will require staffing, materials, power and other services if it is to serve its purpose to the community. Some capital projects will generate revenues to the City and will help to promote the community's general economic health and well-being, as well as enhance its quality of life. While it is difficult to quantify the exact costs of future operations and maintenance of a project, most can be estimated with reasonable accuracy based upon experience.

Analysis of Projected Federal, State and Local Funds

Below is an inventory of available funding opportunities that have been used by the City of Isle of Palms (*) or could be made available in the future.

An ***ad valorem tax**, a tax per unit of property value, is levied upon all real property and certain classes of tangible personal property as that property is assessed and equalized for State and County purposes for any tax year. As a matter of local policy, only current taxes are used to meet recurring operating expenditures. Because of the difficulty in predicting when prior year delinquencies might become available, these delinquent taxes and penalties are used to support the Capital Projects Fund.

A ***building permit fee** charged for a written warrant or license issued by a local building official that authorizes the construction or renovation of a building or structure at a specified location.

Liquor Sale Licensing and Revenue purchased from the State allows restaurants, recreation facilities and festival vendors to serve alcoholic beverages. A portion of the proceeds of these license fees collected from licensees is paid back to the City and may be used for purposes generally restricted to capital projects.

***Private participation** occurs on some occasions when the City will construct items of public infrastructure that benefit certain residential neighborhoods or commercial establishments. In many such instances, the financing consists of a combination of City funds and private funds contributed, on some matching basis, by the property owner or developer.

The City levies a 2% **Hospitality Tax** on the sale of all prepared food and beverages served by restaurants, caterers, and grocery stores. This tax also applies to all receipts from the rental of transient accommodation units. Proceeds from the ***hospitality fee**, are restricted for use in the acquisition or construction of assets that support the City's tourism economy, either by direct expenditure or by the leveraging of debt.

A ***local option tourism development fee** of one percent on all taxable sales may be used for out-of-market advertising. An amount equal to four percent must be used for property tax relief for primary residents of the city and an additional 16 percent may be used for either property tax relief or for capital projects related to tourism infrastructure.

A ***Municipal, County, and State Accommodations Tax** of 14% is levied on all receipts from the rental of transient accommodation units in the city. Proceeds of this levy are restricted for use to the acquisition or construction of assets that support the city's tourism economy.

***Impact fees** are financial payments made to a local government by a developer to fund a proportionate share of certain off-site capital improvements. Impact fees do not always cover the actual capital costs of new construction but help in reducing the amount of the burden that is often shifted to the existing residents. These fees pay for infrastructure with bonds that are repaid through a property tax. Impact fees are typically a fee per unit paid at the time of development or purchase.

***Water and sewer impact fees** are used to acquire, construct and install the infrastructure necessary to ensure the delivery of safe drinking water to its customers, and to provide for the collection and transmission of sewage to be cleaned and returned to the waterways downstream.

The ***Urban County US Housing and Urban Development (HUD) Entitlement Grant** program is designed to assist low and moderate income residents by improving infrastructure and public services. The City partners with Charleston County in their status as an entitlement county.

The South Carolina Local Government Development Agreement Act, SC Code § 631-10 et seq. authorizes local governments to enter into formal voluntary ***development agreements** with developers for the completion of relatively large scale or multiphase development projects.

***Grants** represent discretionary, lump-sum funding for specific one-time projects. In most cases grantors require the City to spend additional dollars meeting local cash match requirements.

The City participates in the ***Charleston Area Transportation Study** which has two representatives on the Policy Committee. The Study Team is a stakeholder group comprised of local municipal and county planning officials that provide feedback on development of long-range regional metropolitan transportation plans (MTP). Regional projects are ranked and prioritized in accordance with predetermined GSATS scoring criteria, and Federal Highway Administration funding received by the State is allocated to local projects based upon priority and readiness of the jurisdiction.

Moreover, the city is actively positioning itself to harness increased grant funding as required to effectively address the objectives and strategies outlined in this plan. Such funding sources are listed below:

U.S. Department of Commerce, Economic Development Administration (EDA)- In April of 2018, a notice of funding opportunity was issued by EDA for Disaster Supplemental Funds related to the many disasters that occurred in recent years. This funding is for **\$587M** in grants to assist communities in TX, LA, FL, GA, SC, PR, & VI. These funds are available until they are all spent. Regionally, the Atlanta office, which serves SC, was allocated **\$147,362,000** of the \$587M.

