

PLANNING COMMISSION
May 9, 2018

AGENDA

The Isle of Palms Planning Commission will hold its regular meeting on Wednesday, May 9, 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: April 11, 2018

D. Old business: discuss stormwater priorities
discuss lot coverage recommendations
discuss sewer recommendations

E. New business

F. Miscellaneous business

G. Adjourn

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
April 11, 2018

The Isle of Palms Planning Commission met in the City Hall conference room, 1207 Palm Boulevard on April 11, 2018 at 4:30 p.m. Members attending included Ron Denton, Vince DiGangi, Richard Ferencz, Bill Mills, and Phillip Pounds; the Director of Planning Douglas Kerr was present as well. Lewis Gregory and Lisa Safford were absent. Mr. Ferencz acknowledged 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.

PUBLIC COMMENTS

Mr. John Sheridan, 7 Chapman Avenue, explained that he has been a lifelong resident of the island and he built his house on Chapman Avenue in 1991. He stated that when his neighborhood was built, the developer offered to pipe the ditch in front of each property for \$1,000 and some owners chose to install pipes and some did not. He stated that since that time no improvements have taken place and it is as though the street has been forgotten. He explained that he has called the Public Works Department numerous times and they have attempted to make improvements, but that the system was plugged downstream and there has been no attempt to fix the root of the problem. He explained that open ditches are unhealthy and unsightly and there is no engineering advantage of an open ditch system over a piped system and he believes that a piped system is superior. He stated that he believed the City should create a Stormwater Commission to provide intelligent oversight over drainage issues and he would be willing to participate on that Commission.

Mary Bridgett Allen, resident at the corner of 29th Avenue and Lauden Avenue, explained that the roads in her area are flooding so badly that people cannot drive down the streets. She explained that she thought this was a safety concern and the flooding has never been as bad in this area as it has been in the last two years.

Mr. Dan Kubeck, 107 Carolina Boulevard, explained that he attended the prior month's Planning Commission meeting and he believes that the problems in his area still had not been addressed by SCDOT. He distributed a Post and Courier article from February 10th documenting that the City of Charleston is installing check valves to keep the tidal waters from backing into their stormwater system and they are having success. He explained that he believed these types of valves would help his area.

David Pagliarini explained that he was an attorney representing the Cook family that lives adjacent to the property at 2401 Waterway Boulevard that is on the agenda for final subdivision approval. He explained that it is his opinion that the restrictive covenants that prohibit the property at 2401 Waterway Boulevard cannot be legally modified without the consent of all owners in the block. He stated that he understands

that the declaration that applicant's attorney has submitted thus far relies on expired covenants that should not be considered and nothing has been resubmitted to address the covenants. Therefore, he stated that he would believe that the application is currently incomplete and a decision cannot be made by the Planning Commission.

Dick Heinrich, owner of 2403 Waterway Boulevard, addressed the Commission and explained that he bought the house next door to the property proposed to be subdivided and he was concerned about what effect the subdivision would have on his view easement that currently exists on the property.

Sam Stathos, attorney for Kimberly Johnson, explained that his client lived adjacent to 2401 Waterway Boulevard and they wanted to express their opposition to the proposed subdivision. He explained that he had the same opinion as Mr. Pagliarini's in terms of the application not being complete at this point and he believed that all eleven owners in Block E would have to sign a release of the covenants in order for it to be legal, which has not been done.

MISCELLANEOUS BUSINESS- DISCUSS WAYS TO INCREASE LIKEHOOD OF FUTURE RECOMMENDATIONS BEING IMPLEMENTED

Mr. Ferencz explained that he had asked that this item be put on the agenda because he believes that there have been several missteps by the Planning Commission recently that have led to the work of the Planning Commission not being embraced by City Council. He stated that in his opinion these missteps can be attributed to the following reasons: Council changed membership between when the Commission began their work and when the Commission finalized their recommendations; the issues being considered by the Planning Commission are extremely complex and it is challenging to bridge the information gap and have City Council members fully aware of all issues when the recommendations are forwarded; and there have been transposition errors made when issues leave the Planning Commission and they are presented in their final format to City Council.

