

ORDINANCE 2017-08

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 5, LAND DEVELOPMENT REGULATION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE THAT ALL SUBDIVISIONS OF LOTS BE CONNECTED TO THE PUBLIC SEWER SYSTEM AND TO REQUIRE CERTAIN INFORMATION RELATED TO SEWER CONNECTION FOR THE SUBDIVISION APPROVAL PROCESS.

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

SECTION 1. That Paragraph (b) of Section 5-5-1, "Subdivision approval required," is hereby amended to state as follows:

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

Subdivision means any division of a lot, tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots or record. However, the following exceptions are included within this definition only for the purpose of requiring that the Planning Commission be informed and have a record of the subdivisions:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter;

(2) The division of land into parcels of five (5) acres or more where no new street is involved and plats of these exceptions must be received as information by the Planning Commission, which shall indicate such fact on the plat; and

(3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Public sewer means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems as defined in section 5-4-2."

SECTION 2. That Paragraph (c)(9) of Section 5-5-3, "Conceptual plan," is hereby amended to state as follows:

"(9) Existing and proposed methods of wastewater disposal."

SECTION 3. That Paragraph (c)(2)(9)(a) of Section 5-5-4, "Preliminary plat," is hereby amended to state as follows:

“(9) Accompanying data as listed in subsection (9)(a) of this section:

- (a) The preliminary plat shall be accompanied by:
 - 1. a statement from the Isle of Palms Water and Sewer Commission stating that public sewer capacity is available to serve the proposed lots; and
 - 2. a statement from the owner agreeing to provide public sewer service to the proposed lots.”

SECTION 4. That Paragraph (c)(2)(8) of Section 5-5-6, “Final plat,” is hereby amended to state as follows:

“(8) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).”

SECTION 5. That Paragraph (b)(2) of Section 5-5-8, “Required improvements,” is hereby amended, and Paragraph (b)(3) is hereby deleted, and the remaining Paragraphs shall be renumbered accordingly as follows:

- “(1) Utility, drainage and street improvements shall be as required by and in conformance with the standards and specifications of the latest edition of the County Road Code.
- (2) The owner shall install public sewer lines and connect to the public sewer system operated and maintained by the Isle of Palms Water and Sewer Commission.
- (3) Street name signs in accordance with the requirements of the current edition of the County Road Code shall be installed. Should another type be desired, exceeding these standards, plans shall accompany the preliminary plat for approval.
- (4) All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the latest edition of the County Road Code.
- (5) All lots not exceeding two hundred (200') feet in depth shall be provided with means for positive drainage and shall have a slope of not less than 0.70 percent to an approved swale, ditch, gutter or other type of approved drainage facility. Larger tracts of land shall either meet this standard or provide for adequate drainage by using one or more of the techniques contained in OCRM stormwater guidelines and approved by the Building Official and Public Works Department as consistent with the drainage patterns for surrounding properties.”

SECTION 6. That Section 5-5-10, “Exceptions,” is hereby renamed and amended to state as follows:

“Sec. 5-5-10. – Exception to preliminary plat review process.

For a proposed subdivision, or modification of an existing lot or subdivision, which does not involve the construction or improvement of any street or drainage system, an owner may submit the following information to the Zoning Administrator in lieu of the preliminary plat requirements:

(1) The information required for review of a conceptual plan, as set forth in section 5-5-3.

(2) A letter confirming the availability of public sewer service from the Isle of Palms Water and Sewer Commission and a statement from the owner agreeing to provide public sewer service to the proposed lots.

(3) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).

Review shall follow the procedures set forth for final plats in section 5-5-6; provided, however, that if the Building Official determines that street or drainage system modifications are required, the application shall be construed as one for issuance of a preliminary plat pursuant to section 5-5-4.”

SECTION 7. 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 8. 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 9. That this Ordinance take effect and be in full force immediately.

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

Jimmy Carroll, Mayor

(Seal)

Attest:

*Passed First Reading on 10/24/17
Revised 1/18/18 for Second Reading*

Marie B. Copeland, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

TITLE 5 – PLANNING AND DEVELOPMENT
CHAPTER 5. - LAND DEVELOPMENT REGULATION

Sec. 5-5-1. - Subdivision approval required.

