

## PLANNING COMMISSION

February 14, 2018

### AGENDA

The Isle of Palms Planning Commission will hold its regular meeting on Wednesday, February 14, 2018 at 4:30 p.m. in the City Hall Conference Room, second floor, 1207 Palm Boulevard.

A. Call to order and acknowledgment that the press and the public were duly notified in accordance with state law

B. Public comments

C. Approval of minutes: January 10, 2018

D. New business: consider subdivision 2401 Waterway Boulevard

E. Old business: discuss stormwater with SCDOT, Arnold Blanding  
discuss lot filling and impervious surface requirements

F. Miscellaneous business

G. Adjourn

**MINUTES OF THE ISLE OF PALMS  
PLANNING COMMISSION MEETING  
January 10, 2018**

The Isle of Palms Planning Commission met in the City Hall conference room, 1207 Palm Boulevard on January 10, 2018 at 4:30 p.m. Members attending included Ron Denton, Vince DiGangi, Richard Ferencz, Lewis Gregory, Bill Mills and Phillip Pounds; the Director of Planning Douglas Kerr was present as well. Lisa Safford was absent. Mr. Pounds was welcomed to the Commission and it was noted that the press had been notified of the meeting and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

**NOMINATION AND ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

The floor was opened for nominations for Chairman. Mr. Denton nominated Mr. Ferencz for Chairman and Mr. Gregory seconded the nomination. With no other nominations, the floor was closed and the vote was unanimous in favor of the nomination.

The floor was opened for nominations for Vice Chairman. Mr. Gregory nominated Ms. Safford for Vice Chair and Mr. DiGangi seconded the nomination. With no other nominations, the floor was closed and the vote was unanimous in favor of the nomination.

**PUBLIC COMMENTS**

No public comments were made.

**APPROVAL OF MINUTES**

Mr. Ferencz explained that the next item on the agenda was the approval of the November 8<sup>th</sup>, 2017 minutes. Mr. Mills made a motion to approve the minutes as submitted and Mr. DiGangi seconded the motion. The vote was unanimous in favor of the motion.

**DISCUSSION WITH CHARLESTON COUNTY REGARDING STORMWATER**

Mr. Kerr explained that at the last meeting, the Commission expressed an interest in meeting with Charleston County Public Works about stormwater issues on the island and Mr. Chris Wannamaker was present to discuss these issues. Mr. Kerr gave a brief overview of the Planning Commission's work so far and general direction for the benefit of those that were unaware of what had been discussed in previous meetings.

Mr. Kerr asked what Mr. Wannamaker's opinion about the City working on the SCDOT system and if doing so would result in the City having to take over the portions where

work is done. Mr. Wannamaker answered that traditionally SCDOT has held the position that the purpose of the roadside ditches is only to drain the roads and not to provide drainage for all properties abutting the roadways, but he said they are softening on this position when the cities agree to take over the maintenance of the roads. Mr. Kerr explained that this was what happened with the phase one and phase two drainage projects.

Mr. Gregory asked if the drainage on the island could have drained towards the ocean. Mr. Wannamaker answered that it can be done, but it is extremely expensive because the systems must extend up to a half a mile offshore.

Mr. Wannamaker said that the City has an advantage because the area is an island with very clear boundaries. He added that there appears to be more grant money being made available through flood zone studies including drainage management plans. He said that he is aware of several jurisdictions that have requested drainage plan grants, but he has not yet heard if any of the grants were awarded.

Mr. Mills asked if the County's focus within the City was solely water quality versus water quantity. Mr. Wannamaker answered no, that the County works on both issues, but that his personal job is compliance with the NPDES program, which focuses on water quality.

The group spoke about the lack of clear documentation on which agency is responsible for the maintenance of the various drainage systems. Mr. Wannamaker explained that in some instances there is a clear responsibility outlined on plats or deeds, but more times than not, the documentation is not clear. Mr. Wannamaker stated that it is clear which roads are SCDOT roads and there are some clear dedications to Charleston County, but all other systems that are either dedicated to the public or used by the public would fall to the City.

Mr. Mills asked Mr. Wannamaker what he thought the percentage of the drainage infrastructure maintained by each entity, SCDOT, Charleston County and the City, would be. Mr. Wannamaker stated that most of the system was SCDOT's, probably more than 75%, and a very small percentage was Charleston County, probably less than 5%. He stated that the County has mapped out most of this information and he could forward the maps onto the group for review.

Mr. Wannamaker explained that SCDOT has really improved their maintenance program. He stated that Arnold Blanding is now managing the stormwater maintenance and he is doing a great job. He explained that they have moved from a six-year proactive program to a reactive program where they will come out within a certain

amount of time of receiving a complaint and they have done a good job of resolving drainage issues when they respond.

Mr. Mills asked what triggers SCDOT to come out to address a drainage problem. Mr. Wannamaker answered that a complaint on line or by phone call triggers a request to them to come out and deal with a problem.