He stated that in looking forward with an intention of trying to keep this from happening in the future he would suggest: that the Commission collect and report more data that the Council can digest; that the Commission gather more outside input to know the public reaction; and to have the Commission do the final review of documents before they are forwarded onto the City Council.

Mr. DiGangi explained that he had attended the joint meeting between the City Council members and the Isle of Palms Water and Sewer Commission and he felt that it was the

work of the Planning Commission that provided the framework for these agencies to work together on the complex issues of expanding public sewer.

Mr. Mills asked if a member of City Council has ever been assigned to attend the Planning Commission meetings to act as an advocate for the Commission. Mr. Kerr answered not that he was aware of, but they received the minutes, and special workshop meetings had been called to work together on complex issues on a case-by-case basis.

Mr. Kerr explained that he agreed with the points Mr. Ferencz brought up and it is always good to increase the amount of data collected and considered, increase the outside input, and bringing final versions back to the Planning Commission will cost time, but that he did not see any problem with this being the normal process.

He added that he understood the disappointment of issues not progressing through the Council approval process more smoothly, but that he felt that this has historically been the case and he did not perceive that the Planning Commission had misstepped. He explained that both the flood regulations and the sewer regulations were under consideration and that he felt confident that most of the important components of those recommendations would be implemented. He stated that traditionally issues are considered from a technical standpoint by the Planning Commission and that Council looks at the issues through a different lens and ultimately what comes out of the process is an amalgamation of the two groups' efforts. Nonetheless, he agreed that more coordination is always good.

APPROVAL OF MINUTES

Mr. Ferencz explained that the next item on the agenda was the approval of the March 14, 2018 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.

The next item on the agenda was the approval of the minutes of the special meeting of March 19, 2018. 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.

SUBDIVISION REQUEST FOR 2401 WATERWAY BOULEVARD

Mr. Kerr explained that at the last meeting, the applicant and the Commission agreed to extend the Planning Commission review until this meeting to provide the applicant more time to provide the City Attorney with additional information regarding the release of the restrictive covenants affecting the property. He stated that the necessary information

still has not been provided and because the City's ordinance includes a time restraint of 60 days on the Planning Commission's review, he would recommend that the Planning Commission deny the request with the understanding that the applicant can reapply as soon as the information is provided.

Mr. Ferencz made a motion to deny the request, and Mr. Denton seconded the motion. Mr. Denton asked if there was a provision in the code that kept the applicant from reapplying within a particular timeframe and Mr. Kerr answered no, they could immediately reapply. The vote was unanimous in favor of the motion to deny the request.

DISCUSSION OF STORMWATER PRIORITIES

Mr. Kerr explained that at the last meeting, the Commission indicated that they wanted to look at the entire drainage basin that ultimately discharges through the 30th Avenue outfall. He indicated that Mr. Stevens has provided an estimate of the cost to survey, design, permit, bid and oversee the improvement of this basin at \$300,000. Additionally, he stated that Mr. Stevens looked at the basin that discharges out of the 36th Avenue outfall, as this outfall serves more properties and the properties are lower and more prone to flooding, and the cost to fully design this project would be about \$400,000.

Mr. Ferencz asked what the projected construction cost would be for these projects. Mr. Kerr answered that according to Mr. Stevens the design fees typically end up being between 8% and 12% of the total construction cost. So, using a midpoint of 10% would result in construction cost of \$3,000,000 and \$4,000,000 respectively.

Mr. Ferencz explained that he felt that it would be important for the Planning Commission's recommendation to be long-range and include the expense of completing the construction of the projects.