Approval of any subdivision of property within the City shall be required as set forth hereinbelow. These requirements shall be referred to as the "Land Development Regulations" of the City.

- (a) *Scope.* Regarding real property in the City, no subdivision shall be made, platted, or recorded for any purpose, nor shall parcels resulting from such subdivisions be sold or offered for sale, unless such subdivision meets all requirements of these regulations.

- (b) *Subdivision defined.* Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

The term "subdivision" means any division of a lot, tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots or record. However, the following exceptions are included within this definition only for the purpose of requiring that the Planning Commission be informed and have a record of the subdivisions:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter;
- (2) The division of land into parcels of five (5) acres or more where no new street is involved and plats of these exceptions must be received as information by the Planning Commission, which shall indicate such fact on the plat; and
- (3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Public sewer means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems as defined in section 5-4-2.

- (c) *Compliance with zoning requirements.* All applications for subdivision must also meet all of the applicable requirements of title 5, chapter 4, pertaining to zoning.
- (d) *Plats required to be stamped.* All plats for the subdivision of property within the City shall bear the stamp of the City Planning Commission and an authorized signature as a condition precedent to recording at the County RMC Office, or its successor office.

Sec. 5-5-2. - Subdivision approval process.

The procedure for obtaining subdivision approved by the City is as follows:

- (a) Conceptual plan: Submission and review are optional.
- (b) Preliminary plat: Submission, review and approval are required.
- (c) Conditional plat: Submission, review and approval are optional.

Formatted: Highlight

Formatted: Font: Italic, Highlight

Formatted: Indent: First line: 0.3"

Formatted: Font: Italic, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Indent: Left: 0.6", First line: 0.3"

(d) Final plat: Submission, review, approval and recording are required.

Subsection (a) of this section is optional, at the discretion of the owner. Subsection (b) of this section shall be completed prior to land clearing, grading or making any street or other improvements, including utilities. Either subsection (c) or (d) of this section shall be completed prior to commencement of building construction and/or sale of any lots within the proposed subdivision. Subsection (d) of this section shall be completed prior to the occupancy of any structure.

Sec. 5-5-3. - Conceptual plan.

- (a) *Purpose.* Conceptual plans are encouraged but are not required. The purpose of conceptual plan review is to assist the owner in demonstrating compliance with this chapter prior to extensive site planning and expenditures.
- (b) *No rights granted by conceptual plan review.* Conceptual plan review is solely advisory in nature. Conceptual plan review does not involve any interpretation or approval and it creates no vested right or right of reliance on the part of the owner.
- (c) *Information required for review.* Conceptual plans shall contain at least the date, be legibly drawn to scale, but not necessarily showing exact dimensions, and include the following:
 - (1) North arrow, written and graphic scales, and a location map showing the relationship between the proposed subdivision and the surrounding area.
 - (2) Tract boundaries and total acreage.
 - (3) Significant topographical and physical features including the location of all critical areas, wetlands, watercourses within and abutting the tract, flood hazard areas and designation of flood hazard zone.
 - (4) The location, names and rights-of-way widths of existing streets.
 - (5) Tentative street and lot arrangement showing acreage, proposed minimum lot size and the number of lots.
 - (6) Existing and proposed land uses throughout the subdivision.
 - (7) Zoning classification and TMS numbers.
 - (8) Existing and proposed drainage and utility easements.
 - (9) **Statement for Existing and proposed methods of sanitary-sewerage wastewater disposal.**
 - (10) The location of the critical area as defined by OCRM, and delineation of the marsh setback required by section 5-4-18. All wetland areas under the jurisdiction of the OCRM or the U.S. Army Corps of Engineers shall be shown.
 - (11) Flood hazard zone, the OCRM critical line, baseline and construction setback line and the City's zoning beach front jurisdictional setback line shall be shown; if applicable.
 - (12) The tree survey required in section 5-4-61.
 - (13) Owner's name, address and telephone number.
- (d) *Review process.* The applicant may submit a proposed conceptual Plan to the Zoning Administrator, who shall forward the plan to the City Building Official and the Planning Commission for advisory review. The Planning Commission shall provide the applicant with the advisory and nonbinding results of its review within forty-five (45) days following submission of the plan. City Council hereby delegates to the Planning Commission the review of any conceptual plan pursuant to any PDD zoning district requirement.