Federal Emergency Management Agency (FEMA), Pre-Disaster Mitigation Program (FEMA PDM)- On August 21, 2018, FEMA originally released the Notice of Funding Opportunity for the 2018 Pre-Disaster Mitigation Program (PDM). In 2021, FEMA updated this program to include three pre-disaster funding opportunities, Building Resilient Infrastructure and Communities (BRIC) program, Hazard Mitigation Grant Program (HMGP), and Flood Mitigation Assistance (FMA) grant program, to help states and communities prepare for major disasters that are costing lives and livelihoods and devastating local communities and businesses. These programs will allow

communities to apply for nearly \$5B to increase their preparedness in advance of climate-related extreme weather events and other disasters, and improve their ability to recover after these events.

Department of Housing and Urban Development (HUD) Urban Entitlement, Funding Grant Administered by Charleston County- In approximately December or early January each year, Charleston County publicly notices the availability of funds under this program. These are funds appropriated by Congress and then allocated to the States and administered by Charleston County.

South Carolina Rural Infrastructure Authority (RIA)- The South Carolina Rural Infrastructure Authority operates both grant and loan programs which may be used for water, wastewater and drainage. Grants are for basic infrastructure or Economic Development Infrastructure and information.

Intergovernmental Coordination

In compiling and prioritizing the Capital Improvement Plan, the City has worked in coordination with:

- Charleston County
- The Town of Mount Pleasant
- Sullivan's Island
- Municipal Association of South Carolina
- Charleston Area Regional Transit Authority
- Charleston County Schools
- College of Charleston
- Charleston County Water and Sewer Authority
- Charleston County Solid Waste Authority
- The State of South Carolina

Capital Improvements Plan

The Comprehensive Plan and its elements serve as a guide for establishing a Capital Improvements Plan (CIP) for the City's public infrastructure and facilities and the annual budgeting process. The latest Capital Improvements Plan includes the following major projects:

Drainage

- Phase 3 Drainage – Outfalls at 30th, 36th and 41st Avenue
- Comprehensive Drainage Masterplan
- Waterway Boulevard Multi-use Path Elevation Project

Funded by the State of SC Office Of Resilience, Capital Project Funds, Municipal accommodations taxes, proceeds of GO Bond issued in FY21 as well as a grant award.

IOP Marina

- Public Dock Rehabilitation & Greenspace
- IOP Marina "T" Dock Repairs
- Marina Dredging

City's ARP funding, State and Municipal Accommodations Tax, Marina & Tourism Funds.

Beach Maintenance & Access Improvements

- IOP County Park Emergency Vehicle Access
- Beach Access Paths Improvements
- Beach Restoration

Funding for this objective is provided through the Beach Preservation Fund and Tourism and Capital Project Funds.

Buildings & Facilities

- Fire Department Exhaust Systems for Fire Stations 1 & 2
- City Hall Renovation
- Outdoor Fitness Court at Recreation Center
- Dog Park Improvements
- Undergrounding Power Lines
- SCDOT Palm Boulevard Bike, Pedestrian and Parking Enhancements

Funding through the Tourism Fund, Capital Projects Fund, State and Municipal Accommodations Tax, and Dominion Energy.

Priority Investment Goal: Engage in long-term thinking and planning about capital improvements and facility needs, their funding sources, intergovernmental coordination, and planning of CIP projects based on the best available sustainable practices.

	Objective	Action	Timeframe
1	Create a repository of current city plans, including the Comprehensive Plan, to be used as a reference when establishing the annual Capital Improvements Plan.	1A. Gather plans from various city departments and coordinating agencies.	<i>On-going</i>
		1b. Cross reference adopted plans for commonalities and economies of scale.	<i>As new plans are adopted</i>
		1c. Prioritize capital improvement projects across all plans.	<i>Annually</i>
2	Forecast Federal, State, and local funds available for public infrastructure and facilities into the 10-year planning horizon.	2a. Remain abreast of financial resources available through Federal, State, local, and private resources.	<i>Monthly</i>
		2b. Forecast CIP funding needs and correlated funding availability.	<i>Annually</i>
3	Communicate and coordinate with adjacent municipalities, Charleston County, state agencies, utilities, civic groups, charitable organizations and other relevant agencies to maintain and further the goal of becoming a sustainable community.	3a. Create and maintain a list of all relevant agencies.	<i>On-going</i>
		3b. Establish and maintain regular means of communication in order to coordinate local efforts and regional plans.	<i>Quarterly</i>
		3c. Provide each agency with written notification and an opportunity to comment on recommended public infrastructure and facility projects.	<i>As plans are submitted for review</i>