Mr. Ferencz explained that he also thought it would be prudent to get a second estimate of cost. Mr. Kerr answered that he thought that whatever project the City agreed upon would have to go through a competitive process including request for proposals, but now the goal was only to get budgeting numbers for the future budget. He stated that he did not think many firms would be willing to spend the effort necessary to come up with numbers, if they understood it was only a budgeting exercise.

Mr. Ferencz stated that he thought it was important that at least \$400,000 be included in the upcoming budget as well as some mechanism to show the future construction costs beyond the one-year budget.

The group generally agreed that it was important that money be in the upcoming budget.

Mr. Denton explained that he would consider shifting the budget to only include the design of the outfalls, so that maybe some of the work on the outfalls could be started within the year. The group generally agreed that it would be better to have work started as soon as possible and maybe the benefit of only the outfalls being improved would alleviate issues throughout the entire basins.

Mr. Kerr stated that he could ask Mr. Stevens to update the cost to only work on the outfalls and report back on the amount. Mr. Ferencz stated that he was concerned about timing and getting something before City Council to include in the upcoming budget. Mr. Kerr explained that the Ways and Means Committee of Council would be meeting to discuss the budget on April 17th.

The group agreed to request \$400,000 be included in the upcoming budget, but work towards getting updated pricing before the Ways and Means meeting and call for a special meeting of the Planning Commission, if necessary. Mr. Kerr indicated he would work on this.

ADJOURNMENT

Mr. Kerr explained that at the last meeting, the Planning Commission agreed to forward impervious surface recommendations without seeing the final draft in ordinance form. Based on the discussion at the beginning of the meeting of the Planning Commission seeing final ordinances before they are sent onto Council, he asked if the group wanted to delay these to allow another review. The group agreed that they would like to look at the changes a final time before going forward.

With there being no further business, the meeting was adjourned at 6:20 p.m.
Respectfully submitted, Richard Ferencz, Chairman

Action Item from Planning Commission:
Require future subdivisions of a lot(s) to have gravity sewer.

Revised 1/18/18

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:

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The term "subdivision" 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:

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- (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.

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- (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.

(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 method 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.

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- (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 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; and
 2. 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; a statement from the owner agreeing to provide public sewer service to the proposed lots.

The preliminary plat shall be accompanied by either a statement from the City Water and Sewer Commission stating that public sewer capacity is available to serve the proposed lots.

- (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.

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(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.~~

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(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 (¾) inch hollow or one-half (½) 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 and connect to the public sewer system, operated and maintained by the Isle of Palms Water and Sewer Commission 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.

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(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 systems.

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(32) A letter confirming the availability of water and/or public sewer service from the applicable utility 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.

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

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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.

Planning Commission Action Items:

Require owners building within 150 feet of a gravity sewer line to tie into the sewer system
Reduce floor to area ratio (FAR) from 40% to 30% for new houses tying into a septic system
Reduce lot coverage from 40% to 30% for new houses tying into a septic system

TITLE 5 – PLANNING AND DEVELOPMENT
CHAPTER 4. - ZONING

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:

- (1) *Accessory building or use* means a use or building customarily incidental, subordinate to, and detached from the principal use or building and located on the same lot with such principal use or building.
- (2) *Adjoining property* means any piece, parcel or lot of real property abutting any other real property, including real property located directly across streets, watercourses, drainage easements or other rights-of-way from other real property.
- (3) *Adult uses* means sexually oriented businesses which are characterized by the exposure, depiction, or description of specified anatomical areas, or specified sexual activities by any method, manner, or device, including but not limited to the following:
 - (a) Regularly featuring persons who are nude, whether live, in films, motion pictures, videos, slides, or other photographic reproductions;
 - (b) Distribution of any one (1) or more of the following: books, magazines, periodicals, printed matter, photographs, films, motion pictures, videocassettes, video reproductions, slides, or other visual representations; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, as defined herein; or
 - (c) Escort services, baths, saunas, steam baths, hydrotherapy, physical cultures, nude model studios, sexual activities or other similar services.

Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes the fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or breasts; sexual acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, masturbation, actual or simulated; or excretory functions as part of or in connection with any of the foregoing acts.

~~(4)~~ (4) *Antenna* means a device, dish or array utilized by commercial, governmental, or other public or quasi-public users to transmit or receive telecommunications signals.

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~~(5)~~ (5) *Building line or setback* means a line which represents the minimum distance, when measured at right angles, which a building or structure must be placed from a lot line or a street right-of-way pursuant to this chapter.

~~(6)~~ (6) *Charter boat* means watercraft for hire where captain or crew is provided.

~~(7)~~ (7) *Communication tower* means a structure of any type which supports communication equipment for signal transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users, but excluding communication towers used exclusively by amateur radio operators who are duly licensed by the Federal Communications Commission and which are exempt from municipal zoning regulations.

~~(8)~~ (8) *Conditional use* means a use permitted in a zoning district only by complying with additional conditions, restrictions or limitations as set forth in the description of such use.

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(99) *Diameter at breast height (DBH)* means the diameter of a tree trunk, measured in inches, at four and one-half feet (4½') above the existing grade of the property. If a tree has a multi-trunk split above grade, the DBH is deemed to be the sum of all trunks of the tree measured in inches, at four and one-half feet (4½') above the existing grade of the property.

(4010) *Drinking place* means a business primarily engaged in the sale of alcoholic beverages, beer or wine, for on-premises consumption.

(4411) *Dwelling* means a building or portion of a building used, arranged or designed to provide private human residential occupancy, excluding mobile homes and manufactured homes.

- a. *Dwelling, single-family*, means a detached dwelling designed for or occupied exclusively by one (1) family unit, and containing only one (1) kitchen.
- b. *Dwelling, two-family*, means a detached or semi-detached building designed for or occupied exclusively by two (2) family units living independently of each other.
- c. *Dwelling, group*, means a building or portion of a building occupied or intended for occupancy by several family units, but in which separate cooking facilities are not provided. The term "group dwelling" includes roominghouses, fraternity houses and sorority houses, but excludes hotels, motels or tourist homes.
- d. *Dwelling, multifamily, apartment house or residential condominium*, means a dwelling other than a single-family dwelling, two-family dwelling, or group dwelling.

(4212) *Eating place, fast food*, means a business primarily engaged in the sale of ready-to-consume food or beverages for on or off-premises consumption. An eating place or restaurant shall be deemed a fast food eating place if:

- (1) It has a seating capacity of less than twenty (20) persons for service of meals;
- (2) Most food items are already prepared or packaged before the customer places an order; and
- (3) Food and beverages are served primarily with disposable containers and tableware.

The term "fast food eating place" excludes retail grocery stores, convenience stores, delicatessens, or other businesses selling food or beverages as an accessory use or for off-premises preparation and consumption.

(4313) *Eating place, restaurant*, means a business primarily engaged in the preparation and sale of food to customers for on-premises consumption and having seating capacity for at least twenty (20) persons, including, but not limited to, cafes, lunch counters, cafeterias, eating and drinking establishments, or similar businesses, but excludes a fast food eating place or a drinking place. Any carryout service must be clearly subordinate to the principal business of serving prepared foods for on-premises consumption.

(14) *Engineered on-site wastewater disposal system* means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

(4415) *Family unit* means one (1) person, or two (2) or more persons related by blood or marriage living together; or a group of not more than four persons, not related by blood or marriage but living together.

(4516) *Fence* means any manmade barrier that impedes or blocks free passage of humans or animals. It may or may not block line-of-sight vision or free flow of wind or water.

(4617) *Floor area ratio (FAR)* means a percentage calculated by dividing the total livable floor area of a structure on a lot by the total area of contiguous high land of such lot.

(4718) *Front yard* means an open area between the front of the building and the front lot line.

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(1819A) *Frontage* means all of the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or political subdivision boundary, measured along the street line.