Mr. Ferencz asked if the City is cleaning SCDOT ditches. Administrator Tucker responded that when a citizen has a problem and SCDOT will not respond, it leaves no other option that then City to address the problems. Mr. Kerr stated that to recap the conversations had, Mr. Wannamaker believes SCDOT was on a 12-year maintenance schedule and the City Council just agreed to increase the frequency that the City restructures all of the ditches from every five years to every three years. This clearly illustrates that the level of service provided by SCDOT does not meet standards of the Isle of Palms.

Mr. DiGangi stated that he perceives part of the problem being that the maintenance response is disorganized and haphazard and if all agencies responding to maintenance issues were better coordinated, maybe the result would be better. Mr. Wannamaker agreed that coordination can be improved and would be helpful.

Mr. Mills asked what percentage of the problems the City is facing are maintenance related. Mr. Wannamaker responded he did not believe they were maintenance related as much as they are issues of an inadequate system. He said typically the system was either undersized at the time it was created or there is not a system in place at all. He added that some of the issues are related to the fact that during an exceptionally high tide cycle, the water cannot get out and that the coastal management policies will not allow jurisdictions to clear marsh outfalls and there is very little that can be done to overcome these obstacles. He said that even with a perfectly maintained and designed system when a major rain event comes during a hightide, some backups are going to be inevitable.

Mr. Kerr asked Mr. Wannamaker how he would advise the Planning Commission in coming up with a program to help address some of these drainage issues. Mr. Wannamaker answered that he thought the first step would be to understand the existing conditions and which agencies are involved with the problem areas. He then suggested that the group decide what issues truly constitute a problem. He stated that part of the challenge in responding to drainage complaints is each owner sees their personal situation as problematic, but when compared to what the community is dealing with overall, it could be that their issue is a lower priority. He stated that there is software that the County uses to help quantify these problems and it may be able to

help in ranking the various problems. And finally, he suggested that the City determine what design standards the City wants to provide in their proposed fixes. He explained that the SCDOT generally designs their roadway systems to handle a 10-year storm event, but that this area is routinely seeing 100-year storms. Additionally, each incremental step up in the level of service a repair provides generally increases the cost exponentially.

Mr. Kerr asked if the County would be able to help the City in prioritizing projects by providing conceptual repair ideas and cost estimates. Mr. Wannamaker answered that there were programs in place to do this, but the group should be aware that guessing at construction costs has a major impact on priority lists and it is risky to base priorities on very rough cost estimates. He thought it would be safer to identify the priorities independently of cost and then begin working on detailed solutions on the top priorities.

Mr. Wannamaker explained that a few things to watch to provide examples are the City of Charleston is starting a major drainage study in the West Ashley area, the City of Folly Beach has requested proposals for another drainage study, which he does not know if it will happen or not, and a third thing to know is that the DNR is offering detailed topographical data on elevations that may help in identifying low areas and potential problem areas. He added that he would suggest that the City start small and see what issues could be resolved without an island-wide comprehensive plan, but rather focus on areas that are known problems.

## **DISCUSS IMPERVIOUS SURFACE REQUIREMENTS**

Mr. Kerr explained that at the last meeting, the Commission discussed Sullivan's Island stormwater management plan requirements and lot coverage requirements and agreed that they may like to use some of their language. He stated that he thought the next step for the Planning Commission would be to look at a list of the requirements and decide if they would like to opt the requirement or not. The group agreed to do this at the next meeting and Mr. Kerr stated that he would get together a list for the groups discussion.

## **ADJOURNMENT**

With there being no further business, the meeting was adjourned at 6:10 p.m.  
Respectfully submitted, Richard Ferencz, Chairman

## MEMORANDUM

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TO: Planning Commission Members

FROM: Douglas Kerr, Zoning Administrator

DATE: February 9, 2018

RE: Subdivision at 2401 Waterway Boulevard

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Attached is a request for final approval of a subdivision at 2401 Waterway Boulevard. This subdivision was previously approved in April 1999, but was subsequently converted back to one lot in August 20015.

The property is currently configured as one lot totaling 44,907 square feet and the owner is proposing to subdivide the property into two lots, with the lots measuring 21,444 square feet and 23,907 square feet.