Sec. 5-5-4. - Preliminary plat.

- (a) *Required.* Submission and approval of a preliminary plat is the first formal stage of a subdivision application review. Preliminary plat approval is required before site improvements may commence.
- (b) *Rights afforded by approval.* Issuance of a preliminary plat authorizes the owner to proceed with the installation of site improvements and with the preparation of final plats. Preliminary plat approval does not authorize the sale or transfer of lots, or the commencement of construction of improvements.
- (c) *Information required for review.*
1. Preliminary plats shall be drawn to scale no smaller than 1" = 200'. Where large areas are being platted, they may be drawn on one (1) or more sheets not to exceed twenty-two inches (22") by thirty-four inches (34") in size. For small areas being platted, a scale of 1" = 100' shall be used, provided the drawing does not exceed twenty-two inches (22") by thirty-four inches (34") in size.
 2. In addition to the information required for conceptual plans in section 5-5-3(c), the following information shall be required:
 - (1) The courses and distances of the perimeter of the subject property shall be shown.
 - (2) References to a known point such as street intersections and railroad crossings.
 - (3) Zoning classifications, total acreage and total number of lots.
 - (4) The County Tax Map System (TMS) identification numbers of adjacent properties, and street names where known or available, and all intersecting boundaries or property lines shall be shown.
 - (5) Proposed divisions to be created shall be shown, including the right-of-way widths, roadway widths, easement widths, and names of streets; the location of proposed utility installations, lot lines; and sites reserved or deeded for public uses.
 - (6) The title, scale (including graphic scale), north arrow (magnetic, grid or true), date, name of the subdivider and the name of the licensed professional who prepared the plat, together with his South Carolina Registration Number and seal shall be shown on each sheet.
 - (7) Drainage features shall be shown.
 - (8) When required by the City Building Official or other requirements, a drainage plan showing profiles, plans and drainage specifications for existing and/or proposed on-site stormwater drainage facilities and off-site facilities to be used to carry stormwater from the site.
 - (9) Accompanying data as listed in subsection (9)(a) of this section:
 - (a) The preliminary plat shall be accompanied by:
 1. either a statement from the Isle of Palms Water and Sewer City Water and Sewer sewer capacity is available to serve the proposed lots; and
 2. or where a sewer line does not abut the property or public sewer capacity is not lots.
- (e) *Review process.*
- (1) The owner shall submit a proposed preliminary plat to the Zoning Administrator, who shall forward the application to the Planning Commission, the City Building Official and all other applicable City departments and consultants for review. Complete applications submitted more than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission will be placed on the Commission's agenda for review; complete applications submitted within fourteen (14) days of a regularly scheduled Commission meeting shall be placed on the agenda of the following regularly scheduled meeting. Twelve (12) copies of the plat and two (2) copies of the required supplemental material shall be submitted.

- (2) Fees set by City Council pursuant to section 5-5-12 must be paid by the applicant at the time of submission of a proposed preliminary plat.
- (3) The Planning Commission shall take action to approve, disapprove, or approve with specified conditions the preliminary plat within the sixty (60) days after receipt of a complete application and all required information. Failure to act within the sixty (60) day period, unless extended by agreement, shall be deemed to constitute approval and a certificate to that effect shall be issued by the Planning Commission on demand. The owner shall be notified in writing of the actions taken.
- (4) A record of all actions on all plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained by the Planning Commission as a public record.
- (f) *Duration.* Approval of a preliminary plat is valid for one (1) year from the date of approval. Where a subdivision is being developed in sections, the one (1) year shall be measured from the date of the most recent final approval granted to a portion of the subdivision. Prior to the expiration of a preliminary plat, the developer may apply for a one (1) year extension of time by the Planning Commission. There is no right to receive an extension, and the Planning Commission has the discretion to require the subdivider to apply for a new preliminary plat; the Planning Commission shall consider the applicant's progress or lack thereof in proceeding with the development and any change circumstances and restrictions in deciding whether to grant an extension.

Sec. 5-5-5. - Conditional plat.