(20) *Grinder pump system* means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

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(18B21) *Hazardous tree* means any tree that is causing structural damage or poses a clear and imminent threat of structural damage, as determined in writing by a certified arborist, to an enclosed area of a primary building, including porches, or any other permanent accessory structure that would require a building permit, or a septic tank system. The term does not include trees causing structural damage or threatening structural damage to accessory structures that would not require a building permit or to any unenclosed areas of primary buildings.

(4922) *Height of a structure* means the vertical distance from either the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or the lowest area within the building footprint, proposed or existing, of an unaltered/unfilled lot, whichever is higher, to the highest point on the structure. Except for height limitations of communication towers and antennae contained in this chapter, the zoning district height limitations contained in this chapter shall not apply to church spires, chimneys, antennas, communication towers or aeri

(2023) *Historic tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of sixteen (16) inches or greater or any tree of any other species having a diameter at breast height (DBH) of twenty-four (24) inches or greater.

(2424) *Home occupation* means a use customarily conducted in a dwelling and which is conducted entirely inside the primary residence of the principal owner of the business, and does not constitute a nuisance or otherwise adversely affect the use and development of other property in the neighborhood.

(2225) *Hotel* means a building, or portions thereof, which contains multiple units intended to provide sleeping accommodations for transient guests. The term "hotel" also includes motel, tourist home, motor lodge, inn, bed and breakfast, tourist court and auto court. The following criteria shall be used to distinguish between a hotel and a multifamily dwelling:

- a. If any units have individual kitchen facilities, the building is deemed to be a multifamily dwelling.
- b. Temporary habitation by transient guests normally involves durations of less than ninety (90) days. If a majority of the facility's occupants reside for more than ninety (90) consecutive days, the facility is deemed to be a multifamily dwelling.

(2326) *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.

(27) *Isle of Palms Water and Sewer Commission* means the Commissioners of Public Works of the City of Isle of Palms. *Isle of Palms Water and Sewer Commission* is the trade name used by the Commissioners of Public Works of the City of Isle of Palms organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.

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(2428) *Junkyards* or *salvage yards* means the use of any property for the storage, keeping, abandonment, sale or resale of junk, salvage, waste or scrap materials; or the dismantling, demolition or abandonment of vehicles, machinery, equipment or any parts thereof.

(2529) *Lot* means a parcel of land described by metes and bounds at the County RMC Office, and having a County Tax Map System (TMS) number assigned to it.

Registered Professional Engineer licensed in the State of South Carolina. Such systems may be utilized in lieu of traditional septic tank systems when the required engineering design and certification have been approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

- (3545) *Street line* means a line separating the street or other right-of-way from a lot.
- (3646) *Structure* means anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, dwellings, mobile homes, fixtures, towers, signs, billboards, backstops for athletic activities, swimming pools, walls and fences. The term "structure" shall be construed to include any part thereof.
- (3747) *Trailer* means any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flatbeds or other carriers, which is designed or utilized to:
 - (i) Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;
 - (ii) Serve as a carrier of new or used goods, products or equipment; or
 - (iii) Be used as a selling, advertising or display device.
- (3848) *Travel trailer* means a portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling for recreational and vacation uses.
- (3949) *Tree* means any woody plant which has a diameter breast height (DBH) of at least eight inches (8"), including palm trees, but excluding pine trees and any tree identified as an invasive pest species in "Invasive Plant Pest Species of South Carolina," published by Clemson Extension.
- (4050) *Tree protection zone* means a circular area surrounding the base of a tree having a diameter equal to one foot (1') for each inch of DBH.

(51) *Wastewater* means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present.