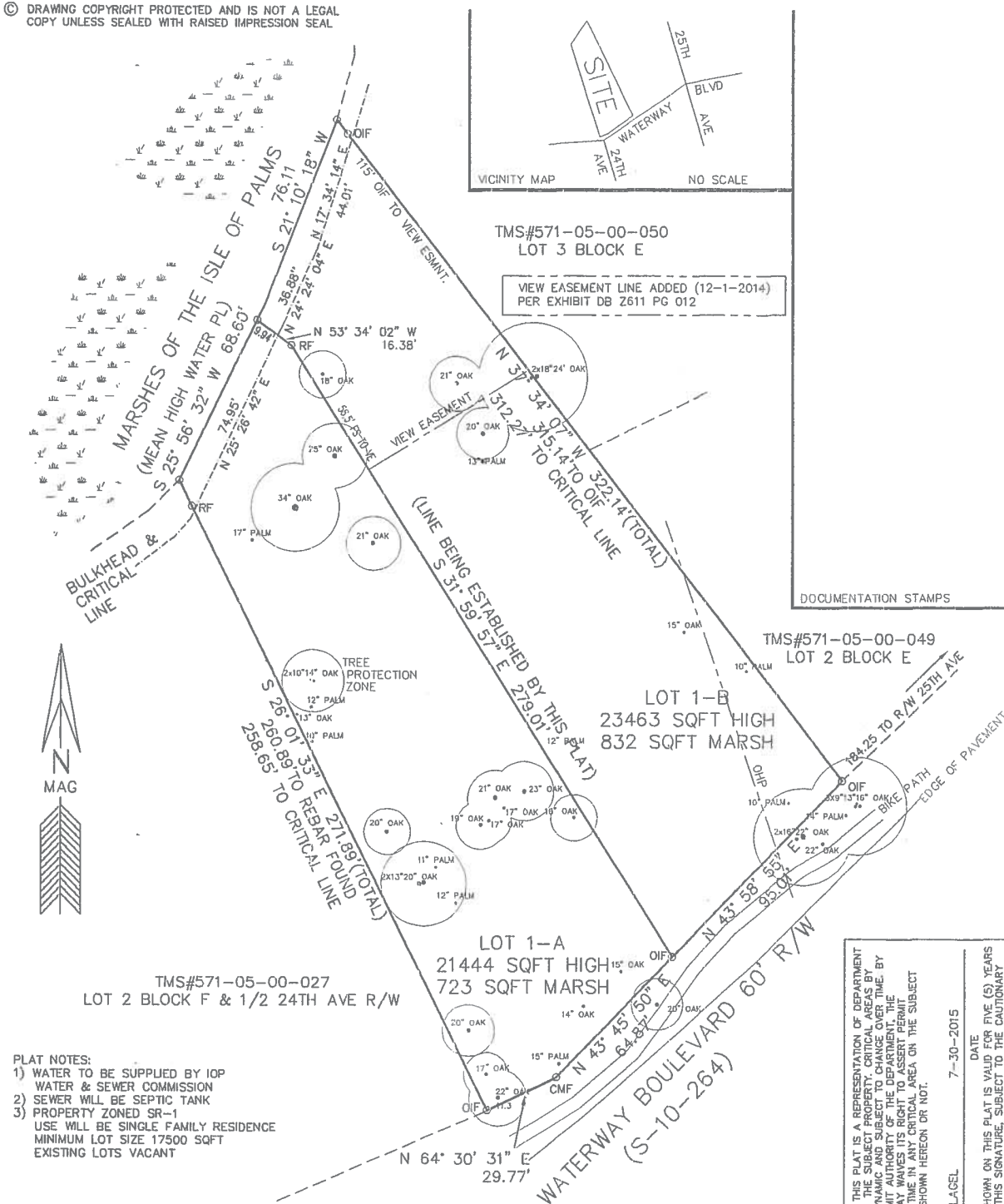
The property is located in the SR1 zoning district, which requires lots be at least 17,500 square feet in area, be at least 70 feet wide at the building line, be at least 110 feet deep, and have at least 60 feet of frontage on the street.

Each property is proposed to be served by a septic system and permits for the installation of septic systems from the Health Department (SCDHEC) are attached. This request was originally filed on August 29, 2017, prior to the City Council's consideration of an amendment to require all future subdivisions to be tied to public sewer and therefore the request must be considered under the codes in place at the time the request was filed.

Attached is a copy of the zoning ordinance requirements for lots in the SR1 zoning district and the information required for review of the final plat. The property has multiple Historic Trees, which would have to be preserved in according with the City's tree preservation ordinance. The City's staff has reviewed the plat and believes that request complies with the requirements of the ordinances and therefore recommends the plat be approved.

OTHERWISE) AND ARE SUBJECT TO LOSS.  
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DESCRIPTIVE PURPOSES ONLY



PLAT NOTES:

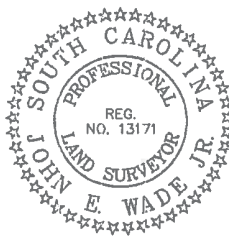
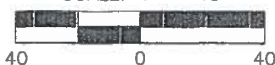
- 1) WATER TO BE SUPPLIED BY IOP  
WATER & SEWER COMMISSION  
2) SEWER WILL BE SEPTIC TANK  
3) PROPERTY ZONED SR-1  
USE WILL BE SINGLE FAMILY RESIDENCE  
MINIMUM LOT SIZE 17500 SQFT  
EXISTING LOTS VACANT

SUBJECT PROPERTY LOCATED IN  
FLOOD ZONE AE ELEV 13  
FIRM PANEL 45019C-0541-J  
DATED NOV 17, 2004

JOHN E. WADE JR., RLS  
POST OFFICE BOX 686  
ISLE OF PALMS-  
SOUTH CAROLINA, 29451  
(843) 886-6262

FILE #025-00A1

DATE: SEPTEMBER 20, 2017  
SCALE: 1" = 40'



### LEGEND

- OIF 1" OPEN IRON FOUND  
CIF 1" CRIMPED IRON FOUND  
RF #5 REBAR FOUND  
RS #5 REBAR SET  
CMF CONCRETE MONUMENT FOUND

"I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown."