- (a) *Submittal.* Submission and approval of the conditional plat is an optional second formal stage of the subdivision regulation process. Approval authorizes the sale of lots and the construction of structures before site improvements are made, provided that adequate financial guarantees are provided to the City to ensure that all required improvements will be completed.
- (b) *Rights afforded by approval.* Issuance of a conditional plat authorizes the subdivider to proceed with the sale or transfer of lots and with the preparation of final plats. Further, structures may be approved and constructed, pursuant to the requirements of this title, on lots covered by a conditional plat. However, no certificate of occupancy shall be issued for any structures until approval and recording of a final plat is obtained by the owner.
- (c) *Information required for review.* In addition to the information required for review of a preliminary plat submission, the following information is required:
 - (1) The applicant shall submit a bond or other financial guarantee meeting the criteria set forth in section 5-5-9.
 - (2) The following conditions shall be conspicuously noted on the plat:
 - a. "This is a conditional plat. No final approval from the City has been obtained. Final plat approval is contingent upon completion and approval of all required improvements. No property shown on the preliminary plat may be occupied in any manner until a final plat is approved by the City. No building permits will be issued until the road base and water system are installed."
 - b. "It shall be the duty of any attorney, real estate agent or broker involved in the subdivision process to give notice of these conditions of approval to all prospective purchasers of any parcels shown thereon."
- (d) *Criteria for review.* The application for conditional plat approval must contain all required elements. Incomplete applications shall be returned to the applicant without review. All rejected applications shall be accompanied by a letter from the Planning Commission stating the reason for the rejection.
- (e) *Review process.* The application for conditional plat shall follow the same process set forth for the approval of a preliminary plat pursuant to section 5-5-4.
- (f) *Duration.* In the event required improvements are not completed within one (1) year from the date of approval of a conditional plat, the City shall have the right to invoke the applicable financial guarantees

and complete construction of the required improvements. The developer may apply for an extension of time of up to one (1) year by the Planning Commission to complete the required improvements, provided that adequate financial guarantees are so extended; however, no more than two (2) such extensions may be granted, and the Planning Commission has the right to invoke the applicable financial guarantees rather than grant an extension.

Sec. 5-5-6. - Final plat.

- (a) *Required.* Submission and approval of the final plat is the final stage of the subdivision approval process. Such approval is required before a certificate of occupancy will be issued.
- (b) *Rights afforded by approval.* Approval of a final plat authorizes the owner to sell or transfer lots, and to commence construction of structures provided all necessary permits have been obtained therefor, and further authorizes issuance of a certificate of occupancy upon compliance with all requirements of section 5-4-101.
- (c) *Information required for review.*
 - 1. The final plat must be recordable at the County RMC Office, drawn on sheets not exceeding twenty-two inches (22") by thirty-four inches (34"), with a scale of 1" = 100' or larger, and not less than eight and one-half inches (8½") by eleven inches (11"). Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.
 - 2. In addition to the information required for review of the preliminary plat in section 5-5-4, the following information shall be required:
 - (1) All information required on the preliminary plat, with the exception of topographic data.
 - (2) All property lines with distances, accurate bearings or deflection angles. If a control traverse is run between any two (2) points on any property lines, then it shall be noted. For property lines which are curves or are in part curves, the arc length and radius shall be shown.
 - (3) Curve data for all curves shall consist of the following: The Delta angle, the degree of the curve, the tangent distance, the length of curve by arc method, and the radius. This information should be calculated along the centerline or other defined traverse line for the entire curve, beginning to end as one (1) set of data.
 - (4) The location of all points of curvature and tangency.
 - (5) The location of points of intersection where circular curves are not used.
 - (6) Lot and block numbers suitably arranged by an easily understood system.
 - (7) Certificate of accuracy. A certificate of accuracy shall be lettered or printed on the face of the final plat. The signature, seal and certification of a State-registered professional land surveyor to the effect that the final plat accurately reflects a Class A survey, that all monuments shown thereon actually exist and their position is accurately showing, and that all dimensional details are correct.
 - (8) In subdivisions where existing ~~public water and~~ public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).
 - (9) A statement as follows: "This plat is subject to all applicable easements, reservations and restrictive covenants of record."
 - (10) Accurate location, material and description of monuments and markers. Monuments to be placed after final street improvements shall be designated as "future."
 - (11) Certificates, as follows:

- a. A surveyor's certificate as to accuracy of survey and plat.