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

The following additional regulations shall apply to all zoning districts:

- (a) No land or building shall hereafter be used or occupied and no building or part thereof shall be constructed, erected, altered, or moved unless done in compliance with all applicable provisions of this chapter. Any use of land or buildings which is not allowed as a permitted use, conditional use, or special exception in the applicable zoning district is strictly prohibited.
- (b) The height of a building or structure shall not exceed forty feet (40'), unless otherwise provided in this chapter.
- (c) No lot shall be reduced to a size which does not meet the minimum lot area, lot width, yard areas, or other requirements of the applicable zoning district.
- (d) Except as provided in sections 5-4-45 and 5-4-46, no buildings shall be erected, altered or moved to create smaller front yards, side yards, rear yards or other open spaces than are required by the applicable zoning district.
- (e) All new construction or substantial improvements, as those terms are defined in section 5-4-155, shall be connected to a the public sewer system - if a public sewer line abuts a property or could abut a property with an extension of the sewer line of comes within one hundred fifty (150') feet or less of a property, as determined by the Isle of Palms Water and Sewer Commission. Where a gravity operated gravity operated public sewer line is not accessible from a right-of-way or easement abutting the lot does not abut a property or would require an extension of the sewer line of more than come within one hundred fifty (150') feet to reach of a property, all new construction or substantial improvements must have the an on-site wastewater treatment wastewater disposal

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system or grinder pump system constructed or brought into compliance with current South Carolina Department of Health and Environmental Control (SCDHEC) standards. ~~Provided, provided, however, that if that this subsection shall not apply where a building is located on a lot which does not have a gravity operated sewer line accessible from a right-of-way or easement abutting the lot and which the lot property cannot meet current SCDHEC on-site wastewater treatment/wastewater disposal system or grinder pump system standards, so long as the building on such lot property is shall not be increased in size and the improvements de shall not increase the number of bedrooms or bathrooms.~~

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~~where a gravity operated sewer line is accessible from a right-of-way or easement abutting the lot; or~~

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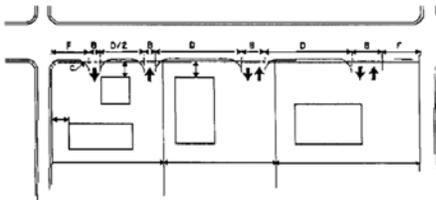
- (f) Sills, belt course, window air conditioning units, chimneys and cornices may project into a required yard by not more than two feet (2'). Steps may project into a required front yard or rear yard by not more than five feet (5').
- (g) The zoning district front yard setback requirements for dwellings shall not apply to any lot where the average setback of existing buildings located within one hundred feet (100') of each side of the dwelling within the same block and fronting on the same street is less than the required front yard setback. In such case the average setback on such lot shall not be less than the average setback of the existing buildings.
- (h) Where a lot abuts on two (2) streets (either a corner lot or a double frontage lot), the lot's front yard setback requirements must be met on both street sides and the lot's side yard setback requirements must be met on all other sides of the lot.
- (i) Where a lot abuts on two (2) streets or rights-of-way (either a corner lot or a double frontage lot), no accessory building shall be located closer to a street than the lot's front yard setback requirements.
- (j) No fence, wall, shrubbery, or other structure shall obstruct road traffic vision.
- (k) Every building hereinafter erected or moved shall be on a lot abutting a public street, or having legal access to an approved private street. All structures shall be located to allow for safe and convenient access for servicing, fire protection, and off-street parking.
- (l) All lots shall be located on a street having a minimum right-of-way of fifty feet (50'). The required fifty feet (50') shall not include any critical area as defined in section 5-4-15(A).
- (m) Except as allowed in section 5-4-113(g), no access drive shall be permitted which would require a reduction in existing on-street public parking or loading areas.
- (n) Except in residential and GC-2 zoning districts, access drives shall conform to the requirements set forth in the following table and figure 5-4-12-A:

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

35	18/36	20	50	50
40	20/40	25	50	50

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

Figure 5-4-12-A



B = Access Drive Width

C = Curb Radius

D = Access Drive Separation

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

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

Sec. 5-4-13. - Maximum lot coverage; floor area ratio 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.~~

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(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 nor allow such enclosed space to exceed seven thousand (7,000) square feet. ~~For lots with on-site wastewater disposal systems, this floor area ratio shall be reduced from forty (40%) percent to not greater than thirty (30%) percent, provided that this requirement shall not limit the enclosed living space of a principal structure to less than two thousand four hundred (2,400) square feet nor allow the enclosed living space of a principal structure to exceed five thousand two hundred fifty (5,250) square feet.~~

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(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.