JOHN E. WADE JR., R.L.S.  
SOUTH CAROLINA RES. NO. 13171



Sec. 5-4-32. - SR-1 single-family residential district.

In addition to all other applicable requirements of this chapter and other City ordinances, the requirements for the SR-1 district are as follows:

- (1) Purpose. The purpose of the SR-1 single-family residential district is:
  - a. To provide for quiet, low-density residential neighborhoods on comparatively large lots.
  - b. To discourage unwarranted encroachment by prohibiting commercial uses and to prohibit other uses which would interfere with the development or continuation of single-family use.
  - c. To encourage the cessation of nonconforming uses.
  - d. To discourage uses which would generate traffic on minor streets other than required to serve residences on those streets.
  - e. To maintain the integrity of established residential neighborhoods, and to minimize the disruption of existing residential patterns by the scattered development of comparatively large residential lots.
- (2) Permitted uses. Permitted uses in the SR-1 single-family residential district shall be:
  - a. Detached, single-family dwelling.
  - b. Residential accessory uses.
- (3) Permitted special exceptions. Permitted special exceptions in the SR-1 single-family residential district shall be:
  - a. Elementary and secondary schools offering general education courses.
  - b. Church, synagogue, or other place of worship.
  - c. Group dwellings.
  - d. Golf courses.
  - e. Home occupations meeting the requirements of section 5-4-44.
  - f. Public utility and municipal uses satisfying the special exception requirements set forth in subsection (9) of this section.
- (4) Conditional uses. Public utility and municipal uses satisfying the conditional use requirements set forth in subsection (9) of this section shall be conditional uses in the SR-1 single-family residential district.
- (5) Minimum lot requirements. Minimum lot requirements in the SR-1 single-family residential district are as follows:
  - a. Lot area: seventeen thousand five hundred (17,500) square feet of contiguous highland.
  - b. Lot width: seventy feet (70') measured at building line.
  - c. Lot depth: one hundred ten feet (110').
  - d. Lot frontage: sixty feet (60') on a public or private street; thirty (30) feet on a public or private cul-de-sac.

Vehicle access to the lot from a public or private street shall be provided within the required lot frontage.
- (6) Minimum yard requirements. Minimum yard requirements in the SR-1 single-family residential district are as follows:
  - a. Front yard: thirty feet (30').
  - b. Side yard: ten feet (10').



- c. Rear yard: thirty feet (30').

Exception: legal nonconforming lot minimum yard requirements.

- a. Front yard: twenty-four feet (24').

- b. Side yard: ten feet (10').

- c. Rear yard: twenty-four feet (24').

- (7) Maximum height. Maximum height in the SR-1 single-family residential district shall be forty feet (40').

- (8) Double frontage lots. Double frontage lots are prohibited in the SR-1 single-family residential district.

- (9) Public utilities and municipal uses.

- a. Public utility facilities and uses. This subsection (9)a applies to wastewater treatment facilities, public works maintenance and storage facilities, and all other public utility facilities or uses.

- (i) Construction or alteration of a public utility facility may be approved in a residential zoning district as a conditional use subject to a finding by the Zoning Administrator that the facility satisfies all of the following conditions:

- 1. The facility is located on a lot that is at least one (1) acre in size;
    - 2. The overall lot coverage of the facility is less than fifty percent (50%);
    - 3. The minimum setback for any structure is thirty feet (30') from all property lines;
    - 4. The maximum overall height of any structure is thirty feet (30');
    - 5. The minimum buffer along all property lines is twenty feet (20') wide with at least six (6) canopy trees, twelve (12) understory trees, and one-hundred (100) three-gallon shrubs per one-hundred (100) linear feet of property line; with each species approved by the Zoning Administrator based on its ability to provide screening and drought tolerance;

- (ii) The Board of Zoning Appeals may approve construction or alteration of a public utility facility in a residential zoning district as a special exception subject to the requirements of section 5-4-5(c) and upon a finding that the following additional conditions are met:

- 1. The facility is located on a lot that is at least one-half ( $\frac{1}{2}$ ) acre in size;
    - 2. The overall lot coverage of the facility is less than fifty percent (50%);
    - 3. The minimum setback for any structure is twenty feet (20') from all property lines;
    - 4. The maximum overall height of any structure is forty feet (40');
    - 5. The minimum buffer along all property lines is ten feet (10') wide with at least six (6) canopy trees, twelve (12) understory trees, and one-hundred (100) three-gallon shrubs per one-hundred (100) linear feet of property line; with each species approved by the Zoning Administrator based on its ability to provide screening and drought tolerance.

- b. Municipal facilities and uses. This subsection (9)b applies to all municipal facilities, including but not limited to City halls, fire stations, police stations, public safety facilities, and recreation centers, parks, playgrounds, and any other municipal use, but excludes public utility facilities or uses.

