

ORDINANCE 2022-11

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

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

SECTION 1. That Section 5-4-39, “PDD planned development district,” is hereby deleted in its entirety and replaced with a new Section 5-4-39 to state as follows:

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

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

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

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

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

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

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

		<p>4. Description of open space locations, uses and proposed dedication for public use;</p> <p>5. Ownership and maintenance of streets, and proposed dedication to public;</p> <p>6. Methods for dealing with parking and the impact of projected traffic on the uses on the site and adjacent districts and streets;</p> <p>7. Steps proposed to comply with sediment control and storm drainage regulations.</p> <p>8. Steps proposed to comply with landscaping regulations;</p> <p>9. Details of association or organization involved in ownership and maintenance, including procedures and methods of operation;</p> <p>10. Outline for development phasing with anticipated timeframes;</p> <p>11. Design standards, procedures and methods demonstrating that development will result in an integrated use district, functional and compatible with the area;</p> <p>12. Proposed restrictive covenants to be recorded to ensure future compliance with the standards in the plan; and</p> <p>13. Such other information as may be appropriate for Planning Commission review.</p>
g.	Planning Commission review:	Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to City Council as required for zoning amendments.
h.	City Council action:	Upon receipt of the Planning Commission recommendation, City Council shall conduct a public hearing as required for zoning amendments, and may approve, approve with modifications accepted by applicant, or disapprove the proposed amendment.
i.	Zoning and building permits:	Zoning and building permits shall not be issued until the zoning is approved by City Council, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the City Clerk and the County ROD Office, and all required bonds are posted with the City Clerk.

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

		in conformity with the comprehensive plan.”
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SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

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

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

Phillip Pounds, Mayor

(Seal)
Attest:

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