"I, [name of surveyor], a registered surveyor of the State of South Carolina, do hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property and that all necessary markers have been installed and the precision is 1: _____ [state actual precision]."

The unadjusted field measurement of lots and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the State Board of Engineering Examiners.

- b. A statement of dedication by the property owner of any streets, rights-of-way, easements, or other sites for public use. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement or dedication shall be amended accordingly.
- c. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
- d. The date of the field survey upon which final plat is based.

- (d) *Criteria for review.* The application for final plat approval must contain all required elements. Incomplete applications shall be rejected and returned to the applicant without review. All rejected applications shall be accompanied by a letter from the Planning Commission stating the reason for rejection.

- (e) *Review process.*

- (1) The applicant shall submit a proposed final plat to the Zoning Administrator, who shall forward the application to the Planning Commission, the City Building Official and all other applicable City departments and consultants for review. Complete applications submitted more than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission will be placed on the Commission's agenda for review; complete applications submitted within fourteen (14) days of a regularly scheduled Commission meeting shall be placed on the agenda of the following regularly scheduled meeting. Twelve (12) copies of the plat and two (2) copies of the required supplemental material shall be submitted.
- (2) The Planning Commission may request additional information or documentation to make an application complete and eligible for review.
- (3) The Planning Commission shall take action to approve, disapprove, or approve with specified conditions the final plat within sixty (60) days after receipt of a complete application and all required information. Failure to act within sixty (60) days, unless extended by agreement, shall be deemed to constitute approval and a certificate to that effect shall be issued by the Planning Commission on demand.
- (4) A record of all actions on all plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained by the Planning Commission as a public record. In addition, the owner must be notified in writing of the actions taken.
- (5) When the Planning Commission approves a final plat after all requirements of these regulations are met, it shall cause its action, including any conditions, to be noted on the face of the original final plat.
- (6) The City reserves the right to require that the following statement be placed upon the plat:
"The approval of this plat does not obligate the City of Isle of Palms in any way to accept the maintenance any of the streets, roads, accesses or easements shown hereon."
- (7) No property may be sold or transferred prior to the approval and recording of the final plat, except pursuant to a conditional plat issued under section 5-5-5.

- (8) No certificate or occupancy pursuant to section 5-4-101 shall be issued prior to the approval and recording of a final plat.
- (9) Fees as set forth in section 5-5-12 will be levied to defray expenditures associated with processing of applications. These fees are due upon submission of an application.

Sec. 5-5-7. - Development standards.

- (a) *Location.* Critical area, land subject to flooding by normal tides, freshwater wetlands and other areas subject to periodic inundation shall not be subdivided for residential use, unless provisions are made for satisfactory drainage in accordance with the requirements of OCRM, U.S. Army Corps of Engineers and other applicable State and Federal regulatory agencies. All drainage system shall be designed and constructed in accordance with the requirements of the OCRM and the latest edition of the County Road Code.
- (b) *Easements and dedications.*
 - (1) Easements for drainage, water or sewer, may be required along rear and side property lines where necessary. Redesign of the lot may be required to address drainage conditions.
 - (2) Drainage easements shall be provided and dedicated in accordance with the requirements of the OCRM and the latest edition of the County Road Code.
 - (3) Easements shall center along or be adjacent to a common property line where practical.
 - (4) No subdivision shall block or obstruct the natural drainage of the adjacent area.
 - (5) Existing natural drainage shall be retained or adequately relocated.
 - (6) Dedication of streets, schools sites, or recreational areas may be required.
- (c) *Lots.* Lot requirements are contained in sections 5-4-32 through 5-4-40, with special requirements and exceptions contained in additional sections of this title.
- (d) *Flood prevention.*
 - (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than fifty (50) lots or five (5) acres.
- (e) *Other requirements.*
 - (1) All land subdivisions in the City shall be in accordance with (Class A) Urban Land Surveys as promulgated by S.C. Code 1976, title 40, ch. 22, as amended, and as described in the Minimum Standards Manual For the Practice of Land Surveying in South Carolina.
 - (2) Beachfront property. All plats for beachfront property shall contain the following note:

"The City of Isle of Palms, at the time of the approval of this plat, prohibits the issuance of any permits for any kind of hard beach erosion control structures or devices (i.e., sea walls, revetments, rip-rap, bulkheads, groins, large sandbags, etc.) within the area landward of the OCRM critical area and within a 250-foot radius of the mean high water mark of the Atlantic Ocean, Breach Inlet, or Dewees Inlet, and strongly opposes the issuance of any permits for hard beach erosion control structures elsewhere in the City.
 - (3) The Planning Commission shall approve and authorize the name of a street or road laid out within property over which it has jurisdiction. Also, it may, after fifteen (15) days' notice published in a

newspaper having general circulation in the City, change the name of a street or road within the City pursuant to S.C. Code 1976, § 6-29-1200, as amended.