Action Item from Planning Commission:

Require properties that sell where gravity sewer available to tie into the sewer system

TITLE 6 – HEALTH AND SANITATION
CHAPTER 1 – GENERAL PROVISIONS

ARTICLE D. - REGULATION OF **NON-PUBLIC ON-SITE ON-SITE SEWAGE DISPOSAL WASTEWATER** DISPOSAL SYSTEMS

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Sec. 6-1-40. - Definitions.

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

Engineered on-site wastewater disposal system means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

Grinder pump system means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

Immediate family member means a person's spouse, great-grandparents, grandparents, parents, legal guardian, brothers, sisters, children, grandchildren, great-grandchildren, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, daughters-in-law and sons-in-law.

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Isle of Palms Water and Sewer Commission means the Commissioners of Public Works of the City of Isle of Palms. Isle of Palms Water and Sewer Commission is the trade name used by the Commissioners of Public Works of the City of Isle of Palms organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.

On-site wastewater disposal system means a traditional septic tank system or other on-site wastewater disposal system. This definition also includes engineered or specialized on-site wastewater disposal systems. *OSDS* means any septic tank system or other on-site sewage disposal system.

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Public sewer line means a gravity operated sewer line operated and maintained by the Isle of Palms Water and Sewer Commission.

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Public sewer system 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.

Septic tank system means an on-site wastewater treatment system consisting of an underground tank, distribution box and drain field.

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Specialized on-site wastewater disposal system (also known as *Engineered on-site wastewater disposal system*) means an on-site wastewater disposal system that has been designed by a Registered Professional Engineer licensed in the State of South Carolina. Such systems may be utilized in lieu of traditional septic tank systems when the required engineering design and certification have been approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

Wastewater means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present.

Sec. 6-1-41. - New installations.

Any new or replacement **OSDS on-site wastewater disposal system** installed within the City shall be required to include an access manhole built into the lid over each compartment of the tank, and over the

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Action Item from Planning Commission:

Require properties that sell where gravity sewer available to tie into the sewer system

outlet end of the septic tank. An appropriate mechanism shall be provided to make the access manholes vandal-, tamper-, and child-resistant.

Sec. 6-1-42. - Mandatory connection to public sewer system upon sale or transfer of property.

At such time as a public sewer line becomes available to a property serviced by an existing on-site wastewater disposal system or grinder pump system, such property shall be connected to the City's public sewer system when the property is sold or otherwise transferred to a new owner, provided, however, that this provision shall not apply to the transfer of property to an immediate family member or by inheritance. Any existing on-site wastewater disposal system or grinder pump system shall be emptied, disposed of and filled with suitable material in accordance with all applicable local and state regulations. All expenses associated with the mandatory public sewer connection shall be paid by the buyer or transferee of the property. A public sewer line shall be considered available to a property when it is located in a right-of-way or easement abutting any lot line of the property.

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~~Sec. 6-1-42. - Reserved.~~

Sec. 6-1-43. - Reserved.

Sec. 6-1-44. - Violations; penalties.

A violation of this article is a misdemeanor punishable pursuant to section 1-3-66. Each day that a violation continues shall constitute a separate offense.

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.~~ Any material through which water can be easily absorbed or passed, at a minimum infiltration rate of 2.0 inches per hour, such as, but not limited to gravel, shell or crushed stone will be considered pervious.

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.

~~(ppr)~~ 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.

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 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.