- (i) Construction or alteration of a municipal facility may be approved in a residential zoning district as a conditional use subject to a finding by the Zoning Administrator that the facility satisfies all of the following conditions:

1. The facility is located on a lot that conforms in size to the applicable zoning district requirement;
  2. The overall lot coverage is less than forty percent (40%);
  3. The minimum building setback from the front or rear lot line is thirty feet (30');
  4. The minimum building setback from any side lot line is ten feet (10');
  5. The maximum overall height of any structure is forty feet (40');
  6. A buffer is installed that complies with section 5-4-71.
- (ii) The Board of Zoning Appeals may approve construction or alteration of a municipal facility in a residential zoning district as a special exception subject to the requirements of section 5-4-5(c) and upon a finding that the following additional conditions are met:
1. The facility is located on a lot that conforms in size to the applicable zoning district requirement;
  2. The overall lot coverage is less than fifty percent (50%);
  3. The minimum building setback from the front or rear lot line is twenty feet (20');
  4. The minimum building setback from any side lot line is ten feet (10');
  5. The maximum overall height of any structure is forty feet (40');
  6. A buffer is installed that complies with section 5-4-71.

(Code 1994, § 5-4-32; Ord. No. 2002-1, §§ 1, 2, 4-26-2002; Ord. No. 2006-1, §§ 1—4, 7-25-2006)

## CHAPTER 5. - LAND DEVELOPMENT REGULATION<sup>[3]</sup>

Footnotes:

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**State Law reference**— Land development regulation, S.C. Code 1976, § 6-29-1110 et seq.

### 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. 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.
- (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.

(Code 1994, § 5-5-1; Ord. No. 1999-7, 4-27-1999)

### 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.
- (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.

(Code 1994, § 5-5-2; Ord. No. 1999-7, 4-27-1999)

#### 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 proposed method of sanitary sewerage 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.

(Code 1994, § 5-5-3; Ord. No. 1999-7, 4-27-1999)

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 either a statement from the City Water and Sewer Commission stating that a sewer line is located on a right-of-way or easement abutting the proposed lots and that public sewer capacity is available to serve the proposed lots; or where a sewer line does not abut the property or public sewer capacity is not available, proof that the proposed lots meet the current SCDHEC minimum standards for an on-site wastewater treatment system.
- (d) Criteria for review. The application for preliminary plat approval must contain all required information. Incomplete applications will 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 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.

(Code 1994, § 5-5-4; Ord. No. 1999-7, 4-27-1999; Ord. No. 2003-8, § 2, 6-24-2003)

#### 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.

(Code 1994, § 5-5-5; Ord. No. 1999-7, 4-27-1999)

#### 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 a letter of operation and maintenance agreement for the system and certifications of inspection from the State Department of Health and Environmental Control.
- (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.

(Code 1994, § 5-5-6; Ord. No. 1999-7, 4-27-1999)

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.

(Code 1994, § 5-5-7; Ord. No. 1999-7, 4-27-1999; Ord. No. 2007-6, § 1, 3-27-2007; Ord. No. 2007-17, § 1, 8-28-2007)

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.
- (3) The owner shall install public sewer lines where public sanitary sewer service is available within five hundred feet (500') of the property.
- (4) 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.
- (5) All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the latest edition of the County Road Code.
- (6) 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.

(Code 1994, § 5-5-8; Ord. No. 1999-7, 4-27-1999)

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.

(Code 1994, § 5-5-9; Ord. No. 1999-7, 4-27-1999)

Sec. 5-5-10. - Exceptions.

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:

- (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 systems.
- (3) A letter confirming the availability of water and/or sewer service from the applicable utility.

Review shall follow the procedures set forth for final plats in section 5-5-6; provided 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.

(Code 1994, § 5-5-10; Ord. No. 1999-7, 4-27-1999)

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.

(Code 1994, § 5-5-11; Ord. No. 1999-7, 4-27-1999)

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.

(Code 1994, § 5-5-12; Ord. No. 1999-7, 4-27-1999)

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.

(Ord. No. 2005-2, § 2, 6-28-2005)

#### 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.

(Code 1994, § 5-5-13; Ord. No. 1999-7, 4-27-1999; Ord. No. 2005-2, § 1, 6-28-2005)

- Pump station
- DUE letter

## Plat Application

### City of Isle of Palms

Applicants must complete and submit this application, along with the required information and fee, to the City Administrator's office in City Hall. Applications are due at least 15 days prior to the scheduled Planning Commission meeting date. The property will be posted and the application will be reviewed by the Planning Consultant, Chief Building Official, Police and Fire Departments, and Director of Public Works for compliance with the Zoning Ordinance and other City Codes prior to being presented to the Planning Commission. Plats not including all necessary information will require revision and resubmittal for the next Planning Commission meeting, delaying approval by at least one month. Applicants must attend the Planning Commission meeting.