- (4) No land development plan, including subdivision plats, shall be approved unless all land intended for use as building sites can be used safely for building purposes without danger from flood or other inundation or from other menaces to health, safety or public welfare.
- (5) Stormwater management. No land development plans, including subdivision plats, shall be approved unless the property meets all requirements contained in title 3, chapter 3, pertaining to stormwater regulations.

Sec. 5-5-8. - Required improvements.

(a) *Markers.*

(1) Markers shall be placed as specified below:

- a. A marker shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on rights-of-way (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked.
- b. Markers shall be one of the following:
 1. A reinforced concrete marker with a brass or copper pin in the top. Concrete markers shall be a minimum of three feet (3') long and have a minimum cross sectional area of nine (9) square inches. They shall protrude above the ground not less than two inches (2") and not more than six inches (6").
 2. An iron pipe having a minimum diameter of three-fourths ($\frac{3}{4}$) inch hollow or one-half ($\frac{1}{2}$) inch solid steel. Such iron pins will be a minimum of two feet (2') in length and shall extend above the ground at least one inch (1").

(2) Markers shall be installed prior to the submission of and approval of the final plat.

(3) The location and type of all markers used shall be indicated on the final plat.

(b) *Utility, drainage and street improvements.*

(1) Utility, drainage and street improvements shall be as required by and in conformance with the standards and specifications of the latest edition of the County Road Code.

~~(2) The owner shall install public water lines where public water service is available within five hundred feet (500') of the property.~~

~~(43)~~ Street name signs in accordance with the requirements of the current edition of the County Road Code shall be installed. Should another type be desired, exceeding these standards, plans shall accompany the preliminary plat for approval.

~~(54)~~ All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the latest edition of the County Road Code.

~~(65)~~ All lots not exceeding two hundred (200') feet in depth shall be provided with means for positive drainage and shall have a slope of not less than 0.70 percent to an approved swale, ditch, gutter or other type of approved drainage facility. Larger tracts of land shall either meet this standard or provide for adequate drainage by using one or more of the techniques contained in OCRM stormwater guidelines and approved by the Building Official and Public Works Department as consistent with the drainage patterns for surrounding properties.

Sec. 5-5-9. - Financial guarantees.

- (a) In lieu of completing the required improvements listed hereinabove, a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable State-licensed

corporate surety, or a bank cashier's check, all in favor of the City, to ensure that in the event of default by the developer funds will be available to install the required improvement at the expense of the owner, may be accepted by the Planning Commission; provided that the City Attorney has in each instance reviewed each letter of credit or bonding agreement and has given an opinion in favor of the City that the interests of the City are fully protected. Where a cashier's check for the full cost of the improvements is utilized, opinion of counsel may be waived. The amount of the bond shall be set by the Planning Commission, and shall be not less than one hundred twenty-five percent (125%) of the projected cost of the improvements, with a minimum of \$2,000.00, if completed two (2) years after the date of the bond.

- (b) Upon completion of the improvements as required by this section, written notice thereof shall be given by the subdivider to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will within thirty (30) days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond or cashier's check will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the subdivider has defaulted, City Council will assess the individual subdivider the cost of the improvements over and above the surety amount.
- (c) In no instance will the bond holder be authorized to extend for the subdivider the completion date originally stipulated.
- (d) Pro-rata refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit. The Planning Commission, may at its discretion, refund no more than ninety percent (90%) of the original estimated completion cost of that portion of the project requested by the developer.
- (e) The Planning Commission shall review, approve, or reject each acceptance of surety in lieu of completion of improvements. In making its determination it shall give due consideration to the commitments made by the subdivider to individual purchases.