Date of Application 11-17-17

Meeting Date Requested

Property Owner Beigis Ferguson

Applicant: Name Jay Brown

Mailing Address 2019 MIDDLE STREET, SULLIVANS ISLAND, 29482

Daytime Phone 843.460.4401

Location of Subdivision 2401 WATERWAY BLVD

Type of Approval Requested: (check one)

☐ Acreage Final

☐ Property Line Adjustment

☐ Property Line Abandonment

☐ Other \_\_\_\_\_

☐ Subdivision Conceptual

☐ Subdivision Preliminary

☐ Subdivision Conditional

☒ Subdivision Final

Applications must include the following:

☒ Fifteen (15) copies of the plat

☒ Application fee

12





**PERMIT TO CONSTRUCT**  
**Onsite Wastewater System**

File Nbr: 2017110011

County: Charleston

Name: Kevin J. Coffey

Program Code: 362

Type Facility: Residential 6-bedroom House

Address: 3030 Ashley Town Center Drive,  
Suite 101A  
Charleston, SC 29414

System Code: 611

Subdivision:

Water Supply: Public

Block:

Lot: 1-A

Site: Waterway Drive  
Isle of Palms, SC

TM#: 571-05-00-048

**PERMIT TO CONSTRUCT SYSTEM SPECIFICATIONS**

*See engineered system design and supporting documentation.*

**SPECIAL INSTRUCTIONS/CONDITIONS**

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ALTERNATIVE TRENCH PRODUCTS APPROVED UNDER STATE RULES AND REGULATIONS MAY BE SUBSTITUTED. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

This Permit To Construct and Operate is issued pursuant to the SCDHEC  
Specialized Onsite Wastewater Systems for Peak Flows less than 1500 GPD.

Issuance of this Specialized Onsite Wastewater System Permit To Construct does not  
relinquish the property owner of responsibility in attaining any and all necessary approvals or  
permits required to develop this property.

**PERMIT TO CONSTRUCT**

The Permit To Construct is issued upon the system design, certification,  
and other supporting documentation as required by this standard and  
supplied by:

Lowcountry Land Development Consultants

(Engineering Company)

Kevin J. Coffey, P.E.

(Consulting Engineer)

Randy Fowler, P.S.C.

(Soil Classifier)

S.C. #22399

(State and License Number)

S.C. #38

(State and License Number)

11/13/2017

(Plan Date)

(Project Number)

*Any Permit To Construct and Operate that is issued pursuant to this Standard shall be based upon the consulting  
engineer's design, certification, and other supporting documentation.*

Reviewed By:

DHEC 1781 (01/2014)

Date:

11/14/2017

This Permit is Appealable Under the Administrative Procedures Act.  
There may be an Additional Fee for Changes in this Permit that  
Require a Site Reevaluation.



**PERMIT TO CONSTRUCT  
Onsite Wastewater System**

File Nbr: 2017110010

County: Charleston

Name: Kevin J. Coffey

Type Facility: Residential 6-bedroom House

Subdivision:

Block:

Lot: 1-B

TM#: 571-05-00-048

Address: 3030 Ashley Town Center Drive,  
Suite 101A  
Charleston, SC 29414

Site: Waterway Drive  
Isle of Palms, SC

Program Code: 362

System Code: 611

Water Supply: Public

**PERMIT TO CONSTRUCT SYSTEM SPECIFICATIONS**

*See engineered system design and supporting documentation.*

**SPECIAL INSTRUCTIONS/CONDITIONS**

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ALTERNATIVE TRENCH PRODUCTS APPROVED UNDER STATE RULES AND REGULATIONS MAY BE SUBSTITUTED. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

This Permit To Construct and Operate is issued pursuant to the SCDHEC  
Specialized Onsite Wastewater Systems for Peak Flows less than 1500 GPD.

Issuance of this Specialized Onsite Wastewater System Permit To Construct does not  
relinquish the property owner of responsibility in attaining any and all necessary approvals or  
permits required to develop this property.

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and other supporting documentation as required by this standard and  
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Kevin J. Coffey, P.E.

*(Consulting Engineer)*

S.C. #22399

*(State and License Number)*

Randy Fowler, P.S.C.

*(Soil Classifier)*

S.C. #38

*(State and License Number)*

11/13/2017

*(Plan Date)*

*(Project Number)*

*Any Permit To Construct and Operate that is issued pursuant to this Standard shall be based upon the consulting  
engineer's design, certification, and other supporting documentation.*

Reviewed By:

DHEC 1761 (01/2014)

Date:

11/14/2017

This Permit is Appealable Under the Administrative Procedures Act.  
There may be an Additional Fee for Changes in this Permit that  
Require a Site Reevaluation.

# BARTLETT TREE EXPERTS



2285 Technical Parkway  
North Charleston, SC, 29406

Phone (843)-556-8696  
FAX (843)-556-7581

Browns-Glaws  
Attn: Jay Brown  
2019 Middle St  
Suite D  
Sullivan's Island, SC 29482

Re: Tree assessment letter for 2401 Waterway Blvd Isle of Palms.