Sec. 5-5-10. ~~Exception to preliminary plat review process.~~

For a proposed subdivision, or modification of an existing lot or subdivision, which does not involve the construction or improvement of any street or drainage system, an owner may submit the following information to the Zoning Administrator, in lieu of the preliminary plat requirements:

- (1) The information required for review of a conceptual plan, as set forth in section 5-5-3.
- ~~(2) County Health Department approval for lots that will utilize on-site sanitary sewerage disposal Commission and a statement from the owner agreeing to provide public sewer service to the proposed lots.~~
- ~~(3) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).~~

Review shall follow the procedures set forth for final plats in section 5-5-6; provided, however, that if the Building Official determines that street or drainage system modifications are required, the application shall be construed as one for issuance of a preliminary plat pursuant to section 5-5-4.

Sec. 5-5-11. - Variances.

- (a) Where extraordinary hardship may result from strict interpretation of these regulations, the applicant may apply to the Planning Commission for a variance. Such variance may be granted to alleviate such hardship, provided that such variation does not have the effect of nullifying the intent and purpose of these regulations.

- (b) The application for a variance shall clearly and definitely state the reason why a variance is needed. Consideration must be given to the following factors:
 - (1) Special conditions affecting the property.
 - (2) Undue hardships that will result from adherence to the requirements.
 - (3) Grants of variance shall not be detrimental to adjacent property or to the public interest. Conditions may be imposed on any such variance.

Sec. 5-5-12. - Fees.

- (a) Fees charged to defray the costs of plat review shall be set forth in a Schedule of Fees, to be developed by the Building Official and approved by resolution of City Council.
- (b) Such Schedule of Fees may be amended from time to time by resolution of City Council.

Sec. 5-5-13. - Vested rights.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - 1. *City* means the incorporated area of the City.
 - 2. *Approved* means a final review and approval by the Planning Commission of a site specific development plan in accordance with the provisions of this chapter. Phased development plans remain subject to review by the Planning Commission of all phases prior to being vested.
 - 3. *Landowner* means an owner of a legal or equitable interest in real property, including heirs, devisees, successors, assigns and personal representatives of the owner. Landowner also includes a person holding a valid contract to purchase real property whom the owner has given written authorization to act as his agent or representative for the purpose of submitting a proposed development plan.
 - 4. *Phased development plan* means a development plan submitted to the Planning Commission by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in stages but which do not satisfy the requirements of a Site Specific Development Plan.
 - 5. *Site specific development plan* means a plan submitted by a landowner which describes with reasonable certainty the types and density or intensity of uses for specific property and must include, at a minimum, a preliminary plat in conformity with section 5-5-4(c) and a site plan which includes the sizes, shapes, dimensions and locations of all proposed structures.
 - 6. *Vested right* means the right to undertake and complete the development of property under the terms and conditions of a Site Specific Development Plan in conjunction with this section and in conformity with City land development ordinances and upon final approval by the Planning Commission.
- (b) Submission and approval of a site specific development plan confers upon the owner a vested right to undertake and complete the development of the subject property in conformity with the information provided by the owner to the Planning Commission.
- (c) A vested right is established for two (2) years from the date of final approval of a site specific development plan. Such vested right shall receive no more than five (5) one-year extensions upon written application by the landowner for each year that an extension is desired and shall be received no later than thirty (30) days prior to the expiration of the current term. No extension shall be approved if an amendment to this chapter has been adopted that prohibits such approval.
- (d) A vested right in a site specific development plan shall not attach until all plans have been received, approved and all fees paid in accordance with the procedure outlined in subsection (e) of this section. All administrative appeals must be resolved in favor of the applicant before a vested right attaches.

- (e) The procedure for the review process of a site specific development plan is the same as that required to submit a preliminary plat as set forth in section 5-5-4(e).
- (f) The Board of Zoning Appeals has no authority to grant a vested right and no such right shall accrue as a result of its actions.
- (g) Variances or special exceptions do not create vested rights.
- (h) A phased development plan is not eligible for vesting.

Sec. 5-5-14. - Penalties.

Any violation of the provisions of this chapter shall be a misdemeanor, punishable pursuant to section 1-3-66; and in addition, any City official is hereby authorized and empowered to enforce these regulations pursuant to the remedies set forth in section 5-4-7.