To Mr. Brown:

Upon a property inspection review of the grove of oaks located at the front north end of the lot at 2401 Waterway Blvd, IOP I found the following with the trees.

The first 2 oaks are showing a high level of phytophthora root rot throughout exhibited by black weeping lesions along the trunk of both trees. Plant growth is stunted and spares, leaves are chlorotic and branch dieback has occurred. This disease is most prevalent in wet poorly drained soils putting trees under stress allowing the infection to work into the root system.

The remaining 3 trees all have been struck by lightning in the past which is exhibiting in major crown die back, large pockets of decay and over all tree decline due to the lightning strike. These trees will continue to die back as the lightning has impacted the critical cambial layer resulting in the decline of the upper crowns and structural issues along the trunk.

Based on what I observed, the heavy infection of phytophthora root rot and the lightning strikes I would recommend the removal to reduce the risk of failure impacting a targets. The mitigation options can only manage the disease or structural issues associated with lightning strike in the short term, long term they will continue to decline.

Sincerely,  
Todd Nedorostek

Local Manager Bartlett Tree experts

ISA Certified Arborist MA-0764

ISA Tree Risk Assessment Qualified



STATE OF SOUTH CAROLINA	)	
	)	REAFFIRMATION OF MODIFICATION OF
COUNTY OF CHARLESTON	)	RESTRICTIONS REGARDING LOTS 1-A & 1-B,
		SECTION BC-2-A, ISLE OF PALMS

WHEREAS, The Beach Company, a South Carolina corporation, implemented the following restrictions on Block E, Section BC-2-A in that Deed to Franklin R. Welch and Carol D. Shealy, recorded in Book S74 at page 307:

*"And subject to the further restriction that Block E and the other lands and marshlands hereby conveyed may be subdivided into not more than three lots, each of which shall be used for residential purposes only and no one of which shall ever be further subdivided," and*

WHEREAS, by Modification of Restrictions dated December 11, 1967, and recorded in the RMC Office for Charleston County in Book H89 at page 45, The Beach Company amended said Restrictions to allow Block E to be subdivided into no more than four lots of which shall be used for residential purposes only; and

WHEREAS, by Second Modification of Restrictions dated May 17, 2005, and recorded in Book A501 at page 050, The Beach Company further amended said Restrictions to allow for Block E to be subdivided into not more than seven (7) lots; said Modification recognizes that Lot 1 has been subdivided into Lots 1A and 1B as shown on that plat entitled " PLAT SHOWING A RESURVEY OF LOT 1, BLOCK E, SECTOIN BC-2-A, AND A QUITCLAIMED PORTION OF TWENTY FOURTH AVENUE INTO LOTS 1-A AND 1-B, IN THE CITY OF ISLE OF PALMS, CHARLESTON COUNTY, SOUTH CAROLINA, THIS PROPERTY PRESENTLY OWNED BY BEACH BOYS, LLC" recorded in the RMC Office in Plat Book ED at page 117; and

WHEREAS, subsequently Lots 1A and 1B were recombined into one lot as shown on that plat entitled "PROPERTY LINE ABANDONMENT @ LOTS 1-A & 1-B BLOCK E SECTION BC-2-A CITY OF ISLE OF PALMS, CHARLESTON COUNTY, SOUTH CAROLINA" recorded in Book S15 at page 0201; and

WHEREAS, the owner of Lot 1 is now desirous of dividing Lot 1 back into two lots as depicted on that above referenced plat recorded in Book ED at page 117, and as shown on that plat attached as Exhibit "A" and desires to reaffirm the modification of restrictions as described above.

NOW, THEREFORE, The Beach Company, a South Carolina Corporation, for an in consideration of Five Dollars and no/100 (\$5.00) being the true consideration, does hereby agree to reaffirm the Second Modification of Restrictions recorded in Book A501 at page 050, to allow for Block E to be subdivided into seven (7) lots, specifically that Lot 1 is divided into Lots 1-A and 1-B as shown on that plat recorded in Book ED at page 117 and as shown on that plat attached hereto as Exhibit "A" that will be recorded in the Charleston County RMC Office.

The undersigned agree that by the execution of this instrument they agree to the modification, alteration, and change in the restrictions, only as specified above, on the lots as herein set out, and no other change shall be made to said Restrictions.

IN WITNESS WHEREOF, we have caused this instrument to be executed in our respective names and as our official act and deed by the proper authorized officers, this 26 day of January, 2018.

Signed, Sealed and Delivered  
In the Presence of:

[Signature]  
WITNESS 1

[Signature]  
WITNESS 2

THE BEACH COMPANY

By: [Signature]  
Its: Secretary

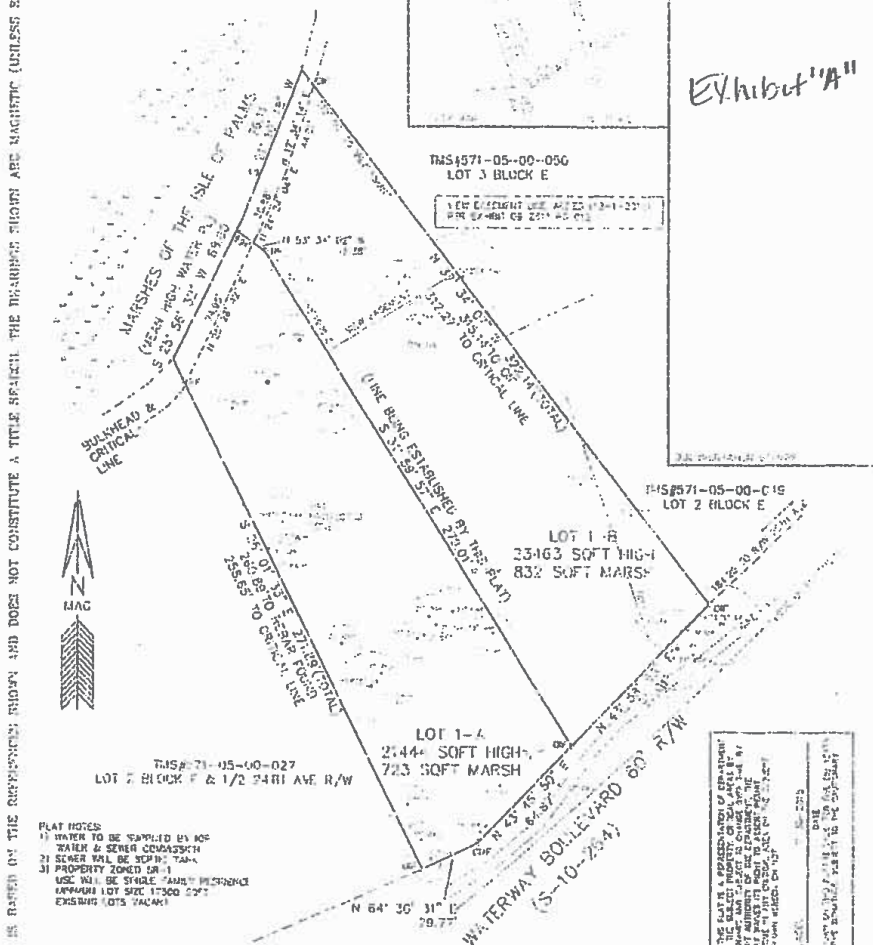
This instrument was acknowledged to before me by its Maker, The Beach Company, by Leonard Way, its Secretary, on January 26, 2018.

[Signature] (SEAL)

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 11/16/2019

OTHERWISE) AND ARE SUBJECT TO LOCAL ATTRACTION. ANYTHING SHOWN OUTSIDE THE DESCRIBED BOUNDARIES IS FOR  
 (C) DRAWING OFFSHOOT PROTECTED AND IS NOT A LEGAL  
 COPY UNLESS SEALED WITH HANDS IMPRESSION SEAL



SUBDIVISION OF  
 © LOTS 1-A & 1-B BLOCK E SECTION BC-2-4  
 CITY OF ISLE OF PALMS  
 CHARLESTON COUNTY, SOUTH CAROLINA

NOTES  
 1) REFERENCE PLAT BOOK ED  
 PAGE 117,DF-117 & 515-0201  
 2) TMS # 571-05-00-048 & 215  
 3) SURVEY REQUESTED BY:  
 ROBERT. D. FERGUSON

DATE: SEPTEMBER 23, 2017  
 SCALE: 1" = 40'

LEGEND  
 OF OPEN IRON FOUND  
 OF CRIMPED IRON FOUND  
 RE REBAR FOUND  
 RE REBAR SET  
 CONCRETE MONUMENT FOR

JOHN E. WADS JR., R.L.S.  
 POST OFFICE BOX 300  
 ISLE OF PALMS  
 SOUTH CAROLINA 29461  
 (403) 886-6202  
 FILE #025-0041

*Public Hearing Required*

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

**Sec. 5-4-2. - Definitions.**

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

- (23) *Impervious material* means any material through which water cannot penetrate. Such material includes, but is not limited to, principal or accessory structures, porches and decks, either covered or of tongue and groove construction, concrete, asphalt, or similar substances, but excludes gravel, shell or crushed stone.

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

The following additional regulations shall apply to all zoning districts:

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

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

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

(1) Any new building construction, new impervious surface, or replacement of impervious surfaces, which cumulatively exceed six hundred and twenty-five (625) square feet in area (all development shall be cumulative over time when considering the square footage threshold for requiring a stormwater management plan);

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

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

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

1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:
- (a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious material, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this lot coverage requirement shall be reduced from forty (40%) percent to not more than thirty (30%) percent, provided that this requirement shall not limit lot coverage to less than two thousand four hundred (2,400) square feet nor allow lot coverage to exceed five thousand two hundred fifty (5,250) square feet. At

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*Public Hearing Required*

least fifty (50%) percent of the lot area shall remain naturally vegetated or landscaped with grass and/or other vegetation.

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